

# **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, August 17, 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, AUGUST 17, 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:**

**ITEM 1:** Presentation, Discussion, and Possible Action regarding the Approval of a Board Minutes Summary for the Board Meeting held on July 13, 2017

**Michael Gerber**  
President & CEO

**ACTION ITEMS**

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

**ITEM 2:** Presentation, Discussion and Possible Action regarding Resolution No. 2512: Approval of the updates to the Admissions and Continued Occupancy Policy (ACOP)

**Michael Roth**  
Dir. Housing Operations & Policy

**ITEM 3:** Presentation, Discussion and Possible Action regarding Resolution No. 2513: Approval of the Revisions to the Housing Choice Voucher Administrative Plan

**Lisa Garcia**  
Vice President, Assisted Housing

**ITEM 4:** Presentation, Discussion, and Possible Action regarding Resolution No. 2514: Approval of the Revisions to the 2017 Public Housing Authority (PHA) Annual Plan to incorporate language regarding the Violence Against Women Act and other policies that govern Eligibility, Selection and Admissions

**Judy Paciocco**  
Director of Operations

**ITEM 5:** Update on RAD Activities

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

**ITEM 6:** Presentation, Discussion, and Possible Action regarding Resolution No. 2515: Award of a contract in an amount not to exceed \$145,000 for resident relocation, consulting and implementation services related to the redevelopment of Goodrich Place through the Rental Assistance Demonstration (RAD) Program

**Michael Roth**  
Dir. Housing Operations & Policy

**ITEM 8:** Presentation, Discussion and Possible Action regarding Resolution No. 2516: Award of contract for RAD Phase II Construction Services for HACAs Portfolio at Booker T. Washington and Meadowbrook Courts

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

**ITEM 9:** Presentation, Discussion and Possible Action regarding Resolution No. 2517: Approval to proceed with submission of a 4% low income housing tax credit application for Pathways at Chalmers Courts South to the Texas Department of Housing and Community Affairs (TDHCA)

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

\*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 10:** Presentation, Discussion, and Possible Action regarding Resolution No. 2518: 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 Booker T. Washington Terraces and Pathways at Meadowbrook Courts (the "Projects")

**Ron Kowal**  
Vice President of AAHC

## **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>	_____

**August 17, 2017  
Regular Meeting**

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

**United States Pledge of Allegiance**

**August 17, 2017  
Regular Meeting**

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

**Citizens Communication**

**August 17, 2017  
Regular Meeting**

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

**Citywide Advisory Board Report**

**August 17, 2017  
Regular Meeting**

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

**CONSENT AGENDA**

**AGENDA ITEM NO. 1**

**Presentation, Discussion, and Possible Action regarding the  
Approval of a Board Minutes Summary for the Board  
Meeting held on July 13, 2017**

**August 17, 2017  
Regular Meeting**

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

**JULY 13, 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, JULY 13, 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 July 13, 2017, was called to order by Carl S. Richie, Jr., HACA Chairperson, at 12:14 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:**

Carl S. Richie, Jr., Chairperson  
Tyra Duncan-Hall, 2<sup>nd</sup> Vice Chairperson  
Isaac Robinson, Commissioner

**MEMBER(S) ABSENT:**

Edwina Carrington, Commissioner  
Charles Bailey, Vice Chairperson

**STAFF PRESENT:**

Ann Gass, Andrea Galloway, Gloria Morgan, Kelly Crawford, Judy Paciocco, Martha Ross, Michael Cummings, Michael Gerber, Michael Roth, Nidia Hiroms, Ron Kowal, and Thomas Cherian.

**ALSO IN ATTENDANCE:**

Jim Ewbank, Cokinos, Bosien & Young

**CITIZENS COMMUNICATION – None.**

**Martha Ross** was introduced as the new HACA Chief Financial Officer, replacing **Thomas Cherian** who is retiring in early August.

A video update on the Rental Assistance Demonstration (RAD) program was shown to the Board and audience.

**ITEMS WERE TAKEN OUT OF ORDER.**

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

**Ann Gass** gave an update on HUD's Rental Assistance Demonstration (RAD) program. **Will Henderson** from Carleton Group gave a presentation on the proposed redevelopment of Chalmers Courts. Also in attendance were **Jeff Fulencheck**, Carleton Group, **Schuyler Costello**, Nelson Partners, and **Matt Beaton** of Nelson Partners.

**CITYWIDE ADVISORY BOARD (CWAB) REPORT** – •The June CWAB meeting was held June 13 at Booker T. Washington. •**Rachel Martinez**, CWAB President, reported on behalf of the CWAB. •**Ms. Martinez** announced that a moment of silence was observed for the recent passing of both former Rosewood President, Matt Bragg, and former Northgate Secretary, John. •**Judy Paciocco**, HACA Sr. Director of Operations, conducted a Public Hearing for bifurcation of properties at Meadowbrook (TX4) to separate property currently offering childcare/early childhood education. •**Pilar Sanchez**, HACA Vice President of Housing and Community Development, provided a few general RAD updates on properties already converted and those pending conversion. •**Michael Roth**, HACA Senior Director of Housing Operations and Policy, discussed proposed changes to the Tenant Selection Plan. •**Dr. Linelle Clark-Brown**, HACA Grants Manager, reminded all about the CWAB Strategic Planning Session planned for Wednesday, June 21<sup>st</sup>. •Information on the Strategic Planning session sparked discussion among the residents about the desire and need to change the CWAB and Resident Council bylaws as RAD provisions need to be taken into account. •**Eileen Schrandt**, provided an update on Back-to-School/School Supply events.

**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 May 18, 2017**

**Commissioner Duncan-Hall** moved to approve the Board Minutes Summary for the Board Meeting held on May 18, 2017 as presented. **Commissioner Robinson** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

**ITEM 1B: Presentation, Discussion and Possible Action regarding Resolution No. 2505: Authorizing Signatories for Agency Bank Accounts**

**Commissioner Duncan-Hall** moved to approve Resolution No. 2505: Authorizing Signatories for Agency Bank Accounts. **Commissioner Robinson** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

**ITEM 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**

**Commissioner Duncan-Hall** moved to approve Resolution No. 2506: Approval of the Award of Contract for Legal Services Pertaining to Employment Law and Litigation. **Commissioner Robinson** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

**ITEM 1D: Presentation, Discussion and Possible Action regarding Resolution No. 2507: Approval of the Award of Contract for Agency Wide Pest Control Services**

**Commissioner Duncan-Hall** moved to approve Resolution No. 2507: Approval of the Award of Contract for Agency Wide Pest Control Services. **Commissioner Robinson** seconded the motion. The motion passed. (3-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. 2508: Approval of the Revision to the 2017 PHA Annual Plan to incorporate the Disposition Activity for Lot 2 of Meadowbrook Courts**

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.

**Commissioner Robinson** moved to approve Resolution No. 2508: Approval of the Revision to the 2017 PHA Annual Plan to incorporate the Disposition Activity for Lot 2 of Meadowbrook Courts. **Commissioner Duncan-Hall** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

**ITEM 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**

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.

**Commissioner Duncan-Hall** moved 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. **Commissioner Robinson** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

**ITEM 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**

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 (TXOOI 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 Accessible Housing Austin! (formerly ADAPT), Ascend Learning Center, ECHO, Austin Tenants Council and Mobile Loaves and Fishes/HAND. The application and use provisions were approved by the SAC in September 2009.

**Commissioner Duncan-Hall** moved to approve 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. **Commissioner Robinson** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

**ITEM 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**

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.

**Commissioner Duncan-Hall** moved to approve 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.

**Commissioner Robinson** seconded the motion. The motion passed. (3-Ayes and 0-Nays).

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

**REPORTS**

The Board accepts the following reports:

- **Michael Gerber**, HACA President congratulated Ron Kowal, Vice President of Austin Affordable Housing Corporation, and Suzanne Schwertner on the purchase of Sterling Springs Apartments (176 units).
- HACA's 80<sup>th</sup> Anniversary Celebrations are currently being planned. HACA's actual Anniversary date is December 23rd, however, there will be various events for residents and partners six months prior, and six months after the December date.
- The draft of the HACA History book is being reviewed and should be available in time for the 80<sup>th</sup> Anniversary.
- HACA has given out \$80K in scholarships this year.
- **Sylvia Blanco** and **Pilar Sanchez** are currently attending the Council of Large Public Housing Agencies (CLPHA) meeting in Washington DC.
- **Commissioner Richie** and **Mike Gerber** will be attending the NAHRO Conference in Indianapolis in mid July and it will be the last conference before voting begins to make Chairperson Richie the President of the largest community and development housing officials organization in the country. **Commissioner Richie** will be sworn in as NAHRO President at the NAHRO Annual Meeting in October.
- **Commissioner Tyra Duncan-Hall** has been asked to join a NAHRO Exchange Delegation traveling to Australia.
- **Gloria Morgan**, HACA Director of Human Resources has been asked by the current NAHRO President to sit on the NAHRO Diversity, Equity and Inclusion Task Force.

**Michael Gerber** acknowledged and thanked **Thomas Cherian**, HACA Chief Financial Officer for his 22 years of service as he retires. The Board and staff wish Thomas well.

**Commissioner Richie** was acknowledged for celebrating 20 years on the HACA Board of Commissioners.

**ADJOURNMENT**

**Commissioner Robinson** moved to adjourn the meeting. **Commissioner Duncan-Hall** seconded the motion. The Motion passed unanimously. The meeting adjourned at 1:50 p.m.

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Tyra Duncan-Hall, 2<sup>nd</sup> Vice- Chairperson

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Michael G. Gerber, Secretary

**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. 2512: Approval of the updates to the  
Admissions and Continued Occupancy Policy (ACOP)**

**August 17, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2512**

**Housing and Community Development Department**

**MEETING DATE:** August 17, 2017

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

**ITEM TITLE:** Discussion and Adoption of Resolution No. 2512: Approving the revision of the Admissions and Continued Occupancy Policy (ACOP) for the Housing Authority of the City of Austin.

**BUDGETED ITEM:** Not Applicable

**TOTAL COST:** Not Applicable

**ACTION**

Motion to approve Resolution No. 2512: Authorizing the Housing Authority of the City of Austin (HACA) to revise the Admissions and Occupancy Policy for the Public Housing program to implement HUD's new VAWA requirements, add a preference at Jobs Plus properties and clarify other language.

**SUMMARY**

*General Information:* On May 19, 2017, HUD issued PIH Notice 2017-08 titled "Violence Against Women Reauthorization Act (VAWA) of 2013 Guidance." This update to VAWA requires housing authorities to provide notice to all applicants and residents at specific times, establish an emergency transfer plan for VAWA protected residents and provide specific rights to remaining family members when a lease is bifurcated to evict the abuser. Of significant note, in the emergency plan HUD is allowing residents to transfer across programs (Public Housing to HCV or PBRA, PBRA to Public Housing or HCV, and HCV to Public Housing or PBRA).

The addition of the "Upward Mobility" preference for the Chalmers Courts and Booker T Washington waiting lists is a pilot project designed to bolster the Jobs Plus program and the number of residents who can be served by the program. The preference is equally weighted to the the Elderly and Disabled preferences, but does provide opportunity for more work able families to be admitted at these two properties.

*Organizational Structure:* The proposed VAWA changes would impact both the Housing & Community Development department and the Assisted Housing department. Staff believes that it is beneficial to offer victims more options when moving to a safer unit.

The proposed upward mobility preference is a pilot project to determine if giving preference to work able and work ready families allows us to maximize use of the Jobs Plus program services and to assist more individuals to move toward self-sufficiency.

*Public Comment:* The notice of this proposed change was publicly posted and sent to Legal Aid and the Austin Tenants' Council on July 7, 2017. The public comment period was 30 days and ended at 5:00 pm on August 7, 2017. No public comments were received.

### **EXHIBITS**

Exhibit 1: Proposed ACOP Changes

Exhibit 2: Select Pages from the ACOP

**RESOLUTION NO. 2512**

**Approving the revision of the Admissions and Continued Occupancy Policy (ACOP) for the  
Housing Authority of the City of Austin.**

**WHEREAS**, the Housing Authority of the City of Austin (HACA) is required by federal regulation to establish and adopt written policies for the admission and continued occupancy of Public Housing residents; and

**WHEREAS**, the Housing Authority of the City of Austin must update its existing admissions and continued occupancy policies in order to meet local policy changes; and

**WHEREAS**, the Department of Housing and Urban Development (HUD) regulations require the Housing Authority of the City of Austin's Board of Commissioners to approve all revisions made to policies affecting the operations of the public housing program; and

**WHEREAS**, the Housing Authority of the City of Austin provided 30 days for public comment on all changes, beginning July 7, 2017 and ending at 5:00 pm on August 7, 2017; and

**WHEREAS**, the Housing Authority of the City of Austin seeks to formally adopt the proposed revisions to the Admissions and Continued Occupancy Policy to implement HUD's new VAWA requirements, add a preference at Jobs Plus properties and clarify other language;

**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 Housing Authority of the City of Austin's Admissions and Continued Occupancy Policy accordingly on this 17th day of August 2017.

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**Michael G. Gerber, Secretary**

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**Charles Bailey, Vice- Chairperson**

# Exhibit 1

## Summary of Proposed Changes to the Admissions & Continued Occupancy Policy (ACOP)

Section	Page(s)	Summary of Proposed Change
<b>Chapter 3 - Section 3-III.B. REQUIRED DENIAL OF ADMISSION</b>	Pages 37-38	<p><b>Change:</b> Provides a full definition of "federally assisted housing."</p> <p><b>Rationale:</b> HACA policy states that families owing a debt to federally assisted housing programs will be denied admission. This change helps to clarify what is considered federally assisted housing, including all HUD programs and Low Income Housing Tax Credit properties.</p>
<b>Chapter 3 - Section 3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSIONS</b>	Pages 38-40	<p><b>Change:</b> This is not a policy change. This is a language change to provide clarity to the existing policy.</p> <p><b>Rationale:</b> It was unclear to some whether the "voluntary withdrawal" identified in this section had to do with residents or applicants. The change in language was done to clarify that this section only refers to residents.</p>
<b>Chapter 3 - Section 3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VAWA VICTIMS</b>	Page 48	<p><b>Change:</b> HACA to provide new form HUD-5382 Certification of Victim of Domestic Violence and notice of VAWA rights with all notices of denial of admissions.</p> <p><b>Rationale:</b> This is a HUD requirement as part of the VAWA Final Rule.</p>
<b>Chapter 4 - Section 4-III.B. SELECTION METHOD</b>	Pages 61-63	<p><b>Change:</b> Provides clarification on local preferences used on all public housing waiting lists. Also provides a pilot program Upward Mobility preference for the Chalmers Courts and Booker T Washington waiting lists.</p> <p><b>Rationale:</b> This change provides clarity on how local preferences are applied to the site-based waiting lists. The Upward Mobility preference for Chalmers and Booker T Washington is a pilot program to bring more work-able families to the properties administering the Jobs Plus program.</p>
<b>Chapter 4 - Section 4-III.D. THE APPLICATION INTERVIEW</b>	Pages 68-69	<p><b>Change:</b> Reduces the maximum number of scheduled interview appointments from 3 to 2.</p> <p><b>Rationale:</b> The Admissions Department now schedules one-on-one appointments instead of group interviews. With this level of customized scheduling, staff believes that one missed appointment is sufficient.</p>
<b>Chapter 8 - Section 8-I.B. PRE-OCCUPANCY ORIENTATION</b>	Pages 155-156	<p><b>Change:</b> HACA to provide new VAWA form HUD-5382 Certification of Victim of Domestic Violence and notice of VAWA rights to all new admissions during orientation.</p> <p><b>Rationale:</b> This is a HUD requirement as part of the VAWA Final Rule.</p>
<b>Chapter 12 - Section 12-I.B. EMERGENCY TRANSFERS</b>	Pages 209-210	<p><b>Change:</b> This change adds being a victim of domestic violence as grounds for receiving an emergency transfer. It also identifies that HACA has an Emergency Transfer Move plan.</p> <p><b>Rationale:</b> This is a HUD requirement as part of the VAWA Final Rule.</p>

Section	Page(s)	Summary of Proposed Change
Chapter 12 - Section 12-III.F. HANDLING OF REQUESTS	Page 215	<p><b>Change:</b> This change gives families the option of limiting their transfer request to their existing property, to an outside property or to the next available.</p> <p><b>Rationale:</b> <i>With the switch to site-based waiting lists, HACA is giving applicants more choice with regard to where they live. This change extends this choice to residents who need to transfer to a different unit.</i></p>
Chapter 14 - Section 14-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING	Pages 235-237	<p><b>Change:</b> If HACA bifurcates a lease to evict a resident for domestic violence and the only remaining household member(s) is / are not eligible on their own, HACA will provide a reasonable amount of time for them to become eligible or find alternate housing.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>
Chapter 14 - Section 14-IV.D. LEASE TERMINATION NOTICE	Pages 239-240	<p><b>Change:</b> HACA to provide new VAWA form HUD-5382 Certification of Victim of Domestic Violence and notice of VAWA rights with all lease termination notices.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>
Chapter 17 - Section 17-VII.C. NOTIFICATION (VAWA)	Pages 279-283	<p><b>Change:</b> This change identifies the ways that HACA will notify the public and all residents about their VAWA rights. It identifies all the documents to be used and when they will be provided.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>
EXHIBIT 17-1 SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER VAWA	Pages 284-290	<p><b>Change:</b> This change includes the HUD required notice of occupancy rights under VAWA.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>
EXHIBIT 17-2 FORM HUD-5382 CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING	Pages 291-293	<p><b>Change:</b> This change includes the HUD required form for certification of domestic violence, dating violence, sexual assault or stalking.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>
EXHIBIT 17-3 HACA'S EMERGENCY TRANSFER MOVE PLAN	Pages 294-299	<p><b>Change:</b> This change adds the full text of HACA's Emergency Transfer Move Plan as required by HUD.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>
EXHIBIT 17-4 HUD MODEL EMERGENCY TRANSFER REQUEST	Pages 300-302	<p><b>Change:</b> This change adds the full text of HACA's Emergency Transfer Move Plan as required by HUD.</p> <p><b>Rationale:</b> <i>This is a HUD requirement as part of the VAWA Final Rule.</i></p>



# Exhibit 2

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HOUSING AUTHORITY OF THE CITY OF AUSTIN

# Public Housing Admissions and Continued Occupancy Policy

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Housing and Community Development  
Department

Approved by the HACA Board of Commissioners

11/18/2014

Revisions Approved by HACA Board of Commissioners

5/21/2015

12/17/2015

8/24/2016

12/15/2016

8/17/2017

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Revised effective ~~12/15/2016~~ 8/17/2017

- Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off the premises.
- To comply with necessary and reasonable rules and program requirements of HUD and the PHA.
- To comply with health and safety codes.

### **3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]**

PHAs are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the PHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

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

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

#### HACA Policy

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

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

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

#### HACA Policy

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

treatment providers or community-based organizations providing services to household members.

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

#### HACA Policy

If any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, the family will be denied admission. For the purposes of this document, federally assisted housing is defined as any housing in which a resident's housing is subsidized or the housing provider receives subsidy, either directly or indirectly, from a federal agency or federal housing program (including, but not limited to Public Housing, the Housing Choice Voucher program, Project Based Rental Assistance, and others).

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

#### HACA Policy

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

### **3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION**

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

#### HACA Policy

##### **Preliminary Eligibility Criteria**

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

- HACA shall prohibit admission to the public housing program of an applicant for five years from the date of eviction or termination if a household or family member has been evicted or terminated from federally assisted housing for drug-related criminal activity.
- If the household or family vacated in lieu of eviction from a HACA property due to a household or family member engaging in drug-related criminal activity within 5 years from the date of application, HACA will prohibit the admission to the public housing program if the following criteria have been met:
  - HACA has documentation confirming the household or family member engaged in the drug-related criminal activity (e.g. criminal records, including but not limited to, probable cause affidavits, court records, police reports, criminal background report, and / or other official documents); and

- HACA has documentation confirming that it started the eviction process with the family (e.g. issuance of a 30 day notice or termination lease letter, issuance of a 3 day notice to vacate letter, notice of intent to vacate in lieu of eviction signed by tenant, filing a forcible detainer lawsuit against the family and / or other records); and
  - The offender that is identified in the documentation is still listed as a member of the household or family on the new application.
- An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if they were the head of household, spouse or cohead at the time of past residency at HACA and owes a move-out balance or debt to HACA which is not barred by a statute of limitations. There is a four-year statute of limitation, which ends the latter of:
  - Four years from the date the debt became delinquent, or
  - Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.
- An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if they were terminated or evicted for any reason other than drug-related activity from either program within a two-year period from date of new application. Abandonment of unit in the housing choice voucher program is considered a termination; abandonment of unit in the conventional public housing program is considered an eviction. This restriction applies only to the former head of household and/or spouse or co-head.
- If the family vacated in lieu of eviction from any HACA property for any reason other than drug-related criminal activity within the two years from the date of application, HACA will prohibit admission to the public housing program if the following criteria have been met:
  - HACA has documentation supporting the grounds for termination that would have led to the eviction of the household or family (e.g. criminal records including, but not limited to, probable cause affidavits, court records, police reports, criminal background reports, etc.; other records, including but not limited to Elite notes, photographs, resident ledgers, complaint records, HACA incident reports, prior tenant file documentation, etc; and / or other official documents); and
  - HACA has documentation confirming that it started the eviction process with the family (e.g. issuance of a 30 day notice of termination letter, issuance of a 3 day notice to vacate letter, notice of intent to vacate in lieu of eviction signed by tenant, filing a forcible detainer lawsuit against the family, and / or other records); and
  - The family member or members identified in that documentation are still listed as members of the family on the new application.
- An applicant is deemed preliminarily ineligible and shall be rejected if applying for the housing choice voucher program if they have been issued a voucher within one year from the date of application, whether or not the voucher was utilized. Expiration of an unused voucher is not cause for preliminary ineligibility for the public housing program.

- An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if currently housed in this same program and listed as the head of household or co-head of household.
- For the purpose of providing a housing opportunity to as many applicants as possible, 12 months should elapse before an applicant is preliminarily eligible to reapply for the same program they have just moved out of. This shall include voluntary ~~withdrawals~~ move outs from the conventional public housing program.
- An applicant is deemed preliminarily ineligible and shall be rejected if applying for the same program for which they have already been denied admissions due to criminal history or derogatory rental history, unreported income or fraud within a 12-month period. The applicant will not be eligible to request an informal review of this rejection due to the fact that the applicant was offered an informal review when they were initially denied admissions for criminal history and/or derogatory rental history. Twelve months should elapse from the date of denial or date of the hearing decision whichever is later.
- An applicant is deemed preliminarily ineligible and shall be rejected if applying for the conventional public housing program and has rejected a public housing unit offer from HACA within the last 12 months from the date of the last housing offer.
- A family is deemed evicted if a lease termination/violation letter had been sent to the family alleging a breach of the lease based upon drug-related criminal activity, criminal activity, non-payment of rent or other breach and the family has voluntarily vacated, or if a judgment for eviction is rendered, or if the family vacated due to the oral threatened termination of the lease.
- HACA complies with all Fair Housing laws. Applicants have the right to request a Reasonable Accommodation. HACA will consider all Reasonable Accommodation requests under the Fair Housing Act and Section 504 of the American Disabilities Act. Information related to the Fair Housing Act, Section 504 and Requests for Reasonable Accommodation will be included in the denial letters.
- If the basis for the denial relates to family violence, the applicant may qualify for an exception under the VAWA Amendments. Information related to VAWA will be included in the denial letters.

#### **Criminal Activity [24 CFR 960.203 (c)]**

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

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

#### HACA Policy

### **3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

The Violence against Women Act of 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking [24 CFR 5.2005 (b)]. This section describes how HACA will comply with this prohibition.

#### **Notification**

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the form HUD-~~50066~~5382 at the time the applicant is denied.

##### HACA Policy

HACA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under HACA's policies. Therefore, if HACA makes a determination to deny admission to an applicant family, HACA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section ~~4617~~-VII.C of this ACOP, a notice of VAWA rights as well as including and a copy of the form HUD-~~50066~~5382. HACA will request that an applicant wishing to claim this protection provide notice within 14 business days from the date of receipt from HACA of the notice of denial. HACA may extend the 14 business day period upon request from the individual.

#### **Documentation**

##### ***Victim Documentation [24 CFR 5.2007]***

##### HACA Policy

If an applicant claims the protection that VAWA provides the victims of domestic violence, dating violence, sexual assault, or stalking regarding the denial of admissions, HACA will request in writing that the applicant provide documentation supporting the claim in accordance with section ~~4617~~-VII.D of this ACOP.

##### ***Perpetrator Documentation***

##### HACA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit.
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is

qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA's selection policies [24 CFR 960.206(e)(2)]. The PHA's policies must be posted any place where the PHA receives applications. The PHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The PHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

#### HACA Policy

When an applicant or resident family requests a copy of HACA's tenant selection policies, HACA will provide copies to them free of charge.

### **4-III.B. SELECTION METHOD**

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use.

#### **Local Preferences [24 CFR 960.206]**

PHAs are permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

#### HACA Policy

Eligible applicants shall be offered a dwelling unit based on the date and time of application, after taking into consideration the size of the unit and, if applicable, the appropriate local preference.

For purposes of establishing priority, applicants involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive priority over all other local preference, and then other local preferences are weighted equally and each applicant family can be granted a maximum of one local preference at one time.

In addition to local preferences, HACA has designated some properties as mixed population developments. These properties are reserved for elderly and / or disabled families.

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

○ Lakeside Apartments

○ Salina Apartments

HACA will use the following local preferences on each of its public housing site-based waiting lists:

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- Involuntarily Displace by HACA Action: Current HACA public housing families involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive highest priority. This priority will apply to all public housing waiting lists and HACA's Housing Choice Voucher program waiting list. (Note: This preference applies to HACA's housing choice voucher waiting list only.)

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- Elderly Preference: Families in which the head of household, spouse or co-head are age 62 or older are eligible for the Elderly preference.
- Disability Preference: Families in which the head of household, spouse or co-head meet HUD's definition of disability are eligible for the Disability preference. HACA will give preference to elderly or disabled families.

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

- Lakeside Apartments
- Northloop Apartments
- Gaston Place Apartments
- Salina Apartments

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

- Involuntarily Displaced Preference: Families displaced as a result of natural disaster or government action ~~shall be given~~ are eligible for the Involuntarily Displaced preference. The following documentation will be used to verify displacement status:
  - Certification from a unit of government concerning displacement due to natural disaster; or
  - Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

The displacement must have occurred within six months of requesting the involuntary displacement preference.

HACA is piloting an additional local preference in connection with the Jobs Plus program. As part of this pilot project, HACA will add an Upward Mobility preference for applicants on the waiting lists for Chalmers Courts and Booker T Washington Terraces. This preference will be weighted equally to the local preferences listed above.

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- Upward Mobility Preference: Families in which the head of household, spouse, co-head or any other adult family member (does not include live-in aides or other non-family household members) who meet at least one of the following eligibility criteria are eligible for the Upward Mobility preference.

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- Employed: To meet this criteria, the family member must be working at least 20 hours per week.

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- o GED Student: To meet this criteria, the family member must be regularly attending a GED program that meets the standards of the Texas Education Agency or the equivalent in another state; and making progress toward earning their GED; or have completed a GED program within the last 12 months.
- o Higher Education Student: To meet this criteria, the family member must be enrolled in an institution of higher education (as defined by HUD) and taking at least 6 credit hours; or have graduated from an institution of higher education within the last 12 months.
- o Job Training Participant: To meet this criteria, the family member must be participating in a formal job training program designed to lead to a higher level of proficiency or to obtain employment; or have graduated from a job training program within the last 12 months.

The pilot project will last for the duration of the Jobs Plus grant program and will be evaluated for possible continuation at these properties and possible expansion to other HACA properties.

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**Income Targeting Requirement [24 CFR 960.202(b)]**

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during the PHA’s fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30% of the area median income, whichever number is higher (*Federal Register* notice 6/25/14). To ensure this requirement is met, the PHA may skip non-ELI families on the waiting list in order to select an ELI family.

If a PHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the PHA’s HCV program during a PHA fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against the PHA’s basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the PHA fiscal year; (2) ten percent of waiting list admissions to the PHA’s housing choice voucher program during the PHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

HACA Policy

HACA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

**Mixed Population Developments [24 CFR 960.407]**

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the PHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family

- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation.
- Documents that must be provided at the interview to document eligibility for a preference, if applicable.
- Other documents and information that should be brought to the interview.

#### **4-III.D. THE APPLICATION INTERVIEW**

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 201210].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

##### HACA Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to HACA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, HACA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time a unit becomes available, HACA will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, HACA will proceed with the interview. If HACA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures and submit

required documentation. If any materials are missing, HACA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 7 calendar days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, HACA will provide translation services in accordance with HACA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact HACA in advance of the interview to schedule a new appointment. In all circumstances, if a family fails to attend a scheduled interview, without prior HACA approval, their application will be made inactive based on the family's failure to supply information needed to determine eligibility. The notice of rejection will state that failure to request a rescheduled appointment within 15 calendar days of the missed appointment date will be interpreted to mean that the family is no longer interested and their application will remain inactive. Due to the high volume of applicants on the waiting list, applicant families will only be allowed a maximum of ~~two~~ one rescheduled appointments (for a total of ~~three~~ two scheduled appointments), unless HACA receives documentation verifying that illness, disability, family death or hospitalization did not allow for attendance.

#### **4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]**

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including PHA suitability standards, the PHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

##### HACA Policy

HACA will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The PHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

##### HACA Policy

[Back to Top](#)

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## Chapter 8

### LEASING AND INSPECTIONS

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

#### INTRODUCTION

Public housing leases are the basis of the legal relationship between the PHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations.

HUD rules also require the PHA to inspect each dwelling unit prior to move-in, at move-out and annually during occupancy. In addition, the PHA may require additional inspections in accordance with PHA policy.

This chapter is divided into two parts as follows:

Part I: Leasing. This part describes pre-leasing activities and HACA's policies pertaining to lease execution, modification and payments under the lease.

Part II: Inspections. This part describes HACA's policies for inspecting dwelling units.

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#### **PART I: LEASING**

##### **8-I.A. OVERVIEW**

An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements, and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12-month term, except that the PHA may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].

Part I of this chapter contains regulatory information, when applicable, as well as the PHA's policies governing leasing issues.

##### **8-I.B. PRE-OCCUPANCY ORIENTATION**

###### HACA Policy

Upon being determined eligible for public housing, the head of household and co-head/spouse will be required to attend and successfully complete a pre-occupancy orientation meeting prior to being housed. No applicant will be admitted to HACA housing before attending the pre-occupancy training. In the event that an applicant fails to attend the orientation, no housing offer will be made.

An orientation meeting may be rescheduled in order to provide a reasonable accommodation for a verified disability upon request or if the applicant has an emergency that is supported by written documentation presented to HACA.

Upon successful completion of the pre-occupancy orientation, the family will be eligible to receive a unit offer pursuant to HACA's unit offer policies described in Chapter 5.

## Orientation Agenda

### HACA Policy

The orientation meeting shall at a minimum provide the following general information to the applicants:

- A copy of HACA's Zero Tolerance Policy
- A copy of HUD Fact Sheet "How Your Rent is Determined"
- A copy of HACA "Things To Remember" fact sheet
- A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse
- A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19
- ~~Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, or stalking (see section 16 VII.C)~~ A copy of the VAWA Notice of Occupancy Rights (See section 17 VII.C)
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking

Topics to be discussed will include:

- Applicable deposits and other charges
- Review and explanation of lease provisions
- Unit maintenance and work orders
- HACA's reporting requirements
- Explanation of occupancy forms
- Community service requirements
- Family choice of rent
- VAWA protections
- HACA's Rental Integrity and Fraud Prevention Program

## 8-I.C. EXECUTION OF LEASE

The lease must be executed by the tenant and the PHA, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one PHA unit to another.

The lease must state the composition of the household as approved by the PHA (family members and any PHA-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

### HACA Policy

[Back to Top](#)

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## Chapter 12

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# TRANSFER POLICY

## INTRODUCTION

This chapter explains the HACA's transfer policy, based on HUD regulations, HUD guidance and HACA policy decisions.

This chapter describes HUD regulations and HACA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures and payment of transfer costs.

Part II: HACA Required Transfers. This part describes types of transfers that may be required by the PHA, notice requirements and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

The PHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The PHA must have specific policies in place to deal with acceptable transfer requests.

## **PART I: EMERGENCY TRANSFERS**

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### **12-I.A. OVERVIEW**

HUD categorizes certain situations that require emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the PHA.

In the case of a genuine emergency, it may be unlikely that the PHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the PHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

### **12-I.B. EMERGENCY TRANSFERS**

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations,

if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

#### HACA Policy

The following ~~is~~are considered ~~an~~ emergency circumstances~~s~~ warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, toxic contamination, serious water leaks, etc.
- A verified incident of domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in section 17-VII.D

HACA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. HACA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. If an internal transfer to a safe unit is not immediately available, HACA will assist the resident in seeking an external emergency transfer within HACA's PBRA and HCV programs.

HACA has adopted an emergency transfer plan, which is included as Exhibit 17-3 to this plan.

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### **12-I.C. EMERGENCY TRANSFER PROCEDURES**

#### HACA Policy

If the transfer is necessary because of maintenance conditions not caused by the resident and beyond the resident's control, and an appropriate unit is not immediately available, HACA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, HACA will transfer the resident to the first available and appropriate unit after the temporary relocation. Emergency transfers are mandatory for the tenant.

Notwithstanding anything to the contrary contained within this chapter, when a transfer is approved and if in HACA's sole determination it is deemed that the immediate transfer is necessary to protect life and/or property, the transfer may occur prior to the completion of the procedures set forth in this chapter.

### **12-I.D. COSTS OF TRANSFER**

#### HACA Policy



domestic violence, dating violence, sexual assault, or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

#### **12-III.D. SECURITY DEPOSITS**

##### HACA Policy

All transfers will be treated as move-outs since the account will be closed at the original unit and a new account opened and a Dwelling Lease Agreement signed for the new unit. No transfer of deposit will be made since it will be used to offset any move-out damages and the balance, if any, will be credited to the resident's dwelling account. In addition to pro-rated rent, the resident will be required to pay in advance the required security deposit at the new development. The receiving property will be responsible for setting up maintenance or other repayment agreements if necessary.

#### **12-III.E. COST OF TRANSFER**

The PHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2006-13].

##### HACA Policy

The resident will bear all of the costs of transfer s/he requests. However, in cases of documented financial hardship, HACA will consider assuming the transfer costs only when the transfer is done as a reasonable accommodation.

#### **12-III.F. HANDLING OF REQUESTS**

##### HACA Policy

Transfers may only be requested by the head of household by filling out a Request for Transfer Form and such form must be submitted to the Public Housing Manager, with any supporting documentation as to the reason for the request. The Request Form allows the resident to choose whether they prefer to transfer only within their current Public Housing property, only to a different HACA Public Housing property, or to the first available unit at any site (including their current site). The request must be signed and dated by the head of household.

In cases involving reasonable accommodation transfers, HACA will encourage the resident to make the request in writing using a Reasonable Accommodation Request Form. However, HACA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The request will be date stamped upon receipt and reviewed by the Public Housing Manager and a recommendation will be noted as to whether the transfer should be approved or denied. The Public Housing Manager will forward the request to the Admissions department for processing no later than 2 business days from date of receipt. The Admissions department will respond by approving the transfer and putting the family on the transfer list, by denying the transfer or by requiring more information or documentation from the family.

consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

#### **Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]**

HACA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

#### **14-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

#### **VAWA Protections against Termination [24 CFR 5.2005(c)]**

VAWA provides that "criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the tenant or affiliated individual of the tenant is the victim." [24 CFR 5.2005(c)(2)].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1)].

#### **Limits on VAWA Protections [24 CFR 5.2005(d) and (e)]**

While VAWA prohibits a PHA from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a PHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, or stalking providing that the PHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit the PHA's authority to terminate the tenancy of any tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm

- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

#### HACA Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, HACA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest HACA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

#### **Documentation of Abuse [24 CFR 5.2007]**

##### HACA Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, HACA will request that the individual provide documentation supporting the claim in accordance with the policies in section 167-VII.D of this ACOP.

HACA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases HACA will document the waiver in the individual's file.

**Terminating or Evicting a Perpetrator of Domestic Violence** Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. In fact, VAWA gives the PHA the explicit authority to bifurcate a lease, or remove a household member from a lease, "in order to evict, remove, terminate occupancy rights, or terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is a tenant or lawful occupant." [24 CFR 5.2009(a)]. Moreover, HUD regulations impose on the PHA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, or stalking [24 CFR 966.4(e)(9)].

Specific lease language affirming the PHA's authority to bifurcate a lease is not necessary and the authority supersedes any local, state or federal law to the contrary. However, if the PHA chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state or federal law for eviction, lease termination or termination of assistance. This means that the PHA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

#### HACA Policy

HACA will bifurcate a family's lease and terminate the tenancy of a family member if HACA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, HACA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-~~50066~~5382) or other documentation of abuse submitted to HACA by the victim in accordance with this section and section 167-VII.D.

HACA will also consider the factors in section 134.III.E. Upon such consideration, HACA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If HACA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, HACA must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, HACA must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered by VAWA 2013

### **PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING**

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#### **134-IV.A. OVERVIEW**

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

#### **14-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]**

HUD authorizes PHAs to conduct criminal records checks on public housing residents for lease enforcement and eviction. PHA policy determines when the PHA will conduct such checks.

#### HACA Policy

HACA will obtain public criminal records when it has come to the attention of HACA, either from local law enforcement or by other means that an individual has engaged in the destruction of property, engaged in violent activity against another person or has

**14-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]**

In conducting criminal records checks, if the PHA uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if the PHA obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, the PHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

HACA Policy

HACA does not conduct criminal records checks during occupancy. HACA utilizes public information to enforce the lease provisions.

**14-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]**

**Form, Delivery, and Content of the Notice**

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice and their right to examine PHA documents directly relevant to the termination or eviction. If the PHA does not make the documents available for examination upon request by the tenant, the PHA may not proceed with the eviction [24 CFR 966.4(m)].

When the PHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the PHA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When the PHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the PHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA, or for a drug-related criminal activity on or off the premises.

HACA Policy

HACA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such attempt fails, the notice will be sent by first-class mail the same day.

All notices of lease termination will include information about the protection against termination provided by VAWA for victims of domestic violence, dating violence, sexual assault, or stalking (see section 167-VII-C). The PHA will also include a copy of the form HUD-500665382 and a notice of VAWA rights to accompany the termination notice. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of

domestic violence, dating violence, sexual assault, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in Sections 134-III.F and 167-VII.D.

#### **Timing of the Notice [24 CFR 966.4(l)(3)(i)]**

The PHA must give written notice of lease termination of:

- 14 calendar days in the case of failure to pay rent.
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days).

If the health or safety of other residents, PHA employees or persons residing in the immediate vicinity of the premises is threatened.

If any member of the household has engaged in any drug-related criminal activity or violent criminal activity.

If any member of the household has been convicted of a felony.

- 30 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply.

#### **HACA Policy**

HACA will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations HACA will give 30 days' written notice or, if state or local law allows less than 30 days, such shorter notice will be given. For lease terminations involving drug-related criminal activity or physically violent criminal activity, HACA may give 3 days' written notice.

The Notice to Vacate, if necessary, will be issued upon expiration of the notice of lease termination.

#### **Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]**

When the PHA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

#### **HACA Policy**

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement, and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of lease termination due to continued noncompliance. The notice will be sent in accordance with the policies in Section 11-I.E. and will serve as the notice of termination of tenancy.

#### **Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]**

8, “Leasing and Inspections” (section 8-I.B); Chapter 12, “Transfer Policy” (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, “Lease Terminations” (sections 13-III.F and 13-IV.D).

#### **17-VII.B. DEFINITIONS [24 CFR 5.2003]**

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any individual, tenant or lawful occupant living in the household of that individual
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

#### **17-VII.C. NOTIFICATION [24 CFR 5.2005(a)]**

##### **Notification to Public**

The PHA adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware their rights under VAWA.

#### HACA Policy

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

- A notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 17-1)
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 17-2)
- A copy of the PHA's emergency transfer plan (Exhibit 17-3)
- A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 17-4)
- ~~A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notice in Exhibit 16-1).~~
- ~~The definitions of domestic violence, dating violence, sexual assault, and stalking provided in VAWA (included in Exhibit 16-1).~~
- ~~An explanation of the documentation that HACA may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1).~~
- ~~A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence or Stalking.~~
- ~~A statement of HACA's obligation to keep confidential any information that it receives from a victim unless (a) HACA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1).~~
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1).
- Contact information for local victim advocacy groups or service providers.

#### **Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]**

PHAs are required to inform public housing applicants and tenants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

The PHA must distribute a notice of VAWA rights, along with the VAWA self-certification form (HUD-~~50066~~5382) at each of these three junctures.

#### HACA Policy

HACA will provide all applicants with information about VAWA at the time they request an application for housing assistance. HACA will also include such information in all notices of denial of assistance (see section 3-III.F).



HACA will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. HACA will also include such information in all lease termination notices (see section 134-IV.D).

The VAWA information provided to applicants and participants will consist of the notices in Exhibit 177-1 and 17-2.

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~~The VAWA information provided to applicants and tenants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.~~

The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

#### HACA Policy

Whenever HACA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

#### **17-VII.D. DOCUMENTATION [24 CFR 5.2007]**

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

1. A completed and signed HUD-approved certification form (HUD-~~50066~~5382, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim
2. A federal, state, tribal, territorial, or local police report or court record
3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

#### HACA Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. HACA may, in its discretion, extend the deadline for 10 business days. Any extension granted by HACA will be in writing.

#### **Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

#### HACA Policy

If presented with conflicting certification documents (two or more forms HUD-~~50066~~5382) from members of the same household, HACA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

#### **Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

The PHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

#### HACA Policy

If HACA accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, HACA will document acceptance of the statement or evidence in the individual's file.

#### **Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

#### **17-VILE. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

All information provided to the PHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the

extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

#### HACA Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, HACA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

**EXHIBIT 17-1: SAMPLE NOTICE ~~TO PUBLIC HOUSING APPLICANTS AND~~  
~~TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA) OF~~  
OCCUPANCY RIGHTS UNDER VAWA**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that [insert name of program or rental assistance] is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."

**Protections for Applicants**

If you otherwise qualify for assistance under HUD's Public Housing Program you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Residents**

If you are receiving assistance under HUD's Public Housing Program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under HUD's Section 8 Program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

**Removing the Abuser or Perpetrator from the Household**

Management may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If management chooses to remove the abuser or perpetrator, management may not take away the rights of eligible residents to the unit or otherwise punish the remaining residents. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, management must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, management must follow Federal, State, and local eviction procedures. In order to divide a lease, management may, but is not required to, ask you for

documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, management may permit you to move to another unit, subject to the availability of other units, and still keep your assistance.

In order to approve a request, management may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking.

If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar day period before you expressly request the transfer.

Management will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

Management's emergency transfer plan provides further information on emergency transfers, and management must make a copy of its emergency transfer plan available to you if you ask to see it.

### **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

Management can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from management must be in writing, and management must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. Management may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to management as documentation. It is your choice which of the following to submit if management asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by management with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that management has agreed to accept. If you fail or refuse to provide one of these documents within the 14 business days, management does not have to provide you with the protections contained in this notice.

If management receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), management has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, management does not have to provide you with the protections contained in this notice.

#### **Confidentiality**

Management must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

Management must not allow any individual administering assistance or other services on behalf of management (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

Management must not enter your information into any shared database or disclose your information to any other entity or individual. Management, however, may disclose the information provided if:

- You give written permission to management to release the information on a time limited basis.
- Management needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires management or your landlord to release the information.

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

#### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, management cannot hold residents who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to residents who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if management can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- (1) Would occur within an immediate time frame, and
- (2) Could result in death or serious bodily harm to other residents or those who work on the property.

If management can demonstrate the above, management should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

#### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

#### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with HUD's Multifamily/FHEO Office – Ft. Worth Regional Office.

#### **For Additional Information**

##### **For Additional Information**

- You may view a copy of HUD's final VAWA rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.
- Additionally, management must make a copy of HUD's VAWA regulations available to you if you ask to see them.
- For questions regarding VAWA, please contact property management.
- For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of

Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

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

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

### **Protections for Victims**

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

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

### **Reasons You Can Be Evicted**

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

### **Removing the Abuser from the Household**

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



### **Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

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

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

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

### **Confidentiality**

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

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

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

### **VAWA and Other Laws**

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

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

### **For Additional Information**

~~If you have any questions regarding VAWA, please contact \_\_\_\_\_ at \_\_\_\_\_.~~

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

## Definitions

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

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

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

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

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

VAWA defines ***sexual assault*** as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

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

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**EXHIBIT 17-2: Form HUD-5382 CERTIFICATION OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT OR STALKING**

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.

(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

**1. Date the written request is received by victim:** \_\_\_\_\_

**2. Name of victim:** \_\_\_\_\_

**3. Your name (if different from victim's):** \_\_\_\_\_

**4. Name(s) of other family member(s) listed on the lease:** \_\_\_\_\_

\_\_\_\_\_

**5. Residence of victim:** \_\_\_\_\_

**6. Name of the accused perpetrator (if known and can be safely disclosed):** \_\_\_\_\_

\_\_\_\_\_

**7. Relationship of the accused perpetrator to the victim:** \_\_\_\_\_

**8. Date(s) and times(s) of incident(s) (if known):** \_\_\_\_\_

\_\_\_\_\_

**10. Location of incident(s):** \_\_\_\_\_

In your own words, briefly describe the incident(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_

Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

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## **EXHIBIT 17-3: HACA EMERGENCY TRANSFER MOVE PLAN**

### **Emergency Transfer Move Plan**

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#### **for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

### **Emergency Transfers**

The Housing Authority of the City of Austin (HACA) is concerned about the safety of its residents and program participants in the Housing Choice Voucher (HCV) program, Public Housing (PH) program and the Project Based Rental Assistance (PBRA) program. Such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>2</sup> HACA allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer move from the resident's current unit to another unit within HACA's three programs mentioned above. The ability to request a transfer move is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup>

The ability of HACA to honor such requests for residents currently receiving assistance, however, may depend upon two things:

- a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and
- whether HACA has another dwelling unit that is available and is safe to offer the resident for temporary or permanent occupancy.

This plan identifies residents who are eligible for an emergency transfer move, the documentation needed to request an emergency transfer move, confidentiality protections, how an emergency transfer move may occur, and tips for residents on safety and security. This plan is based on a model emergency transfer move plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees the HCV, PH and PBRA programs.

### **Eligibility for Emergency Transfers**

<sup>2</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

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<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

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A resident of HACA's HCV, PH or PBRA program who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer move:

- if the resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit; or
- in the case of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer move.

A resident requesting an emergency transfer move must expressly request the transfer move in accordance with the procedures described in this plan.

Residents who are not in good standing may still request an emergency transfer move if they meet the eligibility requirements in this section.

#### **Emergency Transfer Move Request Documentation**

To request an emergency transfer move, the resident must do the following:

*HCV Resident:* The resident shall notify his / her eligibility specialist and submit a written request for a transfer move to another unit. The eligibility specialist will provide the resident with an Emergency Transfer Move Request form. HACA will provide reasonable accommodations to this policy to allow individuals with disabilities to submit the request in an accessible manner.

*PH and PBRA Residents:* The resident shall notify the property manager and submit a written request for a transfer to the property manager. The property manager will provide the resident with an Emergency Transfer Request form. HACA will provide reasonable accommodations to this policy to allow individuals with disabilities to submit the request in an accessible manner.

The HCV, PH or PBRA resident's written request for an emergency transfer move should include either:

- A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident were to remain in the same dwelling unit assisted under HACA's program; OR
- A statement that the resident was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the resident's request for an emergency transfer.

## **Confidentiality**

HACA will keep confidential any information that the resident submits in requesting an emergency transfer move, and information about the emergency transfer move, unless:

- the resident gives HACA written permission to release the information on a time limited basis, or
- disclosure of the information is required by law; or
- disclosure is required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

This confidentiality includes keeping confidential the new location of the dwelling unit of the resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. See the Notice of Occupancy Rights under the Violence Against Women Act For All Residents for more information about HACA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

## **Emergency Transfer Move Timing and Availability**

HACA cannot guarantee that a transfer move request will be approved or how long it will take to process a transfer move request. HACA will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

Residents can request internal and external transfer moves. Internal transfer moves are moves within the same program. External transfer moves are moves that cross over to a different program. Residents can make these requests simultaneously to allow for the opportunity to move at the earliest possible time.

*HCV Residents:* Upon receipt of the Transfer Move Request and verification of being a victim of domestic violence, dating violence, sexual assault, or stalking, the eligibility specialist will provide the resident with a Recision form to be completed by the resident and their current landlord. The eligibility specialist will assist the resident with both internal and external move options:

- *Internal Transfer Move Options:* The resident will be given a voucher which can be used to locate a new unit within HACA's voucher jurisdiction where the family feels safe. The family can also use the portability feature of the voucher and move to the jurisdiction of any other Public Housing Authority that administers the HCV program.



- External Transfer Move Options: The resident will be given the opportunity to place their name on the waiting list for any of HACA's 18 PH and PBRA properties where the family feels safe, even if the waiting list for that property is closed. This placement on the waiting list is done with a preference that will move the family to the top of the list. HACA's Admissions Department will streamline the eligibility determination process to assist the family with moving as quickly as possible.

PH and PBRA Residents: Upon receipt of the Transfer Move Request and verification of being a victim of domestic violence, dating violence, sexual assault, or stalking, the property manager will assist the resident with both internal and external move options:

- Internal Transfer Move Options: The resident will be given the opportunity to place their name on the waiting list for any of HACA's 18 PH and PBRA properties where the family is eligible and would feel safe, even if the waiting list for that property is closed. This placement on the waiting list is done with a preference that will move the family to the top of the list. If a resident reasonably believes a proposed internal transfer would not be safe, the resident may reject the transfer offer and request a transfer to a different unit.
- External Transfer Move Options: When voucher funding is available, the resident may request to be placed on the voucher waiting list with an emergency preference, even if the list is closed. With a voucher the family can locate a new unit within HACA's voucher jurisdiction where the family feels safe. The family can also use the portability feature of the voucher and move to the jurisdiction of any other Public Housing Authority that administers the HCV program. HACA's Admissions Department will streamline the eligibility determination process to assist the family with moving as quickly as possible.

If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit and program to which the resident has been transferred. HACA may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

If HACA has no safe and available units for which a resident who needs an emergency transfer move is eligible, HACA will assist the resident by referring them to local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Residents**

Pending processing of the transfer move and the actual transfer move, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe.

Residents who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Residents who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Residents who are or have been victims of stalking may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking include the following (list may not be exhaustive):

- **Safe Place**

24/7 Hotline: (512) 267-SAFE (7233)

- **The Salvation Army Shelter for Women and Children**

4523 Tannehill Ln  
Austin, TX 78721  
(512) 933-0600

- **Casa Marianella**

Posada Esperanza  
821 Gunter St  
Austin, TX 78702  
(512) 928-8862

- **Asian Family Support Services of Austin**

Hotline: 1-877-281-8371  
Local: (512) 651-3743

- **Travis County Health and Human Services Community Centers**

<b><u>Palm Square</u></b>	<b><u>Del Valle</u></b>	<b><u>Post Road</u></b>
<u>100 N IH 35 Suite 2000</u>	<u>3518 FM 973 S</u>	<u>2201 Post Rd Suite101</u>
<u>Austin, TX 78701</u>	<u>Del Valle, TX 78617</u>	<u>Austin, TX 78704</u>
<u>(512) 854-4120</u>	<u>(512) 854-1520</u>	<u>(512) 854-9130</u>
<b><u>Manor</u></b>	<b><u>Pflugerville</u></b>	<b><u>Oak Hill</u></b>
<u>600 W Carrie Manor St</u>	<u>15822 Foothill Farm Loop</u>	<u>8656 W Hwy 71</u>
<u>Manor, TX 78653</u>	<u>Pflugerville, TX 78660</u>	<u>Oak Hill, TX 78735</u>
<u>(512) 854-1550</u>	<u>(512) 854-1530</u>	<u>(512) 854-2130</u>

- **City of Austin Neighborhood Centers**

<b><u>Blackland</u></b>	<b><u>East Austin</u></b>	<b><u>Montopolis</u></b>
<u>2005 Salina St</u>	<u>211 Comal St</u>	<u>1416 Montopolis Dr</u>
<u>Austin, TX 78722</u>	<u>Austin, TX 78702</u>	<u>Austin, TX 78741</u>
<u>(512) 972-5790</u>	<u>(512) 972-6650</u>	<u>(512) 972-6650</u>
<b><u>Rosewood-Zaragoza</u></b>	<b><u>South Austin</u></b>	
<u>2800 Webberville Rd</u>	<u>2508 Durwood St</u>	
<u>Austin, TX 78702</u>	<u>Austin, TX 78704</u>	
<u>(512) 972-6740</u>	<u>(512) 972-6840</u>	

## **EXHIBIT 17-4: HUD MODEL EMERGENCY TRANSFER REQUEST**

**EMERGENCY TRANSFER**      **U.S. Department of Housing**      OMB Approval No. 2577-0286

**REQUEST FOR CERTAIN**      **and Urban Development**      Exp. 06/30/2017

### **VICTIMS OF DOMESTIC**

### **VIOLENCE, DATING VIOLENCE,**

### **SEXUAL ASSAULT, OR STALKING**

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

#### **The requirements you must meet are:**

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

#### **OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is

safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

**1. Name of victim requesting an emergency transfer:** \_\_\_\_\_

**2. Your name (if different from victim's)** \_\_\_\_\_

**3. Name(s) of other family member(s) listed on the lease:** \_\_\_\_\_  
\_\_\_\_\_

**4. Name(s) of other family member(s) who would transfer with the victim:** \_\_\_\_\_  
\_\_\_\_\_

**5. Address of location from which the victim seeks to transfer:** \_\_\_\_\_

**6. Address or phone number for contacting the victim:** \_\_\_\_\_

**7. Name of the accused perpetrator (if known and can be safely disclosed):** \_\_\_\_\_

**8. Relationship of the accused perpetrator to the victim:** \_\_\_\_\_

**9. Date(s), Time(s) and location(s) of incident(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11.

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature

Signed on (Date)

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

**ITEM NO. 3**

**Presentation, Discussion and Possible Action regarding  
Resolution No. 2513: Approval of the Revisions to the  
Housing Choice Voucher Administrative Plan**

**August 17, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2513**

**ASSISTED HOUSING**

**MEETING DATE:** August 17, 2017

**STAFF CONTACT:** Lisa Garcia, Vice President of Assisted Housing

**ITEM TITLE:** Presentation, Discussion and Possible action regarding Resolution No. 2513: Approval of the Revisions to the Housing Choice Voucher Administrative Plan

**BUDGETED ITEM:** N/A

**TOTAL COST:** N/A

**ACTION**

Motion to approve Resolution No. 2513 adopting revisions to the Housing Choice Voucher Administrative Plan.

**SUMMARY**

General Information: On May 19, 2017, HUD issued PIH Notice 2017-08 titled "Violence Against Women Reauthorization Act (VAWA) of 2013 Guidance." This update to VAWA requires housing authorities to provide notice to all applicants and residents at specific times, establish an emergency transfer plan for VAWA protected residents and provide specific rights to remaining family members when a lease is bifurcated to evict the abuser. Of significant note, in the emergency plan HUD is allowing residents to transfer across program lines (Public Housing to HCV or PBRA, PBRA to Public Housing or HCV, and HCV to Public Housing or PBRA).

Staff is asking the Board of Commissioners' approval of revisions to HACA's Housing Choice Voucher Administrative Plan. The proposed changes reflect required changes to the Violence Against Women's Act policies and the required adoption of an emergency transfer plan as required by regulations at 24 CFR 5.2007 (e).

Public Comment: The notice of this proposed change was publicly posted and sent to Legal Aid and the Austin Tenants' Council on July 7, 2017. The public comment period was 30 days and ended at 5:00 pm on August 7, 2017. No public comments were received.

**EXHIBITS**

Exhibit 1: Summary of Revisions to HCV Administrative Plan

Exhibit 2: Affected sections of Housing Choice Voucher Program Administrative Plan



## **RESOLUTION NO. 2513**

### **Approving Revisions to the Housing Choice Voucher Administrative Plan**

**WHEREAS**, the Housing Authority of the City of Austin is responsible for administering the Housing Choice Voucher Program;

**WHEREAS**, the Housing Choice Voucher Program, as mandated by the Department of Housing and Urban Development (HUD), is required to adopt a Housing Choice Voucher Administrative Plan establishing its policies as required under federal regulations; and

**WHEREAS**, the Housing Authority of the City of Austin provided 30 days for public comment on all changes, beginning July 7, 2017 and ending at 5:00 pm on August 7, 2017; and

**WHEREAS**, the Housing Authority of the City of Austin's Housing Choice Voucher Program seeks to formally adopt the August 2017 revised Housing Choice Voucher Program Administrative Plan to meet the Department of Housing and Urban Developments (HUD) mandated changes and define agency policies on areas not clearly defined in the federal regulations.

**Now, therefore, it is hereby**

**RESOLVED**, that the Housing Authority of the City of Austin's Board of Commissioners adopts the August 2017 revised Housing Choice Voucher Program Administrative Plan.

**PASSED, APPROVED AND ADOPTED** this 17th day of August 2017.

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**Michael G. Gerber, Secretary**

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**Tyra Duncan-Hall, Chairperson**

Section	Page Number	Summary of Changes Made in Admin Plan
Chapter 4: Applications, Waiting List and Tenant Selection	99 & 104	<b>Change:</b> Added Violence Against Women's Act (VAWA) Emergency Preference. HACA will give a preference to families living in a HACA owned Public Housing property or Project Based Rental Assistance (PBRA) properties, who are victims of domestic violence, dating violence, sexual assault or stalking and meet the eligibility requirements outlined in HACA'S VAWA Emergency Transfer Move Plan. Due to the potentially life-threatening nature of a VAWA emergency, this preference is the most heavily weighted preference.
Chapter 10: Moving with Continued Assistance and Portability Introduction  Exhibit 1	234, 235 438 -444	<b>Change:</b> HACA adopted an emergency transfer plan as required by regulation at 24 CFR 5.2007(e), which is included as Exhibit 1 to the HCV Admin Plan.

Homeless	= 3
Families with Minor Children	= 2
Residency	= 1
RAD Choice Mobility	= 3
PH Special Accommodation	= 3
FUP Youth	= 3
RAD Relocation	= 4
HACA VAWA Emergency	= 5

- (A) **Elderly Preference:** HACA will give preference to elderly families. An elderly family is a family in which the head, spouse or co-head is age 62 or older.
- (B) **Disabled Preference:** HACA will give preference to disabled families. A disabled family is a family in which the head, spouse or co-head is disabled using the current HUD definition of disability.
- (C) **Involuntary Displacement Preference:** HACA will give preference to families displaced as a result of natural disaster or government action. The following documentation will be used to verify displacement status:

Certification from a unit of government concerning displacement due to natural disaster; or

Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

The displacement must have occurred within six months of requesting the involuntary displacement preference. Also, HACA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.

- (D) **Homeless Preference:** HACA will give preference to homeless applicants. Each fiscal year HACA will give a preference to no more than 100 applicants or 25% of all applicants drawn (whichever is less) meeting all of the following criteria:
- Meet the HUD definition of homeless. See definitions section at the end of the Administrative Plan.
  - Are referred to HACA by a coalition of homeless service providers with whom HACA has executed a Memorandum of Understanding (MOU) outlining the provider's responsibilities with respect to the provision of housing search assistance and supportive services for the referred household.
  - Have received a written commitment from the referring homeless service provider for housing search / location assistance.
  - Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and

- (K) **HACA VAWA Emergency Preference:** HACA will give preference to families living in a HACA owned Public Housing property or Project Based Rental Assistance (PBRA) property, who are victims of domestic violence, dating violence, sexual assault or stalking and meet the eligibility requirements outlined in HACA's VAWA Emergency Transfer Move Plan. Due to the potentially life-threatening nature of a VAWA emergency, this preference is the most heavily weighted preference.

2. Specified category vouchers waiting list selection criteria.

- A. **Family Unification Program Vouchers** (targeted funding) Waiting list policy:

Placing FUP eligible families referred by CPS on HACA's HCV waiting list:

The waiting list will remain open for FUP eligible referrals. Eligibility for the FUP vouchers will be based on the respective HUD Notice of Funding Availability and may be limited to referrals from the Texas DFPS. When HACA receives a completed application and referral from the Texas Department of Family and Protective Service (DFPS), the applicant will be placed on the waiting list in order according to the date and time when HACA first received both documents. FUP eligible applicants are granted a preference over all other applicants not eligible for FUP vouchers. Applicants certified eligible for the FUP vouchers will be coded as such on HACA's waiting list. This preference will be granted only for the issuance of FUP vouchers and not any other voucher. If FUP vouchers are not available, FUP eligible families will maintain their original place on the waiting list for the issuance of non-FUP vouchers. All families granted a FUP preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

If a youth or family coded as FUP ceases to meet the criteria for FUP eligibility before the family has moved into an assisted unit, HACA will remove the FUP coding. If the family or youth was previously on the Housing Choice Voucher waiting list, they will maintain their original place on the waiting list. If the youth or family was only on the waiting list due to a FUP referral, they will be removed from the waiting list or lose their voucher if already issued.

- B. **Non-Elderly Disabled Program** vouchers (targeted funding) waiting list policy:

For the issuance of Non-Elderly Disabled (NED) vouchers, only applicants certified eligible for NED Vouchers will be issued a NED voucher. To be an eligible application for a NED voucher, HACA will have to receive both a completed application and a completed referral from the Texas Department of Aging and Disability Services (DADS) through their service provider ARCIL (Area Resource Center for Independent Living). Until both are received, the application will not be considered an eligible application. The applicant will only be placed on the waiting list once both documents have been received.

all moves by a family assisted under HACA's HCV program, whether the family moves to another unit within HACA's jurisdiction or to a unit outside HACA's jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into HACA's jurisdiction. This part also covers the special responsibilities that HACA has under portability regulations and procedures.

## **PART I: MOVING WITH CONTINUED ASSISTANCE**

### **10-I.A. ALLOWABLE MOVES**

HUD lists six regulatory conditions under which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.35(b)(3)]. If the family terminates the lease on notice to the owner, the family must give HACA a copy of the notice at the same time [24 CFR 982.35(d)(1)].

The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.35(b)(1)(ii)].

#### HACA Policy

The following defines HACA's policy on approving moves with continued assistance:

If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the HACA a copy of the termination agreement.

The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.35(b)(2)]. The family must give the HACA a copy of any owner eviction notice [24 CFR 982.551(g)].

The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.35(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to HACA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR

- 982.35(b)(4), 24 CFR 982.353(b)]. [The PHA must adopt an emergency transfer plan as required by regulations at 24 CFR 5.2007\(e\).](#)

### HACA Policy

If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking, HACA will request documentation in accordance with section 16-IX.D of this plan.

The HACA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the HACA will document the waiver in the family's file. [The PHA has adopted an emergency transfer plan, which is included as Exhibit 1 to this plan.](#)

HACA has terminated the HAP contract for the family's unit for the owner's breach [24 CFR 982.314(b)(1)(i)].

HACA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, HACA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, HACA must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which HACA gives notice to the owner. [24 CFR 982.403(a) and (c)]

The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.314(b)(3)]. If the family terminates the lease on notice to the owner, the family must give HACA a copy of the notice at the same time [24 CFR 982.314(d)(1)].

### **10-I.B. RESTRICTIONS ON MOVES**

A family's right to move is generally contingent upon the family's compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which HACA may deny a family permission to move and two ways in which HACA may restrict moves by a family.

#### **Denial of Moves**

HUD regulations permit HACA to deny a family permission to move under the following conditions:

#### ***Insufficient Funding***

HACA may deny a family permission to move either within or outside HACA's jurisdiction if HACA does not have sufficient funding for continued assistance [24 CFR 982.35(e)(1)].

However, Notice PIH [2016-092012-12](#) significantly restricts the ability of HACA to deny permission to

move due to insufficient funding and places further requirements on HACA regarding moves

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**EXHIBIT 1****Emergency Transfer Move Plan****for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking****Emergency Transfers**

The Housing Authority of the City of Austin (HACA) is concerned about the safety of its residents and program participants in the Housing Choice Voucher (HCV) program, Public Housing (PH) program and the Project Based Rental Assistance (PBRA) program. Such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>2</sup> HACA allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer move from the resident's current unit to another unit within HACA's three programs mentioned above. The ability to request a transfer move is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup>

The ability of HACA to honor such requests for residents currently receiving assistance, however, may depend upon two things:

- a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and
- whether HACA has another dwelling unit that is available and is safe to offer the resident for temporary or permanent occupancy.

This plan identifies residents who are eligible for an emergency transfer move, the documentation needed to request an emergency transfer move, confidentiality protections, how an emergency transfer move may occur, and tips for residents on safety and security. This plan is based on a model emergency transfer move plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees the HCV, PH and PBRA programs.

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<sup>2</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.



## Eligibility for Emergency Transfers

A resident of HACA's HCV, PH or PBRA program who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer move if:

- the resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit; or
- in the case of sexual assault the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer move.

A resident requesting an emergency transfer move must expressly request the transfer move in accordance with the procedures described in this plan.

Residents who are not in good standing may still request an emergency transfer move if they meet the eligibility requirements in this section.

## Emergency Transfer Move Request Documentation

To request an emergency transfer move, the resident must do the following:

*HCV Resident:* The resident shall notify his / her eligibility specialist and submit a written request for a transfer move to another unit. The eligibility specialist will provide the resident with an Emergency Transfer Move Request form. HACA will provide reasonable accommodations to this policy to allow individuals with disabilities to submit the request in an accessible manner.

*PH and PBRA Residents:* The resident shall notify the property manager and submit a written request for a transfer to the property manager. The property manager will provide the resident with an Emergency Transfer Request form. HACA will provide reasonable accommodations to this policy to allow individuals with disabilities to submit the request in an accessible manner.

The HCV, PH or PBRA resident's written request for an emergency transfer move should include either:



- A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident were to remain in the same dwelling unit assisted under HACA's program; OR
- A statement that the resident was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the resident's request for an emergency transfer.

**Confidentiality**

HACA will keep confidential any information that the resident submits in requesting an emergency transfer move, and information about the emergency transfer move, unless:

- the resident gives HACA written permission to release the information on a time limited basis, or
- disclosure of the information is required by law; or
- disclosure is required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

This confidentiality includes keeping confidential the new location of the dwelling unit of the resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. See the Notice of Occupancy Rights under the Violence Against Women Act For All Residents for more information about HACA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

**Emergency Transfer Move Timing and Availability**

HACA cannot guarantee that a transfer move request will be approved or how long it will take to process a transfer move request. HACA will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

Residents can request internal and external transfer moves. Internal transfer moves are moves within the same program. External transfer moves are moves that cross over to a different program. Residents can make these requests simultaneously to allow for the opportunity to move at the earliest possible time.

*HCV Residents:* Upon receipt of the Transfer Move Request and verification of being a victim of domestic violence, dating violence, sexual assault, or stalking, the eligibility specialist will provide the resident with a Rescission form to be completed by the resident and their current landlord. The eligibility specialist will assist the resident with both internal and external move options:

- *Internal Transfer Move Options:* The resident will be given a voucher which can be used to locate a new unit within HACA's voucher jurisdiction where the family feels safe. The family can also use the portability feature of the voucher and move to the jurisdiction of any other Public Housing Authority that administers the HCV program.
- *External Transfer Move Options:* The resident will be given the opportunity to place their name on the waiting list for any of HACA's 18 PH and PBRA properties where the family feels safe, even if the waiting list for that property is closed. This placement on the waiting list is done with a preference that will move the family to the top of the list. HACA's Admissions Department will streamline the eligibility determination process to assist the family with moving as quickly as possible.

*PH and PBRA Residents:* Upon receipt of the Transfer Move Request and verification of being a victim of domestic violence, dating violence, sexual assault, or stalking, the property manager will assist the resident with both internal and external move options:

- *Internal Transfer Move Options:* The resident will be given the opportunity to place their name on the waiting list for any of HACA's 18 PH and PBRA properties where the family feels safe even if the waiting list for that property is closed. This placement on the waiting list is done with a preference that will move the family to the top of the list. If a resident reasonably believes a proposed internal transfer would not be safe, the resident may reject the transfer offer and request a transfer to a different unit.
- *External Transfer Move Options:* When voucher funding is available, the resident may request to be placed on the voucher waiting list with an emergency preference, even if the list is closed. With a voucher the family can locate a new unit within HACA's voucher jurisdiction where the family feels safe. The family can also use the portability feature of the voucher and move to the jurisdiction of any other Public Housing Authority that administers the HCV program. HACA's Admissions Department will streamline the eligibility determination process to assist the family with moving as quickly as possible.

If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit and program to which the resident has been transferred. HACA may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

If HACA has no safe and available units for which a resident who needs an emergency transfer move is eligible, HACA will assist the resident by referring them to local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Residents**

Pending processing of the transfer move and the actual transfer move, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe.

Residents who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Residents who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Residents who are or have been victims of stalking may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking include the following (list may not be exhaustive):

- **Safe Place**  
24/7 Hotline: (512) 267-SAFE (7233)
- **The Salvation Army Shelter for Women and Children**  
4523 Tannehill Ln  
Austin, TX 78721  
(512) 933-0600
- **Casa Marianella**  
Posada Esperanza  
821 Gunter St  
Austin, TX 78702  
(512) 928-8862
- **Asian Family Support Services of Austin**  
Hotline: 1-877-281-8371  
Local: (512) 651-3743
- **Travis County Health and Human Services Community Centers**

**Palm Square**

100 N IH 35 Suite 2000  
Austin, TX 78701  
(512) 854-4120

**Del Valle**

3518 FM 973 S  
Del Valle, TX 78617  
(512) 854-1520

**Post Road**

2201 Post Rd Suite101  
Austin, TX 78704  
(512) 854-9130

**Manor**

600 W Carrie Manor St  
Manor, TX 78653  
(512) 854-1550

**Pflugerville**

15822 Foothill Farm Loop  
Pflugerville, TX 78660  
(512) 854-1530

**Oak Hill**

8656 W Hwy 71  
Oak Hill, TX 78735  
(512) 854-2130

- **City of Austin Neighborhood Centers**

**Blackland**

2005 Salina St

**East Austin**

211 Comal St

**Montopolis**

1416 Montopolis Dr

Austin, TX 78722  
(512) 972-5790

Austin, TX 78702  
(512) 972-6650

Austin, TX 78741  
(512) 972-6650

***Rosewood-Zaragoza***  
2800 Webberville Rd  
Austin, TX 78702  
(512) 972-6740

***South Austin***  
2508 Durwood St  
Austin, TX 78704  
(512) 972-6840

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

**ITEM NO. 4**

**Presentation, Discussion and Possible Action regarding Resolution No. 2514: Approval of the Revisions to the 2017 Public Housing Authority (PHA) Annual Plan to incorporate language regarding the Violence Against Women Act and other policies that govern Eligibility, Selection and Admissions**

**August 17, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**BOARD ACTION REQUEST**

**RESOLUTION NO. 2514**

**EXECUTIVE DEPARTMENT**

**MEETING DATE:** August 17, 2017

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

**ITEM TITLE:** Presentation, Discussion and Possible Action of Resolution No. 2514: Approval of the Revisions to the 2017 Public Housing Authority (PHA) Annual Plan to incorporate language regarding the Violence Against Women Act and other policies that govern Eligibility, Selection and Admissions

**BUDGETED ITEM:** N/A

**TOTAL COST:** N/A

**ACTION**

Motion to approve Resolution No. 2514: Authorizing the revisions of the 2017 Public Housing Authority Annual Plan to incorporate language to regarding the Violence Against Women Act and other policies that govern Eligibility, Selection and Admissions

**SUMMARY**

**General Information:** Per the U.S. Department of Housing and Urban Development (HUD) Public and Indian Housing (PIH) notice, PIH-2017-08, guidance was given to Public Housing Agencies (PHAs) and owners on the requirements of the Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule, published in the Federal Register on November 16, 2016, (81 Fed. Reg. 80724 (November 16, 2016)) (VAWA Final Rule) with respect to the Public Housing and Housing Choice Voucher (HCV) programs.

**Organizational Structure:** To be in compliance with this PIH notice, Public Housing Authorities must update their policies and procedures that govern the Eligibility, Selection and Admissions to reflect the recent changes of the Violence Against Women Act. Additionally, HACA has also revised its local preference(s) for its site-based waitlists at both Chalmers Courts and Booker T. Washington as a pilot program to bring more work-able families to these properties administering the Jobs Plus program.

**Public Comment:** A forty-five day public comment period was held June 23, 2017- August 7, 2017 to receive public input. A public hearing was held on July 11, 2017 in conjunction with the Public Housing Citywide Advisory Board meeting. No specific comments were received regarding the changes to the Annual Plan. Additionally, HACA has not received any written comments as of August 8, 2017.

**EXHIBITS**

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

Exhibit 2: HACA 2017 PHA Plan (Version 3) changes shown in red (pp 8-14 and p 41)

**RESOLUTION NO. 2514**

**Approval of the Revisions to the 2017 Public Housing Authority (PHA) Annual Plan to incorporate language regarding the Violence Against Women Act and other policies that govern Eligibility, Selection and Admissions**

**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 and revised on July 13, 2017;

**WHEREAS**, per the U.S. Housing and Urban Development (HUD) Public and Indian Housing (PIH) Notice, PIH-2017-08, guidance was given to Public Housing Agencies (PHAs) and owners on the requirements of the Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule, published in the Federal Register on November 16, 2016, (81 Fed. Reg. 80724 (November 16, 2016)) (VAWA Final Rule) with respect to the Public Housing and Housing Choice Voucher (HCV) programs;

**WHEREAS**, to be in compliance with this PIH notice, Public Housing Authorities must update their policies and procedures that govern the Eligibility, Selection and Admissions to reflect the recent changes of the Violence Against Women Act;

**WHEREAS**, HACA has also revised the 2017 PHA Annual Plan regarding its local preference(s) for its site-based waitlists at both Chalmers Courts and Booker T. Washington as a pilot program to bring more work-able families to these properties administering the Jobs Plus program;

**WHEREAS**, HACA commenced a 45-day public notification period, June 23, 2017- August 7, 2017, posted a notice with the County, City and all public housing properties, and held a public hearing regarding these revisions on July 11, 2017 in conjunction with the Public Housing Citywide Advisory Board meeting;

**WHEREAS**, HACA has completed the requirements to revise and submit the revisions to 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 revisions to the agency's 2017 PHA Annual Plan as presented.

Passed, Approved and Adopted this 17th day of August, 2017.

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**Michael G. Gerber, Secretary**

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



# Housing Authority of the City of Austin

*Established in 1937*

## Revisions 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. Many of the following are updates and revisions to the 2017 PHA Plan are due Violence Against Women Act, per PIH Notice 2017-08 and HACA's Upward Mobility Preference in conjunction with the Jobs Plus Program.

### Revisions and Additions to the 2017 Annual Plan version 3

Page	Section	Changes
Pages 8-14	Policies that Govern Eligibility, Selection and Admissions: Selection Method	<p><b>Change:</b> Provides clarification on local preferences used on all Public Housing waiting lists. Also provides a pilot program for Upward Mobility preference for Chalmers Courts and Booker T Washington waiting lists.</p> <p><b>Rationale:</b> This change provides clarity on how local preferences are applied to the site-based waiting list. The Upward Mobility preference for Chalmers and Booker T Washington is a pilot program to bring more work-able families to the properties administering the Jobs Plus program.</p>
Pages 10,12, 14	Emergency Transfers (VAWA Final Rule)	<p><b>Change:</b> This change adds being a victim of domestic violence as grounds for an emergency transfer. It also identifies that HACA has an Emergency Transfer Move Plan for all programs.</p> <p><b>Rationale:</b> This is a HUD requirement as part of the Violence Against Women Act (VAWA) Final Rule.</p>
Page 41	VAWA Final Rule	<p><b>Change:</b> Added language that HACA is updating both the Admissions and Continued Occupancy Policy and Housing Choice Voucher (Section 8) Administrative Plan to be in compliance the VAWA Final Rule.</p> <p><b>Rationale:</b> This is a HUD requirement.</p>

## Housing Authority of the City of Austin

# Draft Revisions to 2017 PUBLIC HOUSING AUTHORITY ANNUAL PLAN



### **Notice of 45-Day Public Comment Period commencing 06/23/17 to 08/07/17 to Revise the 2017 PHA Annual Plan**

The Housing Authority of the City of Austin is currently seeking public comment regarding revisions to the 2017 Public Housing Authority Annual Plan. These revisions are shown on pp 9-14 and p 41. A public hearing regarding these revisions will be held at the HACA Citywide Advisory Board Meeting on July 11, 2017 at 10AM to be held at the Salina Apartments located at 1143 Salina Austin, TX 78702. HACA will seek board approval for the adoption of these revisions the August 17, 2017 Board of Commissioners meeting. All written comments regarding these revisions must be received by 5PM on Aug 7, 2017 and should be sent to Attn: HACA Executive Office 1124 S. IH-35 Austin, TX 78704.

Item No. 4, page 4

<b>5-Year and Annual PHA Plan</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires XX/XX/XXXX</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

PHA Information																			
A.1	<p><b>PHA Name:</b> <u>Housing Authority of the City of Austin</u> <b>PHA Code:</b> <u>TX001</u>  <b>PHA Type:</b> <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performer  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>04/2017</u>  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Public Housing (PH) Units</b> <u>1,839; however upon conversion to RAD PBRA Phase I there will be 1,157 units.</u>  <b>Number of Housing Choice Vouchers (HCVs)</b> <u>5,597</u>  <b>Total Combined</b> <u>6,854</u>  <b>PHA Plan Submission Type:</b> <input type="checkbox"/> Annual Submission <input checked="" type="checkbox"/> Revised Annual Submission</p> <p><b>Availability of Information.</b> The Public Comment Period for the revisions to 2017 Annual PHA Plan commenced on June 23, 2017 and will conclude on August 7, 2017. A Public Hearing will be held on the following date: July 11, 2017 at 10AM at the Citywide Advisory Board Meeting at Salina Apartments located at 1143 Salina (78702) to receive public input for the revisions to the 2017 Annual Plan. The revisions will be presented for board approval at the August 17, 2017 HACA Board of Commissioners meeting held at 12PM at the HACA Central Office.</p> <p>Copies of the Draft and Approved 2017 Annual Plan and updates to the 2015-2019 Five-Year Plan are available at all Public Housing sites, the HACA Central Office and on the HACA website, <a href="http://www.hacanet.org">www.hacanet.org</a>. All supporting documentation is available at the HACA Central Office or via the HACA website.</p> <p><input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> </tbody> </table>					Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:	N/A	N/A	N/A	N/A	N/A
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<b>B.</b>	<b>Annual Plan Elements</b>																																																							
<b>B.1</b>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last <b>Annual PHA Plan</b> submission?  Y    N</p> <div style="display: flex; flex-direction: column; gap: 5px;"> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs.</div> <div><input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</div> <div><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</div> </div> <p><b>(b) The PHA must submit its Deconcentration Policy for Field Office Review.</b></p> <p><b>(c) If the PHA answered yes for any element, describe the revisions for each element below:</b></p> <p><b><u>Statement of Housing Needs and Strategy for Addressing Housing Needs</u></b></p> <p>The 2016 published income limits* for the Austin-Round Rock-San Marcos Metro Area based on a family of four:  Extremely Low (0-30% Area Median Income (AMI)): 24,300  Very Low (&gt;30%-50% AMI): 38,900  Low Income (&gt;50%-80% AMI): 62,250</p> <p>* The 2008-2012, 5-year American Community Survey (ACS) is the basis of FY 2015 Income Limits for all areas of geography, except for the U.S. Virgin Islands and the Pacific Islands. A Consumer Price Index forecast published by the Congressional Budget Office (CBO) is used to bring the data from mid-2012 to the mid-point of the fiscal year, April, 2015.</p> <p>From the data provided by the City of Austin Consolidated Plan 2014-19, there are over 74,000 renters who have a rent burden over 30% or more of their income.</p> <p style="text-align: center;">Priority Housing Needs/Housing Problems</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #e6f2ff;"> <th colspan="6" style="text-align: center;">Renter</th><th colspan="5" style="text-align: center;">Owner</th></tr> <tr style="background-color: #e6f2ff;"> <th></th><th>0-30% AMI</th><th>&gt;30-50% AMI</th><th>&gt;50-80% AMI</th><th>&gt;80-100% AMI</th><th>Total</th><th>0-30% AMI</th><th>&gt;30-50% AMI</th><th>&gt;50-80% AMI</th><th>&gt;80-100% AMI</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Housing Cost burden greater than 50% of income</td><td>27,590</td><td>8,565</td><td>1,945</td><td>110</td><td>38,210</td><td>4,730</td><td>3,700</td><td>2,990</td><td>1,170</td><td>15,200</td></tr> <tr> <td>Housing cost burden greater than 30% of income</td><td>2,570</td><td>12,865</td><td>14,875</td><td>2,105</td><td>32,415</td><td>1,010</td><td>2,100</td><td>6,140</td><td>4,390</td><td>33,325</td></tr> <tr> <td>Zero/Negative Income</td><td>3,645</td><td>0</td><td>0</td><td>0</td><td>3,645</td><td>554</td><td>0</td><td>0</td><td>0</td><td>554</td></tr> </tbody> </table>	Renter						Owner						0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	Housing Cost burden greater than 50% of income	27,590	8,565	1,945	110	38,210	4,730	3,700	2,990	1,170	15,200	Housing cost burden greater than 30% of income	2,570	12,865	14,875	2,105	32,415	1,010	2,100	6,140	4,390	33,325	Zero/Negative Income	3,645	0	0	0	3,645	554	0	0	0	554
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The Housing Authority of the City of Austin is only able to address a small percentage of the need of affordable housing through its Public Housing and Housing Choice Voucher programs for the extremely low to very low income families in Austin. Thus, the Housing Authority of the City of Austin continues to have a high demand to provide services through its programs to address safe, decent, affordable, and accessible units that are located throughout Austin. The demand for extremely low to low-income assisted housing through the Public Housing and Housing Choice Voucher programs is shown below. The greatest demands for HACA are one-bedroom and two-bedroom units.

### Housing Needs of Families on the Waiting List

Waiting list type: (select one)

- ☒ Section 8 tenant-based assistance (waitlist closed in 2014)  
☐ Public Housing  
☐ Combined Section 8 and Public Housing  
☒ Public Housing Site-Based or sub-jurisdictional waiting list (optional)

If used, identify which development/sub jurisdiction: HACA changed to site based waiting lists in 2016.

Note: The following properties will convert to RAD PBRA Properties in 2016/17: Bouldin Oaks, Georgian Manor, North Loop, Northgate, Coronado Hills, Shadowbend, Manchaca Village and Manchaca II.

	# of families		% of total families		
Waiting list total	PH 15964	HCV 1227	PH	HCV	
Extremely low income <=30% AMI	14256	988	89.3	80.52	
Very low income (>30% but <=50% AMI)	1481	201	9.2	16.38	
Low income (>50% but <80% AMI)	199	35	1.2	2.85	
Families with children	7846	584	49.14	47.60	
Elderly families	409	28	2.5	2.28	
Disabled	4930	279	30.88	22.74	
Single	2488	336	15.58	27.38	
White	8619	425	53.99	34.64	
Asian	325	21	2.03	1.71	
Native Hawaiian/Other Pacific Island	65	5	.40	.41	
Black/African American	6519	757	40.83	61.70	
American Indian/Alaska Native	328	18	2.05	1.47	
Not Assigned	4	1	.03	.08	
Ethnicity-Hispanic or Latino	6083	301	38.10	24.53	
Ethnicity-Not Hispanic or Latino	9877	926	61.87	75.47	



Public Housing Site Based Waiting List as of 10/12/16								
Property	# of Units	Efficiency Waitlist	1 Bedroom Waitlist	2 Bedroom Waitlist	3 Bedroom Waitlist	4 Bedroom Waitlist	5 Bedroom Waitlist	Total for property waitlist
Bouldin Oaks	144	0	561	442	350	164	0	1517
Booker T Washington (Plus 6 scattered site homes)	216	0	479	356	293	117	44	1289
Chalmers Courts	158	0	355	206	145	90	0	796
Coronado Hills	48	0	503	423	426	13	0	1365
Gaston Place	100	0	211	51	0	0	0	262
Georgian Manor	94	0	395	276	234	123	0	1029
Goodrich Place	40	2	378	282	182	91	0	935
Lakeside	164	18	219	58	0	0	0	295
Manchaca II	33	0	411	306	249	112	0	1081
Manchaca Village	33	0	474	399	271	126	36	1306
Meadowbrook	160	0	2	297	193	86	17	595
Northgate (Plus 14 scattered site homes)	50	1	434	396	285	109	36	1261
North Loop	130	0	239	53	0	0	0	292
Rosewood Courts	124	12	259	173	119	69	0	632
Salina	32	12	174	1	0	0	0	187
Santa Rita Courts	97	1	291	184	132	44	17	669
Shadowbend Ridge (Plus 2 scattered site homes)	50	0	409	383	283	109	22	1206
Thurmond Heights	144	0	434	387	275	149	2	1247
<b>TOTAL</b>	<b>1839</b>	<b>46</b>	<b>6228</b>	<b>4673</b>	<b>3437</b>	<b>1402</b>	<b>174</b>	<b>15964</b>

Applicants –Gross and Adjusted Incomes			Applicants and Qualifying Income					
Property	Average Gross Income	Average Adjusted Income	Property	Over Limit for Low Income	Qualifying for Low Income (80% AMI)	Qualifying for Very Low Income (50% AMI)	Qualifying for Extremely Low Income (30% AMI)	Handicapped or Disabled
Booker T Washington (Plus 6 scattered site homes)	8274.36	1860.16	Booker T Washington (Plus 6 scattered site homes)	1	16	111	1161	366
Bouldin Oaks	8639.42	1942.67	Bouldin Oaks	3	24	140	1350	434
Chalmers Courts	7931.81	1598.53	Chalmers Courts	0	5	71	720	253
Coronado Hills	8762.07	1794.52	Coronado Hills	2	28	140	1195	369
Gaston Place	8688.27	2591.42	Gaston Place	0	4	18	240	201
Georgian Manor	8899.67	1740.88	Georgian Manor	2	11	103	913	291
Goodrich Place	8837.89	1827.67	Goodrich Place	2	8	85	840	290
Lakeside	9516.57	2308.92	Lakeside	1	0	28	266	226
Manchaca II	8944.14	1939.73	Manchaca II	3	11	104	963	296
Manchaca Village	9206.20	2056.59	Manchaca Village	4	22	127	1153	359
Meadowbrook	8666.29	1709.67	Meadowbrook	0	6	52	537	92
Northgate (Plus 14 scattered site homes)	8459.44	1620.29	Northgate (Plus 14 scattered site homes)	0	19	130	1112	315
North Loop	9000.12	2144.80	North Loop	0	2	21	269	225
Rosewood Courts	8997.31	1613.39	Rosewood Courts	1	6	57	568	198
Salina	8422.73	1632.19	Salina	0	0	14	173	143
Santa Rita Courts	8595.09	1796.57	Santa Rita Courts	1	4	59	605	213
Shadowbend Ridge (Plus 2 scattered site homes)	9052.18	2154.63	Shadowbend Ridge (Plus 2 scattered site homes)	5	17	109	1075	331
Thurmond Heights	9043.17	1812.51	Thurmond Heights	3	16	112	1116	328
Average for All Waitlists	\$8774.26	\$1896.95	Total Number of Applications	28	199	1481	14,256	4930

## CLOSING OF PROPERTY-SPECIFIC PUBLIC HOUSING WAITING LISTS

Due to high demand for public and affordable housing in the Austin community, the Housing Authority of the City of Austin (HACA) has received a high volume of applications for placement on the public housing waiting list at HACA properties. At a number of these properties, the anticipated waiting time for a unit is expected to exceed 36 months. Due to estimated wait times greater than 36 months, HACA will be closing the following property-specific public housing waiting lists **effective December 15th, 2016 at 5:00 pm CST**:

- Bouldin Oaks – all bedroom sizes
- Coronado Hills – all bedroom sizes
- Georgian Manor – all bedroom sizes
- Goodrich Place – all bedroom sizes
- Northgate – all bedroom sizes
- Manchaca Village – all bedroom sizes
- Manchaca II – all bedroom sizes

- Shadowbend Ridge – all bedroom sizes
- Thurmond Heights – all bedroom sizes
- Booker T. Washington – five bedroom units only
- Meadowbrook – five bedroom units only
- Santa Rita Courts – all bedroom sizes
- Northloop (designated elderly/disabled) – all bedroom sizes
- Gaston Place (designated elderly/disabled) – all bedroom sizes
- Salina (designated elderly/disabled) – all bedroom sizes
- Chalmers Courts – all bedroom sizes
- Rosewood Courts – all bedroom sizes

New applications for these waiting lists will not be accepted while the lists are closed. The following property-specific waiting lists will remain open until further notice and applications will continue to be accepted for:

- Booker T Washington – one, two, three, and four bedroom sizes
- Meadowbrook – two, three and four bedroom sizes
- Lakeside (designated elderly/disabled) – efficiency, one and two bedroom sizes

## **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions**

### **Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

The PHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income new tenants into lower income projects and lower income new tenants into higher income projects. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)]. The income targeting requirement states that at least 40% of all new admissions each year must be extremely low-income families (as defined by HUD).

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) Public Housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or Public Housing funds [24 CFR 903.2(b)].

### **Steps for Implementation [24 CFR 903.2(c)(1)]**

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the PHA must comply with the following steps:

Step 1. The PHA must determine the average income of all families residing in all the PHA's covered developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

#### **HACA Policy**

HACA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

#### **HACA Policy**

HACA will determine the average income of all families residing in each covered development (not adjusting

for unit size) on an annual basis.

Step 3. The PHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Step 4. The PHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the PHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans or added amenities.
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments.
- Establishing a preference for admission of working families in developments below the EIR.
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration.
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives.

A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the PHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

#### HACA Policy

For developments outside the EIR, HACA will take the following actions to provide for deconcentration of poverty and income mixing:

HACA will ensure for the deconcentration of poverty in public housing by admitting new higher income tenants into lower income developments and new lower income tenants into higher income developments. HACA is assisted in this by its new site-based waiting lists. When a development is outside the EIR, HACA will focus on admitting higher or lower income families to help the development get back within the EIR.

It is also the goal of HACA to make housing available to assisted housing tenants in higher income areas than are traditionally available. In furtherance of this goal, HACA will intensify its marketing efforts to promote the participation of housing choice voucher program landlords whose rental properties are in relatively higher income areas.

It is the policy of HACA to utilize mixed-income criteria in the selection of conventional public housing tenants. The purpose of utilizing mixed-income criteria is to provide for the deconcentration of poverty and income-mixing by bringing higher income tenants into lower income developments and lower income tenants into higher income developments. This policy shall not be construed to impose or require any specific income or racial quotas for any development or developments.

When a Public Housing unit becomes vacant in an extremely low to very low income development, such unit will be offered to the first eligible family on the waiting list with a verified income above 30% and lower than 80% of median income, regardless of the applicant's rank on the wait list. This incentive will only be granted to the extent that it does not exceed the income targeting limits. Due to the nature of public housing needs, currently the majority of applicants on the conventional public housing waiting list have extremely low incomes. Therefore, when a conventional public housing unit becomes vacant in any other area other



than those mentioned above, the selection from the waiting list shall be by rank and an incentive is not necessary.

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

#### ***Order of Selection [24 CFR 960.206(e)]***

The PHA system of preferences may select families either according to the date and time of application or by a random selection process.

#### **HACA Policy**

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by HACA.

When selecting applicants from the waiting list, HACA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. HACA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and HACA policy.

#### **Policies that Govern Eligibility, Selection, and Admissions**

##### **[24 CFR §903.7(b)]**

HACA is responsible for ensuring that every individual and family admitted to the Public Housing and Housing Choice Voucher programs meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by HACA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the Public Housing and Housing Choice Voucher programs the applicant family must:

- Qualify as a family as defined by HUD and HACA.
- Have income at or below HUD-specified income limits.
- Qualify on the basis of citizenship or the eligible immigrant status of family members.
- Provide social security number information for family members as required.
- Consent to HACA's collection and use of family information as provided for in HACA-provided consent forms.
- HACA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or HACA.

The policies regarding the Eligibility, Selection and Admissions to both the Public Housing and Housing Choice Voucher programs in their entirety can be found on the HACA webpage: [www.hacanet.org](http://www.hacanet.org).

## SELECTION FOR PUBLIC HOUSING

### 4-III.B. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that HACA will use [24 CFR 960.206 & 24 CFR 982.202(d)].

#### Local Preferences [24 CFR 960.206; ACOP p. 61-63]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits HACA to establish other local preferences, at its discretion. Any local preferences established must be consistent with HACA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

#### HACA Policy for the Public Housing Program

Eligible applicants shall be offered a dwelling unit based on the date and time of application, after taking into consideration the size of the unit and, if applicable, the appropriate local preference.

For purposes of establishing priority, applicants involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive priority over all other local preference, and then other local preferences are weighted equally and each applicant family can be granted a maximum of one local preference at one time.

HACA will use the following local preferences on each of its public housing waiting lists:

**(A) Involuntarily Displaced by HACA Action:** Current HACA public housing families involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units will receive highest priority. This priority will apply to all public housing waiting lists and HACA's Housing Choice Voucher program waiting list. (Note: This preference applies to HACA's housing choice voucher waiting list only.)

**(B) Elderly Preference:** Families in which the head of household, spouse or co-head are age 62 or older are eligible for the Elderly preference.

**(C) Disability Preference:** Families in which the head of household, spouse or co-head meet HUD's definition of disability are eligible for the Disability preference. HACA will give preference to elderly or disabled families.

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

- o Lakeside Apartments
- ~~o Northloop Apartments~~
- ~~o Gaston Place Apartments~~
- o Salina Apartments

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

**(D) Involuntarily Displaced Preference:** Families displaced as a result of natural disaster or government action ~~shall be given~~ are eligible for the Involuntarily Displaced preference. The following documentation will be used to verify displacement status:

- o Certification from a unit of government concerning displacement due to natural disaster; or
- o Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

The displacement must have occurred within six months of requesting the involuntary displacement preference.

HACA is piloting an additional local preference in connection with the Jobs Plus program. As part of this



pilot project, HACA will add an Upward Mobility preference for applicants on the waiting lists for Chalmers Courts and Booker T Washington Terraces. This preference will be weighted equally to the local preferences listed above.

- **Upward Mobility Preference:** Families in which the head of household, spouse, cohead or any other adult family member (does not include live-in aides or other nonfamily household members) who meet at least one of the following eligibility criteria are eligible for the Upward Mobility preference.

- **Employed:** To meet this criteria, the family member must be working at least 20 hours per week.

- **GED Student:** To meet this criteria, the family member must be regularly attending a GED program that meets the standards of the Texas Education Agency or the equivalent in another state; and making progress toward earning their GED; or have completed a GED program within the last 12 months.

- **Higher Education Student:** To meet this criteria, the family member must be enrolled in an institution of higher education (as defined by HUD) and taking at least 6 credit hours; or have graduated from an institution of higher education within the last 12 months.

- **Job Training Participant:** To meet this criteria, the family member must be participating in a formal job training program designed to lead to a higher level of proficiency or to obtain employment; or have graduated from a job training program within the last 12 months.

The pilot project will last for the duration of the Jobs Plus grant program and will be evaluated for possible continuation at these properties and possible expansion to other HACA properties.

## **PART I: EMERGENCY TRANSFERS**

### **12-I.A. OVERVIEW**

HUD categorizes certain situations that require emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the PHA.

In the case of a genuine emergency, it may be unlikely that the PHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the PHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

### **12-I.B. EMERGENCY TRANSFERS**

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR

966.4(h)].

HACA Policy

The following **is are** considered **an** emergency circumstances warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, toxic contamination, serious water leaks, etc.
- A verified incident of domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in section 17-VII.D of the Admissions and Continued Occupancy Policy.

HACA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. HACA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. If an internal transfer to a safe unit is not immediately available, HACA will assist the resident in seeking an external emergency transfer within HACA's PBRA and HCV programs.

HACA has adopted an emergency transfer plan, which is included as Exhibit 17-3 to the Admissions and Continued Occupancy Policy.

## SELECTION FOR HCV ASSISTANCE

### 4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families are selected from the waiting list depends on the selection method chosen by HACA and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

HACA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to HACA's selection policies [24 CFR 982.204(b) and 982.207(e)].

### 4-III.B. SELECTION AND HCV FUNDING SOURCES

#### Special Admissions [24 CFR 982.203]

HUD may award funding for specifically named families living in specified types of units. In these cases, HACA may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. HACA will maintain records showing that such families were admitted with special program funding. HACA will provide special admission to the following:

1. Current HACA public housing families involuntarily displaced because of HACA action involving rehabilitation, demolition or other disposition of dwelling units.
2. Families residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project.
3. Families residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term.

#### Targeted Funding [24 CFR 982.204(e)]

HUD may award HACA funding for a specified category of families on the waiting list. HACA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, HACA may skip families that do not qualify within the targeted funding category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

#### HACA Policy

HACA administers the following types of targeted funding:

Mainstream Vouchers for Persons with Disabilities

VASH – Veterans Affairs for Supportive Housing

Family Unification Program

Non-elderly Disabled

#### **Order of Selection – specified category vouchers**

When HACA resumes voucher issuance after a funding shortfall, HACA will first issue vouchers to specified category vouchers until HACA is assisting the required number of special purpose families.

#### **Regular HCV Funding**

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

#### 4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that HACA will use [24 CFR 960.206 & 24 CFR 982.202(d)].

##### **Local Preferences [CFR 982.207; HCV p. 4-16]**

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits HACA to establish other local preferences, at its discretion. Any local preferences established must be consistent with HACA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

##### HACA Policy for the Housing Choice Voucher Program

Families can claim eligibility for any local preference any time from the date they applied verified once they have been drawn off the waiting list during the interview process. If HACA is unable to verify a preference claim, the family will be placed back on the waiting list without the preference.

HACA will open the waiting list or leave the waiting list open for certain preference groups as needed to meet the preference caps listed below.

1. Non-specified category vouchers will use the following local preferences for purposes of establishing priority. The local preferences are weighted differently, with the higher number representing a higher ranking. Each applicant family can be granted a maximum of one local preference plus the residency preference (if they qualify). Weights for each preference are as follows:

Elderly = 2  
Disabled = 2  
Involuntarily Displaced = 2  
Homeless = 3  
Families with Minor Children = 2  
Residency = 1  
RAD Choice Mobility = 3  
RAD Relocation = 4  
PH Special Accommodation = 3  
FUP Youth = 3  
HACA VAWA Emergency= 5

(A) **Elderly Preference:** HACA will give preference to elderly families. An elderly family is a family in which the head, spouse or co-head is age 62 or older.

(B) **Disabled Preference:** HACA will give preference to disabled families. A disabled family is a family in which the head, spouse or co-head is disabled using the current HUD definition of disability.

(C) **Involuntary Displacement Preference:** HACA will give preference to families displaced as a result of natural disaster or government action. The following documentation will be used to verify displacement status:

- Certification from a unit of government concerning displacement due to natural disaster; or
- Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

The displacement must have occurred within six months of requesting the involuntary displacement preference. Also, HACA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.

(D) **Homeless Preference:** HACA will give preference to homeless applicants. Each fiscal year HACA will give a preference to no more than 100 applicants or 25% of all applicants drawn (whichever is less) meeting all of the following criteria:

a) Meet the HUD definition of homeless. See definitions section at the end of the Administrative Plan.  
b) Are referred to HACA by a coalition of homeless service providers with whom HACA has executed a Memorandum of Understanding (MOU) outlining the provider's responsibilities with respect to the provision of housing search assistance and supportive services for the referred household.

c) Have received a written commitment from the referring homeless service provider for housing search / location assistance.

d) Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and

e) Have received a written commitment from the homeless service provider to offer supportive services to help the household maintain housing and comply with HCV rules.

While a referral from the coalition of homeless service providers is required for this preference, use of the offered supportive services is not a requirement. The choice of the applicant to refuse the offered services will not jeopardize any housing assistance for which they are eligible.

HACA will execute a Memorandum of Understanding with one entity representing a coalition of homeless service providers that will serve as the primary point of contact for communicating homeless referrals to HACA. HACA reserves the right to establish additional MOUs as necessary to ensure that homeless applicants have the opportunity to apply for housing assistance under this preference.

If it is determined that an applicant referred by a homeless service provider, as described above, does not meet the criteria described therein, the applicant will not receive the preference and:

if the applicant was only on the HCV waiting list because of the homeless referral, the applicant will be removed from the HCV waiting list

if the applicant was on the HCV waiting list through the regular application process, the applicant will return to their lottery position on the waiting list without the homeless preference.

If HACA denies an applicant's homeless preference claim, HACA will notify the applicant and referring service provider in writing, including the reason(s) for the preference denial. Applicants have the right to appeal the denial of eligibility for the homeless preference using the established process for informal hearings.

Persons transitioning out of the City of Austin's 1115 Waiver Permanent Supportive Housing Assertive Community Treatment Team program into permanent housing will be included as a priority group as part of this preference. This would require a referral from the current case manager as well as documentation that the family was homeless prior to entering into the current program. This documentation must be provided as part of the referral.

Individuals and families transitioning, or "moving up," from Permanent Supportive Housing (PSH) units will also be included as a priority group as part of this homeless preference. These are persons that were previously homeless prior to entry into a PSH program but who no longer require that level of supportive services. This would require a referral from the current case manager or PSH provider as well as documentation that the family was homeless prior to entering into the PSH unit. This documentation must be provided as part of the referral.

- (E) **Families with Minor Children Preference:** HACA will give preference to families with minor children. A minor child is a child under age 18 who meets HUD and HACA's definition of a family member (See Section 3.I.B for the definition of Family Members).

Minor children of a live in aide do not qualify the family for this preference.

Minor children that are foster children of an authorized adult member of the assisted family do not qualify the family for this preference.

- (F) **Residency Preference:** HACA will give preference to persons who reside in the following Texas Counties: Travis, Hays, Bastrop, Caldwell and Williamson counties. The residency status will be determined at the time



of the eligibility interview. This preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, sexual orientation, religion, disability, or age of any member of an applicant family.

Applicants who are working or who have been notified that they are hired to work in a residency preference area will be treated as residents of the residency preference area with documented proof of employment in the residency preference area. Applicants who are graduates of, or active participants in, education and training programs in a residency preference area are eligible for this preference if the education or training program is designed to prepare individuals for the job market.

- (G) **Rental Assistance Demonstration (RAD) Choice Mobility Preference:** As required by HUD and in accordance with all HUD RAD guidelines, if HACA participates in RAD, HACA will provide a Choice-Mobility option to residents of covered RAD projects in accordance with the following:

*Resident Eligibility.* Residents have a right to move with tenant based rental assistance (e.g. Housing Choice Voucher (HCV)) the later of: (a) 24 months from date of execution of the HAP or (b) 24 months after the move-in date.

*Voucher Inventory Turnover Cap.* Recognizing the limitation on the availability of turnover vouchers from year to year, HACA in any year, will only provide one-third of its turnover vouchers to the residents of covered projects. HACA will establish this voucher inventory turnover cap, and if implemented HACA will create and maintain a waiting list in the order in which the requests from eligible households are received.

*Project Turnover Cap.* Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interests of the property, in any year, HACA will limit the number of Choice-Mobility moves exercised by eligible households to 15 % of the assisted units in the project. HACA will establish this project turnover cap, and if implemented HACA will create and maintain a waiting list in the order in which the requests from eligible households are received.

- (H) **Rental Assistance Demonstration (RAD) Relocation Preference:** HACA may give preference to families that are currently housed in Public Housing properties that are undergoing significant renovation or redevelopment and would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.

- (I) **FUP Youth Preference:** HACA will give preference to FUP youth whose 18 month FUP voucher is expiring and they will lack adequate housing as a result of voucher expiration. To be eligible for this voucher, the FUP Youth must be referred by the Texas Department of Family Protective Services (TDFPS), Lifeworks or another social service agency. The referral must indicate that without continued voucher assistance, the FUP Youth will lack adequate housing. Receipt of this preference is not a guarantee of uninterrupted voucher assistance, as issuance of vouchers is dependent on funding availability.

- (J) **RAD Relocation Preference:** HACA may give preference to families currently housed in Public Housing properties that are undergoing significant renovation or redevelopment through RAD and would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.

- (K) **HACA VAWA Emergency Preference:** HACA will give preference to families living in a HACA owned Public Housing property or Project Based Rental Assistance (PBRA) property, who are victims of domestic violence, dating violence, sexual assault or stalking and meet the eligibility requirements outlined in HACA's VAWA Emergency Transfer Move Plan. Due to the potentially life-threatening nature of a VAWA emergency, this preference is the most heavily weighted preference.

## Financial Resources

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
<b>1. Federal Grants (FY 2017 grants)</b>		
a) Public Housing Operating Fund *excluding RAD Properties for 2017	\$7,097,259	
b) Public Housing Capital Fund	\$1,677,990	
c) HOPE VI Revitalization	-	
d) HOPE VI Demolition	-	
e) Annual Contributions for Section 8 Tenant- Based Assistance	\$46,561,992	
f) Resident Opportunity and Self-Sufficiency Grants	\$486,000	
g) Community Development Block Grant	-	
h) HOME	\$527,000	
Other Federal Grants (list below)		
<b>RAD Properties</b>	*this amount is not finalized	
Continuum of Care Program	\$738,285	
Section 8 Mod-Rehab SRO	\$312,000	
Section 8 FSS Coordinator	\$248,317	
Jobs Plus	\$900,000	
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
Public Housing Capital Fund	\$1,500,000	
Resident Opportunity & Self Sufficiency	\$54,000	
<b>3. Public Housing Dwelling Rental Income</b>	\$3,429,662	
<b>4. Other income (list below)</b>		
Interest	\$50,000	
Other Income	\$500,000	
<b>5. Non-federal sources (list below)</b>		
Component Unit	\$2,500,000	
<b>Total resources</b>	<b>\$66,582,505</b>	

## Rent Determination

### **INCOME AND RENT DETERMINATION**

A family's income determines eligibility for assistance and is also used to calculate the family's rent payment. The PHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations.

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or



annual reexamination effective date; and  
(3) Which are not specifically excluded in paragraph [5.609(c)].  
(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets.

#### **HOUSEHOLD COMPOSITION AND INCOME**

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

<b>Summary of Income Included and Excluded by Person</b>	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(a)(1)].
Head, spouse or co head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse or co head)	Employment income above \$480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included.

#### **Temporarily Absent Family Members**

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

#### **Anticipating Annual Income**

The PHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)].

The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the PHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

PHAs are required to use HUD’s Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

#### **PART I: ASSETS [24 CFR 5.609(b)(3), and 24 CFR 5.603(b) and 24 CFR 960.259]**

On January 22, 2013 HUD issued Notice PIH 2013-03 which granted administrative relief to PHAs by allowing applicant and resident self-certification of assets and the income from assets with a net value of less than \$5000. This administrative relief was temporary and renewed through 2015.

On March 8, 2016, HUD published the Streamlining Rule in the Federal Register. This rule made permanent changes to the way assets were verified, although with modifications to the process outlined in Notice PIH 2013-03.

The approved method to reduce administrative burden and streamline income recertification efforts states the following:

- Applicants must provide full third party verification (i.e. bank statements) at the time of determination of

income eligibility.

- For a resident family with net assets equal to or less than \$5,000, a PHA may accept, for purposes of recertification of income, a family's declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income. However, the PHA must obtain full third-party verification of assets every three years.

The following HACA forms, which are signed by all adult family members, will serve as documentation of the family's self-declaration of asset income, public housing continued occupancy forms, HCV program's Annual Recertification form and How to Report a Change form. If the family has net family assets equal to or less than \$5,000, HACA will not request supporting documentation (e.g. bank statements) from the family to confirm the assets or the amount of income expected to be received from those assets. If the family has net assets in excess of \$5,000, HACA will request supporting documentation (e.g. bank statements) from the family to confirm the assets.

Any assets reported by the family will be reported on the HUD Form 50058.

#### **EARNED INCOME DISALLOWANCE [24 CFR 960.255]**

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time.

#### **PERIODIC PAYMENTS**

##### **Streamlined Income Determination of Fixed Income Sources [24 CFR 960.257]**

On March 8, 2016 HUD published the Streamlining Rule in the Federal Register. According to this rule, for any family member with a fixed source of income, a PHA may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

##### **HACA Policy**

HACA will apply this streamlined income determination for all fixed income sources in the following way:

- HACA will only use the streamlined income determination as part of a reexamination. HACA will require third-party verification of all income for applicants during the admissions process.
- A "family member with a fixed source of income" is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:
  - Social Security, Supplemental Security Income, Supplemental Disability Insurance;
  - Federal, state, local, or private pension plans;
  - Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
  - Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.
- HACA will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. HACA will verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then HACA will obtain third-party verification of income amounts in order to calculate the change in income for the source.
- For any family member whose income is determined pursuant to a streamlined income determination, HACA will obtain third-party verification of all income amounts every 3 years.

##### **PAYMENTS IN LIEU OF EARNINGS**

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum

receipts [24 CFR 5.609(c)(3)].

### **WELFARE ASSISTANCE**

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state or local governments [24 CFR 5.603(b)].

### **PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]**

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

### **Regular Contributions or Gifts**

The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

### **ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME**

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this section include the following:

- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member [24 CFR 5.609(c)(4)]
- The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)].

#### HACA Policy

Regular financial support from parents or guardians to students for food, clothing, personal items and entertainment is not considered student financial assistance and is included in annual income.

- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 05/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:
  - (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
  - (b) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
  - (c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
  - (d) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
  - (e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
  - (f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)) (Effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931).)

- (g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04) (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nations Settlement Act of 1990 (25 U.S.C. 1774f(b))
- (h) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
- (i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under the federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu) For Housing Choice Voucher (Section 8) programs, the exception found in §237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-249) (See Section 6-1.L. for exceptions.)
- (j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- (k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
- (l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
- (m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
- (n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
- (o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
- (p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- (q) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida.
- (r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)
- (s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
- (t) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC)
- (u) Any amount in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002
- (v) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437A) by section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289)
- (w) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under NAHASDA and administered by the Office of Native American Programs
- (x) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F. Supp. 2d 10 (Oct. 5, 2011 D.D.C.), as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291)
- (y) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).
- (z) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013-30.

## **PART II: ADJUSTED INCOME**

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
  - (i) Unreimbursed medical expenses of any elderly family or disabled family;
  - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

### **PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]**

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the PHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128].

The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year.

#### HACA Policy

HACA will deduct child support payments up to \$480 annually, per child, made by any member of the family for the support and maintenance of any child who does not reside in the household. In order to verify payment, such payments must be tendered through an appropriate, governing child support collection entity. Payments must be verifiable by HACA.

## **PART III: CALCULATING RENT**

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the PHA.

### **TTP Formula [24 CFR 5.628]**

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30% of the family's monthly adjusted income (adjusted income is defined in Part II).
- 10% of the family's monthly gross income (annual income, as defined in Part I, divided by 12).
- The welfare rent (in as-paid states only).
- A minimum rent between \$0 and \$50 that is established by the PHA.

The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists.

### **Welfare Rent [24 CFR 5.628]**

HACA Policy

Welfare rent does not apply in this locality.

**Minimum Rent [24 CFR 5.630]**

HACA Policy

The minimum rent for this locality is \$25.

**Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]**

PHAs have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the PHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents and the required flat and minimum rents.

The PHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to PHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

HACA Policy

HACA chooses not to adopt optional changes to income-based rents.

**Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]**

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ GB, p. 135].

HACA Policy

HACA has implemented ceiling rents, which are set at a level equivalent to the flat rent schedule, plus utility allowance, if applicable.

**Utility Reimbursement [24 CFR 960.253(c)(3)]**

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

HACA Policy

HACA will make utility reimbursements to the family.

**PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]**

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the PHA must:

- (1) Subtract the TTP from the PHA-established flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible (family maximum subsidy).
- (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy

- per each family member who is eligible (member maximum subsidy).
- (3) Multiply the member maximum subsidy by the number of eligible family members.
  - (4) Subtract the subsidy calculated in the last step from the PHA-established flat rent applicable to the unit. This is the prorated TTP.
  - (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

#### HACA Policy

Revised Public Housing flat rents will be applied to a family's rent calculation at the first interim or annual reexamination after the revision is adopted. In instances where a mixed family's TTP is higher than the current flat rent amount for the family's bedroom size, HACA will apply the higher TTP for purposes of determining family rent.

### **FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]**

#### **Flat Rents [24 CFR 960.253(b)] (Reference to 6-III.E. in the HACA ACOP)**

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the PHA is the amount the family pays. Changes in family income, expenses or composition will not affect the flat rent amount because it is outside the income-based formula.

Public housing flat rents are needed also used to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status [24 CFR 5.504].

#### **Family Choice in Rents [24 CFR 960.253(a) and (e)]**

Once each year, the PHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The PHA must document that flat rents were offered to families under the methods used to determine flat rents for the PHA.

#### HACA Policy

The annual HACA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

HACA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The PHA must provide sufficient information for families to make an informed choice. This information must include the PHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the PHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

#### **Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]**

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the PHA determines that a financial hardship exists, the PHA must immediately allow the family to switch from flat rent to the income-based rent

#### HACA Policy

Upon determination by HACA that a financial hardship exists, HACA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family or reduction in or loss of earnings or other assistance.
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education or similar items.
- Such other situations determined by the PHA to be appropriate.

#### HACA Policy

HACA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

#### **Establishing Flat Rents** [24 CFR 960.253(b), United States Housing Act of 1937 (42 U.S. Code § 1437a(a)(2)(B)(i), Notice PIH 2014-12 and Notice PIH 2015-13]

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which the PHA could promptly lease the public housing unit after preparation for occupancy. As required by Section 210 of the 2014 Appropriations Act and further amended by the 2015 Appropriations Act, PHAs must ensure that the flat rent is no less than the lower of 80 percent of:

1. the applicable Fair Market Rents established under Section 8(c) of the United States Housing Act of 1937; or
2. at the discretion of the Secretary, such other applicable fair market rental established by the Secretary that the Secretary determines more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area used for purposes of the applicable fair market rental under Section 8(c) of the United States Housing Act of 1937.

Notice PIH 2015-13 further identifies that the Small Area Fair Market Rentals (SAFMR) established by HUD satisfies the criteria identified as the second option. Whether the PHA chooses the FMR or the SAFMR, the flat rent is subject to utility adjustments. PHAs are now required to apply a utility allowance to flat rents. Flat rents at 80 percent of the FMR or SAFMR must be reduced by the amount of the unit's utility allowance, if any. Should the 80 percent threshold increase a family's existing rental payment by more than 35 percent, the new flat rent must be phased in to ensure existing rental payments do not increase by more than 35 percent annually.

#### **Review of Flat Rents**

The PHA must ensure that flat rents continue to mirror market rent values as well as comply with the provisions laid out in the 2014 Appropriations Act and PIH Notice 2014-12. No later than 90 days after HUD publishes new annual FMRs, PHAs must revise flat rents as necessary based on the rent reasonableness analysis and changes to the FMR. The PHA must offer changes to the flat rent to all new admissions and to existing families at the next annual rent option.

If the FMR falls from year to year, the PHA may, but is not required to, lower the flat rent to 80 percent of the current FMR.

#### HACA Policy

HACA will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents continue to mirror market rent values, are no less than 80% of the current applicable Fair Market Rents (FMR) or Small Area Fair Market Rents (SAFMR) and will not cause a family's existing rental payment to increase more than 35%. If the FMR or SAFMR is lower than the previous year, HACA may reduce flat rents to at least 80 percent of the current FMR or SAFMR.

PHAs that determine that reasonable rents would be less than 60 percent of the applicable FMR may choose to request an exception flat rent. In order to demonstrate the need for an exception flat rent, PHAs are required to submit a market analysis methodology that demonstrates the value for the unit. While HUD does not prescribe a particular formula for determining the market analysis, PHAs must compare the public housing unit in the area using the following factors:

- Location, quality, size, unit type, age of the unit, and
- Amenities, housing services, maintenance, and utilities the PHA will provide under the lease.

#### HACA Policy

If HACA determines that reasonable rents would be less than 60 percent of the applicable FMR, the HACA will request an exception flat rent and conduct the market survey.



**Flat Rents and Earned Income Disallowance [A&O FAQs]**

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred. A family currently paying flat rent that previously qualified for the EID while paying income based rent and is currently within their 24 month period would have the 12 months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long

as the employment that is the subject of the exclusion continues, and the 24-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48 24-month lifetime limit expire while the family is paying flat rent.

**Flat Rents and Mixed Families [A&O FAQs]**

Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the *Form HUD-50058 Instruction Booklet*.

**Posting of Flat Rents**HACA Policy

HACA will publicly post the schedule of flat rents in a conspicuous manner in the applicable HACA community's bulletin board as well as at HACA's Central Office.

**Documentation of Flat Rents [24 CFR 960 Interim Rule]**

The PHA is not required to maintain documentation regarding the PHA's methods of determining a unit's flat rent, as the process setting flat rents is now less reliant upon discretionary actions by the PHA, except in the case of exception requests, which require documentation provided by PHAs.

**CHANGES AFFECTING INCOME OR EXPENSES**

Interim reexaminations can be scheduled either because HACA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change.

**Emergency Transfer****Criteria of Substantial Deviation and Significant Amendments**

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

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

\*Addition of non-emergency work items (items not included in the current Annual Statement or 5-Year Action Plan) or changes in use of replacement reserve funds under the Capital Fund in the amount of 20% or more of the annual grant;

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

A substantial deviation may be defined as a loss and/or inadequate funding for a program, reallocation of funding to sustain programs and/or a change in regulatory requirements governing a program, thus requiring the PHA to amend its agency plan.

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 type="checkbox"/>            | <input checked="" 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.
- A voice in what improvements are being brought to each property

In April 2015, HACA received nine (9) Commitments to enter into a Housing Assistance Payments Contract (CHAPs) for the properties listed below under RAD Phase I. Additionally, HACA completed the required RAD Physical Condition Assessments (RPCAs) for each property to determine the amount of capital improvements needed. To continue with the RAD conversion process, HACA submitted Financing Plans to the U.S. Department of Housing and Urban Development (HUD) to include state tax credit applications/modernization plans for eight properties. HACA removed Gaston Place from RAD Phase I conversions. HACA received RAD Conversion Commitment (RCC) for these properties with a tentative closing date of October 31, 2016. All eight properties must be fully converted to become Project Based Rental Assistance properties by 2017.

The Second Phase of RAD will consist of converting the final nine properties and Gaston Place (from RAD Phase I) to Project-Based Rental Assistance. As many of these properties will need extensive rehab, HACA will use different financing mechanisms, e.g. Low Income Housing Tax Credits/Bonds with Low Income Housing Tax Credits/FHA Financing, to provide full modernization. Some properties may require relocation of the residents for an extended period of time to complete all the modernization required. HACA is committed to have a "one for one replacement" and will assess the potential to provide additional affordable housing units at sites where feasible. On May 19, 2016, the HACA Board of Commissioners approved, by resolution, the submission of the Phase II Public Housing applications to the Rental Assistance Demonstration (RAD) Program. This board action allowed HACA to submit applications to the U.S. Department of Housing and Urban Development (HUD) to convert the remaining nine Public Housing properties under the Rental Assistance Demonstration Program: Chalmers Courts (TX1), Rosewood Courts (TX2), Santa Rita Courts (TX3), Meadowbrook Apartments (TX4), Booker T. Washington Terraces (TX5), Lakeside (TX7), Salina Apartments (TX8), Thurmond Heights (TX11), Goodrich (TX13) and Scattered Sites. These applications for the Phase II properties were submitted on July 15, 2016. HACA received the award of the Commitments to enter into a Housing Assistance Payments Contract (CHAPs) for these properties on October 17, 2017.

**Public Housing Developments Approved for RAD Conversion for Phase I**

Property/ PIC ID	Type of Units Pre-RAD and Post-RAD *no change	Change in # Units	# of Units	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Transfer of Assistance / De Minimis Reduction / Unit Configuration	Capital Fund Allocation	Energy Performance Contract **
Gaston Place */ TX001000009	Elderly / Disabled*	None	100	96	4	-	-	-	N/A	\$113,737	\$71,727
Bouldin Oaks / TX001000010	Family*	None	144	54	58	22	10	-	N/A	\$184,734	\$230,260
Georgian Manor / TX001000012	Family*	None	94	38	38	14	4		N/A	\$119,678	\$117,613
North Loop / TX001000015	Elderly / Disabled*	None	130	125	5	-	-	-	N/A	\$146,686	\$144,364
Northgate / TX001000016	Family*	None	50	20	18	8	3	1	N/A	\$72,375	\$65,499
Coronado Hills / TX001000016	Family*	None	48	12	32	4	-	-	N/A	\$69,480	\$62,879
Shadowbend / TX001000017	Family*	None	50	18	20	9	2	1	N/A	\$65,136	\$69,214
Manchaca Village / TX001000017	Family*	None	33	12	12	6	2	1	N/A	\$42,990	\$45,681
Manchaca II / TX001000017	Family*	None	33	12	13	7	1	-	N/A	\$42,990	\$45,681
<b>TOTAL</b>			682	387	200	70	22	3		\$857,806	\$852,918

\*For the (9) nine proposed properties, HACA does not anticipate displacement of any residents or a change in the types or number of units during or after the RAD conversion process.\*Gaston Place removed from RAD PHASE I and placed in RAD Phase II.

\*\* Energy Performance Contract: On October 6, 2016, HUD amended the Energy Performance Contract(EPC) to remove 48.7% of the debt service and \$938,255 in annual energy savings from the EPC starting October 2016 for RAD Phase I properties.

**Public Housing Developments Considered for RAD Conversion for Phase II**

Property/ PIC ID	Type of Units Pre-RAD and Post-RAD	Change in # Units *	# of Units	1 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Transfer of Assistance / De Minimis Reduction / Unit Configuration	Capital Fund Allocation	Energy Performance Contract **
Chalmers Courts / TX001000001	Family	None*	158	0	82	48	18	10	0	*		229,681.46
Rosewood Courts / TX001000002	Family	None*	126	8	48	50	14	6	0	*		171,598.43
Salina/ TX001000008	Elderly / Disabled	None*	32	16	16	0	0	0	0	*		44,283.47
Santa Rita Courts / TX001000003	Family	None*	97	0	15	36	34	10	2	*		190,782.79
Booker T Washington / TX001000005 & six scattered sites	Family	None*	222	0	15	60	108	35	4	*		519,337.55
Lakeside / TX001000007	Elderly / Disabled	None*	164	48	92	23	1	0	0	*	\$290,000	208,183.34
Meadowbrook / TX001000004	Family	None*	160	0	0	100	37	20	3	*	\$140,000	345,849.43



Thurmond Heights /TX001000011	Family	None*	144	0	54	58	22	10	0	*	\$282,000	258,815.27
Goodrich / TX001000013	Family	None*	40	0	16	15	4	5	0	*		64,069.91
Scattered Site Homes / TX001000017/13	Family	None*	2	0	0	0	2	0	0	*		3,203.50
Scattered Site Homes / TX001000016	Family	None*	14	0	0	3	11	0	0			21,487.57
<b>TOTAL</b>			1159	72	338	393	251	96	9		\$712,000	\$2,057,292.40

\*Change in #Units: For the (9) nine proposed properties under RAD Phase II, HACA does anticipate there will be some displacement of residents and a possible change in the types or number of units during or after the RAD conversion process. This may include new additional units to each property as feasible and or a transfer of units to other properties existing in current HACA Public Housing properties or Austin Affordable Housing Corporation's portfolio, a subsidiary of HACA.

### **Conversion Process:**

Upon conversion to RAD, HACA's Capital Fund budget will be reduced by \$857,806 for RAD Phase I and by \$712,000 for RAD Phase II, this is the pro rata share of Public Housing Developments converted as part of the Demonstration. However, with a RAD Conversion, there is a line item for capital improvements. HACA shall establish a reserve fund for replacements (the "Replacement Reserve") to be held by the lender in the amount of \$350 per unit per year. These funds will be used for ongoing capital replacement and repair items to ensure the long term preservation of HACA's properties.

### ***RAD Program Elements Affecting Resident Rights and Participation , Waiting List and Grievance Procedures for PBRA (Note: these requirements have been adopted)***

Under RAD, HACA residents will continue to receive many of the same protections as they currently do under the HACA Public Housing program. These protections include, but are not limited to: 1.) no re-screening of current residents; 2.) same selection criteria and income limits used; 3.) families have the right to return and receive relocation assistance if displaced due to rehabilitation or construction; 4.) resident councils will continue to advocate for residents; 5.) families may stay in an under-occupied unit until an appropriate size unit becomes available; 6.) only current residents on flat rents would possibly see an increase in rent; 7.) grievance and termination policies would remain the same; 8.) current participants of the Family Self-Sufficiency program will continue to be eligible; 9.) current residents who are receiving the Earned Income Disregard (EID) exclusion will continue to receive the exclusion; and 10.) current residents can continue to have pets. Other protections will also apply.

#### **Project Based Rental Assistance Requirements**

(Section 1.7 of PIH Notice 2012-32, REV-2 and the Joint Housing PIH Notice H-2014-09/PIH -2014-17)

#### **Tenant Protections Under Joint PIH Notice H-2014-09/ PIH 2014-17**

##### **1. Right to Return and Relocation**

Any resident that may need to temporarily be relocated to facilitate rehabilitation or construction has the right to return to an assisted unit at the Covered Project once rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance, including, but not limited to, as a result of a change in bedroom distribution, a de minimis reduction of units, the reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery. Where the transfer of assistance to a new site is warranted and approved, residents of the Converting Project will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

#### **Tenant Protections Under Section 1.7.B (PBRA)**

##### **1. No re-screening of tenants upon conversion**

Pursuant to RAD Statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

##### **2. Under-Occupied Unit**

If at the time of conversion, an eligible family assisted under the HAP contract is occupying a unit that is larger than appropriate because of the family's composition, the family will be permitted to continue to occupy the unit until such a time as an appropriate-sized unit becomes available in the Covered Project. When an appropriate

sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized within a reasonable period of time. In order to allow the family to remain in the under-occupied unit until an appropriate sized unit becomes available in the Covered Project, HUD is waiving the portion of 24 CFR § 880.605 that assumes the unit has become under-occupied as the result of a change in family size.

### **3. Phase-in of tenant rent increased**

If resident's monthly rent increases by the greater of 10 percent or \$25.00 purely as a result of conversion, the rent increase will be phased in over 3 years, which a PHA may extend to 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Consolidated and Further Continuing Appropriations Act of 2012 (the Act), as well as 24 CFR § 880.201 (definition of "total tenant payment"), to allow for the phase-in of tenant rent increases. A PHA must set the length of the phase-in period to be three years, five years or a combination depending on circumstances. HACA has set the length of the phase in period to three years.

### **4. FSS and Ross-SC programs**

Public Housing residents that are currently Family Self-Sufficiency (FSS) participants will continue to be eligible for FSS once their housing is converted under RAD. All Project Owners will be required to administer the FSS program in accordance with the requirements of 24 CFR 984, the participants' contracts of participation, and future guidance published by HUD. Project Owners will be allowed to use any funds already granted FSS coordinator salaries until such funds are expended. All Project Owners will be required to provide both service coordinators and payments to the escrow until the end of the Contract Participation for each resident. Upon conversion, already escrowed funds for FSS Participants shall be transferred into the PBRA escrow account and be considered PBRA funds, thus reverting to PBRA if forfeited by the FSS participant. Through waiver in PIH Notice 2012-32 (HA), REV-2, FSS funds awarded in FY14 and prior FSS funds may be used to continue to serve FSS participants living in the units converted under RAD to PBRA. Pursuant to FY 2015 Appropriations Act any FSS funds awarded in FY 2015 (and forward if the provision is extended), may be used to also serve any other PBRA resident, affected by RAD or not.

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

### **5. Resident Participation and Funding**

Residents of Covered Projects with assistance converted to PBRA will have the right to establish and operate a resident organization in accordance with 24CFR Part 245 (Tenant participation in Multifamily Housing Projects). In addition, residents will be eligible for resident participation funding.

### **6. Termination Notification**

Pursuant to RAD Statute, HUD is incorporating additional termination notification requirements to comply with Section 6 of the Act for public housing projects converting assistance under RAD, that supplement notification requirements in regulations at 24 CFR § 880.607 and the Multifamily HUD Model Lease.

#### **a. Termination of Tenancy and Assistance**

The termination procedure for RAD conversions to PBRA will additionally require that Project Owners provide adequate written notice of termination of the lease which shall not be less than:

- i. A reasonable period of time, but not to exceed 30 days:
  - o If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
  - o In the event of any drug-related or violent criminal activity or any felony conviction; or
- ii. 14 days in the case of nonpayment of rent.

#### **b. Termination of Assistance**

In all other cases, the requirement at 24 CFR § 880.603, the Multifamily HUD Model Lease, and any other HUD multifamily administrative guidance shall apply.

### **7. Grievance Process**

Due to the requirements in the RAD statute, HUD is incorporating resident procedural rights to comply with the requirements of Section 6 of the Act. In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project paid-utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances), HUD requires that:

- a. Residents be provided with notice of the specific grounds of the Project Owner's proposed adverse action, as well as their right to an informal hearing with the Project Owner;
- b. Residents have the opportunity for an informal hearing with an impartial member of the Project Owner's

- staff within a reasonable period of time;
- c. Residents have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the Project Owner as the basis for the adverse action. With reasonable notice to the Project Owner, prior to the hearing and at the resident's own cost, residents may copy any documents or records related to the proposed adverse action; and
  - d. Project Owners provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action and the evidence the Project Owner relied on as the basis for the adverse action.

The Project Owner will be bound by decisions from these hearings, except if the:

- a. Hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing.
- b. Decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

If the Project Owner determines that it is not bound by a hearing decision, the Project Owner must promptly notify the resident of this determination, and of the reasons for the determination.

#### **8. Earned Income Disregard**

Tenants who are employed and are currently receiving the EID exclusion at the time of the conversion will continue to receive the EID exclusion after conversion, in accordance with the regulations at 24 CFR § 960.255. After conversion, no other tenants will be eligible to receive the EID. If a tenant receiving the EID exclusion undergoes a break in employment, ceases to use the EID exclusion, or the EID exclusion expires in accordance with 24 CFR § 960.255, the tenant will no longer receive the EID exclusion and the Owner will no longer be subject to the provisions of 24 CFR § 960.255. Furthermore, tenants whose EID ceases or expires after conversion shall not be subject to the rent phase-in provision, as described in Section 1.7.B3; instead, the rent will automatically be adjusted to the appropriate rent level based upon tenant income at that time.

#### **9. Jobs Plus (HACA was awarded a Jobs Plus Grant in 2016 with an ending date of 2020.)**

Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target project(s) under RAD will be able to finish out their Jobs Plus grant at that site unless significant relocation and/or change in the building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at HUD's discretion, choose to end the Jobs Plus program at the project. If the program is continued, the Project Owner must agree to continue to implement the program according to HUD's program requirements.

#### **10. When Total Tenant Payment Exceeds Gross Rent**

Under the PBRA program, assisted families are responsible for paying 30% of adjusted gross income towards rent and utilities, referred to as Total Tenant Payment (TTP). Under normal PBRA rules, a Project Owner must process a termination of assistance pursuant to section 8-5C of Housing Handbook 4530.3, REV-1 when the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e. Gross Rent). In addition, section 8-6A.1 provides that, when terminating a tenant's assistance, the owner is to increase the tenant rent to the contract rent (assuming that the tenant does not receive the benefits of any other type of subsidy).

For residents in place at the time of conversion to PBRA, as well as for new admissions, however, when TTP exceeds the contract rent plus any utility allowance, the Project Owner must refrain from processing a termination of assistance and must charge a tenant rent that is 30% of the household adjusted income, less the utility allowance in the contract. To this end, HUD is waiving sections 8-5 C and 8-6 A.1 of Housing Handbook 4530.3, REV-1. In such cases, the tenant will still be considered a Section 8 tenant and will still have the rights and be subject to the requirements of Section 8 tenants: Tenants will retain all the rights under the Model Lease, including the right to occupy the unit, as well as those provided through this Notice, and tenants will still be subject to the Section 8 tenants, including the requirements concerning reexamination of family income and composition found in 24 CFR § 5.657 and 880.603(c). Owners are not required use the Enterprise Income Verification (EIV) system for such families. Assistance may be subsequently may be reinstated if the Tenant becomes eligible for assistance. In the event that the tenant moves out, the Project Owner must select an applicant from the waiting list who meets the applicable income limits for the project.

The Project Owner is not required to process these individuals through Multifamily Housing's Tenant Rental Assistance Certification System (TRACS). All normal actions for the contract rent shall continue for these units,

including application of the Operating Cost Adjustment Factor (OCAF) adjustment to the contract rent indicated in the HAP contract-since the OCAF adjusted rent will still be in effect whenever the unit is occupied by a family eligible for rental assistance.

#### **Tenant Protections Under Section 1.7.C (PBRA)**

##### **1. Establishment of Waiting List**

The Project Owner can utilize a project-specific or community waiting list. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:

- i. Transferring an existing site-based waiting list to a new site-based waiting list. If the PHA is transferring the assistance to another neighborhood, the PHA must notify applicants on the wait-list of transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.
- ii. Informing applicants on the site-based waiting list on how to apply for a community-wide waiting list.
- iii. Informing applicants on a public housing community-wide list on how to apply for a new community-wide or site-based waiting list. If using a site-based waiting list, PHAs shall establish a waiting list in accordance to 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure the applicants on the PHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. In both cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list, given the number of applicants, PHA resources, and admission requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing, advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's public housing community-wide waiting list who wish to be placed on the newly established site-based waiting list must be placed in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and the obligation to provide meaningful access for persons with limited English proficiency (LEP).

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 880.603 regarding selection and admission of assisted tenants. However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR § 880.603.

##### **2. Choice Mobility**

HUD seeks to provide all residents of Covered Projects with viable Choice-Mobility options. PHAs that are applying to convert the assistance of a project to PBRA are required to provide a Choice-Mobility option to residents of Covered Projects in accordance with the following:

- i. Resident Eligibility. Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV) the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- ii. Voucher Inventory Turnover Cap. Recognizing the limitation on the availability of turnover vouchers from year to year, a voucher agency would not be required, in any year, to provide more than one-third of its turnover vouchers to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.
- iii. Project Turnover Cap. Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interests of the property, in any year, a PHA may



limit the number of Choice-Mobility moves exercised by eligible households to 15% of the assisted units in the project. While a voucher agency is not required to establish a project turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.

HUD's goal is to have all residents in the Demonstration offered a Choice-Mobility option within a reasonable time after conversion. However, as HUD recognizes that not all PHAs will have vouchers sufficient to support this effort, HUD will take the following actions:

- Provide voucher agencies that make such a commitment bonus points provided under the Section Eight Management Assessment Program (SEMAP) for deconcentration.
- Grant a good-cause exemption from the Choice-Mobility Requirement for no more than 10% of units in the Demonstration. HUD will consider requests for good-cause exemptions only from the following types of PHAs:
  - Public housing-only agencies, defined as agencies that own units under a public housing ACC, but do not administer, directly or through an affiliate, a Housing Choice Voucher program; or
  - Combined agencies that currently have more than one-third of their turnover vouchers set-aside for veterans, as defined for the purpose of HUD-VASH, or homeless populations, as defined by 24 CFR § 91.5. To be eligible for this exemption, the PHA's admission policies must have been formally approved by the PHA's board prior to time of application. See Attachment -Choice Mobility Policy

Separate from the RAD required Choice Mobility, HACA may also give a preference on the Housing Choice Voucher Program waiting list to residents at RAD properties undergoing significant renovation or redevelopment that would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.

### **Project-Based Vouchers**

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its voucher program budget authority and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

HACA may operate a project-based voucher program that utilizes up to 200 tenant based vouchers. By project-basing some vouchers, HACA can offer greater choice to program participants. Project-based vouchers provide opportunities for greater resident services designed to help low-income individuals improve their quality of life through education, workforce development, and improved health and wellness.

HACA may decide to project-base vouchers above the 200 voucher limit (but no more than 20 percent of its voucher program budget authority), if HUD publishes a notice making available PBV for HUD-VASH vouchers or for other PBV special purpose vouchers or for a project that would provide affordable housing for low-income or homeless veterans.

For the entire policy on project-based vouchers, please refer to the Section 8 Administrative Plan, Chapter 17, located on the HACA website: [www.hacanet.org](http://www.hacanet.org).

### **Units with Approved Vacancies for Modernization**

HACA currently has 40 units off-line for Phase III of the modernization of Thurmond Heights (TX11). HACA is currently working with HUD for the approval to take the final 42 units off-line to complete the extensive renovation at the property. Scope of work includes, but is not limited to, improved floor plans for better functionality of units, with

	<p>adjusted kitchen cabinet layouts, relocating washer/dryer connections, adding cabinets, ceramic tile floors, new/upgraded trim and case work, utilizing tank-less water heaters, for improved efficiencies, all new insulation, replacing &amp; upgrading elec. wiring systems for higher capacity, exterior siding replacements and full exterior re painting, and other modernization facets. Units are also being retrofit with new, central HVAC systems that include high efficiency air conditioning.</p> <p><b><u>Emergency Safety and Security Grants</u></b></p> <p>Awarded June 23, 2016: HACA received \$248,569 through the 2016 Capital Fund Emergency Safety and Security Program to provide increased security measures at its Thurmond Heights property. This year's grant will provided much needed security fencing to deter trespassing, loitering and drug activity at the Thurmond Heights property, increase cameras focused on the management office and community room that have suffered multiple break-ins, and provide additional lighting to include higher and brighter lights across the property. An initial meeting was held on July 26, 2016 to discuss planning and implementation of the Safety and Security Grant.</p>
B.3	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p><b>5-Year Plan Goals and Objectives.</b></p> <p><b>We are committed to Affordable Housing:</b> We will revitalize our public housing assets, seek additional rental assistance vouchers, and advance innovative affordable housing solutions.</p> <ul style="list-style-type: none"> <li>• <b>Obtain additional rental assistance vouchers</b></li> <li>• <b>Revitalize HACA's 19 public housing sites</b></li> <li>• <b>Increase the number of affordable housing units</b></li> <li>• <b>Improve collaboration with community and national partners</b></li> <li>• <b>Increase the number of HACA residents who reach homeownership</b></li> </ul> <p>HACA currently administers 449 VASH (Veterans Affairs Supportive Housing) vouchers.</p> <p>HACA is currently completing PHASE II of an Energy Performance Contract for nine public housing developments totaling nearly 1,000 units. This work includes the installation of new centralized heating, ventilation and air conditioning (HVAC) systems, Energy Star windows, upgraded electrical panels, new bathroom vents and insulation.</p> <p>Austin Affordable Housing Corporation, a nonprofit subsidiary of HACA, currently provides over 2,400 additional affordable housing units in Austin, helping to meet our community's need for additional affordable housing opportunity. AAHC has in its construction pipeline another 884 units to be completed by the end of 2018.</p> <p>HACA has partnered with Google Fiber, Austin Free Net, Rackspace, Austin Community College and many other community partners and funders to launch Unlocking the Connection, a first of its kind digital inclusion program that offers free Internet access, computer training and computers to all HACA public housing residents. This nationally recognized program served as the model for the White House initiative, ConnectHome, which aims to connect 275,000 low-income households and nearly 200,000 children.</p> <p><b>Unlocking the Connection Phase I</b> - Computers are earned by residents who complete at least 80 percent of digital literacy classes – from 32 to 60 hours of instruction. The innovative feature of HACA's program is each individual who earns a device is trained on how to use the device and received Internet access. About 30 Section 8 households have earned refurbished computers.</p> <p>In September 2016, HACA closed on its 100<sup>th</sup> homeowner through its \$10,000 down payment assistance program administered by Austin Affordable Housing Corporation.</p> <p><b>We are committed to Resident Self Sufficiency and Quality of Life:</b> We will promote individual responsibility and high expectations, and foster results-based community partnerships and</p>

programs focused on workforce development, wellness, safety and education.

#### **Workforce Development**

- **Public Housing residents will participate in job training and be placed in jobs.**
- **Public Housing residents will participate in educational opportunities focused on employment.**
- **Public Housing residents will participate in educational opportunities.**
- **Public Housing residents will obtain training on financial literacy.**
- **Coordinate other services for Public Housing residents that will lead to self-sufficiency.**
- **Coordinate services for the Housing Choice Voucher residents that will lead to self-sufficiency.**
- **Improve the employment skills and education level of Public Housing residents.**

#### **Earn A Device**

A critical component of Unlocking the Connection is access to a computer device. Austin Community College has committed to donating its retired devices to this initiative for all Public Housing residents who enroll in the "Earn a Device" program. This program provides residents an opportunity to earn a free refurbished computer upon completion of digital literacy education. In August, 2016, about 70 HACA households are expected to complete digital literacy training. Over 502 earned devices have been deployed since March 2015.

#### **Child Inc./Mainspring School:**

HACA is partnering with Child Inc. and Mainspring School to provide Early Head start programming to HACA children age infant to 3 years. Child Inc. provides the federal Head Start grant; Mainspring Schools provides the teachers and curriculum and HACA provides the renovated building at Meadowbrook that was the former property management office. Thirty-two new children will be served per year with this program. With the building grand opening held on April 21, 2016, the program became fully operational and opened its doors on June 6th. Currently, all 16 slots in the new Early Head Start Classrooms have been filled, with 75% of them filled by HACA children. Mainspring has surpassed its current target of 70% (22 of 32) of slots filled with HACA children within the first six months, and hopes to maintain this ratio as families transition in and out of the program. Three newly enrolled Early Head Start participants also have siblings recently enrolled in Mainspring Schools preschool program, through HACA's childcare voucher system, allowing significant support for these families to maintain employment and work toward self-sufficiency.

#### **Jobs Plus Pilot Program- Booker T Washington and Chalmers Courts**

The Jobs Plus ATX program was established by a \$2.7 million grant from HUD, and will expand job opportunities to residents at Chalmers Courts and Booker T. Washington. This is the largest competitive grant HACA has ever received for resident services. The Jobs Plus Pilot Program kicked off on July 1, 2016 with a celebration at Chalmers Courts. Special guests included community partners working collaboratively as part of the Jobs Plus program: Workforce Solutions Capital Area, the African American Youth Harvest Foundation, Austin Area Urban League, Austin Community College, BiG Austin, Capital IDEA, Economic Growth Business Incubator, Goodwill of Central Texas, Literacy Coalition, and Skillpoint Alliance. Many BTW and Chalmers residents attended and learned about the employment and training services available to them through Jobs Plus partners. Residents also learn about the financial benefits available under Jobs Plus – residents who go to work will not see their rent increase (from earned income) during the 4 years of the grant.

#### **Skillpoint Alliance:**

Skillpoint Alliance provides computer and workforce development training to help residents prepare for successful employment. HACA engages with Skillpoint Alliance to provide the Empower Computer Literacy and Gateway Programs.

- Gateway classes had been held at the Allen Training Center in Montopolis, where Skillpoint Alliance moved many of its rapid employment and workforce development training programs. Interested HACA participants were provided bus passes and other supports to attend these trainings as needed. A Certified Nurse Aide (CNA) class was held at FETC in June as space was unavailable at Allen Elementary. Based on space availability, Skillpoint will begin bringing back Gateway Programs to HACA sites in October or November 2016.
- The Empower Program was reignited in July 2016, as part of the multi-gen computer literacy training program for HACA adults and children. The program offers Empower intermediate computer training coupled with concurrent STEM and digital literacy programming for youth, and was hosted at Meadowbrook and Booker T. Washington. There was strong and fair attendance at Booker T. Washington and

Meadowbrook, respectively. Another Empower class will not be offered at HACA until the new year, as Skillpoint undergoes a number of staff transitions.

#### **Skillpoint STEM and “Multi-gen” Computer Training**

Summer STEM Innovation Camps began at HACA on June 13, 2016, with Rosewood Courts hosting the first camp. Camps were also offered at Shadowbend and Northgate during the month of June. July camps included Santa Rita, Georgian Manor and Booker T. Washington. Funded through a second annual grant to HACA from the KDK Harman Foundation, the camps served youth ages 6 – 15. This year’s camps include three camps each focused on Zombie BioMed and Wearable Technology, respectively. Three HACA high school students served as co-facilitators for the camps, earning a stipend while gaining beneficial job and communication skills. This model was effective in supporting successful STEM camps in the summer of 2015 and continued to prove successful this summer. HACA hopes that the success of its STEM Summer Camps provided by Skillpoint Alliance over the past two summers will continue to attract funding for future programming.

As part of the digital inclusion initiative, Skillpoint Alliance also planned a short-term multi-generation digital literacy immersion training for parents and their young children during the summer. Parents with children ages 3-12 were able to engage in computer training for two-weeks while their children concurrently engaged in STEM activities. This allowed parents to learn critical computer literacy skills without needing to find childcare. Multi-gen classes began on July 5, 2016 at Booker T. Washington and were extremely successful – with a total of 20 families participating (over 50 individuals total including adults and youth) and 18 parents completing the Empower Computer Training Program. The second cohort of multi-gen program participants began on July 18, 2016 at Meadowbrook’s Flores Education and Training Center.

#### **Lab Apprentice Program - LAP**

Begun in September 2015, the LAP program offers computer lab assistance and support at the North Loop, Meadowbrook and Booker T. Washington computer labs, through the use of paid apprentices who have receive foundational and ongoing monthly training in digital skills and computer lab monitoring. The Lab Apprentice Program is an opportunity for residents to build their technology skills and confidence, to support and train fellow residents, to assist their community, and to support skill-building and potential employment amongst themselves and their peers. In April 2016, through a second GTOPs grant awarded by the City of Austin, funding was awarded for the expansion of the LAP program to HACA’s Lakeside and Gaston Place properties beginning in September 2016. The expansion will increase the number of LAP apprentices from 14 to 18, and will ultimately provide 500+ hours of support to residents per month at the five noted properties. An open application process for new LAP apprentices is set to begin in September 2016, for residents in good standing and who have met the prerequisite of completing a digital inclusion program and have the capacity to attend monthly training with Skillpoint Alliance.

#### **Goodwill Industries:**

HACA currently contracts with Goodwill for one full-time Career Navigator who maintains office hours at the Job Source Center at Rosewood, as well as at Meadowbrook and Georgian Manor. A new supervisor was assigned to the HACA contract, and a reorganization of staff and services occurred during the first few months of 2016. Goodwill was awarded funds through HACA’s Workforce Development Continuum RFP to provide services to residents from April 2016 through March 2017, and is a key partner in HACA’s Jobs Plus initiative. A new Career Navigator was hired to work with HACA residents in July, and replaces a staff member who left Goodwill to become part of the HACA Jobs Plus team. The new Career Navigator began performing full duties in August. These numbers reflect an adjusted transition caseload.

#### **Austin Community College(ACC):**

ACC services are being offered for 2016-2017 at five HACA locations. HACA’s new Adult Education contact at ACC has shared that other standardized tests will be offered to adults in 2017 for high school equivalency from various providers; these are different than the current GED (General Education Diploma) exams that have long been the standard. These tests, referred to as HSE or High School Equivalency tests, will be discussed more with HACA staff so that they have a better understanding of how to market services to residents and help them choose the option to meet their needs. ACC began providing classes at HACA properties during the last week of August, offering High School Equivalency Level 1 at Thurmond Heights, Levels 2 and 3 at Georgian Manor, and ESL classes at Meadowbrook.

### **Education**

- **Public Housing residents will reach their full educational potential. Certifications that improve employability will be obtained.**
- **Children will participate in case management in school and after school programming.**
- **Children will participate in after school enrichment programming.**
- **Students in higher education will participate in supportive services.**
- **Students will receive scholarships to assist with the cost of higher education.**
- **Parents will participate in parenting classes.**
- **Children will receive high scores on their report cards.**

### **Scholarships**

In 2016, HACA and its nonprofit subsidiary, Austin Pathways, awarded 56 renewable scholarships totaling \$87,250 to residents of its Public Housing and Housing Choice Voucher programs to pursue post-secondary education opportunities at local institutions of higher education. Since 2001, over \$1 million in scholarships have been awarded to low-income students.

### **YES! Incentive Program:**

HACA provides a \$15 gift card as an award to HACA youth who have achieved A/B honor roll and/or perfect attendance for each nine-week grading period. This year, HACA staff rewarded 129 youth who achieved A/B honor roll or perfect attendance for the entire school year day with an end of the year incentive trip to Main Event Entertainment Complex to celebrate their academic achievements.

### **Creative Action Program:**

Creative Action provides afterschool and Saturday arts programming at Santa Rita through a grant provided by the City of Austin to serve the Holly Street neighborhood. Youth ages 6-13 engage in arts activities while working individually and cooperatively on social and emotional skills with the guidance of skilled teaching artists. A contract has been negotiated with Creative Action, under HACA Youth Leadership and Service RFP, to provide additional programming to young men and women through weekend and camp activities that will begin in October/November 2016. Summer programming at Santa Rita, which Creative Action has provided at no cost to HACA for the past three years.

### **Boys & Girls Club Programs:**

The Boys & Girls Club provides on-site, off-site, afterschool, school break and summer activities for HACA youth. Programs include educational, cultural, drug-prevention, technology and recreational activities at the clubs throughout the year. HACA's Thurmond Heights, Chalmers Courts and Meadowbrook clubs serve HACA youth ages 5-18, with approximately 400 youth (+/- 10) participating across the three HACA clubs and the community-based East Austin club adjacent to BTW. More pointed skill-building, technology and sports programming will begin in September 2016.

### **Communities in Schools (CIS) Compass to College:**

CIS staff at Travis and Eastside Memorial High Schools assists HACA high school students with career exploration, college tours, testing, financial aid applications and scholarship applications through Compass to College (C2C). The program was recognized with an Award of Excellence at the National NAHRO conference in October 2015. All five of the Senior C2C participants that graduated in June 2016, were accepted into at least one college. Four have enrolled for the fall and have begun classes, while one is currently seeking employment. With school having just begun on August 22<sup>nd</sup>, CIS is currently finishing planning for the 2016-17 Compass to College program and will re-ignite programming during mid-to-late September.

### **CIS School-Based Case Management:**

CIS provides school-based case management to HACA youth who live at Rosewood, BTW, Chalmers, Santa Rita, Meadowbrook and Bouldin Oaks; Elementary school sites include Oak Springs, Zavala, Becker and Dawson; Middle school sites include Kealing and Fulmore; Travis High is the only High School site. Per the CIS Annual Report, submitted on August 15, 2016, there were 249 elementary, 66 middle and 30 high school aged that received regular and ongoing school based case management services throughout the school year – though 364 students were served in total, year-to-date. Summer brought a number of CIS Camps to HACA elementary school aged youth and museum and other educational outings to middle and high school aged youth.

**CIS SmartKids Tutoring Program:**

CIS SmartKids provides afterschool tutoring and enrichment activities at four HACA sites: BTW and Santa Rita (also serving Chalmers youth) – each four times per week, and Meadowbrook and Bouldin Oaks – each twice per week. During the duration of the school year, there were approximately 241 HACA youth that attended SmartKids, with 160 qualifying as “participants” by having attended the program ten times or more. The SmartKids Afterschool Tutoring program, which is part of the larger continuum of CIS services and works to complement CIS in-school Case Management and programming, ended on June 2, 2016 with the end of the school year. For SmartKids participants:

- 97% demonstrated improvement in at least one or more areas (academics, behavior, attendance).
- 71% identified with attendance needs demonstrated improvement in attendance.
- 86% identified with behavior needs demonstrated improvement in behavior.

**Fatherhood Initiative:**

I-DADS identifies fathers and father figures living on and/or frequently visiting HACA properties, and provides connections to job search, education, mentorship and resources for building healthy relationships. An overarching goal of the program is to provide support to fathers or important male figures who may have been absent from their children’s lives for some time, but who are making efforts to reengage with their children and their children’s mother, to receive the resources necessary to do that. With only one program cohort in 2015, serving as a pilot, the Community Development team began to roll out this program to other HACA properties in April 2016.

A second I-DADS cohort was conducted at Santa Rita Courts beginning in mid-April 2016, with 12 men participating in orientation and five social service/educational organizations present. Once a week support groups began in May, facilitated by Isaac Rowe, the founder of the Man in Me program. Another I-DADS cohort began at Chalmers Courts in late August in an effort to build on the momentum of the Jobs Plus initiative. ACC, AAUL, Beacon Workforce, Capital IDEA, Goodwill, Project Hope - Father Initiative and Skillpoint Alliance participated in the orientation.

**Elderly/Safety**

- Senior Residents will participate in supportive services.
- Provide health service screening and education to vulnerable populations.
- Ensure for close relationship with the Austin Police Department.
- Ensure all public housing properties have HACA-paid patrols by peace officers at Public Housing sites.
- Ensure all public housing properties have a safety initiative.
- Provide HIV/AIDS education.

**SENIOR WELLNESS / AGING IN PLACE PROGRAM HIGHLIGHTS:**

HACA’s Elders Living Well program, in partnership with Family Eldercare, continues to promote a community in which older adults are active and engaged and the barriers to aging in place are proactively addressed. On-site Service Coordinators provide services that include: needs assessment, service coordination, case management, educational seminars, benefits counseling, and referral to evidence-based practices at each of HACA’s Elderly/Disabled designated properties.

Services are maintained through HACA funding, as well as City of Austin Social Service and St. David’s Foundation grants to Family Eldercare. Funds through the most recently awarded City of Austin grant became available in October 2015, allowing some previous evidence-based programs, wellness, exercise and socialization activities to be resumed at the properties – including brain boosters, creative writing classes, medication management training, and low-impact exercise. Family Eldercare’s most recent contract amendment with HACA includes additional HACA funds to support the maintenance of three full time Service Coordinators (combined with Family Eldercare’s aforementioned grants). Currently, Family Eldercare plays 57% of the cost for the three Service Coordinators for HACA residents and HACA pays 43%. The smallest of the HACA elderly/disabled designated properties, Salina has received less ongoing programming than the other participating properties, though individual service coordination has still been offered. In August of 2016, an art class began at Salina for service coordination participants.

**CommUnity Care Health Clinic**

A full service “Mobile” health care clinic continues to be held at the Flores Education and Training Center at Meadowbrook. On average, 15 – 18 HACA residents are seen across the two clinics provided each month, in addition to approximately another 30 local community members.

**Central Texas Food Bank (CTFB) – Summer Lunch Program**

For the fourth year in a row, HACA has partnered with the Central Texas Food Bank (formerly the Capital Area Food

Bank) to participate in the USDA's Summer Lunch Program. With eight HACA residents from a variety of properties employed as lunch monitors and receiving a monthly stipend for program and site oversight and reporting, HACA has been able to offer this program at eight of its family properties.

#### **Read and Feed Program**

HACA also partnered with BookSpring this summer to offer a rotating Read and Feed program that visited three of the eight properties each Friday to read books with the participating youth. BookSpring volunteers read to the large group and in smaller age appropriate groups, and offered gently used books for the children to keep as well as new books that HACA has secured through the First Book program. This new collaboration was successful and HACA hopes to continue it in the future. The last week of the Summer Food Program, BookSpring completed a photo activity with participating youth to provide a keepsake in addition to the books that they were provided. Facebook and Twitter posts showed the volunteers reading with the youth and enjoying lunch together.

#### **Any Baby Can:**

Any Baby Can (ABC) provides parenting and leadership opportunities to HACA residents and their children. Using an evidenced-based curriculum, 6-week classes meet two times per week at selected properties. The properties include: Booker T. Washington, Meadowbrook, Georgian Manor, Thurmond Heights, Santa Rita, Chalmers and Rosewood Courts. Any Baby Can's current cohorts of parenting classes, which began at the very end of August and will continue through November, are being held at Thurmond Heights and Georgian Manor in the daytime and evening respectively. On average ten parents participate in parenting classes at each site, with 8 - 10 children participating in family development activities. Currently there are six families enrolled at Georgian Manor and nine families enrolled at Thurmond Heights.

#### **Huston-Tillotson Collaboration**

Through a recent Memorandum of Agreement with Huston-Tillotson University (HT), HT is providing outreach, education and prevention tools for substance abuse and HIV to 18-24 year olds at HACA's east Austin properties. De-identified resident information was provided to HT to allow them to conduct targeted outreach to households with members in this age group. HT's goal is to provide education and prevention mechanisms to support in this targeted age group from engaging in risky behaviors. Groups and services are offered to those that are interested. HT staff has been marketing the program at Resident Council meetings and attended the Jobs Plus kick-off event. HACA looks forward to continuing to strengthen its partnership with HT, who has also offered presentations on the new community health center on campus. To date, outreach has gone well, and HT has recruited a few program participants for its prevention program.

#### **Austin Police Department:**

HACA contracts with the Austin Police Department one full-time officer to serve as a community liaison for all HACA programs. Currently, HACA contracts 47 officers to patrol its public housing properties and to maintain public safety.

#### **Resident Safety Meetings:**

Public Housing resident councils and the Citywide Advisory Board meet on a monthly basis to voice safety concerns. These meetings are also attended by HACA staff and APD's police liaison who provide input and proactively address the needs of the residents.

#### **National Night Out**

For 16 years, HACA has participated and hosted National Night Out at many of its Public Housing properties. National Night Out is designed to heighten crime and drug prevention awareness; generate support and participation in crime efforts; and strengthen neighborhood spirit and police community relations.

#### **Smoke-Free Public Housing**

HACA implemented a smoke-free public housing policy effective **September 1, 2015** that prohibits smoking all forms of tobacco, including e-cigarettes, within public housing units and common area and celebrated one year of resident success stories at the October 2016 Citywide Advisory Board meeting. HACA will follow the guidelines provided by the U.S. Department of Housing and Urban Development (HUD) Public and Indian Housing (PIH) Notice 2012-25 and continue with the Smoke-Free Policies in Public Housing.

**We are committed to Exceptional Service:**

We will ensure a resident, partner and customer focused environment where all are treated with dignity and respect.

- **Improve customer service to residents, partners and other customers.**
- **Increase opportunities for staff to better understand the people we serve.**
- **Improve communication and collaboration with partners.**

**Customer Survey**

Since 2004, HACA has annually conducted a customer survey for all Public Housing residents, Section 8 clients, Section 8 landlords and agency vendors. For 2016, HACA increased its customer satisfaction score from 82% to 83.3%. HACA values input from our customers and clients, as well as vendors, to improve our operations and services.

**Employee Volunteer Opportunities**

HACA encourages all full-time employees to participate in agency-related and agency-promoted volunteer opportunities during working hours. Employees may volunteer up to eight (8) hours per month.

**Partner Communication**

HACA seeks the input of many partners to be successful. HACA sought partner collaboration for the recent opening of the Housing Choice Voucher waitlist and continued collaboration on digital inclusion.

**We are committed to Employee Engagement:**

We will invest in our staff, ensure accountability and effective communication, and promote an innovative, healthy and safe work environment, with training and leadership development opportunities.

- **Increase methods to communicate with employees.**
- **Decrease the number of employee accidents.**
- **Increase staff tenure.**
- **Decrease health insurance utilization rate.**
- **Increase leadership/professional growth opportunities.**

HACA's communication to employees has expanded from a monthly newsletter to weekly electronic updates, a "Week in Review," and instantaneous postings on social media, i.e. Facebook, Twitter. HACA is in the process of redesigning its current website.

**Safety:**

Monthly safety meetings are held to address current safety issues. Each October, an annual driver safety awareness class is provided to all staff to reduce the number of HACA vehicle accidents. HACA has engaged with the Austin Police Department to provide active shooter/terroristic threat training for all employees and is in the process of finalizing its revised Emergency Action Plan.

**Staff Tenure:**

HACA currently has 239 employees and is budgeted for 230 employees. The average length of employment at HACA is 6.91 years a drop from 7.5 years in 2015. All HACA employees participate in a 401(a) defined contribution plan. Employees are vested at the rate of 20% per year and are fully vested after 5 years.

**Health Insurance Utilization Rate**

HACA holds on an annual basis a Biometric screening for all employees and on-site flu shots. HACA encourages all employees to take advantage of various health programs provided on-site or through partnering vendors. In 2016, HACA partnered with Capital Metro and HACA's health insurance provider to offer smoking cessation classes to all employees.

**Tuition Reimbursement/Growth**

In 2015, HACA instituted a tuition reimbursement policy designed to help full-time employees of HACA and its subsidiaries pay for job-related or prospective job-related courses. HACA continues to fund this program to allow employees to take individual courses that are directly related to improving the knowledge and skills needed to perform the critical elements of the employee's current job at HACA, or needed for special job assignments or prospective job



duties deemed mutually beneficial to HACA and the employee.

**We are committed to Corporate and Environmental Sustainability:**

We will pursue new funding sources and entrepreneurial opportunities, ensure stewardship, maximize efficiency and promote environmentally friendly initiatives.

- **Increase sustainable cash flows through Southwest Housing Compliance Corporation.**
- **Increase sustainable cash flows through Austin Affordable Housing Corporation.**
- **Increase number of foundation or other grant funding.**
- **Decrease HACA's impact on the environment.**
- **Increase efficiency through the use of technology.**
- **Increase value of investments and reduce the interest expense.**
- **Ensure a sustainable and competitive salary structure.**

**Southwest Housing Compliance Corporation (SHCC)**

SHCC was founded by HACA in 2000 to serve as the Performance Based Contract Administrator for Texas and Arkansas providing administrative oversight for HUD's Project-Based Section 8 housing portfolio.

In this highly specialized work, SHCC has built a reputation for excellence, creativity and integrity in the multifamily industry. Further SHCC, has been widely recognized for its work with owners and agents to meet challenging HUD and other federal program requirements. Annually, SHCC administers \$370 million on behalf of HUD. Revenue generated from SHCC operations is used by HACA to support critical community development and self-sufficiency programming, including education, job training and health and wellness programs.

**Blueprint Housing Solutions**

In its second year, HACA and SHCC launched Blueprint Housing Solutions, a national consulting and services company, that assists public and private sector clients to deliver exceptional affordable housing and community development programs.

Blueprint provides a full range of services to public housing authorities (PHAs), owners and agents of HUD subsidized multifamily housing and other affordable housing programs. The team is comprised of highly skilled and experienced HACA and SHCC senior level administrators with decades of experience, creativity and technical know-how.

**Austin Affordable Housing Corporation**

Recent studies underscore that Austin is now the most expensive rental market in Texas. The need for affordable rental housing far outweighs the current supply. Recognizing this critical need, HACA, through AAHC, is doing its part with a goal to increase its affordable housing inventory to "2020 by 2020" in the next five years. AAHC has exceeded this goal and currently has 2,422 units in its portfolio. AAHC continues to grow and currently has 804 units in the construction pipeline to be completed by 2018. In addition to serving as the catalyst for additional affordable housing, AAHC provides another source of revenue to fund HACA self-sufficiency programs.

**HUD STEM Energy and Economic Development (SEED) Demonstration Partnership**

On May 24, 2016 a kickoff meeting was held with Austin Energy, Austin Water, Texas Gas and Pecan Street as HACA SEED Project Charter signatories. This meeting also included representatives from HUD and the Department of Energy. These new partners will implement water and energy efficiency education, technology and tools at three HACA sites. Austin Energy will design a programmable thermostat energy efficiency study, create custom energy efficiency training for HACA residents and Energy Ambassadors, and evaluate how to provide HACA with improved Utility Allowance data. Austin Energy will provide about \$40,000 in LED light bulbs (~9,000 bulbs) to HACA as a result of this partnership. As a part of the agreement with Austin Energy, HACA will test Nest thermostats at Shadowbend and Thurmond Heights. Additionally, HACA resident Energy Ambassadors will provide educational support and assistance to others.

**Austin Pathways Foundation Funding**

With generous funding from sponsors including the Ford Foundation, Open Society Foundations, GTOPs and KDK-Harmon Foundation, the Unlocking the Connection initiative has been able to provide digital literacy services to residents from early childhood, to K-12 STEM programming, workforce development and senior services. These service providers include: United Way, Skillpoint Alliance, Latinitas, Goodwill of Central Texas, Boys and Girls Club

and Austin Free-Net. Other key partners include: American YouthWorks, Any Baby Can, Communities in Schools and Family Eldercare. In total HACA has received almost \$850,000 in both monetary and gifts- in-kind donations.

#### **Recycling/Paperless Initiative**

HACA is a recognized Waste Smart partner with the City of Austin. HACA ensures the proper disposal of fluorescent lamps, light ballasts and batteries and has a robust recycling program at its properties. In 2015, HACA began its initial phase to "go paperless" by incorporating Laserfiche for the creation and retrieval of documents and continues with this process. When completed, this initiative will eliminate the need to store thousands of files and provide quick and convenient access to the customers we serve.

#### **We are committed to Equal Opportunity for Housing:**

We will create an effective administration process to resolve complaints of poor customer service, discrimination and improve public relations.

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

HACA ~~updated~~ **is in the process of updating their** Admissions and Continued Occupancy Policy (ACOP) and Housing Choice Voucher (Section 8) Administrative Plan to incorporate ~~and implement all the~~ new VAWA guidelines **per the VAWA Final Rule. These policies will be adopted by the HACA Board of Commissioners at the August 2016-17, 2017 meeting.**

HACA is committed to full compliance with federal, state and local fair housing laws and ordinances. Over the past year, HACA staff and the staff of our subsidiaries have attended programs and workshops to deepen understanding with fair housing rules and procedures, as well as the rules and guidance related to Section 3 opportunities for public housing residents and rental assistance clients.

With the issuance of HUD's new Affirmatively Furthering Fair Housing Rule, HACA has formed a committee that is working with the City of Austin and Travis County in their development of HUD's new Assessment of Fair Housing (AFH) to be completed by October 2019. Through this joint effort, HACA seeks to ensure fair housing compliance, equal access and equal opportunity throughout our community. Through future efforts to implement the results of the AFH, HACA commits to the goal of ensuring a policy framework that creates meaningful choice and opportunity for "all types of housing for all types of people in all parts of Austin."

#### **Most Recent Fiscal Year Audit**

(a) Were there any findings in the most recent FY Audit?

Y N  
☐ ☒

(b) If yes, please describe:

B.4.

	<b>Other Document and/or Certification Requirements.</b>
<b>C.1</b>	<b>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</b> <u>Form 50077-ST-HCV-HP, Certification of Compliance with PHA Plans and Related Regulations</u> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
<b>C.2</b>	<b>Civil Rights Certification.</b> <u>Form 50077-ST-HCV-HP, Certification of Compliance with PHA Plans and Related Regulations</u> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
<b>C.3</b>	<b>Resident Advisory Board (RAB) Comments.</b> <p>(a) Did the RAB(s) provide comments to the PHA Plan? HACA held a meeting with the Citywide Advisory Board to present the draft 2016/17 PHA plan at the November 8, 2016 Citywide Advisory Board meeting. See attachment C.3. A planned Public Hearing was held on June 13, 2017 for the proposed revision to the 2017 Annual Plan to include disposition of Lot2 of Meadowbrook Courts. A planned Public Hearing was held on July 11, 2017 for the proposed revisions to the 2017 Annual Plan, the Admissions and Continued Occupancy Policy and the Housing Choice Voucher (Section 8) Administrative Plan for the changes required by the Violence Against Women Act and other policies that govern Eligibility, Selection and Admissions to both programs.</p> <p>Y    N  <input checked="" type="checkbox"/>    <input type="checkbox"/></p> <p>If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<b>C.4</b>	<b>Certification by State or Local Officials.</b> <u>Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</u> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
<b>D</b>	<b>Statement of Capital Improvements. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).</b>
<b>D.1</b>	<b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD. See HUD Form 50075.2 approved by HUD on 04/01/2016.
<b>E.1</b>	<b>RAD Choice Mobility</b>

**Attachment C.1**  
**Certification Listing Policies and**  
**Programs that PHA has Revised since last Submission of its Annual Plan**

# Housing Authority of the City of Austin

*Established in 1937*

## Revisions 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. Many of the following are updates and revisions to the 2017 PHA Plan are due Violence Against Women Act, per PIH Notice 2017-08 and HACA's Upward Mobility Preference in conjunction with the Jobs Plus Program.

### Revisions and Additions to the 2017 Annual Plan version 3

Page	Section	Changes
Pages 8-14	Policies that Govern Eligibility, Selection and Admissions: Selection Method	<p><b>Change:</b> Provides clarification on local preferences used on all Public Housing waiting lists. Also provides a pilot program for Upward Mobility preference for Chalmers Courts and Booker T Washington waiting lists.</p> <p><b>Rationale:</b> This change provides clarity on how local preferences are applied to the site-based waiting list. The Upward Mobility preference for Chalmers and Booker T Washington is a pilot program to bring more work-able families to the properties administering the Jobs Plus program.</p>
Pages 10,12, 14	Emergency Transfers (VAWA Final Rule)	<p><b>Change:</b> This change adds being a victim of domestic violence as grounds for an emergency transfer. It also identifies that HACA has an Emergency Transfer Move Plan for all programs.</p> <p><b>Rationale:</b> This is a HUD requirement as part of the Violence Against Women Act (VAWA) Final Rule.</p>
Page 41	VAWA Final Rule	<p><b>Change:</b> Added language that HACA is updating both the Admissions and Continued Occupancy Policy and Housing Choice Voucher (Section 8) Administrative Plan to be in compliance the VAWA Final Rule.</p> <p><b>Rationale:</b> This is a HUD requirement.</p>

# Housing Authority of the City of Austin

*Established in 1937*

## Revisions 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.

### Revisions and Additions to the 2017 Annual Plan version 2

Page	Section	Changes
Page 24	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>

# Housing Authority of the City of Austin

*Established in 1937*

## Draft 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. Many of the following are updates and revisions to the 2017 PHA Plan are due to the conversion of Public Housing to the Rental Assistance Demonstration (RAD) Program. Please note, these revisions pertaining to RAD will also be incorporated in the Admissions and Continued Occupancy Policy and the Housing Choice Voucher Administrative Plan.

### Revisions and Additions to the 2017 Annual Plan version 1

Page	Section	Changes
Pages 5-6	Closure of Site Based Waiting Lists	<b>Addition</b> -Due to high demand for public and affordable housing in the Austin community, the Housing Authority of the City of Austin (HACA) has received a high volume of applications for placement on the public housing waiting list at HACA properties. At a number of these properties, the anticipated waiting time for a unit is expected to exceed 36 months. Due to estimated wait times greater than 36 months, HACA will be closing -specific public housing waiting lists <b>effective December 15th, 2016 at 5:00 pm CST</b> :
Page 6-7	Deconcentration and Other Policies that Govern Eligibility, Selection and Admission	<b>Revision and Addition</b> -Updates the policies governing developments subject to the deconcentration requirements.  The income targeting requirement states that at least 40% of all new admissions each year must be extremely low-income families (as defined by HUD).  HACA will ensure deconcentration of poverty in public housing by admitting new higher income tenants into lower income developments and new lower income tenants into higher income developments. HACA is assisted in this by its new site-based waiting lists
Pages 10-12	Policies that Govern Eligibility, Selection and Admission/New Preference: RAD Relocation	<b>Addition</b> -Adds a new local preference only for families affected by RAD Conversion to receive a Housing Choice Voucher for those properties that are



		undergoing significant renovation or redevelopment that would require long term (more than 6 months) relocation of residents.
Page 23	Conversion of Public Housing under Rental Assistance Demonstration (RAD) Program	<b>Addition:</b> Incorporates “PIC” the acronym for protections, improvement and choices for the residents. PIC more accurately reflects the impacts of the RAD program on the residents.
Pages 24-25	Conversion of Public Housing under Rental Assistance Demonstration (RAD) Program	<b>Revision and Addition-</b> HACA received the award of the Commitments to enter into a Housing Assistance Payments Contract (CHAPs) for Phase II of the public housing properties. HACA received an amended Energy Performance Contract (EPC) to remove 48.7% of the debt service and \$938,255 in annual energy savings from the EPC starting October 2016 for RAD Phase I properties. A list of the properties and associated actions are presented for the conversion of the RAD Phase II properties.
Page 29	Conversion of Public Housing under Rental Assistance Demonstration (RAD) Program	<b>Addition:</b> Separate from the RAD required Choice Mobility, HACA may also give a preference on the Housing Choice Voucher Program waiting list to residents at RAD properties undergoing significant renovation or redevelopment that would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.
Page 29	Project-Based Vouchers	<b>Addition:</b> HACA may operate a project-based voucher program that utilizes up to 200 tenant based vouchers. By project-basing some vouchers, HACA can offer greater choice to program participants. Project-based vouchers provide opportunities for greater resident services designed to help low-income individuals improve their quality of life through education, workforce development, and improved health and wellness.
Attachment	Affirmatively Furthering Fair Housing	<b>Addition:</b> Updated language regarding HACA’s commitment and work with the City of Austin and Travis County in the development of HUD’s new Assessment of Fair Housing.



# Revisions to the 2016 PHA Annual Plan Executive Summary

HACA's Annual Plan to include the Rental Assistance Demonstration Program was approved by HUD on April 7, 2016.

The following are the revisions and additions to the 2016 Annual Plan per the changes due to the conversion to the Rental Assistance Demonstration Program and recent regulatory changes that allow HACA to streamline current processes. The revisions incorporated in the plan are promulgated through the Admissions and Continued Occupancy Policy and the Housing Choice Voucher Administrative Plan. These revisions were approved August 24, 2016 by the HACA Board of Commissioners and a revised 2016 PHA Plan was submitted to HUD for approval.

## REVISIONS/ADDITIONS:

### 2016 Annual Plan (pp11-128)

Page	Section	Changes
Pages 13	Basic Eligibility Requirements (ACOP pp.31-32 & HCV Admin Plan p.57)	<b>Revision and Addition</b> -Updates the definition of "Extremely low-income family" to include very low-income families (income between 30-50% of the median family income) who are also below the federal poverty level.
Pages 15-16	Social Security Numbers (ACOP pp. 34-35 & pp. 138-139 & HCV Admin Plan p.61 & pp.186-187)	<b>Addition</b> - When a child under age 6 is added to the household up to six months before admission of the household, this change allows the family 90 days to provide a Social Security number for the child. The family will be offered housing and the child considered a family member during this time. Required change with Streamlining rule.
Page 18	Other Permitted Reasons for Denial of Admission (ACOP pp 40-42)	<b>Addition:</b> HUD provided guidance indicating that arrest records alone are not sufficient for denial of an application.
Page 28-32; 43	Applications, Waiting List, Tenant Selection (ACOP pp.54-55 & HCV Admin Plan p.101)	<b>Revision and Addition</b> -Changes the process for application to online web-based application. Paper applications still accepted for those in need of reasonable accommodation. HCV-for the "homeless preference" allows for a continued affordable housing option for individual and families in HUD Continuum of Care programs that are not renewed.
Page 34	Organization of the Waiting Lists (ACOP pp. 57-58)	<b>Revisions and Addition</b> - Creates a site-based waiting list for each property instead of the existing community-wide waiting list.
Page 36-37	Reporting Changes in Family Circumstances	<b>Revisions and Addition</b> - Updates the

	(ACOP p. 60)	language to reflect the option to electronically report changes through the Applicant Portal.
Page 44, Attachment N	Choice Mobility (HCV pp 423-429)	<b>Revisions and Addition-</b> As required by HUD and in accordance with HUD RAD guidelines, if HACA participates in RAD, HACA must provide a Choice Mobility option to the residents of covered RAD properties.
Page 54	Occupancy Standards: Determining Bedroom Sizes (ACOP 71-72)	<b>Revisions:</b> Changes the minimum number of persons required for each bedroom size. Provides applicants with the choice to determine what bedroom size they prefer (among the ones which they qualify). Provides a list of “qualifying events” for exceptions to the occupancy standard.
Page 61	Types of Public Housing Transfers (ACOP p 212)	<b>Addition:</b> Incorporates language to allow HACA to transfer families who would be over the tax credit income limit, before the property converts to RAD PBRA with Tax Credits.
Pages 63	Assets (ACOP pp. 91-92 & HCV pp. 195-196)	<b>Revisions and Addition-</b> HACA will conduct third-party verification of assets at Admission. After that, HACA will only third-party verify assets with a net value of \$5000 or less every three years. During the other two years, HACA will accept self-certification of the value of the asset and the anticipated income from the asset. HACA will conduct third-party verification of all assets valued over \$5000 every year. Required change with Streamlining rule.
Page 64-65	Periodic Payments and Payments in Lieu of Earnings (ACOP pp. 145-146 & HCV pp. 197-198)	<b>Addition-</b> Part of HUD’s Streamlining rule and is intended to reduce the administrative burden of conducting annual re-examinations while still maintaining program integrity with protections against fraud.
Page 69-70	Prorated Rent for Mixed Families (ACOP p. 117 & pp. 267-270)	<b>Addition-</b> This is a required change as part of the Streamlining rule. This is also more in line with the HCV program and PBRA which use contract rent to calculate the pro-rated rent.
Page 72	Flat Rents and Earned Income Disallowance (ACOP pp. 88-90, 119-12- & 127-128 & HCV pp. 135-136 & 173-174)	<b>Revisions-</b> The tracking of the “starts and stops” of employment during the 48 months of EID was an administrative burden. HUD is granting a relief by streamlining the administrative work while still allowing the family a two year break on fully counting their earned income.
Pages 73	Re-examinations (HCV only) (HCV pp. 265-267)	<b>Addition-</b> Reduces the administrative burden and clarifies interim reporting and processing requirements for HCV program.
Page 94-95	Community Service Requirement Documentation	<b>Revisions and Addition-</b> This change is

	and Verification (ACOP pp. 201-204)	part of the streamlining rule intended to reduce the administrative burden for the implementation of the CSSR. Resident self-certification of completion of the CSSR is now allowed. If self-certification is accepted, the PHA must validate a sample of self-certifications to prevent fraud.
P109-115	Violence Against Woman Act Policy (HCV 361-373)	<b>Revisions:</b> Required change to service providers and includes language of intimate partner.
Page 116	Demolition/Disposition Activity Description- Scattered Sites	<b>Revisions:</b> Updates to the Planned Submission and Timeline for Activity.
Page 119 & Page 128	Jobs Plus	<b>Revisions:</b> Updates to the timeline and activities of Jobs Plus.
Page 121	RAD Activities-Phase II	Addition: Information regarding the application submission for PHASE II of the Rental Assistance Demonstration for the Public Housing program.
Page 122	Demolition/Disposition Activity Description-Rio Lado	<b>Revisions:</b> Updates to the Activity Type and Timeline for Activity.
Page 122	Demolition/Disposition Activity Description- Goodrich	<b>Revisions:</b> Updates to Timeline for Activity.

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

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

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

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the \_\_\_ 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning **2017**, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

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

Housing Authority of the City of Austin  
PHA Name

TX001  
PHA Number/HA Code

X Annual PHA Plan for Fiscal Year 2017

       5-Year PHA Plan for Fiscal Years 20       - 20      

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

Name of Authorized Official  
Charles Bailey

Title  
Acting Chairman

Signature

Date  
12/15/2016



**RESOLUTION NO. 2473**

**Approval to Submit the 2017 Public Housing Authority Annual Plan to the U.S. Department of Housing and Urban Development**

**WHEREAS**, to be in compliance with the Quality Housing Work Responsibility Act of 1998, the Housing Authority of the City of Austin (HACA) has updated the 2015-2019 Five-Year Plan and completed the 2017 Public Housing Authority (PHA) Annual Plan;

**WHEREAS**, to meet the requirements for public notification, the HACA posted the notices with both the County and the City, advertised the announcement of the draft plan through the local media, sent notices of the draft plans to various community service providers, and conducted three public hearings;

**WHEREAS**, to meet the requirements for the public comment period, the HACA made available copies of the draft plan at its Administration Building, all public housing management offices and on the agency's internet site for a forty-five day public comment period ending December 8, 2016;

**WHEREAS**, HACA has completed the requirements to submit the 2017 Agency Plan and update the 2015-2019 Five-Year 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 agency's 2017 PHA Agency Plan and updates made to the 2015-2019 Five-Year Plan effective December 15, 2016.

  
\_\_\_\_\_  
Michael G. Gerber, Secretary

  
\_\_\_\_\_  
Charles Bailey  
VICE CHAIR

  
\_\_\_\_\_  
Carl S. Richie, Jr., Chairperson

**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.

  
\_\_\_\_\_  
Michael G. Gerber, Secretary

  
\_\_\_\_\_  
Carl S. Richie, Jr., Chairperson

**Attachment C.2  
Civil Rights Certification  
And  
Fair Housing**



**Civil Rights Certification**  
**(Qualified PHAs)**

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

**Civil Rights Certification**

**Annual Certification and Board Resolution**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:*

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

Housing Authority of the City of Austin  
PHA Name

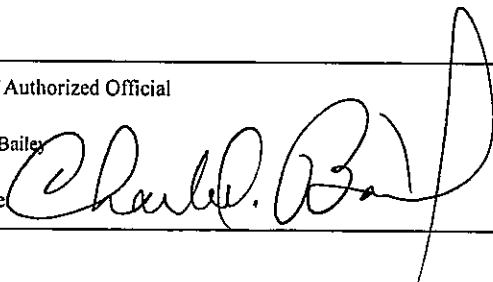
TX001  
PHA Number/HA Code

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

Name of Authorized Official

Charles Bailey

Signature



Title Acting Chairman

Date 12/15/2016

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



## **REASONABLE STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING**



**Housing Authority of the City of Austin  
1124 S. IH 35  
Austin, TX 78704  
512-477-4488**

**REASONABLE STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING****Background**

The Housing Authority of the City of Austin is aware that Federal and State fair housing laws make it illegal to discriminate in the rent or sale of housing based on race, color, national origin, religion, familial status, disability and sex. HACA is committed to full compliance with federal, state and local fair housing laws and ordinances. HACA understands and is committed to its obligation to affirmatively further fair housing in our community.

With the issuance of HUD's new Affirmatively Furthering Fair Housing Rule, HACA has formed a committee that is working with the City of Austin and Travis County in their development of HUD's new Assessment of Fair Housing (AFH) to be completed by October 2019. Through this joint effort, HACA seeks to ensure fair housing compliance, equal access and equal opportunity throughout our community. Through future efforts to implement the results of the AFH, HACA commits to the goal of ensuring a policy framework that creates meaningful choice and opportunity for "all types of housing for all types of people in all parts of Austin."

To comply with fair housing laws and to promote fair housing rights in all of its housing programs, the Housing Authority of the City of Austin and its subsidiaries, Southwest Housing Compliance Corporation and Austin Affordable Housing Corporation, abide by all Federal, state and local non-discrimination laws, as well as the regulations governing Fair Housing and Equal Opportunity in housing and employment.

The Housing Authority of the City of Austin (HACA) fully complies with the Fair Housing Act of 1968 and is obliged and dedicated to affirmatively furthering fair housing. Through implementation of its Housing Choice Voucher (Section 8) Administrative Plan, Public Housing Authority (PHA) Annual Plan, Public Housing Continued Occupancy Policy, Admissions Policy, Family Self-Sufficiency Plan, and Southwest Housing Compliance and Austin Affordable Housing Corporation Policies, HACA is committed to:

- Overcoming the effects of impediments to fair housing choice that were identified in the City of Austin's Fair Housing Analysis (2000 and 2009);
- Remedying discrimination in housing; and
- Promoting fair housing rights and fair housing choice.

What follows is information on the actions that the Housing Authority of the City of Austin takes to affirmatively further fair housing.

**OVERCOMING THE EFFECTS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

Fair housing is based on the belief that everyone, regardless of race, color, national origin, religion, familial status, disability and sex should have the opportunity to choose where they want to live unfettered by discrimination. To make this goal a reality, Congress enacted fair housing legislation. The primary federal Fair Housing laws and mandates to which the Housing Authority of the City of Austin complies are: Fair Housing Act of 1968; Fair Housing Amendments Act of 1988; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; Executive Order 11063; and the Violence Against Women Reauthorization Act of 2005.

**In July 2009, the City of Austin's Neighborhood Housing and Community Development Department published its *Fair Housing Analysis*.** This report outlined impediments to fair housing experienced by constituents living in the City of Austin and Travis County, and was a follow-up to the City of Austin's *Analysis of Impediments to Fair Housing Choice* published in 2000. Each year, the City of Austin's Annual Action Plan sets forth the City's recommended strategies to address impediments to Fair Housing, and the Consolidated Annual Performance and Evaluation Report (CAPER) evaluates the implementation of those targeted actions and strategies.

**The Housing Authority of the City of Austin works in close collaboration with the City of Austin's Neighborhood Housing and Community Development Department (COA NHCD) to ensure that ongoing efforts are undertaken to remove impediments to fair housing and fair housing choice.** As separate housing entities, with similar overarching goals, HACA and COA NHCD continually support one another in the implementation of fair housing initiatives. The following table outlines the City of Austin's identified impediments to fair housing, recommended actions to remove those impediments, COA NHCD's efforts to address impediments and HACA's parallel efforts to address impediments.

Through performance audits by the Quality Control Department, HACA continually examines its programs to ensure compliance with Federal and State fair housing requirements, local ordinances and internal fair housing policies and procedures. The agency also assesses the steps that need to be taken to assure fair housing rights and fair housing choice in new and proposed programs.



# **City of Austin Fair Housing Analysis & Action Plan (2009)** (Update / expansion to 2000 Report)

<u>Impediment</u>	<u>Recommended Actions</u>	<u>City of Austin NHCD Actions</u>	<u>Housing Authority of the City of Austin (HACA) Actions</u>
<b>1. Lack of accessible housing to meet the need of the disabled community in Austin. (2000)</b>	A. City should provide education on accessibility and how to comply with the Fair Housing Act and the American Disability Act (ADA) standards.	The City of Austin Equal Employment Fair Housing Office (EEFHO) works on enforcement, and education, and inspections of properties. The City has provided financial resources to the Austin Tenant's Council to provide Renter's Rights and Fair Housing Counseling, and to provide the S.M.A.R.T. Housing program through NHCD. The City funds a third-party contractor to perform accessibility review and inspection for City-funded multi-family developments. City staff inspects for compliance with Visitability Ordinance standards for city-assisted single-family homes, duplexes and triplexes adopted in October 1998/revised January 2004 and June 2005. The City's EEFHO & Human Rights Commission also work to inform the public of their rights. In addition, City Staff works on capacity building with: Mayor's Committee for People with Disabilities, Austin Tenant's Council, Human Rights Commission, Mayor's Mental Health Task Force, the CHDO Roundtable and the Homeless Task Force.	HACA works with ADAPT Texas, Austin Resource Center for Independent Living (ARCIL), Texas Department of Aging and Disability Services, Texas Commission for the Blind, Family Eldercare, Austin Resource Center for the Homeless (ARCH), AIDS Services of Austin, Austin Travis County Integral Care, Safe Place, LifeWorks, Texas School for the Deaf and other agencies to plan for and provide accessible services to disabled Austinites. HACA shares information regarding its accessible housing opportunities w/ local agencies & agencies educate HACA staff on circumstances affecting the families they serve. HACA also administers a number of HUD-funded programs designed to meet needs of individuals suffering from varying disabilities -- Shelter Plus Care (35 vouchers for homeless individuals w/ mental illness, 20 vouchers for individuals with AIDS/Substance Abuse); Mainstream Program (59 vouchers for individuals with various disabilities); and local housing preferences for elderly & disabled individuals. Through the HUD Capital Fund, HACA also continually strives to increase its inventory of accessible units (504), to modernize and upgrade accessible units (recently 147), & to increase "visitability" of PH properties.
	B. City should adopt the 2003 International Building Code or an equivalent, in order to enforce the accessibility standards on developers and builders.	The City Council adopted the 2003 International Building code on December 15, 2005. All building permit applications filed after December 31, 2005 are subject to the accessibility provisions of the 2003 International Building Code (IBC) Accessibility Standards.	HACA is currently not in the business of developing and building new housing -- developments or single-family homes. Nonetheless, any new properties that HACA plans to acquire through its non-profit subsidiary Austin Affordable Housing Corporation (AAHC), that have been built after December 31, 2005 will meet 2003 IBC accessibility standards. Housing Choice Voucher/Section 8 units that are leased throughout the community, which were built after December 31, 2005 meet the accessibility provisions of the 2003 IBC Accessibility Standards.
	C. City should offer incentives to get private developers to plan their construction process in anticipation of future conversions for accessibility.	The S.M.A.R.T. Housing Initiative adopted in April 2000 and revised in June 2005 creates incentives with requirements for accessibility and visitability standards that reduce future costs for retrofitting existing housing for people with disabilities. The policy stipulates that all single-family units certified meet visitability standards reflected in the City's ordinance. All multi-family developments must comply with federal, state and local accessibility standards and at least 10% of multifamily housing units must be accessible. Developments that meet these prerequisites are given expedited review under the City's development process and reductions/exemptions for certain development and construction fees. The S.M.A.R.T Housing Policy is now incorporated as part of Austin's Land Development Code as a result of	N/A: HACA is currently not in the business of developing and building new housing developments, thus providing incentives to private developers is not applicable to HACA's operations. Nonetheless, the City of Austin's Neighborhood Housing and Community Development Department does offer accessibility and "visitability" incentives to housing developers, who may ultimately house participants in HACA's Housing Choice Voucher Program in accessible units that they have developed.

# **City of Austin Fair Housing Analysis & Action Plan (2009)** (Update / expansion to 2000 Report)

<u>Impediment</u>	<u>Recommended Actions</u>	<u>City of Austin NHCD Actions</u>	<u>Housing Authority of the City of Austin (HACA) Actions</u>
		recommendations from the City Council –appointed Affordable Housing Incentives Task Force. In Fiscal Year 2008-2009, 688 new single-family and 653 multi-family units were completed that met S.M.A.R.T. standards.	
<b>2. Lack of Affordable Housing in Austin</b> (2000, 2009)	<b>A. City should continue the production of affordable housing units in existing low-income neighborhoods through the Austin Housing Finance Corporation and the Neighborhood Housing and Community Development Office.</b>	Consolidated Plan 2009-2014, states that a significant component of Austin's housing strategy for the next five years will be implementing housing affordability components of neighborhood plans/master plans adopted by the City Council. NHCD will work to respond to the housing affordability components of adopted neighborhood plans and City task force reports on gentrification mitigation in the next five years by providing S.M.A.R.T. Housing™ incentives and other housing program resources for new single-family and multi-family developments. NHCD will offer other housing services in order to implement the goals of plans and reports. Efforts in areas without neighborhood plans or master plans may also be in priority neighborhoods. Priority neighborhoods are defined by the amount of eligible census tracts in each neighborhood area. HUD defines an eligible census tract as having the following components: 50 percent of its households with incomes below 80 percent of the Area Median Gross Income or having a poverty rate of 25 percent. Because Inclusionary Zoning, allowing jurisdiction s to require housing developments of a certain size to include a portion of affordable housing, is illegal in Texas, Austin has to rely on its S.M.A.R.T incentives and neighborhood plans to continue affordable production.	Through its non-profit subsidiary, Austin Affordable Housing Corporation, HACA is involved in acquiring and preserving affordable housing units. AAHC owns <u>or</u> operates a non-subsidized affordable housing stock of 785 units composed of 743 multi-family property units and 42 single-family homes. Purchased in 2004, Sterling Village has 207 units, of which 71 are restricted to residents who fall into HUD's low and very low-income classifications. Bent Tree Apartments, also purchased in 2004 has 126 units, and while there are no income restrictions or designations on any of the units at Bent Tree, each of the units is rented at a price below market rate. Sweetwater Apartments, purchased in 2008, has 152 units, with 52 units designated for low and very low-income individuals or families. And Park at Summers Grove, purchased in 2008 has 240 units, of which 220 are designated for residents below 60% AMFI and 20 are designated for below 50% AMFI. In August 2008, AAHC purchased 18 of 23 accessible and affordable units of housing for the elderly at Leisure Time Village and intends to purchase the additional five as they become available. With additional land at Leisure Time, AAHC will also develop 10 affordable units in partnership with ADAPT of Texas to serve individuals with disabilities. Finally, AAHC's 16 additional single-family homes do not have rental restrictions, but are rented at rates below market value for the area.
	<b>B. City should work towards increasing affordable housing in census tracts that currently do not provide affordable housing for low-income citizens.</b>	NHCD has a number of strategies to create and retain affordable housing opportunities in Austin. Many projects are centered on low-income areas, but with the S.M.A.R.T. Housing™ program there have been projects in areas not typically low-to-moderate income, offering reasonably priced housing available to low- and moderate-income households. To be eligible to utilize a federally funded housing program, the household must be at or below 80 percent Median Family Income, regardless of the MFI for the census tract. NHCD currently gives funding preference through a scoring matrix to projects that assist in the distribution of affordable housing stock throughout the community, to focus on areas where there is a shortage of affordable housing.	Through its non-profit subsidiary, Austin Affordable Housing Corporation, HACA seeks to acquire affordable housing properties in census tracts that provide limited affordable housing for low-income citizens. AAHC's Vice President of Housing Development continually explores opportunities for purchase in areas where additional affordable housing is needed, to ensure that affordable housing is geographically dispersed and poverty in Austin is deconcentrated. HACA has developed a Community Land Trust that holds affordable housing units (for ownership and rental) in perpetuity. Though separate entities, HACA's Community Land Trust

**City of Austin Fair Housing Analysis & Action Plan (2009)** [Update / expansion to 2000 Report]

<u>Impediment</u>	<u>Recommended Actions</u>	<u>City of Austin NHCD Actions</u>	<u>Housing Authority of the City of Austin (HACA) Actions</u>
			complements the City of Austin's Community Land Trust. Finally, HACA's Housing Choice Voucher program employs a dedicated Landlord Outreach Specialist to enroll landlords of properties in census tracts with limited affordable housing, as providers of affordable housing through the Housing Choice Voucher program (Section 8).
	C. City should work with local employers to design and implement Employer-Assisted Housing Programs.	At the current time, there are no proposed projects to provide employer-assisted housing; however, the City is exploring the employer partnership as part of the community dialogue on Community Land Trusts.	At the current time, HACA is not involved in providing employer-assisted housing; Similar to the City of Austin's NHCD Department, HACA may explore employer partnerships as part of its development of its Community Land Trust. HACA / AAHC staff have attended presentations on employer-assisted housing programs, to learn more about these unique partnerships.
	D. City should create additional housing development incentives beyond the S.M.A.R.T Housing Initiative	1) As part of Austin's Downtown Master Planning Process, the City of Austin is considering a density bonus ordinance with an affordable housing requirement that will include a fee-in-lieu. These programs can allow for the payment of a fee-in-lieu of the requirement to develop affordable housing on site. Recommendations should be completed in FY 2009-2010. 2) In 2005, the City adopted a Transit-Oriented Development Ordinance (TOD), setting affordable housing goals for new or redevelopment surrounding commuter rail stations. In 2009 the Council adopted three station area plans that specify the goals set forth in the ordinance. The goal is for 25% of new units in these areas to house households at 80% or below MFI for homeownership and 60% or below MFI for rental. 3) The City developed a master plan to redevelop the low density auto-oriented North Burnet/Gateway area into a higher density, mixed-use neighborhood which is more pedestrian and transit friendly -- the density bonus/fee-in-lieu is applicable. 4) The City, in 2007, adopted changes to the commercial design standards regarding Vertical Mixed Use. For developments that request certain exemptions, they must provide 10% of units as affordable housing for 40 yrs.	N/A: HACA is currently not in the business of developing and building new housing developments, thus providing incentives to private developers is not applicable to HACA's operations. Nonetheless, HACA commends the City of Austin's Neighborhood Housing and Community Development Department for establishing and continually exploring new development initiatives to increase affordable housing across the City of Austin.
	E. The City should explore additional partnerships with private entities to develop affordable housing.	The City of Austin is exploring additional public/private partnerships. Partnerships with private developers can offer multiple public benefits, such as mixed-use, mixed-income, and increased density, and can allow low-income households to locate near schools, amenities, employment opportunities, and public transportation. One key partnership has been the Robert Mueller Municipal Airport Redevelopment (RMMA). Envisioned in 1996, the redevelopment goals outlined aggressive affordable housing requirements -- with 25% of units, or approximately 1,200 homes affordable for residents below Austin's MFI. Catellus, the master developer, reports semiannually on progress toward the affordable housing goals. The City continues to negotiate the inclusion of affordable housing into developer agreements with market-rate developers. Two recent projects -- Residences at the Domain and Robertson Hill have provided 10% of affordable housing units to those at 65% and 80% of MFI or below.	Through its non-profit subsidiary, Austin Affordable Housing Corporation, HACA is involved in acquiring affordable housing units. While AAHC has acquired property in existing low-income neighborhoods, AAHC's Vice President of Housing Development also continually explores opportunities for purchase in areas where additional affordable housing is needed, to ensure that affordable housing is geographically dispersed and poverty in Austin is deconcentrated. While AAHC is not working with private entities in the development of affordable housing, it general works with private owners in the purchase of affordable units. Many of the properties AAHC purchases through private owners have existing Land

# **City of Austin Fair Housing Analysis & Action Plan (2009)** [Update / expansion to 2000 Report]

<u>Impediment</u>	<u>Recommended Actions</u>	<u>City of Austin NHCD Actions</u>	<u>Housing Authority of the City of Austin (HACA) Actions</u>
		and remaining affordable through 2028 and 2020, respectively. Finally, the City continues to explore how to encourage affordable housing in other city redevelopment efforts.	Use Restriction Agreements (LURA), meaning there must be an agreed upon number of low-income units for a certain period of time.
	F. The City should expand alternate revenue sources to increase rental and homeownership opportunities for low and moderate income households	1) In November 2006, the citizens of Austin approved the use of General Obligations Bonds to increase rental and homeownership opportunities for low to moderate income households. \$33 million dedicated to rental units, \$22 million dedicated to homeownership units and \$2 million dedicated to home repair for low-income families. 2) The City considers Tax Increment Financing to be an important tool to create new revenue for affordable housing and is currently exploring opportunities to use TIFs to increase affordable housing funding. The Homestead Preservation District in Central East Austin was authorized by State legislation to create and retain affordable housing through a land bank, community land trust and reinvestment zone, and will use Tax Increment Financing to preserve and create affordable housing. 3) Housing Trust Fund: Since 2000, the Austin City Council has directed \$8.8 million in local funds to the Housing Trust Fund. The council also dedicates 40% of all City property tax revenues from developments built on City-owned lands to affordable housing. This policy is anticipated to generate revenue in perpetuity to the Housing Trust Fund. Finally, the City uses revolving loans for several loan programs that provides a revolving funding source. When a loan is repaid by the recipient, the funds are recycled back into the program creating a fiscally responsible model for asset creating.	In 2004, Austin Affordable Housing Corporation (AAHC), one of HACA's non-profit subsidiaries, began a Down Payment Assistance (DPA) program to assist public housing and Section 8 residents who had achieved self-sufficiency transition into homeownership. Non-federal and deregulated DPA funds were provided through HACA's other non-profit subsidiary, Southwest Housing Compliance Corporation. In 2008, AAHC received a \$250,000 grant from the Texas Department of Housing and Community Affairs (TDHCA) to augment its DPA program. As of June 1, 2010, 52 HACA residents have gone into homeownership. When TDHCA funds are expended, HACA will continue to fund a DPA program for its residents, and seek additional funding to maintain homeownership opportunities for its residents.
<b>3. Discrimination of minorities in housing rental and sales market.</b> (2000, 2009)	A. City should work with other agencies to increase the fair housing knowledge of the public and raise the visibility and resolution process of fair housing.	NHCD's Fair Housing survey found that the majority of respondents who felt they had faced housing discrimination in the past did not report it, as just 10 percent of residents filed complaints. If residents felt they had experienced discrimination, they would first look for resources on the Internet; low-income respondents would prefer to have contact with a lawyer/legal aid or find information through local government sources. NHCD is making efforts to ensure that all fair housing resources are more widely available in Austin so that residents who feel they have experienced discrimination can more readily take actions to address fair housing violations if they have occurred. The Mayor's Committee for People with Disabilities was formed to increase coordination between the following departments: Transportation, Planning and Sustainability, HHSD, NHCD, Parks and Recreation, Aviation, Office of the Police Monitor, Austin Police and Fire, City Auditor. NHCD works with the Mayor's Committee for People with Disabilities, the City's Office of Equal Employment and Fair Housing, the Human Rights Commission and the Austin Tenants Council to increase fair housing knowledge. The Austin Tenants Council has a very visible presence in Austin, receiving 365 fair housing complaints in 2008 and educating 3x that number of individuals on fair housing rights. Austin's Fair Housing office received 100 complaints in 2008, of which 30 were conciliated. The City's Equal Employment and Fair Housing office is working to make its website more user-friendly to those filing complaints, and provide greater written and online information regarding fair housing and fair housing complaints.	HACA works with the Austin Human Rights Commission, Austin Tenant's Council, ADAPT Texas, Advocacy, Inc., Legal Aid of Central Texas, as well as the aforementioned disability-services agencies to provide education on discrimination and ensure that discrimination does not occur in the provision of its programs. HACA provides information to program applicants and recipients on equal housing opportunity and makes discrimination hotline numbers accessible, should individuals feel they were treated unfairly. HACA also works with NHCD to increase fair housing knowledge through trainings and events for both staff and the public. Additional information provided in addendum narrative.



**City of Austin Fair Housing Analysis & Action Plan (2009)** [Update / expansion to 2000 Report]

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<b>4. Erroneous beliefs by property managers concerning family occupancy standards. (2000)</b>	A. City should work with other agencies to increase the knowledge that family occupancy standards do not exist.	The City's Equal Employment and Fair Housing Office and the Austin Tenants Council work to inform the public of fair housing rights, and work directly with renters and homeowners who believe their fair housing rights have been violated. These two entities work together to provide training on Occupancy Standards, as occupancy standards may be a violation of fair housing laws if they unfairly limit the housing options because of familial status. Any policy that directly or indirectly excludes families could be a violation of the fair housing laws, if the occupancy standards unreasonably limit the ability of families with children to obtain housing in a specific apartment community. Before 2001, the Texas Human Rights Commission had a "Maximum-Persons-Per-Bedroom" Occupancy Policy For Families". On May 23, 2001, HUD's Keating Memorandum superseded the previous policy. The Keating Memorandum provides guidelines but not a definitive test for, essentially removing a hard and fast family occupancy standard. The City of Austin NHCD, EEFHO Office and Austin Tenant's Council educate property owners of the current standards and how they should be considered and followed.	AAHC's Property Development Specialist is well versed in general occupancy standards and serves as a resource for managers at AAHC-owned affordable housing properties who have occupancy standard related questions. All of HACA's Public Housing Property Managers and Section 8 Housing Eligibility Specialists are also versed in occupancy standard guidelines, and both ensure compliance with these guidelines and answer resident questions regarding occupancy standards.
<b>5. Imbalance of neighborhood-based development. (2009)</b>	A. City should conduct targeted education and programming in minority neighborhoods.	Neighborhood groups are very involved and influential in Austin's residential and commercial land use and development process. The city's neighborhood-based planning process has done very little to facilitate the development of affordable housing on a citywide basis, as not all neighborhood plans have affordable housing as one of their goals. It is not uncommon for neighborhood groups and residents to resist the development of affordable housing, dense housing and/or alternative types of housing developed in proximity to their residences (NIMBYism – Not In My Backyard). With the implementation of a citywide comprehensive plan in May 2009, NHCD began to capitalize on planning initiatives and develop tools to further educate neighborhoods of the importance of affordable housing. These initiatives will help address barriers in developing affordable and accessible housing in certain neighborhoods. The city will work with neighborhood group leaders to provide them the tools to educate peers and enforce fair housing issues within their communities.	Although HACA is currently not in the business of developing housing, the agency supports the geographic dispersion of affordable housing and the deconcentration of poverty. As previously noted, HACA aims to achieve these goals through the solicitation of Section 8 landlords in neighborhoods all across Austin, and the purchase of properties in areas where additional affordable housing is needed. HACA supports a comprehensive city planning and the development for affordable housing in neighborhoods that have not housed low or moderate individuals in the past. HACA staff has attended City public hearings to provide input on affordable housing development and affordable housing initiatives.
<b>6. Geographic concentration of loan denials (2009)</b>	A. City should conduct targeted education and programming in minority neighborhoods.	Home Mortgage Disclosure Act (HMDA) data suggests that residents in east Austin receive a higher proportion of loan denials than in other portions of the city. These neighborhoods also have traditionally contained higher proportions of African American and Hispanic Residents. Data showed that African Americans and Hispanics received more loan denials than Caucasian residents in Austin, but that denials were not as high for these groups when they applied for loans through banks based in Austin. The reasons for loan denials were more diverse for Austin residents as a whole, as compared to reasons for denials given by Austin-based banks. Based on these findings, the City of Austin/NHCD are working on three initiatives to be launched: 1) Promote a model loan application program, which will outline how applicants should be informed about existing loan resources and products so they do not apply for the wrong products, and will provide information to assist with the loan application process. 2) Conduct targeted "road shows" to educate citizens, landlords, housing providers and real estate professionals about the specifics of fair	As part of Austin Affordable Housing Corporation's programming, the agency's Homeownership Coordinator provides case management to Public Housing and Housing Choice Voucher residents interested in transitioning to homeownership. As part of this case mgmt. the Homeownership Coordinator discusses the loan process and loan products in depth. HACA provides CreditSmart classes to residents monthly, through collaboration with Austin Habitat for Humanity – with AAHC's Homeownership Coordinator and Habitat staff working together to provide both financial management and homebuyer education training. The homebuyer education component of the training provides a significant amount of information on the lending process.

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		housing discrimination that are most prevalent by area. 3) Work with local banks, because they have a good history of providing loans to applicants of all races and ethnicities, to ensure interest in local residents and ensure correct products are being marketed.	AAHC also provides \$10,000 in down payment assistance to qualified public housing and housing choice voucher residents in order to improve the tenants' chances of qualifying for prime lending products. This \$10,000 loan will be forgiven in five years unless the participant sells, transfers, refinances or converts the home to a rental property within the five year time period and the participant is not in default.
<b>7. Predatory lending practices.</b> (2000, 2009)	A. City should provide education on the hazards of this type of lending.	Austin Housing Finance Corporation, a subsidiary of the City of Austin's Neighborhood Housing and Community Development Department, developed in 2006 a housing counseling program called Housing Smarts. The program provides comprehensive community seminars on homebuyer counseling and foreclosure prevention in addition to a Train-the-Trainer program. A series of free sessions for Austin residents focus on financial literacy and understanding your credit, assessing your readiness to buy, predatory lending, selecting and maintaining a home, and foreclosure prevention.	As part of Austin Affordable Housing Corporation's programming, the agency's Homeownership Coordinator provides case management to Public Housing and Housing Choice Voucher residents interested in transitioning to homeownership. As part of this case mgmt. the Homeownership Coordinator discusses predatory lending practices, and provides tips to avoid predatory lending and subprime mortgage offers. CreditSmart Classes for residents focus on financial literacy, credit repair, homebuyer education and lending. AAHC refers residents to Consumer Credit Counseling Services as needed, and in 2009 contracted with Austin Habitat for Humanity to provide post-purchase counseling and foreclosure prevention training to HACA residents who have transitioned to homeownership. AAHC absolutely does <u>not</u> work with sub-prime lenders.
<b>8. Disparity in lending practices.</b> (2000)	A. City should work with lenders to expand homeownership and credit counseling classes to the public.	The NHCD Housing Information and Referral Program inform callers of local HUD-approved credit counselors and housing counseling agencies. In addition, NHCD train staff as certified homebuyer counselors. Austin Housing Finance Corporation's housing counseling program, Housing Smarts, works with Mortgage Credit Certificate (MCC) lenders who not only originate loans but who may also have their own housing counseling programs. NHCD also works with MCC lenders at events like homebuyer fairs to educate the public concerning available mortgage products. Although, data from 2009 suggests that Austin banks are approving loan applications and equally serving Austin residents of different races and ethnicities, non-local mortgage lenders are favoring Caucasian applicants versus African American and Hispanic applicants. NHCD and AHFC recognize the need to continue to educate potential homebuyers of these practices and connect applicants with the appropriate products and resources.	AAHC's Homeownership Coordinator has formed ongoing partnerships with local lenders interested in catering to the needs of low-income and minority families focusing on the ultimate goal of homeownership. The lenders that AAHC partners with have the tools and programs to meet the needs of individuals and families who have been living in subsidized housing, and they provide individualized credit repair and homeownership information to complement the case management that residents are receiving. AAHC absolutely does <u>not</u> work with sub-prime lenders.
<b>9. Insufficient financial literacy education.</b> (2000)	A. City should work with agencies to provide financial literacy education to the public.	Austin Housing Finance Corporation, a subsidiary of the City of Austin's Neighborhood Housing and Community Development Department, developed in 2006 a housing counseling program called Housing Smarts. The program provides comprehensive community seminars on homebuyer counseling and foreclosure prevention in addition to a Train-the-Trainer program. A series of free sessions for Austin residents focus on financial literacy and understanding your	HACA provides CreditSmart classes to residents monthly, through collaboration with Austin Habitat for Humanity – with AAHC's Homeownership Coordinator and Habitat staff working together to provide both financial management and homebuyer education training. AAHC refers residents to Consumer Credit Counseling Services as needed.

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		credit, assessing your readiness to buy, predatory lending, selecting and maintaining a home, and foreclosure prevention. AHFC outreaches to community and faith-based organizations seeking financial literacy and homebuyer education training as well.	Additionally, AAHC partners with the Financial Literacy Coalition of Central Texas to provide targeted training at public housing properties. AAHC has recently contracted with Austin Habitat for Humanity to provide post-purchase counseling and foreclosure prevention training to HACA residents who have transitioned to homeownership.
<b>10. Insufficient income to afford housing.</b> (2000)	A. City should continue to work to expand job opportunities.	The City offers a range of services for small businesses in the Austin community from technical assistance to loan services to enhance small businesses success and encourage the creation of jobs for low- to moderate-income households. The Neighborhood Commercial Management Program (NCMP) provides financial assistance in the form of business loans to existing businesses looking to expand their operations. The Community Development Bank (CDB) provides flexible capital loans and technical assistance to small and minority businesses that are expanding or relocating to low-income areas. The Micro-enterprise Technical Assistance Program offers training and technical assistance to qualified micro-enterprises in the City of Austin. The Community Preservation and Revitalization Program (CP&R) Business Loan Program provides financial assistance in the form of small business loans to financially and geographically qualified small businesses in East Austin. The <u>Small Business Development Program</u> fosters job creation and supports the growth of new and existing businesses by providing capacity building information, tools and resources. The <u>Small and Minority Business Resources Department (SMBR)</u> assists small, minority-owned and women-owned business enterprises pursue contracting opportunities with the City.	HACA manages both a Public Housing and a Housing Choice Voucher Family Self-Sufficiency Program (FSS). While the general resident population may receive job training services, nearly 300 FSS participants receive targeted case management, job training and job readiness services to prepare them for entering or re-entering the workforce. HACA focuses on getting FSS participants the preparation they need to obtain jobs that will eventually earn them a family-sustaining wage. HACA partners with many workforce development service providers to provide these services. FSS participants also maintain escrow accounts that are dispersed after completion of the FSS program (5 yrs.), and which can be utilized for further education or homeownership. HACA, in partnership with the City and Greater Austin Hispanic Chamber of Commerce also began a small business incubator in 2008 that has graduated 30+ participants as of January 1, 2010.



## II. REMEDYING DISCRIMINATION IN HOUSING

It is the policy of the Housing Authority of the City of Austin to comply fully with all Federal, State, and local laws and regulations governing Fair Housing and Equal Opportunity. HACA does not and shall not discriminate based on race, religion, color, sex, disability, family status, age, sexual preference or national origin in providing a family or individual the opportunity to apply for or receive assistance under any program administered by the agency or its subsidiaries. HACA periodically reviews all of its policies and procedures to assure compliance with all housing and civil rights requirements including, but not limited to: the Fair Housing Act of 1968; Fair Housing Amendments Act of 1988; Title VI of the Civil Rights Act of 1964; American's with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; Architectural Barriers Act of 1968; Age Discrimination Act of 1975; Title IX of the Education Amendments Act of 1972; and Executive Orders 11063 and 13166. Staff of the Housing Authority of the City of Austin is educated on the content of fair housing and civil rights laws and is trained on the prevention of housing discrimination through ongoing professional training. In recent years, HACA has provided annual fair housing training for all Housing Choice Voucher Eligibility Specialists and Public Housing Property Managers, in cooperation with the City of Austin Fair Housing Office, Legal Aid and the Austin Tenant's Council. This training is open to both HACA staff and the staff of other housing and social services agencies. HACA will strive to provide similar training on an annual basis.

HACA prominently posts Fair Housing and Equal Opportunity Posters and the toll-free Fair Housing Complaint Hotline number (1-800-669-9777) at each of its public housing properties and in multiple areas at its Central Office, with particular attention to its reception and admissions areas. Applicants with hearing or speech impairments are informed that they may access the Fair Housing hotline via TTY by calling the Federal Information Relay Service at 1-800-887-8339. HACA assists any family that claims illegal discrimination has prevented them from leasing a suitable unit administered by the Housing Authority of the City of Austin, by giving the family information on how to file a housing discrimination complaint. Additionally, HACA ensures that all families applying for its programs receive HUD's handout "Fair Housing Is Your Right!". Individuals deemed ineligible for HACA services or terminated from HACA's public housing programs for non-compliance, has a right to an informal review hearing with HACA's dedicated Hearing Officer prior to filing a formal fair housing/discrimination claim, unless terminated for drug-related or violent criminal activity. Section 8 participants terminated for drug-related or violent criminal activity are entitled to a hearing.

The Housing Authority of the City of Austin provides reasonable accommodations to housing applicants and its residents, upon request. Accommodations include but not are not limited to access to alternative communications such as sign language and foreign language interpretation, and assistance with completing application paperwork. For individuals with disabilities, HACA has made provisions to conduct annual eligibility and re-examination appointments in residents' homes under extenuating circumstances, should a resident not have access to Special Transportation Services through Capital Metro. Individuals with disabilities may also be eligible for upgrades in unit size based on specific medical and accessibility needs. Additionally, all of HACA's public housing Property Managers and Housing Choice Voucher Housing Eligibility Specialists maintain specific information on accessible units and their unique accommodations. Finally, public housing residents with disabilities may request that accessibility modifications be made to their assigned unit, should those accommodations be deemed necessary and reasonable.

The Housing Authority of the City of Austin also provides referral to other local programs and organizations that address fair housing discrimination, and who receive support from the City of Austin to provide these services. These organizations include the following:

City of Austin Equal Employment and Fair Housing Office: The City of Austin Equal Employment & Fair Housing Office (EE/FHO) is empowered to enforce four City Ordinances and the following federal statutes: Title VII and Title VIII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination in Employment Act of 1967 (ADEA). The City's [Housing Ordinance](#) and the [Fair Housing Act](#) protect an individual in the area of housing (terms and conditions, rental, leasing, buying or selling) based on race, sex, religion, national origin, familial status, and physical or mental disability. The ordinance also protects an individual from discrimination based on age (18 years or older), status as a student, sexual orientation, gender identity and marital status. Persons who believe that they have been treated differently because of their protected class in their pursuit to acquire housing, may file a charge of discrimination with City of Austin Equal Employment/Fair Housing Office at 974-3251. The charge will be assigned to an Investigator who will gather and review information. The Investigator may interview witnesses, conduct on-site visits and use other means to make certain that a complete investigation is made. Within 10 working days from the date of filing the charge, the Respondent will be served a notice that a charge of discrimination has been filed against them. The Respondent will be given 15 working days from the date they received the charge to respond. The investigation continues until both parties (Charging Party and Respondent) agree to a settlement (No Fault Settlement) or until a determination has been reached by the Administrator (Cause or No Cause)

Austin Tenants' Council: The Austin Tenants' Council provides counseling, mediation, advocacy and educational services related to housing discrimination, landlord/tenant disputes, housing repair and rehabilitation, and affordable housing. The Council publishes a

guide to affordable housing, provides telephone and in-house bilingual counseling to tenants (with a particular focus on low-income tenants), and provides mediation services. A HUD recognized Fair Housing Initiative Program, the Austin Tenants' Council helps anyone in the Austin Metro area who has been discriminated against in the rental, sale, financing, appraisal or insurance of housing.

**Austin Human Rights Commission:** Appointed by the City Council, this Commission is composed of 11 volunteer commissioners representing the various racial and ethnic groups of Austin. The Commission investigates complaints of discriminatory employment practices as well as fair housing. As a HUD-certified Fair Housing Assistance Program agency, they act as an advisory body on non-discrimination policies, conduct education programs, and investigate complaints of prejudice and discrimination.

**ADAPT OF TEXAS:** ADAPT IS AN ACTION-ORIENTED GROUP THAT ADVOCATES AND DEMONSTRATES FOR ACCESSIBLE PUBLIC ACCOMMODATIONS, ATTENDANT PROGRAMS, TRANSPORTATION, AND DISABILITY RIGHTS.

**Advocacy, Inc.:** This agency provides legal assistance to developmentally disabled persons who have been discriminated against due to their handicap.

### **Promoting Fair Housing Rights and Fair Housing Choice**

The City of Austin maintains a Fair Housing Ordinance that is substantially equivalent to federal fair housing statutes. The Ordinance is administered by the City's Human Rights Commission and provides similar protection and relief from discrimination as its federal counterpart. The Commission investigates alleged discriminatory housing practices and seeks conciliation. After hearing complaints, the Commission determines if discrimination has or is going to occur and refers cases to the judicial system if violations fall under the Ordinance. Civil penalties range from \$10,000 to \$50,000 plus reasonable legal fees, court costs and other equitable relief. The City goes beyond federal law, including protected classes. As part of the 1981 Ordinance, amended in 1994, the City extended equal housing protection regardless of age, creed, status as a student, marital status or sexual orientation. Thus, a broader constituency enjoys the right of equal housing opportunity in Austin as opposed to the country at large (excerpted from the 2005-2010 City of Austin Consolidated Plan).

Through the efforts of HACA staff, Housing Choice Voucher, Public Housing, and AAHC's affordable housing applicants and recipients are advised of their rights under the local and federal laws, as described above. Applicants and recipients will receive assistance in resolving any issues relating to potential fair housing impediments through a referral process. As many agencies within the local community have demonstrated expertise in the areas of fair housing rights and fair housing choice, referring participants to these agencies is the most productive and unbiased way to ensure appropriate measures are taken to resolve any impediment issues that arise in the provision of services by the Housing Authority of the City of Austin.

In addition to working with the aforementioned community-based agencies that address fair housing discrimination, HACA also works closely with a number of additional local agencies that serve or focus on protected classes of individuals. These agencies include Texas Rio Grande Legal Aid, Austin Resource Center for Independent Living (ARCIL), Texas Commission for the Blind, Family Eldercare, Austin Resource Center for the Homeless (ARCH), AIDS Services of Austin (ASA), Austin Travis County MHMR, Safe Place (Domestic Violence services), LifeWorks (homeless and at-risk youth services), and Texas School for the Deaf. Through partnerships with the highlighted agencies and other agencies, HACA shares information regarding housing opportunities and each agency educates HACA staff on circumstances that affect the families they serve.

Through ongoing quality control audits and program evaluation efforts, the Housing Authority of the City of Austin assesses the implementation of its fair housing strategies and refines and enhances its actions as needed.

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### **Additional Steps to Affirmatively Further Fair Housing in HACA's Housing Choice Voucher, Public Housing and Other Affordable Housing and Special Programs**

The Housing Authority of the City of Austin (HACA) is dedicated and committed to taking reasonable steps to affirmatively further fair housing in all of its programs and to maintain records of those steps and their impacts. In addition to its Housing Choice Voucher and Public Housing Programs, and their respective Family Self-Sufficiency programs, HACA implements steps to affirmatively further fair housing in a variety of special housing programs. These programs are primarily Housing Choice Voucher programs and include HUD's: Tenant Based Rental Assistance (TBRA) Program; Section 8 Mod Rehab Program; Disaster Voucher Program; Disaster Housing Assistance Program; Housing Choice Voucher Mainstream Program; Shelter Plus Care Program; Veterans Affairs Supportive Housing Program; Family Unification Program; and Non-Elderly with Disabilities Voucher Program. Moreover, Austin



Affordable Housing Corporation, HACA's non-profit subsidiary, works with the management companies that oversee its tax credit and other affordable housing properties to ensure that steps are being taken to affirmatively further fair housing at those properties.

The steps that HACA takes to further fair housing in its Housing Choice Voucher, Public Housing and special housing programs include:

**Marketing all housing programs to all eligible persons, including persons with disabilities and persons with Limited English Proficiency (LEP)**

The Housing Authority of the City of Austin markets its Housing Choice Voucher, Public Housing and special housing programs to individuals and families throughout the Austin area, through a variety of different means, including online marketing, print marketing and word of mouth. Additionally, a great deal of HACA's marketing is achieved through referral of applicants to HACA from other community-based social service agencies serving similar population of low-income and high need individuals and families. Most of HACA's special housing choice voucher programs serve specific populations of individuals including veterans, those with disabilities, those experiencing homelessness, substance abuse, HIV/AIDS, involvement with the child welfare and foster care system, and those who have relocated after natural disasters. Thus, HACA works in close partnership with local social services agencies that serve each of these specific populations to market its housing programs and establish appropriate referral networks and protocols.

Applicants that are deemed eligible for the HACA's Housing Choice Voucher, Public Housing or special voucher programs, and who have been informed that a voucher or unit is readily available to them, are invited to and required to attend a resident orientation which provides a comprehensive overview of the rules and regulations of participating in the respective housing program. Housing orientations are held weekly for the Housing Choice Voucher and Public Housing Programs, and as needed or on a small group basis for special housing programs. HACA's special voucher program orientations provide a detailed overview of the particular eligibility criteria and limitations that govern these specific programs and that differ from the general Housing Choice Voucher Program. When there are not enough eligible individuals on HACA's waitlist to fill the vacancies in special housing choice voucher programs, the agency may open up the waitlist to individuals who meet the specific eligibility criteria for the program(s) that has openings. When this is the case, HACA works with its partner agencies and special projects coordinators to market these openings to potentially eligible applicants.

As part of the Housing Choice Voucher, Public Housing and special housing program orientations, HACA's Family Self-Sufficiency Coordinators provide an overview of the Family Self-Sufficiency program to incoming residents. HACA's Housing Choice Voucher and Public Housing Family Self-Sufficiency programs currently serve approximately 150 participants, and maintain a waitlist of approximately 90 potential participants (2016). The Family Self-Sufficiency waitlist is opened approximately once a year, to replenish the pool of potential candidates that are interested in the program, and a 30-day notice regarding the waitlist opening is posted at HACA's central office and is provided to all eligible participants. The Housing Choice Voucher Program's Housing Eligibility Specialists and the Public Housing program's Family Self-Sufficiency Specialists and Property Managers also market the Family Self-Sufficiency Program to eligible participants during annual and interim recertification appointments. Information on the Family Self-Sufficiency program is provided to current residents in monthly newsletters. Participants in HACA's special housing choice voucher programs are eligible to participate in the Housing Choice Voucher Family Self-Sufficiency Program, unless the special program they are participating in precludes it, or the special housing program is time limited and conflicts with the requirements of the Family Self-Sufficiency Program.

The Housing Authority of the City of Austin provides reasonable accommodations to individuals applying to all of its programs, upon request. Accommodations include but are not limited to access to alternative communications such as sign language and foreign language interpretation, assistance with completing application paperwork, and alternative technology. HACA's housing operations and admissions staff continues to monitor and assess the language needs of current and potential residents to determine which vital documents need to be translated in order to make the agency's programs accessible to all participants.

**Making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities**

As noted, the Housing Authority of the City of Austin provides notices of availability regarding all of its housing programs and its Family Self-Sufficiency Programs to eligible residents through means including written materials such as newsletter and flyers (currently in English and Spanish); website postings; and face-to-face communication through HACA's Admissions Department and at housing orientations held at HACA's central office. HACA provides reasonable accommodation and furnishes assistance such as alternative communication systems to individuals with disabilities, upon request, so that these individuals have equal opportunity to apply for and participate in all of the agency's programs and services. Moreover, HACA provides information to housing residents on partner agencies and other community-based organizations that also provide accessible services and facilities.

The Housing Authority of the City of Austin's central office building and public housing sites, which are the primary spaces where services are provided and appointments are conducted with housing program applicants Family Self-Sufficiency participants, are

accessible to individuals with physical disabilities. For individuals with disabilities, HACA has made also provisions to conduct annual eligibility re-examination appointments and Family Self-Sufficiency Program appointments in residents' homes under extenuating circumstances, should a resident not have access to Special Transportation Services through Capital Metro or require individually prescribed accessibility devices that cannot be made readily available at HACA's offices. HACA provides local housing preferences for disabled and elderly individuals, and will provide a preference for disabled individuals transitioning out of community health institutions, including nursing homes and particular psychiatric facilities, that are eligible for the Non-Elderly with Disabilities Housing Choice Voucher Program if the program is funded. Individuals with disabilities may also be eligible for upgrades in unit size based on specific medical and accessibility needs.

All of HACA's Housing Choice Voucher Housing Eligibility Specialists and public housing Property Managers maintain specific information on accessible units and their unique accommodations. HACA also grants reasonable accommodations to public housing residents who request accessibility features to be added to existing units or units offered, or offers unit transfers if the requested modifications to the existing units are not feasible. Finally, HACA's Housing Choice Voucher Landlord Outreach Specialist solicits landlords/owners who have accessible housing units to participate in the Housing Choice Voucher Program. A descriptive list of accessible units is available to voucher holders who are seeking such a unit.

The Housing Authority of the City of Austin takes all reasonable steps necessary to ensure that all housing applicants and residents with disabilities, who are interested in participating in any of the agency's housing programs or the Family Self-Sufficiency program, are not excluded from participation or discriminated against in any way.

#### **Providing fair housing counseling services or referrals to fair housing agencies**

Please refer to the *Promoting Fair Housing Rights and Fair Housing Choice* and *Remedying Discrimination in Housing* portions of the general section of this Addendum for extensive information on how the Housing Authority of the City of Austin provides fair housing counseling and referral to fair housing agencies.

#### **Informing participants on how to file a fair housing complaint**

HACA prominently posts Fair Housing and Equal Opportunity Posters and the toll-free Fair Housing/Discrimination Complaint Hotline number (1-800-669-9777) in multiple areas at its Central Office where Austin residents apply for the agency's Public Housing and Housing Choice Voucher programs, with particular attention to its reception, admissions and Family Self-Sufficiency Conference Room areas. HACA also posts these posters and numbers at each public housing property's administrative office. Applicants with hearing or speech impairments are informed that they may access the Fair Housing hotline via TTY by calling the Federal Information Relay Service at 1-800-887-8339. The same posters and informational flyers are also posted at all 19 of HACA's public housing properties. HACA assists any family that claims illegal discrimination has prevented them from leasing a suitable unit administered by the Housing Authority of the City of Austin, by giving the family information on how to file a housing discrimination complaint with Legal Aid, Austin Tenants' Council or the City of Austin Equal Employment and Fair Housing Office. Additionally, HACA ensures that all families applying for its programs receive HUD's handout "Fair Housing Is Your Right!" Individuals deemed ineligible for HACA services or terminated from HACA's public housing programs for non-compliance, has a right to an informal review hearing with HACA's dedicated Hearing Officer prior to filing a formal fair housing/discrimination claim, unless terminated for drug-related or violent criminal activity. Section 8 participants terminated for drug-related or violent criminal activity are entitled to a hearing.

#### **Recruiting landlords and service providers in areas that expand housing choice to program participants, and supporting homeownership across the Austin community**

The Housing Choice Voucher program employs a dedicated Landlord Outreach Specialist to enroll landlords of properties in census tracts with limited affordable housing, as providers of affordable housing through the Housing Choice Voucher program. HACA utilizes the U.S. Census and yearly American Community Survey (ACS) updates to determine and review in which areas of Austin there is little affordable housing, and low minority and socioeconomic status distribution. HACA's Landlord Outreach Specialist then seeks landlords in these areas to participate in the Housing Choice Voucher program in an effort to de-concentrate poverty, diversify areas of the city, and ensure that affordable housing is available across the community and is accessible to areas of high job concentration and high performing schools. Additionally, HACA's Family Self-Sufficiency Coordinators maintain extensive information on local social service providers, child care providers, and transportation routes that FSS participants are likely to utilize, so that FSS participants can make informed housing choices.

HACA's subsidiary, Austin Affordable Housing Corporation, operates a continuum of homeownership preparation and assistance programs. AAHC's Down Payment Assistance Program and Lease-to-Own program both encourage HACA residents who are prepared to transition to homeownership to explore affordable housing opportunities throughout the city of Austin, nearby unincorporated areas, and in surrounding counties – in an effort to find housing that will best meet their needs.

## **Record-keeping of affirmatively furthering fair steps and their impacts**

The Housing Authority of the City of Austin maintains a database on all reasonable accommodations requests that are made, whether those requests are granted or denied. This includes information on both communication and accessibility requests.

HACA also maintains extensive demographic information on both program applicants and residents, including information on language preferences. This information allows HACA to assess the needs of its constituents and to make critical decisions regarding and changes necessary in its approach to serving clients.

HACA also maintains files on individuals and families that are denied acceptance to or terminated from HACA's housing programs, and who file for an informal hearing with HACA's Hearings Officer. The individual or family's request for hearing is filed with notes from the hearing, any back-up documentation provided, and the final hearing decision rendered by the Informal Hearing's Officer. Any appeals or open fair housing complaints made by the plaintiff are also filed.

## **Helping program applicants and participants gain access to supportive community service**

The Housing Authority of the City of Austin staff has extensive knowledge of community based services that can support the needs of program applicants and participants. HACA's Admissions Specialists, Housing Choice Voucher Eligibility Specialists, Family Self-Sufficiency Specialists, Family Self-Sufficiency Coordinators, Resident Outreach Specialists, Youth Educational Success Coordinator and Outreach Specialist, Special Programs Coordinators, Property Managers and Community Directors all provide information and referral to supportive community services at various levels of program participation.

Admissions staff provides basic resource information to housing program applicants before they are accepted into HACA's Housing Choice Voucher or Public Housing Programs, and may refer housing applicants to other interim housing programs and programs that provide basic needs assistance. Housing Choice Voucher Eligibility Specialists provide basic information and referral to social services to Housing Choice Voucher participants, once they are enrolled in the program. Family Self-Sufficiency Specialists and Coordinators provide participants in HACA's Family Self-Sufficiency Programs with case management, assistance in developing Individual Training and Service Plans, and referral and advocacy for workforce development, education, family support and child care services. HACA's Family Self-Sufficiency Coordinators also educate other HACA staff on social services available in the community. HACA's Resident Outreach Specialists work specifically at HACA's Elderly/Disabled designated public housing properties and have a wealth of knowledge on programs that provide services to meet the unique needs of these populations. Moreover, HACA has been fortunate enough to partner with Family Eldercare on an Administration on Aging Grant focused on community innovations in aging in place. Each of HACA's Elderly/Disabled designated public housing properties now has a Service Coordinator, who is a licensed social worker, and provides intensive case management and service coordination services for seniors. The Service Coordinators develop and coordinate health and wellness programs, recreation programs, volunteer programs, caregiver support and benefits counseling and advocacy for seniors in public housing in order to help these individuals age in place in their communities with wraparound services.

Special Programs Coordinators oversee the agency's special housing choice voucher programs, and have specialized knowledge in serving the populations who receive special vouchers (i.e. individuals who are disabled, veterans, child welfare involved, substance abusers, etc.). Special Program Coordinators have established deep relationships with the partner agencies that provide supportive services to special housing program participants and they maintain open communication with the staff at these community-based organizations to best assist the individuals and families participating in these programs.

HACA's Youth Educational Success Coordinator and Youth Outreach Specialist coordinate development programs for HACA youth, focused on academic achievement and social enrichment. They oversee approximately fifteen partnerships with youth-serving agencies that serve over 1,000 HACA youth each year, and maintain close relationships with each of the elementary, middle and high schools that serve HACA's public housing properties.

Finally, HACA's Public Housing Property managers work closely with the property's Resident Outreach Specialists or Family Self-Sufficiency Specialists to provide residents with referrals to appropriate community resources. HACA's Community Directors, all of who have extensive experience working with social service agencies in Austin, develop and coordinate property and community wide events that highlight social service providers and community-based organizations that benefit residents.

While each of the aforementioned staff provides information and referral to residents for supportive community resources, staff informs housing applicants or participants that acceptance of such supportive services is not a condition of continued participation in the program.



**Identify public and private funding sources to assist participants with disabilities in covering the cost of structural alterations and other accessibility features**

All of HACA's Housing Choice Voucher Housing Eligibility Specialists and public housing Property Managers maintain specific information on accessible units and their unique accommodations. HACA also grants reasonable accommodations to public housing residents who request accessibility features to be added to existing units or units offered, or offers unit transfers if the requested modifications to the existing units are not feasible. Finally, HACA's Housing Choice Voucher Landlord Outreach Specialist solicits landlords/owners who have accessible housing units to participate in the Housing Choice Voucher Program. A descriptive list of accessible units is available to voucher holders who are seeking such a unit.

In most cases the Housing Authority of the City of Austin's Capital Fund Program provides the funding necessary to cover the cost of feasible structural alterations and other accessibility features in public housing units. These include alterations and features requested under reasonable accommodation requests, as well as alterations that HACA has chosen to make to a number of units to increase the accessibility of these units for those with physical disabilities. The only cases in which Capital Funds will not cover alterations are if the costs are excessive and unreasonable, or a resident has already made arrangements for cost to be covered through other modification programs.

HACA's Capital Fund Program does not provide funding to cover the cost of structural alterations and other accessibility features in Housing Choice Voucher units owned by landlords in the community. However, HACA's Housing Choice Voucher Landlord Outreach Specialist maintains information on sources of funding that can support landlords in making accessibility modifications to units that they own. These include funds provided by the local area agency on aging, Texas Department of Aging and Disability Services, Texas Department of Housing and Community Affairs, the State Housing Finance Agency, the local independent living center, Neighborworks and other community organizations.

**Approve higher rents to owners that provide accessible housing units with structural modifications for persons with disabilities**

According to rent reasonableness requirements outlined at 24 CFR 982.507 and in the U.S. Department of Housing and Urban Development's Office of Public and Indian Housing PIH 2009-51 Notice, a PHA's HCV program may not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. In order for the rent to be reasonable, the rent may not be more than rent charged for comparable units in the private unassisted market. In addition, the rent may not be more than rent charged by the owner for comparable unassisted units on the premises. In other words, the owner is not permitted to charge the HCV program more for rent than what unassisted tenants in comparable units are paying. The owner must give the PHA information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

However, for an individual or family that requires an accessible unit with structural modifications, the accessible features may justify a higher rent. For such households, the rent reasonableness determination must take those features into account. In a community where there are few such units, or a significantly greater need than the number of accessible units available, the PHA is justified in allowing a higher rent. HACA will approve higher rents to owners that provide accessible housing units with structural modifications for persons with disabilities, based on HUD guidelines.

**Provide technical assistance, through referrals to local fair housing and equal opportunity offices, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.**

HACA's Housing Choice Voucher Landlord Outreach Specialist makes referrals to fair housing organizations, equal opportunity offices and local disability rights and advocacy organizations for owners interested in making reasonable accommodations or accessibility modifications. As noted, these organizations include the: City of Austin Equal Employment and Fair Housing Office, Austin Tenants' Council, Austin Human Rights Commission, ADAPT of Texas, Advocacy Inc., Austin Resource Center for Independent Living, Texas Department of Aging and Disability Services, Texas Commission for the Blind, Family Eldercare, Austin Resource Center for the Homeless (ARCH), AIDS Services of Austin, Austin Travis County Integral Care, and the Texas School for the Deaf

**Not deny other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate**

Applicants that are deemed eligible for the HACA's Housing Choice Voucher, Public Housing or special voucher programs, and who have been informed that a voucher or unit is readily available to them, are invited to and required to attend a resident orientation which

provides a comprehensive overview of the rules and regulations of participating in the respective housing program. However, should a participant who has been accepted into any of HACA's housing programs ultimately choose not to participate in the program offered, HACA may not restrict access to other PHA programs in the future.

#### **Provide housing search assistance**

Housing orientations for HACA's general Housing Choice Voucher and special housing programs provide a detailed overview of the particular eligibility criteria and limitations that govern these programs. While there is not a staff person dedicated to providing 1:1 assistance to voucher recipients in finding a rental unit, HACA's Landlord Outreach Specialist provides extensive information on searching for units at each orientation. Additionally HACA maintains a bulletin board and binders at its central office that voucher recipients can reference to find landlords accepting Housing Choice Vouchers. The Housing Choice Voucher Program's Special Program Coordinators, who work closely with special service providers, are also a valuable resource for providing referrals to landlords who accept special housing vouchers.

#### **Advertising widely in the community for positions in HACA's housing programs should positions become open and available**

The Housing Authority of the City of Austin advertises the agency's vacant positions widely and equitably by marketing the available positions through many different venues. HACA advertises vacant positions on its agency website; local and regional job classified listings (both web and newspaper-based – such as Craigslist.org and the Austin American-Statesman); national job classified websites (Monster.com, Careerbuilder.com); local university job listings; and through regional and national industry list serves and publications including NAHRO and TX NAHRO postings, and non-profit industry websites. HACA also markets its positions on property and at its central office in support of HUD's Section 3 program.

**Attachment C.3**  
**Resident Advisory Board (RAB) Comments**

**2017 Draft Public Housing Authority Annual Plan Public Hearings  
November 8, 2016 at 10:00 A.M. with the Citywide Advisory Board**

The Public Hearing opened at 10:20 A.M. and closed at 10:29 A.M. Judy Paciocco, Sr. Director of Operations, presented on the updates and revisions to the Draft 2017 Public Housing Authority Annual Plan.

**Jan Morgan**, resident of Lakeside, asked when is the closing date for the site-based waiting lists.

HACA's Response: December 15, 2016 at 5:00P.M.

**Rachel Martinez**, President of Georgian Manor, asked if she would need to reapply to stay where she is living since the site-based waiting lists will be closing.

HACA's Response: No, you do not need to reapply to stay at your current residence.

**Alice Merida**, President of the Gaston Place Resident Council, asked if she would need to apply to the site-based waiting list to live at Gaston Place.

HACA's Response: No, you do not need to reapply to stay at your current residence.

**Mary Aleshire**, resident of Gaston Place, asked for all the attendees to read the Fair Housing statement on page 48 and how important it is. "HACA seeks to ensure fair housing compliance, equal access and equal opportunity throughout our community. Through future efforts to implement the results of the AFH, HACA commits to the goal of ensuring a policy framework that creates meaningful choice and opportunity for all types of housing for all types of people in all parts of Austin."

**Nancy Lange**, resident of Lakeside asked if the closing of the site-based waiting lists affect her placement on the transfer list.

HACA's Response: It should not affect her placement on the transfer waitlist.

**November 21, 2016 at HACA Board of Commissioners Meeting**

No comments received.

**December 6, 2016 at the Henry Flores Education and Training Center (Meadowbrook)**

The Public Hearing opened at 5:30 P.M. and closed at 6:00 P.M. Judy Paciocco, Sr. Director of Operations, presented on the updates and revisions to the Draft 2017 Public Housing Authority Annual Plan.

**Ronald Brown**, resident of Meadowbrook, asked for more information regarding the Rental Assistance Demonstration(RAD) construction timeline and resident relocation for the residents at Meadowbrook.

HACA's response: More information will be forth coming. HACA resident relocation specialist, Julie Parlato, will contact Mr. Brown with the information requested. A resident meeting regarding RAD will be held at Meadowbrook on Monday, December 12, 2016 to all address resident concerns with RAD.

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.

Public Hearing for Revisions to PHA Plan-VAWA and Jobs Plus  
HACA Citywide Advisory Board Meeting  
Held at Salina Apartments  
1143 Salina Austin, TX 78702  
July 11, 2017 at 10:00 AM

**No comments received specific to the revisions to the PHA Plan.**

**Attachment C.4**  
**Certification by State or Local Officials**

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Rosie Truelove, the Director of Neighborhood Housing and Community Development  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

Housing Authority of the City of Austin  
*PHA Name*

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of  
Impediments (AI) to Fair Housing Choice of the

City of Austin

*Local Jurisdiction Name*

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan  
and the AI.

COA Consolidated Plan Priority: Homeless/Special Needs Assistance provides services to the City's most vulnerable populations,  
including persons experiencing homelessness, persons living with HIV/AIDS, seniors, youth, children, and families.

HACA continues to provide preferences in both the Public Housing and Housing Choice Vouchers for assistance to homelessness,  
persons living with HIV/AIDS, seniors, youth, children, and families through onsite programming to special assistance vouchers:  
Tenant Based Rental Assistance vouchers, Veterans Affairs Supportive Housing vouchers, Continuum of Care vouchers and Family  
Unification Program vouchers

COA Consolidated Plan Priority: Housing Development Assistance includes NHCD programs that offer assistance to non-profit and  
for-profit developers to build affordable housing for low- and moderate-income households.

Recognizing the critical need to preserve and create additional affordable housing, HACA, through its nonprofit subsidiary Austin  
Affordable Housing Corporation (AAHC), has 2,422 units in its portfolio for low income families. AAHC continues to grow and  
currently has 804 units in the construction pipeline to be completed by 2018.

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

Name of Authorized Official

Signature

Title

Date

Item No. 4, page 80

*[Handwritten Signature]*

*Interim Director*  
*12/5/16*

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**Attachment D.1**  
**Statement of Capital Improvements**

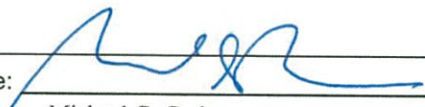


# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB  
0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input checked="checked" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____	
<b>4. Name and Address of Reporting Entity:</b> <input checked="checked" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Housing Authority of the City of Austin 1124 South IH-35 Austin, TX 78704  Congressional District, if known: 25th District			<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b> N/A  Congressional District, if known:		
<b>6. Federal Department/Agency:</b> U.S. Department of Housing and Urban Development			<b>7. Federal Program Name/Description:</b> 2017 Capital Fund Program  CFDA Number, if applicable: _____		
<b>8. Federal Action Number, if known:</b> TX59-P001-50117			<b>9. Award Amount, if known:</b> \$		
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI): N/A			<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI): N/A		
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature:  Print Name: Michael G. Gerber Title: President & CEO Telephone No.: 512-477-4488 Date: 12/15/2016		
<b>Federal Use Only:</b>				Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	



**Attachment E.1**  
**Choice Mobility**

## Choice Mobility Policy



Created 5/19/2016



# HACA Choice Mobility Policy

## I. Definitions:

1. **Covered Project:** Any Public Housing property that has converted to the Project Based Rental Assistance (PBRA) program through RAD.
2. **Choice Mobility:** The opportunity for families to request a Housing Choice Voucher (HCV) and move into the private rental market with voucher assistance.
3. **Turnover Caps:** The maximum number of families that can receive a voucher in a calendar year. PHAs can establish caps for the maximum number of families that can receive a voucher from each property in the calendar year. PHAs can also establish caps for the maximum number of vouchers from all properties combined that can receive a voucher in a calendar year.

## II. Eligibility and Voucher Caps

HUD seeks to provide all residents of Covered Projects with viable Choice Mobility options. The Housing Choice Voucher (HCV) program provides the most options for families to choose where they want to live within that housing authority's jurisdiction.

PHAs that are applying to convert the assistance of a project to PBRA are required to provide a Choice-Mobility option to residents of Covered Projects in accordance with the following:

- A. **Resident Eligibility.** Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV)) the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- B. **Voucher Inventory Turnover Cap.** Recognizing the limitation on the availability of turnover vouchers from year to year, a voucher agency would not be required, in any year, to provide more than one-third of its turnover vouchers to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.

### HACA Policy

HACA will provide all residents the opportunity to request a Housing Choice Voucher after the later of a) 24 months from the date of the execution of the HAP contract, or b) 24 months from the date of move in.

- If a family moves from one covered project to another covered project, their 24 month clock resets. These families will have to wait for 24 months from the date of move in to the new property, before they can exercise Choice Mobility.
- If a family transfers within the same covered project, their 24 month clock does not reset. They will be eligible to request a Choice Mobility voucher at the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-

in date.

- A family may request the choice mobility voucher at any time after completing the 24 month requirement. They remain eligible as long as they continue living at the same covered project.
- A family that receives a Choice Mobility voucher, but allows it to expire without using it, can request another Choice Mobility voucher. However, they must wait 1 year from the date of the issuance of the expired voucher before requesting another Choice Mobility voucher. When they do request again, they will start the process from the beginning and are subject to any waiting lists in place at that time.

HACA will implement the voucher inventory cap. Each calendar year, the HCV program will only make 1/3 of its turnover vouchers available to families exercising Choice Mobility from any of its 18 covered projects transitioning into PBRA through the Rental Assistance Demonstration (RAD). HACA will establish an agency-wide Choice Mobility waiting list for times when there are more requests for vouchers than vouchers available due to the cap.

HACA will not implement the project turnover cap.

The HCV program also provides the opportunity to move to other parts of the country by exercising the portability options. Families will be required to follow the housing authority's guidelines regarding when they can exercise the portability option.

#### **HACA Policy**

In order to be eligible for the Choice Mobility option, families have to live in Austin, in a HACA owned PBRA property for at least 2 years. These families meet HACA's HCV program requirements and are eligible to exercise portability when they first receive a voucher.

### **III. Notification of Eligibility**

In keeping with HUD's goal to provide viable Choice Mobility options to residents of all covered projects, PHAs should provide clear notification and explanation of the Choice Mobility options available to them.

#### **HACA Policy**

At the time of the initial lease signing, HACA will provide a copy of the Choice Mobility policy to the family and explain the Choice Mobility option. HACA will provide clear direction and guidance regarding how to request a Choice Mobility voucher. Residents will be asked to sign a certification indicating that they received the Choice Mobility policy.

In addition, HACA will provide a written notification to the residents as part of the 90 Day letter that each families receives before their annual recertification appointment. (See Appendix 1)

If anything changes in the method for requesting the Choice Mobility voucher, HACA will provide written notification to the residents at least 30 days in advance of the change becoming effective.

#### **IV. Waiting Lists**

PHA's that establish a voucher turnover cap are required to create a waiting list for families that request the Choice Mobility voucher.

##### **HACA Policy**

HACA will establish a Choice Mobility waiting list for all eligible families that request a voucher. The waiting list will be managed by HACA's centralized Admissions Department.

Since HACA is not implementing a project turnover cap, there will be no project specific waiting lists. Eligible families that request the voucher will be placed directly onto the Choice Mobility waiting list.

HACA will remove families from the Choice Mobility waiting list who move out of the covered project before receiving a voucher.

- If a family moves out of the covered project into the private rental market after being placed on the Choice Mobility waiting list, they are no longer eligible for the voucher and their name will be removed from the Choice Mobility waiting list.
- If a family moves from one covered project to another covered project after being placed on the Choice Mobility waiting list, their 2 year clock resets. They will be removed from the Choice Mobility waiting list. They can re-apply once they have lived at the new covered project for 2 years.

Families that are already on the regular HCV waiting list will be allowed to request a Choice Mobility voucher if they are eligible. Families will be allowed to keep their place on both lists until one of the following happens:

- The family moves out of the covered project and is no longer eligible to be on the Choice Mobility list. The family will be removed from the Choice Mobility waiting list, but maintain their position on the regular HCV waiting list.
- The family voluntarily withdraws their name from one or both lists.
- The family receives a voucher and exercises the voucher by leasing up in the voucher program. The family will then be removed from the other list.
  - If a family receives a voucher through the regular HCV waiting list, but does not exercise the voucher (i.e. lease up in the voucher program), they will remain on the Choice Mobility waiting list.

#### **V. Exercising the Choice Mobility Option**

In order to ensure that all residents at all covered projects have an equal and fair opportunity to request and receive a Choice Mobility voucher, PHAs should provide clear guidance and instructions regarding how to apply for the voucher.

##### **HACA Policy**

In order to maintain a safe, orderly and fair process for families to request a Choice Mobility voucher, HACA will implement the following:

- ***Voucher Request:***
  - When a family is eligible to request a voucher, they must do so in writing using the voucher request form provided at the property (See Appendix 2).
  - The written request must be submitted to the management office at the covered property or at HACA's Central Administration building.
  - Once received, the property management staff or central office staff will forward the request to the Admissions Department to be placed on the Choice Mobility waiting list.
- ***Acknowledgement of Request:***
  - Once the request is received and processed onto the Choice Mobility waiting list, the Admissions Department will send the family a notice acknowledging receipt of the voucher request (See Appendix 3).
  - This is the family's confirmation that they are on the Choice Mobility waiting list.
  - The acknowledgement of request will be sent to the family within 5 business days of receipt of the request.
- ***Random Sorting:***
  - Once there are families on the Choice Mobility waiting list, HACA will select 1/3 of its monthly draw from the Choice Mobility waiting list.
  - Before each draw, HACA will conduct a random sort of the Choice Mobility waiting list.
  - The random sort protects each individual property from high volume resident turnover, while providing each family an equal opportunity to receive a voucher.

When a family is drawn from the Choice Mobility waiting list, they will be invited to attend the Housing Choice Voucher (HCV) program eligibility interview.

## **VI. Screening Process for the Choice Mobility HCV Voucher**

In order to receive a Housing Choice voucher, families will be required to meet all the eligibility requirements for the HCV program in effect at the time of their eligibility processing. These requirements can be found in the HCV Administrative Plan.

### **HACA Policy**

HACA will screen all Choice Mobility families using the same criteria as for all other families. However, HACA will streamline the eligibility determination process in the following ways:

- HACA will use the certifications of identification, age, social security number and citizenship that it already has on file for the family.
- HACA will review the most recent certification and 50059 for basic information about the family composition and annual household income.
- HACA will only require new verification of income if the verifications for the most recent certification are too old to meet the criteria for the HCV program.

If eligible to receive a voucher, families will follow the HCV program rules and guidelines for

using the voucher. Families are reminded of the following:

- ***The voucher has an expiration date.*** If extensions are available, families must follow the HCV program guidelines in effect at that time to request an extension. Failure to use the voucher before it expires will result in loss of the voucher.
- ***Receipt of a voucher is not a guarantee that the family will be able to find a place to use the voucher.*** Landlords have their own screening criteria which families will have to meet to be able to live at that property.
- ***The family's lease at their current property requires at least 30 days notice to vacate.*** The family must provide this notice to their current property management staff.

## **VII. Transitioning from Project Based Rental Assistance to the Housing Choice Voucher Program**

When transitioning from PBRA to the HCV program with a Choice Mobility voucher, program participants are required to fulfill their obligations to the terms of the PBRA lease as well as all HCV requirements. Families are not allowed to receive assistance from both programs at the same time. To assist with the transition process and prevent duplicate assistance, PHA's should develop policies and guidelines to ensure that both program requirements are met.

### **HACA Policy**

Residents at a HACA PBRA property will be required to complete the following when transitioning to HACA's HCV program with a choice mobility voucher:

- Remain current on all rent, fees or other balances owed to the PBRA property.
  - Families with outstanding debts who are in a repayment agreement and who are current on their payments within the agreement are considered eligible.
  - Families with active repayment agreements must continue to make all payments until the balance is paid in full or risk losing their voucher assistance.
- Provide at least 30 days notice of their intent to vacate the unit to the property management.
- Participate in the move out inspection.
- Turn in their keys to the property management.
- Pay all move out expenses that may be charged after moving to their new home with voucher assistance.
  - If necessary, repayment agreements can be established to pay any outstanding move out balances.
  - Failure to pay the move out balance or to remain current in any repayment agreements that are established is grounds for termination of the family's voucher assistance.
- Pay all moving expenses related to the move from the PBRA property to their voucher assisted unit.

HACA and PBRA property staff will work to facilitate this process by doing the following:

- Communicate between departments information related to the issuance of the voucher, move out notices, voucher extensions and specific dates of move out / move in.

- Note: Coordination of communication between departments does not remove any of the family's obligations.
- Communicate the move out date from the PBRA program to the HCV Intake Team to prevent the overlapping of assistance.
  - The move out from PBRA will not be effective until the property manager receives the keys from the resident family.
  - The family will be required to pay the full rental cost for any days that they have moved in to their new unit before returning the keys to the PBRA property management.
  - The voucher assistance will not start until the day after the family provides the keys to the PBRA property management.

For a detailed flow chart of the transition process, please see Appendix 4.

### **VIII. Promoting Self-Sufficiency Through Choice Mobility**

The decision about where to live can have a significant impact on a family's journey toward self-sufficiency. Through the Choice Mobility voucher option, families living in the PBRA property are given the opportunity to make that decision. Therefore PHA's should strategize how to maximize the use of the Choice Mobility voucher as a self-sufficiency tool.

#### **HACA Policy**

Within available resources, HACA will intentionally strategize and leverage the utilization of specific supportive services to provide a solid foundation for the use of the Choice Mobility voucher as a self-sufficiency and resource building tool.

- HACA will explore how to efficiently and effectively use the 2 + years that families are living in PBRA to offer community development services that focus on preparing families for transition to use of a voucher in the private rental market. Such services may include, but are not limited to, financial literacy training, credit counseling and credit improvement, addressing rental history, increasing income through employment, financial coaching, and home maintenance and upkeep among others.
- HACA will explore how to use the resources available (i.e. opportunity mapping) to help direct families toward areas of higher opportunity when they are searching for neighborhoods and housing that meets their needs and where they can use the voucher. This will include helping families to understand how to use these tools to gain information on items such as schools, supportive services and transportation.





# Housing Authority of the City of Austin

*Established in 1937*

## Annual Recertification Notice - 90 DAY REMINDER

Name  
Address  
Austin, TX

Date  
Account No:  
Client No:

Dear :

It will soon be time to renew your housing lease. In order to complete your lease renewal in a timely manner, you will need to provide us with updated documentation regarding your household's income, assets and expenses. If you have lived at [name of property] for at least 2 years, you will also have opportunity to request a Housing Choice Voucher through Choice Mobility.

You will be receiving a letter in the next few weeks scheduling you for your lease renewal appointment. It is very important that you attend this appointment and bring all documentation listed below that applies to your household.

### ALL BENEFIT LETTERS MUST NOT BE MORE THAN 120 DAYS OLD.

#### INCOME:

- Proof of all income received by all household members. Income sources and proper documentation include but are not limited to: letter from employer on company letterhead; consecutive pay stubs for at least the last 2 months; TANF letter; Social Security/SSI/SSDI award letters; child support payment history printouts; unemployment benefits statements; pension statements; annuity payments; military pay; Workman's compensation; severance pay; etc.

#### ASSETS:

- Most recent three months' bank statements for checking/savings accounts owned by all household members.
- Most recent quarterly statements for any certificates of deposit, money market, IRA/Keogh, stocks, bonds, treasury bills, trust funds, universal life policies, etc.
- Most recent property appraisal/tax statement for any real estate owned.

#### EXPENSES:

- Proof of ongoing childcare expenses for children under 13 years of age (example: CCMS contract, receipts or payment history printout from childcare provider).
- Disabled or elderly household only: Proof of ongoing unreimbursed medical expenses not covered by insurance (examples: Pharmacy printouts, medical/dental receipts, payments of medical insurance premiums, payments for live-in aides, etc.)
- Proof of full-time enrollment in college/higher education for family members age 18 years and older (must NOT be the head of household/co-head/spouse).

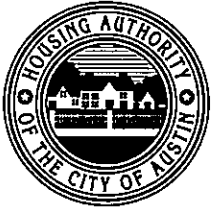
#### OTHER:

- Birth certificates and Social Security cards for any new family members residing with you.

**NOTE:** Failure to attend your scheduled appointment and/or submit all necessary documents to complete your lease renewal will jeopardize your family's housing. If you are unable to keep your appointment, you must contact us within three (3) days from the date of this letter to reschedule.

Sincerely,  
Management





# Housing Authority of the City of Austin

*Bringing Opportunity Home*

## Choice Mobility Voucher Request

Date: \_\_\_\_\_ Client No. \_\_\_\_\_

Acct. No. \_\_\_\_\_ Property: \_\_\_\_\_

Head of Household: \_\_\_\_\_

Present Address: \_\_\_\_\_

### Family Composition:

Co-Head of Household: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Household Member: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Has Resident lived in PBRA at this property for at least two (2) years? ( ) Yes ( ) No

Does the Resident owe any balance to HACA? ( ) Yes ( ) No

Is there an Eviction and/or Lease Termination pending? ( ) Yes ( ) No

Resident Signature: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### DO NOT WRITE IN THIS BOX – FOR ADMISSIONS OFFICE ONLY

Date Received: \_\_\_\_\_

Date Acknowledgment Letter Sent: \_\_\_\_\_

Admissions Director: \_\_\_\_\_ Date: \_\_\_\_\_





# Housing Authority of the City of Austin

*Bringing Opportunity Home*

## ACKNOWLEDGMENT OF VOUCHER REQUEST

NAME  
ADDRESS  
CITY, ST ZIP

DATE  
CLIENT NO.:

Dear "CLIENT NAME",

This letter is to inform you that we have received your request to receive a Choice Mobility voucher. Your name has been placed on the Choice Mobility waiting list.

There are several things to remember about the Choice Mobility vouchers:

- The Housing Authority of the City of Austin (HACA) has capped the number of available Choice Mobility vouchers at 1/3 of the voucher program turnover rate. That means that each time HACA issues vouchers, only 1/3 will come from the Choice Mobility waiting list.
- HACA will conduct a random sort (lottery) each time it draws names off the Choice Mobility Waiting List. As a result, it is difficult to tell you when you will be invited in for eligibility screening.
- When your name is drawn from the list, you will be contacted by mail and invited to the eligibility interview. At that time we will review all information related to the voucher program eligibility criteria including (but not limited to) criminal background, rental history, and household income.

While you are on the waiting list, you can do the following:

- Prepare a plan for how you will pay for the costs of moving (Security Deposits, Pet Deposits, Application Fees, Moving Expenses, etc)
- Review your credit history and rental history and if necessary seek assistance to repair that history. Many landlords review this information before approving rentals.
- Consider what areas of town would provide the best opportunities for you and your family.

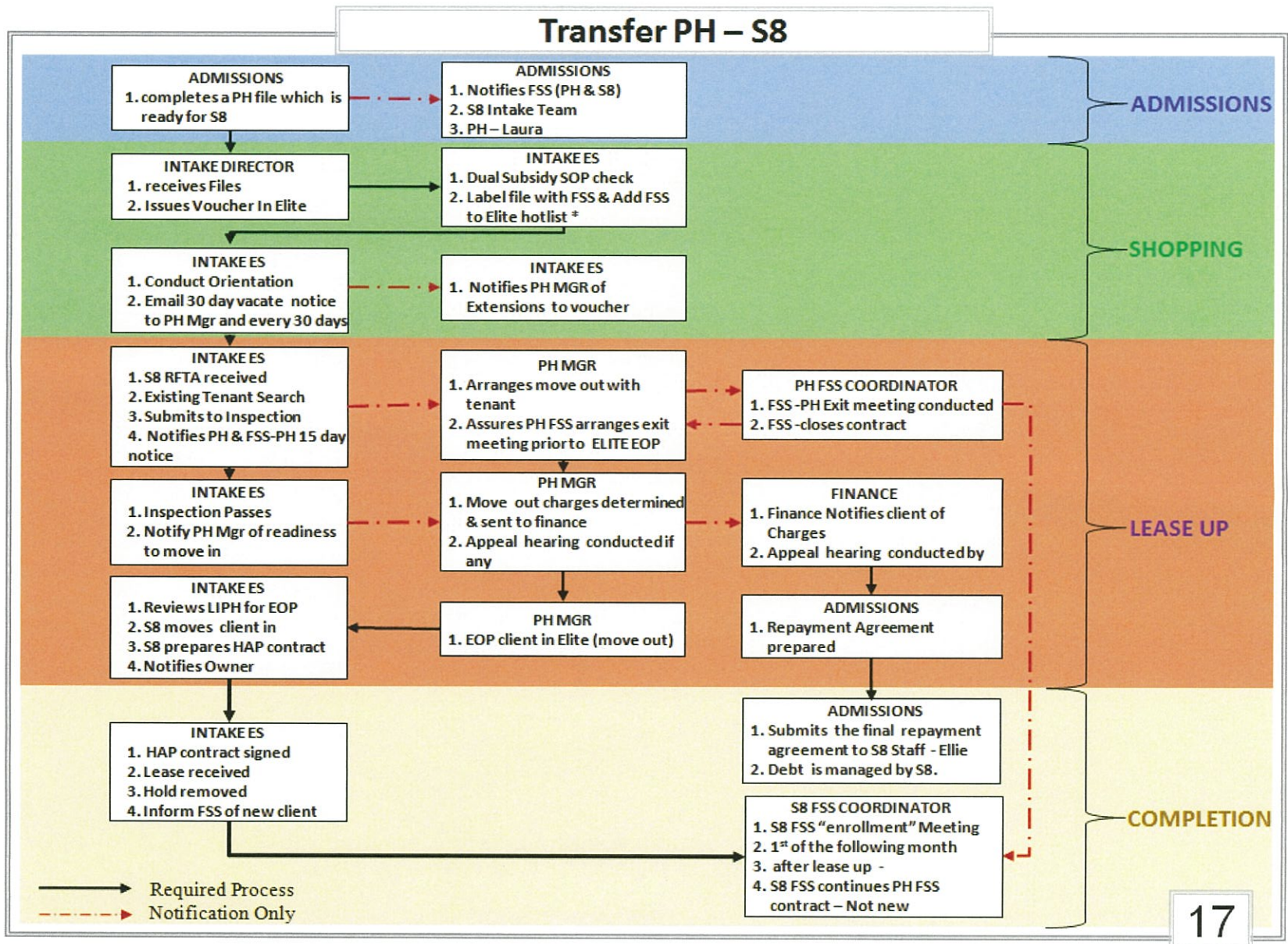
If you have additional questions about the Choice Mobility Voucher, please contact the Admissions Department at (512) 477-4488.

Sincerely,  
Admissions Department





Appendix 4: Transfer Process from PBRA to HCV



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

**ITEM NO. 5**

**Update on RAD Activities**

**August 17, 2017  
Regular Meeting**

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

**ITEM NO. 6**

**Presentation, Discussion, and Possible Action regarding Resolution No. 2515: Award of a contract in an amount not to exceed \$145,000 for resident relocation, consulting and implementation services related to the redevelopment of Goodrich Place through the Rental Assistance Demonstration (RAD) Program**



**HOUSING AUTHORITY OF THE CITY OF AUSTIN**  
**BOARD ACTION REQUEST**  
**RESOLUTION NO. 2515**  
**EXECUTIVE DEPARTMENT**

**MEETING DATE:** August 9, 2017

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

**ITEM TITLE:** Presentation, discussion and possible action regarding Resolution No. 2515: Award of a contract in an amount not to exceed \$145,000 to Overland, Pacific and Cutler to provide relocation, implementation and consulting services for the redevelopment of Goodrich Place through the Rental Assistance Demonstration Program

**BUDGETED ITEM:** N/A

**TOTAL COST:** \$145,000

**ACTION**

Motion to authorize the award of a contract in an amount not to exceed \$145,000 to Overland, Pacific and Cutler to provide relocation, implementation and consulting services for the redevelopment of Goodrich Place through the Rental Assistance Demonstration Program

**SUMMARY**

*General Information:* In October 2016, the U.S. Department of HUD awarded a Commitment to Enter into a Housing Assistance Contract (CHAP) for Goodrich Place under the Rental Assistance Demonstration (RAD) Program. To complete the RAD conversion for Goodrich Place, HACA applied for and was awarded 9%, competitive, low income housing tax credits through the Texas Department of Housing and Community Affairs (TDHCA). The redevelopment of Goodrich will involve demolition of the existing buildings and the construction of a new, larger property with additional units and modern amenities in its place. This will significantly improve the quality of life for the residents of Goodrich Place and allow HACA to provide more affordable housing by increasing density.

In order to complete this redevelopment, residents must relocate from Goodrich Place for 14-18 months. HACA has developed a temporary relocation plan that is designed to minimize the disruption to residents and complete this work as quickly as possible.

In order to implement this plan in compliance with all the federal regulations outlined in the RAD notice and the Uniform Relocation Act (URA), HACA procured Overland, Pacific & Cutler (OPC) to provide these services. The contract amount for this work is \$145,000.

## **RECOMMENDATION**

While OPC's bid was more expensive, the evaluation team determined that their bid was actually more accurate. PRDS did not include any costs after the initial move, even though the RFP spoke to maintaining contact, providing continued assistance and coordinating the moves back to property at the end of construction. In addition, the staff that PRDS was going to provide for this project had no relocation experience. As this is our first time doing a complete redevelopment with permanent relocation combined with RAD rules, the evaluation team felt that this would not be successful at the price bid. On the other hand, OPC has knowledge of permanent relocation, RAD and HACA. OPC also demonstrated a commitment to staff the project at levels the evaluation team felt were more appropriate for the work that needed to be done and for the level that HACA expects.

With this resolution, staff is asking for the Board of Commissioners' ratification of the approval of the contract with Overland, Pacific & Cutler (OPC) to provide relocation implementation and consulting services.

## **EXHIBITS**

Exhibit 1: Record of Distribution of Request for Qualifications

Exhibit 2: List of Proposals Received

Exhibit 3: Proposal from Overland, Pacific & Cutler

Exhibit 4: Goodrich Place Evaluations



**RESOLUTION NO. 2515**

**Authorizing the award of a contract in an amount not to exceed \$145,000 to Overland, Pacific and Cutler (OPC) to provide relocation, implementation and consulting services for the redevelopment of Goodrich Place through the Rental Assistance Demonstration Program**

**WHEREAS**, the Housing Authority of the City of Austin (HACA) continues to move forward with plans to transition its Public Housing properties to the Project Based Rental Assistance (PBRA) program through the Rental Assistance Demonstration (RAD); and

**WHEREAS**, those plans include the redevelopment of Goodrich Place, which will require temporary relocation of residents; and

**WHEREAS**, the Uniform Relocation Act (URA) sets very specific requirements for notifications and protection of residents requiring relocation; and

**WHEREAS**, the Rental Assistance Demonstration (RAD) also sets very specific requirements for notifications and protection of residents requiring relocation; and

**WHEREAS**, HACA used a Request for Proposal (RFP) process to procure services to implement HACA's relocation plans and maintain full compliance with the URA and the RAD, and through that RFP process selected Overland, Pacific and Cutler (OPC); and

**WHEREAS**, HACA staff selected OPC based on their extensive national experience working with diverse families from all income levels to successfully complete relocation processes and their successful past work with HACA for RAD Phase I;

**Now, therefore, it is hereby**

**RESOLVED**, that the Housing Authority Board of Commissioners authorizes the award of a contract in an amount not to exceed \$145,000 to Overland, Pacific and Cutler to provide relocation, implementation and consulting services for the redevelopment of Goodrich Place through the Rental Assistance Demonstration Program.

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**Michael G. Gerber, Secretary**

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



# RECORD OF DISTRIBUTION-INVIATION FOR BID

Contract: HACA-17-B-0220

Description: RAD Residential Moving Services

BID OPENING DT/HR: June 15, 2017 3:00PM/CST

Location: 1124 South IH35 78704

Date	Organization	Addendum
e 5/18	<p>Company: Overland Pacific &amp; Cutler, Inc</p> <p>Address: 3750 Schauffele Ave Suite 150 Long Beach CA 90808</p> <p>Phone: _____ Fax: _____</p> <p>Received by: Michele Folk</p> <p>Email Address: _____</p>	<p>Addendum #:</p> <p>Date Notified:</p> <p>Received by:</p> <p>Date:</p>
	<p>Company: LACAL Consulting</p> <p>Address: _____</p> <p>Phone: 323 951 9887 Fax: _____</p> <p>Received by: Natasia Lenic</p> <p>mail Address: nlenic@lacaconsulting.com</p>	<p>Addendum #:</p> <p>Date Notified:</p> <p>Received by:</p> <p>Date:</p>
	<p>Company: DFWA</p> <p>4600 Greenville Ave Suite 150</p> <p>Phone: 214 750 9898 Fax: 214 750 9908</p> <p>Received by: Andrew Winkelmann</p> <p>Email Address: andrew@dfwa.net</p>	<p>Addendum #:</p> <p>Date Notified:</p> <p>Received by:</p> <p>Date:</p>
	<p>Company: Unity Contractors</p> <p>Address: 290 _____</p> <p>Austin TX</p> <p>Phone: 512 926 9065 Fax: _____</p> <p>Received by: Patrick Carter</p> <p>Email Address: _____</p>	<p>Addendum #:</p> <p>Date Notified:</p> <p>Received by:</p> <p>Date:</p>
	<p>Company: RH Brown Co</p> <p>Address: P.O. Box 307122</p> <p>Phone: 614 352 8636 Fax: _____</p> <p>Received by: Rosetta Brown</p> <p>Email Address: rhbrown@msn.com</p>	<p>Addendum #:</p> <p>Date Notified:</p> <p>Received by:</p> <p>Date:</p>
	<p>Company: Coleman Allied</p> <p>Address: _____</p> <p>Phone: _____ Fax: _____</p> <p>Received by: Jeff Posthumus</p> <p>Email Address: jeff.posthumus@colemanallied.com</p>	<p>Addendum #:</p> <p>Date Notified:</p> <p>Received by:</p> <p>Date:</p>



# RECORD OF DISTRIBUTION-INVIATION FOR BID

Contract: **HACA-17-B-0220**

BID OPENING DT/HR: June 15, 2017 3:00PM/CST

Description: **RAD Residential Moving Services**

Location: 1124 South IH35 78704

Date	Organization	Addendum
	Company: <u>PRDS Corporation</u> Address: <u>5620 Hillcrest Drive</u> <u>Union City, Georgia 30291</u> Phone: <u>770-964-6900</u> Fax: <u>914-992-7187</u> Received by: <u>Rose Bell, CEO</u> Email Address: <u>Royalbell@aatt.net</u>	Addendum #: Date Notified: Received by: Date:
	Company: _____ Address: _____  Phone: _____ Fax: _____ Received by: _____ mail Address: _____	Addendum #: Date Notified: Received by: Date:
	Company: _____  Phone: _____ Fax: _____ Received by: _____ Email Address: _____	Addendum #: Date Notified: Received by: Date:
	Company: _____ Address: _____  Phone: _____ Fax: _____ Received by: _____ Email Address: ' '	Addendum #: Date Notified: Received by: Date:
	Company: _____ Address: _____  Phone: _____ Fax: _____ Received by: _____ Email Address: _____	Addendum #: Date Notified: Received by: Date:
	Company: _____ Address: _____  Phone: _____ Fax: _____ Received by: _____ Email Address: _____	Addendum #: Date Notified: Received by: Date:

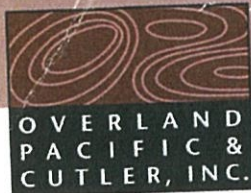
Tabulation  
HACA-17-B-02220 RAD Residential Relocation Services  
June 15, 2017 - 3:00PM/CST

COMPANY NAME	GOODRICH PLACE
1. PRDS Corporation	\$74,000
2. Overland Pacific & Cutler Inc	\$145,000
3.	
4.	
5.	

Bid Official: Tina Benson Date: 6/15/17

Official Witness: Mami Hernandez Date: 6/15/17





1 Jenner, Suite 200  
Irvine, CA 92618  
949.951.5263 ph | 949.951.6651 fax

June 14, 2017

Ms. Nora Morales  
Director of Purchasing  
Housing Authority of the City of Austin  
1124 South IH 35  
Austin, TX 78704

Re: Request for Proposal HACA-17-P-0220  
RAD Resident Relocation Services for Goodrich Place

Dear Ms. Morales:

Overland, Pacific & Cutler, Inc. (OPC) is pleased to present this proposal to implement and oversee all aspects of the Housing Authority of the City of Austin's (HACA) Relocation Plan for Goodrich Place. We understand Goodrich Place will be redeveloped (the Project) as part of HACA's phased RAD conversion. OPC has extensive experience providing relocation services for HUD Rental Assistance Demonstration (RAD) programs. We are excited about the opportunity to provide relocation consulting services for this project.

For 37 years, OPC has assisted numerous public agencies and private entities with their relocation assistance needs. OPC has handled more than 50,000 residential, commercial, and industrial relocation cases connected with a broad array of projects. During that time, we have developed an excellent working relationship with several HUD regional offices, as well as HUD headquarters in Washington, D.C. With our experience and understanding, we are able to successfully relocate displaced households and ensure the services will be performed in compliance with each respective agency.

OPC is presently providing relocation program implementation services to HACA for the rehabilitation of over 400 units of public housing in North and South Austin as part of HACA's Phase I and Phase II RAD conversions. Since commencing work with HACA in July of 2016, OPC has added two Austin-based agents as part of our family of over 130 staff. We are excited about the opportunity to continue to grow our relationship with HACA on this and future projects.

In addition to RAD, OPC has direct experience working with projects financed by Low Income Housing Tax Credits (LIHTC), HOME, CDBG, Section 202, NSP, and other federal, state, and local funding sources. We are well versed in funding program regulations, including the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, Section 104(d) of the Housing and Community Development Act, HUD Handbook 1378, and the Texas Department of Housing and Community Affairs (TDHCA) Relocation Handbook. We are experienced working with often conflicting relocation regulations, policies, and requirements.

OPC is accustomed to developing and managing full-service relocation programs for complex, politically sensitive, and heavily scrutinized projects. We routinely work with our clients to address the concerns and, at times, objections of advocacy, legal aide, and other interested non-governmental organizations, as well as organized tenant groups. We are very experienced with community outreach and understand most conflict on a project is a result of fear and lack of knowledge. We are adept at explaining simply to affected occupants what can be a complicated set of rules and calculations pertaining to relocation, and we listen to, and alleviate, their concerns by thoroughly discussing their rights and the benefits for which they are eligible, including our assistance throughout the process.



OPC emphasizes a robust planning and project management program, where we are responsible for the development of tools such as relocation plans, required notices, forms, and agreements to successfully communicate the project and associated rights and benefits to be provided to the displacees. The planning phase often reveals challenges previously unknown, and with foreknowledge, we are better prepared to mitigate the identified challenges before they are able to affect a project's schedule.

We provide each project with a dedicated project manager, who will work directly with the client, its partners, and other contractors, to successfully plan, program, and implement the projects. OPC will provide cost estimating and cost tracking, required noticing, tenant outreach and communications, relocation advisory services, **payment of relocation benefits**, and coordination of the necessary moving and housing resources needed for the project.

Identifying and assisting households secure decent, safe, and sanitary replacement housing, whether "long-term" temporary or permanent, is one of the most important challenges for any relocation program. Part of our full-service program includes assisting households with the negotiation of leasing arrangements, as well as working with landlords on behalf of relocated residents. We have an entire department within our firm whose main role is to identify replacement housing. Our relocation staff is highly experienced in negotiating with landlords to create housing opportunities for our tenants throughout a long-term relocation process.

Of utmost importance is continuing the cultivation of our working relationship with HACA. Coordination and congruency with approach, process, and messaging is critical to ensure your projects are delivered on time and within budget and to minimize as much as possible any undesired impacts to the tenants. OPC will help develop strategies to facilitate relocations over an extended period of time, which results in a smooth program that achieves your goals, as well as meets the tenants' needs, all in compliance with the applicable regulations and guidelines.

We have experienced many challenges on projects and have created solutions to address them by working together with our clients. We are confident we can deliver the services requested in the RFP and look forward to continuing our relationship with HACA. We will perform the work out of our Austin office, located at 811 E. 11<sup>th</sup> Street, Austin, TX 78702. I will act as your contact throughout the proposal process. If you have any questions regarding our submittal or need any additional information, please contact Chad Wakefield, Regional Leader at [cwakefield@opcservices.com](mailto:cwakefield@opcservices.com) or 480.435.0623 or myself at (949) 268-5710 or [mfolk@opcservices.com](mailto:mfolk@opcservices.com). I am authorized to bind the firm to contract.

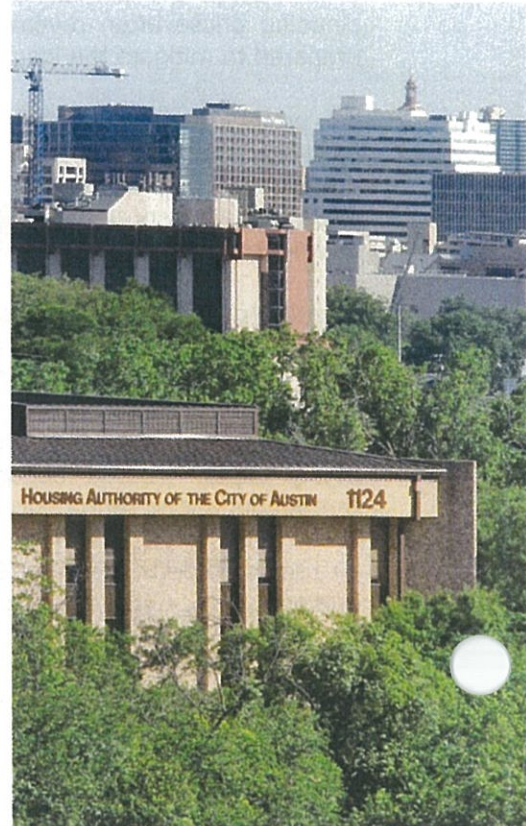
Sincerely,



Michele Folk, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC  
Managing Director, Public Sector, Housing & Development

# Table of Contents

<b>Geographic Location and Accessibility.....</b>	<b>4</b>
Name/Address of Firm .....	4
Local to City of Austin .....	4
<b>Past Performance on Similar Projects .....</b>	<b>5</b>
Previous Experience.....	5
<b>Management Plan and/or Approach .....</b>	<b>9</b>
Approach to Performing the Scope of Work.....	9
Understanding of Project and Its Challenges .....	9
Proposed Approach, Methodology, and Management Plan.....	9
Project Initiation.....	10
Project Planning .....	10
Housing Identification, Referral and Transition .....	13
Relocation Execution .....	13
Monitoring and Control (M&C).....	15
Closing the Project .....	15
<b>Key Personnel .....</b>	<b>16</b>
Principal-in-Charge and Key Staff .....	16
Team Organization .....	16
Staff Profiles .....	16
<b>Bid to Perform the Work .....</b>	<b>25</b>
<b>Required Forms.....</b>	<b>26</b>





## Geographic Location and Accessibility

OPC was established in 1980 to provide a core of professional services for clients with projects involving relocation planning and implementation, relocation assistance services, right of way program management, land and right of way acquisition, real estate appraisal, utility coordination, and property management. Our firm was created to perform these services for housing and community development, transportation, redevelopment, public works, school districts, and the providers of energy and utilities. Local, regional, state, and federal agencies call upon OPC to provide relocation services for their most challenging assignments.

The following includes details about the firm, our location, and accessibility to HACA.

### Name/Address of Firm

The following includes our corporate office location, Austin (Local) and Texas Regional offices. Chad Wakefield will act as your email contact, at [cwakefield@opcservices.com](mailto:cwakefield@opcservices.com).

#### **Long Beach Office (Corporate)**

Overland, Pacific & Cutler, Inc.  
3750 Schaufele Avenue, Suite 150  
Long Beach, CA 90808

800.400.7356 Toll Free  
562.304.2000 Main  
562.304.2020 Fax

#### **Austin Office (Local Office)**

811 E. 11<sup>th</sup> Street  
Austin, TX 78702

800.400.7356 Toll Free  
512-769-5689 Main

#### **Grapevine Office (Texas Region Office)**

2305 Mustang Drive, Suite 100  
Grapevine, TX 76051

800.400.7356 Toll Free  
469.374.4802 Main

### Local to City of Austin

OPC has a local office in Austin, and the office hours are generally 8:00 a.m. to 5:00 p.m., however, we often work outside of those hours to accommodate the needs of the project. Our local office is available for meetings by appointment only. We expect our team to be primarily working at Goodrich to provide direct services to the households. We will be participating in meetings with HACA staff at locations convenient for HACA.

Our proposed team is poised and ready to commence the project upon Notice to Proceed, and we have the resources available to complete your upcoming project. This project will present no difficulties with our current and/or future staff workload. We undertake multiple projects concurrently, and therefore have developed sophisticated systems to track performance metrics of all of our production staff. With each project, we track utilization and variances against the work breakdown structure (WBS), schedule, deliverables, and staff hours. This enhances our capacity and allows us to identify and solve over/under staffing issues. In fact, we have staff whose sole job is to monitor staff allocations among projects. The result is greater project efficiencies and the ability to respond quickly to requests. Closely tracking projected staffing needs and availability allows us to respond to our clients quickly and efficiently.



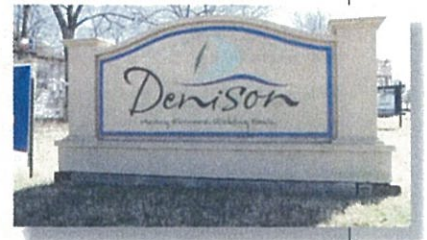
## Past Performance on Similar Projects

### Previous Experience

The following outlines OPC's previous experience with HUD-related relocation programs in addition to services currently being provided to HACA. We have extensive experience with LIHTC, RAD, Housing Choice Voucher, HUD, and Public Housing Transformation Projects.

#### **AMTEX Parkdale Villas, Dennison, TX**

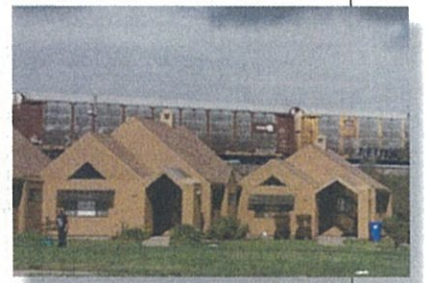
OPC provided relocation planning and implementation services for the redevelopment of a tenant occupied mobile home park. OPC permanently relocated 22 households. AMTEX financed the affordable housing project that replaced the park with Low Income Housing Tax Credits and HUD Section 811 funding provided by the Texas Department of Housing and Community Affairs (TDHCA). OPC has been retained for a similar project with AMTEX in Rowlett, TX.



# of units/# of Persons Displaced: 22 Households  
Timeframe for Displacement: September – December 2016  
Project Cost: \$400,000 (estimated)  
Major Challenges: Persons not on lease residing in units, household sanitation issues, and evictions due to households not complying with relocation notices.  
Contact, Telephone: Lisa Davis, 818.706.0694, Ext. 112

#### **Richmond Housing Authority Friendship Manor and Triangle Court, Richmond, CA**

OPC provided relocation planning, general consulting, and relocation implementation services to the Richmond Housing Authority (RHA) for the temporary relocation of over 120 households at the Friendship Manor and Triangle Court public housing communities in Richmond, CA. RHA received a RAD award from HUD and used LIHTC to finance the rehabilitation work. OPC conducted several community meetings, interviewed the tenants, and provided advanced notification of the temporary relocations. OPC located and coordinated the leasing of off-site housing, and coordinated with moving contractors, and other vendors required for the temporary relocation project. OPC successfully permanently relocated 14 households, including 12 who purchased homes.



# of units/# of Persons Displaced: 140 Households  
Timeframe for Displacement: January 2016 – November 2017  
Project Cost: \$1.7 Million (estimated)  
Major Challenges: Limited number of on-site housing units, cost of off-site housing units, construction delays.  
Contact, Telephone: Latan Jones, 510.815.0202



**Fresno Housing Authority  
RAD Projects, Fresno, CA**

OPC provided relocation program planning and implementation services to the Housing Authorities of the City and County of Fresno (FH) as they rehabilitated over 400 units of public housing in three cities (Fresno, Mendota, and Orange Cove) in Fresno County, CA. FH received Rental Assistance Demonstration (RAD) funds and were awarded Low Income Housing Tax Credits and HOME funds to undertake a major rehabilitation effort on the housing. OPC prepared three separate relocation plans, provided relocation program development to FH, and provided permanent and temporary relocation assistance to over 370 households on all three sites. The 370 households included 30 voluntary permanent relocations, which were negotiated by OPC.

# of units/# of Persons Displaced: 370 Households

Timeframe for Displacement: November 2013 – December 2015

Project Cost: \$3.3 Million (estimated)

Major Challenges: Lengthy construction delays, increase in over income households overtime requiring additional permanent relocations

Contact Person, Telephone: Toni Bustamante, 559.457.4177



**San Francisco Housing Authority / McCormick Baron Salazar  
Alice Griffith Public Housing Redevelopment, San Francisco, CA**

OPC provided relocation planning and general consulting services to MBS and their public agency partners, including the San Francisco Housing Authority (SFHA), the San Francisco Mayor's Office of Housing (MOH), and the San Francisco Office of Community Investment and Infrastructure (OCII), for the redevelopment of the Alice Griffith Public Housing community in San Francisco's Bay View Hunters Point area. MBS and SFHA were recipients of HUD's Choice Neighborhood Initiative Grant in 2010 and have been in a long-term planning project to develop over 500 replacement housing units to receive the residents to be displaced by the demolition of the Alice Griffith Public Housing community. The new projects developed by MBS will be financed with LIHTC and will receive long-term rental assistance from HUD's RAD program. OPC prepared the required relocation plan, including interviewing over 200 households and staffing a relocation committee that met bi-weekly. The plan was approved in December of 2014 by the SFHA Board of Commissioners.

# of units/# of Persons Displaced: 220 Households

Timeframe for Displacement: 2014-2018

Project Cost: \$3.5 Million (estimated)

Major Challenges: Site security, large number of stake holders, and public perception of project

Contact Person, Telephone: Usef Freeman, 415.800.0526





### **Berkeley Housing Authority Scattered Site Disposition, Berkeley, CA**

OPC provided services to the Berkeley Housing Authority (BHA) for the voluntary permanent displacement of 34 over-housed households and other households electing to voluntarily permanently relocate from scattered Public Housing Sites. BHA disposed of the Public Housing status and transferred the property to Related Companies of California (RCC) who rehabilitated the property and is managing it as long-term affordable housing. OPC prepared the relocation plan for the project and conducted multiple years of tenant outreach. OPC provided intensive relocation advisory services and relocation implementation services to meet the requirements of State and Federal relocation regulations as well as the City of Berkeley's Eviction for Just Cause Ordinance. OPC prepared and served Notices of Eligibility, processed claims for moving payments, coordinated commercial moving services, prepared housing referrals for tenants, facilitated landlord interviews and property showings and provided transportation for tenants, as needed. OPC provided temporary relocation assistance as RCC rehabilitated the sites.



# of units/# of Persons Displaced: 75 Households  
Timeframe for Displacement: March 2012 – October 2014  
Project Cost: \$4 Million (estimated)  
Major Challenges: Over-housing, local ordinance preventing involuntary displacement, limited supply of Section 8 Housing, and intensive unfavorable outside advocacy  
Contact Person, Telephone: Tia Ingram 510.621.1310

### **Housing Authority of the County of Contra Costa (HACCC) Las Deltas Public Housing Disposition, North Richmond, CA**

OPC is providing relocation planning and relocation assistance services for the permanent relocation of 83 households at the Las Deltas in North Richmond area of Contra Costa County, CA. HACCC was awarded RAD assistance for 90 units, seeking additional RAD assistance for another 110, being transferred to 13 separate sites throughout the County. Due to the conditions at Las Deltas, HACCC has initiated a voluntary permanent relocation program (managed by OPC) to permit households to move to decent, safe, sanitary housing. Upon approval of a relocation plan, HACCC will commence an involuntary program. OPC developed the relocation, is assisting households with transfers to other HACCC units (as many as 20) and will assist the remaining households relocate to other housing utilizing housing choice vouchers. Upon completion of the RAD transfer sites, households will be offered the opportunity to move to other units.



# of units/# of Persons Displaced: 83 Households  
Timeframe for Displacement: 2017-2018 (In Progress)  
Project Cost: \$1.3 Million (estimated)  
Major Challenges: Site security, legal advocacy challenges, and limited housing near property  
Contact Person, Telephone: Tony Ucciferri, 925.957.8055



**McCormack Baron Salazar/Housing Authority of the County of Sacramento (HACOS), Twin Rivers Public Housing Redevelopment, Sacramento, CA**

OPC is providing relocation planning services for the relocation of over 220 households. HACOS was awarded a HUD CNI Grant for the planning of the redevelopment of Twin Rivers. A plan has been developed to replace all 220 units and increase the number of affordable housing units available in the Rail Yards District in central Sacramento; CA. OPC developed the relocation plan, prepared the initial relocation noticing documents, and has provided relocation education to the residents through large group meetings. OPC has been retained to provide relocation assistance services for the long-term temporary and permanent relocation of the households; all households will have a right to return. Housing is expected to be provided through public housing transfers, housing choice vouchers, LIHTC properties in Sacramento, market rate properties, and assistance to help some households move from the HACOS Family Self Sufficiency Program to homeownership. Upon completion of the two-phased redevelopment, households will be offered the opportunity to move to other units.

# of units/# of Persons Displaced: 220 Households  
Timeframe for Displacement: July 2017 – 2020 (Estimated Dates)  
Project Cost: \$4 Million (estimated)  
Major Challenges: Variable schedule, project fatigue on part of residents, and supply of housing  
Contact Person, Telephone: Usef Freeman, 415.800.0526



**San Joaquin County Housing Authority/Central Valley Housing Corp, Sierra Vista Phase I Public Housing Redevelopment, Stockton, CA**

OPC is providing relocation planning and implementation services for the relocation of up to 27 households. The project is being financed with LIHTC and the Housing Authority's own capital. OPC developed the relocation plan, prepared the initial relocation noticing documents, has provided relocation education to the residents through large group meetings, and has commenced with implementing the relocation plan. All households will have a right to return upon completion of Phase I units. Housing is being provided through public housing transfers, housing choice vouchers, and LIHTC properties in Stockton.

# of units/# of Persons Displaced: 27 Households  
Timeframe for Displacement: June 2017 - 2019 (In Progress)  
Project Cost: \$320,000 (estimated)  
Major Challenges: Availability of large family unit  
Contact Person, Telephone: Laurie Doyle, 559. 292.3385





## Management Plan and/or Approach

### Approach to Performing the Scope of Work

#### Understanding of Project and Its Challenges

The proposed redevelopment of Goodrich presents a wonderful opportunity for the current residents to make their home in newly constructed, permanently affordable housing units, with modern architecture and new amenities within their same neighborhood upon completion. OPC understands the surrounding neighborhood is very supportive and excited that HACA and its development partner Mad House Development (Project Team) will be able to provide improved units and amenities to the 40 households along with more units for other deserving households on HACA's waitlists and the Austin community.

The Project will take 14-18 months to complete, and all households must vacate the site for the duration of construction. The residents have a great deal of choice and protections under RAD as compared to other funding programs. Under RAD, like other programs triggered by the URA, should the household be away from the site for a period of 12-months (or longer), they must be offered permanent relocation assistance. Under RAD, households wishing to return to the site have a Right to Return.

Under the two options available (long-term relocation or permanent relocation), the household must be presented with ample information to ensure they make an informed choice. The must be provided with a minimum of a 30-day period to consider their options in a non-cohesive manner. This requirement extends the relocation schedule and adds an additional layer of communication to the Project. However, it is important and must be adequately considered in the Project's schedule.

The relocation program for Goodrich is complex. The program is completely different than what has been required for the current RAD Phase I and Phase II projects that OPC is handling for HACA. These complexities are due to increased regulatory requirements and the need for an increased level of communication and documentation. The information giving and getting process between the household and the relocation team will be more in-depth. This process and program is extremely critical to implement early. Constant contact between the individual households and the relocation team is of utmost importance. The process of locating housing and assisting households to choose the best housing option for them is a time consuming process that requires a great amount of lead time.

As with the Phase I and II projects underway, the most important element is taking care of the residents followed by ensuring regulatory compliance for HACA. OPC has the experience and desire to plan and deliver the services needed to take care of the residents, and we expect and know how to overcome the challenges.

#### Proposed Approach, Methodology, and Management Plan

OPC has planned and executed numerous relocation programs similar in nature to what is required for Goodrich, both under RAD and other forms of public housing repositioning; and in all cases, LIHTC was involved in the rehabilitation or redevelopment of the sites. The key goals of our approach are to 1) Conduct Early Project Planning; 2) Engage in Frequent Communication with the Households; 3) Provide Expert Consultation to Each Household; 4) Carefully Monitor Each Case to Ensure Compliance; and 5) Perform a Thorough Close Out for Potential Audit Preparation. Utmost in our mind, as stated above, is taking care of the residents and achieving regulatory compliance.

In order to meet these goals and deliver the Project in a technically accurate and humanly sensitive manner, it is prudent to divide the Project into the five process stages described below. Expert delivery of each process stage will be required to deliver the Project successfully and ensure that all Project requirements and stakeholder satisfaction is met. What is provided below is OPC's approach to deliver the



Scope of Work as stated in the RFP, but also OPC's best practices and lessons learned after 37 years of serving clients, as well as our technical knowledge of what the URA and RAD Relocation Guidelines require.

### **Project Initiation**

Understanding that Project timelines may be tight, upon award and a Notice to Proceed, OPC has staff in place ready to begin work immediately. We would recommend initiating a portion of our scope of work as soon as possible. This initial portion is described in the two vital steps described below.

#### ***Project Kickoff Meeting***

With input from the Project Team, we would determine the persons to be invited, meeting agenda, any deliverables needed for the meeting and post meeting deliverables. The meeting should be utilized to determine the goals and objectives for the project and to begin to establish team roles, status reporting requirements, and additional project needs with an understanding of risks involved in the project. The primary deliverables expected from this meeting will be to develop a list of preliminary project requirements, risks, and stakeholders.

***Existing Conditions Data Collection and Analysis:*** OPC will request data regarding the households, including composition, social service needs, and other vital information that HACA may or may not have available, the housing units, including floor plans, the property, including maps, construction scopes of work and delivery methods, HACA and contractor staffing, and the relocation planning and noticing documents prepared and used for the project to date. This data will help OPC develop a greater understanding of the property, the work environment, and the residents involved in the project.

### **Project Planning**

***Project Management Plan Development:*** This is a complex Project with many regulatory overlays. The creation of a Project Management Plan (PMP) is a logical tool that will serve OPC and HACA's pursuit of delivering an exceptional project. A significant value of the PMP is its use in monitoring and controlling the project to ensure it meets the necessary quality standards (the measure of how the project meets the requirements of the scope).

The PMP will detail processes and procedures for developing, identifying, and revising the project scope of work. This will allow us to manage and track performance, schedules, relocation budgets, quality assurance and control measures, and staffing. Communications tools and protocols, project risks, procurements and stakeholder engagement will be addressed within the PMP as well. A matrix pertaining to working with difficult tenants and those requiring special accommodations will also be created through this process. Communications planning, management, and control will be a focal point of this plan as will stakeholder engagement. This plan will be reviewed and periodically updated throughout the Execution and Closing processes described below. This plan will also include a staffing plan. As previously stated, OPC has two agents in Austin, including Spanish language capacity. Lastly, this plan will include a summary of what is needed to attain regulatory compliance with TDHCA and RAD relocation requirements and the URA. Below are more in-depth discussions of the components of the PMP.

***Comprehensive Safety Plan:*** One of the "sub plans" produced during the PMP preparation will be a Comprehensive Safety Plan. This plan will detail safety guidelines for residents, safety requirements for vendors and contractors, and a safety prevention and response plan. OPC will work with the Project Team, including HACA's Risk Management staff to develop this plan.

***Relocation, Policies, Procedures, Guidelines, and Forms:*** An important component of the relocation planning and implementation process is the development of policies, procedures, and guidelines for tenant relocations. This is necessary to establish how to serve the needs of residents, satisfy the applicable regulatory requirements, and define roles and responsibilities in the relocation



program, including the logistics. The PMP will identify what is required for the Project. This portion of Project Planning will include developing the basic suite of notices and forms required, including the General Information Notice (GIN), RAD Relocation Notice, Notice to Vacate, Memorandum of Understanding (MOU) and/or Notice of Eligibility, Housing Referral and Housing Comparable Work Sheets, Moving Procedures Guides, Claim Forms, and other required and pertinent documents. This portion of the Scope of Work will be required to ensure the Project complies with TDHCA and RAD relocation requirements and the URA.

**Phasing Plan:** Although there are only 40 households, phasing the relocation as much of possible would be expected to minimize anxiety of the residents, maximize available housing opportunities, take care of high needs households, and create an orderly relocation process. OPC will need to begin working with HACA and the rest of the project team immediately. A solid phasing plan is crucial for the development of early staffing work plans, analyzing housing resource needs, and analyzing the capacity of the procured moving contractor. The phasing plan would include the location of the property, a schedule indicating dates by which units must be vacated, and any known risks that could disrupt the relocation schedule. The phasing plan is also needed to accurately identify hard to house households and to prioritize the households to be interviewed and transferred.

**Resident Engagement and Relocation Readiness Plan:** A critical step in the Planning Stage and throughout the Project will be engaging the residents. During the Planning Process, this will principally be accomplished during large group meetings with the residents to introduce OPC, the project, and the relocation process and options, and via the one-on-one resident interviews.

It will be important for OPC to meet with the resident services staff to gain some perspectives on the residents and learn about past communications regarding relocation and other elements of the project. Large group meetings should take place as soon as possible after OPC is formally hired and the project team has the opportunity to determine the best dates and times for each meeting. Notices for these meetings should be mailed to the residents and posted in common areas at the property.

The next stage in this part of the process will be to interview the households in their homes one on one. OPC would focus its efforts on the households in their order of the rehab plan.

OPC would use contact information provided by HACA to mail an invitation to interview and to directly contact the tenants by phone and in person where needed. OPC will provide staff to intake calls and schedule appointments for our agents. OPC's primary tool in recording data collected in this process is our interview form. The relocation interview form will be filled out with each household to ascertain their needs, including housing, transportation, health care, education, and accessibility. The household will be asked to sign the form, and the form will be stored in their relocation case file. The interviews will assist us to develop a relocation needs assessment documenting the housing, transportation, medical, school, social services, moving, and storage needs of the residents. This needs assessment will help develop the Implementation Plan and "From-To-Matrix" described later in this proposal.

OPC's team consists of English/Spanish bi-lingual agents. OPC may need to engage the assistance of language translators for written and verbal communication for other languages. Language needs will be identified in the Project Initiation Process. Should there be an opportunity to hire project site residents, OPC will consider those opportunities to address language translation needs.



The outcome of this initial engagement process will be an assessment of each household's move readiness including any issues such as personal sanitation, clutter and pest issues that may pose a risk to the Project schedule, and persons working on the Project. Depending upon the needs of the population, routine check-ins between members of the Project Team, including OPC, may be required to develop and implement a plan to get households ready to move.

**Implementation Plan:** Once the existing conditions are understood and project phasing is understood, OPC will begin the development of Implementation Plans for the property. The PMP and data collected from the Initiation Process will support the data needs of these plans. OPC will consult with the Project Team, including HACA's residential services team, to create the plan. The Implementation Plan will describe the project, persons impacted, relocation requirements of the funding sources, process and schedule for interviewing the residents, determining eligibility, relocation rights and benefits owed to eligible persons and obligations to ineligible persons, noticing requirements, system and approach for identifying housing resources, project phasing and relocation schedule, description of the needed long-term temporary and permanent replacement housing resources and resources identified, estimated relocation costs, and the appeals process. The first version of the plan will be completed once the interviews are substantially completed. The plan will be updated as needed. This plan will also discuss how the Project will satisfy the increased Fair Housing and Civil Rights compliance requirements under RAD. It should be noted that should HOME and/or CDBG funds be used in the Project, Section 104(d) of the Housing and Community Redevelopment Act will also be required to be followed. Utilization of these funds will be an important component to identify in this stage of the Project to ensure future compliance.

**Logistics Plan:** Building on the work performed to prepare the PPWS, PMP, phasing plan, and resident outreach process, the process and procedures for relocation logistics will be developed and documented in the Implementation Plan. The baseline project schedule tool, moving procedures guide (to be given to each household), and draft "From-To-Matrix" will be developed during this portion of the planning stage and updated during the execution stage. A 'From-To-Matrix will be necessary to ensure that the location of each household is tracked and maintained for future communications as the redevelopment of Goodrich is completed and units are ready for the return of the households.

Specific needs in this process include engaging potential moving contractors, securing move bids, procuring services, and identifying other resources needed. These contractors should be procured early and then integrated with the rest of team. OPC will begin engaging with the moving contractor immediately as they are one of the key stakeholders in the project. OPC suggests that we identify additional resources to assist with the moves to ensure households are moved at times best for them, and not the moving vendor.

The supply of off-site long-term temporary housing and potential permanent replacement housing must be documented during the development of the Implementation Plan in accordance with the URA. OPC understands HACA and its affiliates have some available units, however, many more resources beyond HACA's control will be needed, thus a system for routine and systematic search and referrals to households will be required of this Project; the logistics plan will cover this critical Project challenge.



**Communication Plan:** Communications will be critical. With a large team being assembled, communications will need to be planned, controlled, and documented. OPC expects to, and looks forward to, being engaged with the project team through formal and informal communications, brain storming sessions, and other forums to get to know and work with our partners. The PMP will become a valuable tool for the project team, as will simply just working together and sharing the common goal to deliver a great project. Planning for the space available to interact with the residents will be a big part of effective communications planning. OPC expects to be on-site, visible, and meeting with the residents in their homes.

**Relocation Plan Update:** If necessary, OPC will review and update the Relocation Plan prepared by HACA.

### **Housing Identification, Referral and Transition**

Working hand in hand with the need to Initiate, Plan and then Execute the Project is the need to develop a strong and consistent program to identify housing needs and goals of the households, identify housing that satisfies those elements, refer the household to the housing, and assist them in the transition to the housing they choose for the 14-18 months under a long-temporary relocation, or as their forever home. OPC's team will place a great deal of importance on planning the process to acquire the information needed from the residents, utilizing that information for housing searches, referrals, coordinating the viewing of that housing, and working with landlords to secure it. OPC's Austin team will conduct in depth interviews with the households. They will be supported by OPC's Program Management Group (PMG) in the search process and preparation of referral worksheets. Our Austin agents will present the information to the household and talk through their options with them, schedule appointments for them, and assist them getting to the site and viewing the property. Our team will then support the household through the application and leasing process.

### **Relocation Execution**

OPC will manage all facets of the relocation program identified in its contract and refined in the Project Initiation and Planning Processes. This work is described below based on the RFP. Meetings with members of the Project Team will be needed from time to time to ensure that all requirements are understood and scheduled and arrangements are made to assign duties to the proper member of the team. OPC will also use these meetings as a means to develop rapport with the property management staff to gain a better understanding of the households in order to better work with them and take care of their needs.

We are prepared to handle the appropriate coordination and execution tasks concurrently with the planning tasks, if needed, to ensure that any regulatory or funding requirements are met. Conversely, should the project timeline be delayed, OPC will delay coordination and execution tasks to adapt to the project schedule to preserve and reduce the rapid depletion of resources and budgets that can occur, if the project is started too early.

OPC will provide the following Scope of Services to the households impacted by the Project:

1. Review the General Information Notice (GIN) and RAD Relocation Notice and method of service used by HACA, if applicable. If applicable also review the Notice of Intent to Acquire. If necessary, OPC will prepare and deliver these notices in accordance with RAD relocation requirements and the URA.
2. Secure basic case information and set up a case file for every household. Maintain the necessary case documentation and contact diary throughout the course of our involvement with the claimant.
3. Conduct in-depth eligibility field interviews with the displacees. Inquiries made of the occupants will cover the following areas: verification of occupancy, current rents and utilities costs, gross household



income, family size, immigration status, names and ages of all occupants, relocation needs, preferences, and special requirements.

4. Document rent and utilities based on HACA records.
5. Document household income via HACA's records and most recent tenant income certifications. Provide determination of low income status for each displaced household using HUD income limit table.
6. If a Housing Choice Voucher (HCV), other rental subsidy, or market rate unit is leased by a household, calculate potential relocation replacement housing payment to cover any gaps that may exist between what the households Housing Choice voucher will pay for and the replacement contract rent.
7. Prepare, deliver, and explain the Notice of Eligibility (NOE) to each household. Secure acknowledgment of receipt of the NOE.
8. Prepare and deliver by certified returned receipt mail the minimum 90-Day Notice to Vacate.
9. Provide on-going advisory assistance to minimize hardships on claimants, including referrals to, and coordination with, community service resources, public housing, and other public services as needed.
10. Secure valid proof of identification for every adult in the household and a signed Certification of Legal Status or Hardship Exemption for each displaced household.
11. Search for and document comparable properties for each claimant and provide initial referrals and five sets of additional housing referrals as necessary. Prepare a "Selection of Most Representative Comparable Replacement Dwelling" form.
12. Explain eligibility and claims process to displacees. Discuss findings and impacts to occupants' particular needs. Amend the Notice of Eligibility one additional time, if the economics of the comparable dwelling's availability changes over the course of our assignment, or if the household's circumstances change prior to a move.
13. Arrange for transportation to view replacement sites if needed. Assist tenants with their selection of a replacement site, with lease offers, with review of rental agreements, and with move bids or fixed moving payment.
14. Inspect selected site to ensure it meets decent, safe, and sanitary requirements and complete a "Decent Safe and Sanitary Housing Inspection Report" on the replacement dwelling for each displaced household.
15. Verify vacation of the displacement site and secure a Certificate of Abandonment.
16. Prepare and process advance claims to assist with the move and securing the replacement dwelling. Prepare a final rental assistance claim once family has moved to the selected displacement site.
17. Each claim will be signed by the claimant, supported by appropriate back-up (schedules, receipts, etc.), and will be reviewed by OPC's project manager for recommendation before submitting to the Client for approval.
18. Assist households assess their options as opportunities to return become available.
19. Coordinate with the households electing to return the new site with HACA staff.
20. Complete file closure. Each file to contain a detailed memorandum specifying the amounts and reasons for relocation benefits provided or reasons why relocation benefits were not provided.

Please note that OPC has not contemplated assisting the HACA with the Section 8 briefing process. However, OPC has provided such assistance on past projects and will assist the HACA if requested. Such assistance could include giving presentations regarding the relocation program during the briefings.



### **Monitoring and Control (M&C)**

M&C will occur throughout the life cycle of the project. The process will consist of review of the services being provided against all project planning documents to ensure the work that needs to occur is delivered. Files will be reviewed periodically to ensure they are properly maintained. Cost tracking tools and other project controls will be reviewed to ensure they are effective and being kept up to date. Invoices, claims, and other payment control tools will be reviewed as well. OPC's Senior Project Manager will conduct check-ins with the project team to ensure the relocation staff is providing the level of service agreed upon and expected.

### **Closing the Project**

Project close-out will include a final audit of the project files, including tenant relocation files, cost tracking reports, and the "From-To-Matrix" to ensure the Project has been properly documented and meets all requirements of the contract, and that all corrective actions and change requests have either been accepted or rejected. Project files will be closed upon completion of this process, and comprehensive property reports prepared and finalized

### **Project Management and Communication**

OPC's Senior Project Manager will act as the primary point of contact with HACA's management team. Our goal is to deliver the Project in collaborative manner with HACA. The Senior Project Manager will work with an Assistant Project Manager to develop task lists and activity schedules for the Austin-based agents. The Senior Project Manager or Assistant will communicate these tasks to HACA as well as the agent assigned. The Senior Project Manager will work with the Relocation Team (OPC and HACA) to review and improve the process as the Project is delivered. The Senior Project Manager will rely on the agents to deliver the assigned work and assist in keeping HACA apprised of accomplishments and challenges, as well as progress of process improvements. OPC's management team will play a significant role in the Project and will be visible to HACA's team.

The Senior Project Manager will ensure that weekly reports are provided to HACA and will participate frequently in meetings with HACA, OPC's Assistant Project Manager, and our Austin Agents. OPC's Senior Project Manager requests and expects constant and consistent feedback from HACA and will engage HACA as much as needed to ensure that OPC delivers the Project in a manner that meets HACA's requirements and expectations.



## Key Personnel

Our relocation staff places emphasis on the early planning and the implementation of relocation for public projects and those utilizing public funds. Our firm is innovative and creative when consulting on today's increasingly complex public real estate programs and regulations. Our clients have come to rely on us to provide expert consultation and guidance from project planning through implementation. We encourage a collaborative approach to project implementation. Our experience has demonstrated that regular communication from the beginning of a project forms a cohesive and effective project delivery unit.

We have outlined our proposed team below, including principal and management roles, and have included two page resumes that include information on the staff member's education, coursework, designations, years in profession, and other pertinent information. OPC's staff members that are interviewing and providing case management services live in the City of Austin. OPC's Lead Relocation Agent reads, writes, and speaks fluent Spanish. OPC's Austin team will be available for meetings with HACA and residents daily, at least 4 days out of the week.

### Principal-in-Charge and Key Staff

#### Team Organization



Ms. Michele Folk, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC, will provide the overall program oversight. Ms. Folk has been a successful project manager and relocation practitioner since 1999. She is certified as a Relocation Assistance Specialist (R/W-RAC) and Uniform Act Certified. She is a nationally certified relocation course instructor for the IRWA. She is highly qualified and well-versed in the Uniform Relocation Act and HUD programmatic relocation guidelines. Ms. Folk will assume overall responsibility for the team's project activities, and the management and allocation of staffing resources.

Team Member	Title and Aspects of the Work
Michele Folk, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC	Senior Program Manager. Principal-in-Charge
Chad Wakefield, PMP, SR/WA, R/W-RAC, R/W-NAC	Sr. Project Manager. Program Development, Management Oversight, Planning, Public Housing Disposition, RAD Expertise.
Joe La Bonte, PMP	Project Manager. Project Planning, Risk Assessment, and Policies and Procedures Development.
Raj Virk	Senior Agent. Assistant Project Management
Jose Garcia (Bilingual Spanish)	Relocation Agent/Lead Agent. Case Management, Move Coordination's, Spanish Translation Needs, Housing Needs Assessments, and File Maintenance.
Marett Hanes	Relocation Agent/Supporting Relocation Agent. Case Management, Housing Referrals, and Move Coordination.
Program Management Group (PMG)	Multi-Person Team of Analysts providing Housing Referral Searches, Document Management, Project Controls, and Project Support

#### Staff Profiles

We have included two page resumes of the key staff listed above (blue denotes key staff). The resumes begin on the following page.





## Michele Folk, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC Senior Program Manager/Principal

Overland, Pacific & Cutler, Inc.

- Education:**
- Bachelor of Arts, The Colorado College
  - Associate in Science, Moorpark College
  - Master's Degree, Clayton College
  - Doctorate, Trinity College
- License:**
- Real Estate License, California, No. 01295356
- Professional Affiliations:**
- Member, International Right of Way Association (IRWA)
  - American Public Works Association
  - Coalition of Adequate School Housing
- Years of Experience:**      **Initial Year in Industry:** 1999  
**Initial Year with OPC:** 1999

### Overview

Since 1999, Ms. Folk has been a successful project manager and acquisition and relocation practitioner, consistently demonstrating her skills in both acquisition and relocation functions. Ms. Folk also brings over 26 years of business experience and demonstrates drive, commitment, caring, and an innate attention to detail in her work. She enables her staff to succeed by matching their individual styles to the work assignments and keeping them focused on the project goals. Ms. Folk has qualified as a Senior Member of the International Right of Way Association (SR/WA) and is additionally certified as a Relocation Assistance Specialist (R/W-RAC), a Negotiations Specialist (R/W-NAC), and a Uniform Act Specialist (R/W-URAC). She is also a certified relocation course facilitator for the IRWA. Ms. Folk is well-versed in the Uniform Relocation Act, California Redevelopment Law, and HUD guidelines.

### Project Examples

- **C&C Development, Various Projects.** Served as project manager for several affordable housing projects utilizing HUD funds for this developer including: **Lemon Street Project** included nine business relocations, the **Depot at Santiago Project** involved nine business relocations and seven residential relocations, the **Pacific Court Apartments Project** involved 10 residential relocations, the **Lacey Apartments Project** included four residential relocations and the **Parkview Apartments Project** included 27 residential relocations. Each project also included coordination with the local public agency/funding source.
- **Jamboree Housing Corporation, Various Projects.** Acted as both project manager and relocation consultant for this developer on several projects, which included both residential and commercial permanent relocations. Managed two of the Developer's temporary relocation projects totaling 140+ relocations.
- **National Community Renaissance, Mills Family Project and Mills Senior Project.** Managed the relocations of nine displaced businesses and one residential tenant for these HUD funded projects.



## Michele Folk, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC Senior Program Manager/Principal

Page 2

- **City of Corona, Main Street Relocations.** Assisted the City by providing services related to seven permanent business relocations and 24 sub-tenant relocation settlements. **Corona Discount Mall.** Provided relocation services to 44 vendors within the Corona Discount Mall.
- **City of Santa Ana Public Works, Bristol Street Widening Project.** Provided oversight on all acquisition and relocation activities associated with the acquisition of 37 parcels and the relocation of 42 households and 28 businesses. **Grand Avenue Widening Project.** Managed six full-take acquisitions and 16 business relocations.
- **Garden Grove Agency for Community Development, Various Projects.** Successfully managed many projects involving acquisition and relocation for this client and provided the agency with intensive site investigation for a trial. Researched and analyzed sites for businesses that were claiming significant loss of business goodwill. Provided project management and relocation assistance services for 22 business relocations for the Katella/Gilbert Project and 39 relocations of residents of a mobile home park for the Great Wolf Hotel and Water Park Project.
- **Rancho Santiago Community College District, School Redevelopment Project.** Managed the project and the team that executed 53 residential relocations.
- **South Pasadena Unified School District, School Expansion.** Managed seven residential and five commercial relocations as part of a middle school expansion project.
- **San Diego Unified School District, District Wide School Redevelopment Project.** Supervisor of the team that executed over 25 acquisitions and 35 residential relocations.

### Specific Expertise

#### IRWA Courses:

100 – Principals of Land Acquisition  
103 – Ethics in the Right of Way Profession  
105 – The Uniform Act Executive Summary  
200 – Principles of Real Estate Negotiation  
207 – Negotiations, Federally Funded Land Acquisition  
209 – Negotiating with Diverse Clientele  
213 – Conflict Management  
214 – Skills of Expert Testimony  
219 – Presentation, Instruction and Facilitation  
400 – Principles of Real Estate Appraisal  
421 – Valuation of Partial Acquisitions  
501 – Relocation Assistance  
502 – Business Relocation

#### IRWA Courses, continued:

503 – Mobile Home Relocation  
504 – Computing Replacement Housing Payments  
505 – Adv. Residential Relocation  
506 – Adv. Business Relocation Assistance  
800 – Principles of Real Estate Law  
802 – Legal Aspects of Easements  
803 – Eminent Domain Law Basics  
900 – Principles of R.E. Engineering  
901 – Engineering Plan Development & Application  
902 – Property Descriptions





## Chad Wakefield, PMP, SR/WA, R/W-RAC, R/W-NAC Regional Leader/Senior Project Manager

Overland, Pacific & Cutler, Inc.

- Education:**
- Masters, Urban and Regional Planning, University of Colorado – Denver, 2004
  - Bachelor of Science, City Planning, New Mexico State University, 2002
- License(s):**
- Real Estate License, Arizona (Broker), No. BR649490000
  - Real Estate Broker's License, Texas
  - Arizona Department of Transportation, URA Certification
  - Real Estate License, California, No. 01869528
- Professional Affiliations:**
- Project Management Institute (PMI); Project Management Professional (PMP)
  - Member, Urban Land Institute (ULI)
  - Member, International Right of Way Association (IRWA); Senior Right of Way Professional (SR/WA) Credential – No. 6686; IRWA – Negotiation and Acquisition (R/W-NAC) Credential; IRWA – Relocation Assistance (R/W-RAC) Credential
- Years of Experience:**      **Initial Year in Industry:** 2000  
**Initial Year with OPC:** 2009

### Overview

As a Project Manager, Mr. Wakefield is successful at programming, managing, and developing multiple facets of real estate projects. He is skilled with acquisition negotiations, land entitlement negotiations, and market analysis. Mr. Wakefield is responsible for overseeing and directly carrying out property acquisition and permanent and temporary relocation assistance for residential and business occupants in accordance with the Uniform Relocation Act and multiple HUD programs including HOME and RAD. He routinely produces and manages the delivery of specialized studies and plans including relocation plans under the URA and various state guidelines.

### Project Examples

- **Housing Authority of the City of Austin, Phase I and II RAD Conversion.** Providing relocation planning and project management for the temporary relocation of over 400 public housing units in the City of Austin.
- **Native American Connections, Virginia Park.** Provided initial relocation planning and cost estimating for the relocation 8 businesses at the Virginia Park office complex in Phoenix, AZ. providing relocation services to businesses to clear the site for new affordable housing. Project being delivered under the Uniform Act and HOME Final Rule.
- **Northern Nevada Community Resources Board, Maple Leaves.** Project Manager for the permanent relocation five households in accordance with the HOME Final Rule in Sparks, NV.
- **AMTEX, Parkdale Villas, Dennison, TX.** Provided relocation plan and early project planning for the permanent displacement of tenant occupants in accordance with the URA and Texas Department of Housing and Community Affairs guidelines.



## Chad Wakefield, PMP, SR/WA, R/W-RAC, R/W-NAC Regional Leader/Senior Project Manager

Page 2

- **Cincinnati Metropolitan Housing Authority, RAD Conversion Master Plan, Cincinnati, OH.** Project Manager. OPC has been retained to assess, analyze, and consult with the CMHA on its relocation approach for the conversion of over 600 public housing units to RAD at 6 properties. OPC has led a series of informational meetings with the residents, advised the asset management, development and executive staff on their approach, and conducted a temporary housing inventory. OPC will deliver a RAD Master Relocation Plan and Project Implementation in July of 2016.
- **Community Development Partners, Multiple Projects.** Project manager for the permanent planning and relocation of low income households. Projects include the Marquee project in Phoenix, AZ and the Cypress Senior Housing Project in Glendale, AZ.
- **Nevada Rule Housing Authority, Sun Ridge Quarters.** Provided relocation consultation and early project oversight for the rehab of over 100 units in Fallon, NV; project delivered in accordance with the Uniform Act and HOME Final Rule.
- **Richmond Housing Authority, RAD Funded Projects.** Providing relocation consultation, planning and project management for permanent and temporary relocation for the rehab of over 150 public housing units in Richmond, CA. Project being delivered in accordance with Uniform Act and RAD program guidelines.
- **Christian Church Homes of Northern California, Multiple Projects.** Project Manager for the relocation planning/implementation for temporary relocation of 75 senior households. Instrumental in the preparation of the projects phasing plan and alternatives. Developed the relocation plan and program. **West Lake Christian East.** Project Manager for the relocation planning/implementation for temporary relocation of 200 senior households in San Leandro, CA. **Vineville Relocation Plan.** Developed relocation plan for the permanent and temporary relocation of seniors for Vineville Christian Towers in Macon, GA.

### Specific Expertise

#### IRWA Courses:

104 – Standards of Practice, Right of Way Professional  
200 – Principles of Real Estate Negotiation  
207 – Negotiations, Federally Funded Land Acquisition  
213 – Conflict Management  
304 – When Public Agencies Collide  
403 – Easement Valuation  
501 – Residential Relocation Assistance  
502 – Non-Residential Relocation Assistance  
503 – Mobile Home Relocation  
504 – Computing Replacement Housing Payments  
505 – Adv. Residential Relocation

#### IRWA Courses, continued:

703 – Real Property Asset Management  
801 – US Land Titles  
802 – Legal Aspects of Easements  
901 – Engineering Plan Development & Application  
902 – Property Descriptions  
Course Coordination Certification

#### Other Coursework:

California Dept. of Real Estate Courses:  
Real Estate Principles, Real Estate Practice, Real Estate Appraisal





## Joe La Bonte, PMP Project Manager

Overland, Pacific & Cutler, Inc.

- Education:** ■ Bachelor of Science in Business Administration, California State University, Chico
- License(s):** ■ Project Management Professional, No. 1823635  
■ Real Estate License, California, No. 01918863  
■ Certified Associate in Project Management, No. 1599903  
■ Microsoft Office Excel 2010 Expert, No. E513-7472
- Professional Affiliations:** ■ Member, Project Management Institute  
■ Member, International Right of Way Association
- Years of Experience:** ■ **Initial Year in Industry:** 2012  
■ **Initial Year with OPC:** 2012

### Overview

As a Project Manager, Mr. La Bonte provides acquisition and relocation project management on various projects. He is Project Management Professional (PMP) certified, one of the most important industry-recognized certifications for project managers.

### Project Examples

- **Transportation Agency for Monterey County (TAMC), *Commuter Rail Extension*.** The Commuter Rail Extension project improved connections to the Cal Train facilities in Gilroy. The project was subject to Federal Transit Administration (FTA) and Caltrans oversight. Serving as an acquisition and relocation agent, negotiating tenant acquisitions and assisted with relocation of a bakery, laundry mat, cafe, fish market, and credit union.
- **Santa Clara Valley Municipal Water District, *Upper Llagas Creek Flood Protection Project*.** There are approximately 115 parcels affected by this project. Acquisitions include partial fee takes and temporary construction easements. As an acquisition and relocation agent for the project, providing full and partial fee acquisitions from agricultural and commercial property owners. Also assisting in the relocation of commercial and residential displacees.
- **Park Ave. Asset Management, *Pacific Skies Estates*.** Pacific Skies Estates Project created 42 mobile home displacements for upgrades and renovation to the mobile home park. Acting as the relocation agent for the project.
- **Tenderloin Neighborhood Development Corporation (TNDC), *1036 Mission*.** Relocation agent for the displacement of a commercial parking lot operator in San Francisco under the Uniform Act.
- **Arizona Department of Transportation, *South Mountain Freeway*.** Provided cost estimate for project design, mapped reports, and programed right of way schedule. Analyzed and proposed alternative designs that led to over \$36 million of approved right of way avoidance. Reports provided included cost estimate and schedule delivery per parcel on google earth file. Schedule was developed that optimized resources with contract delivery constraints.



## Joe La Bonte, PMP Project Manager

Page 2

- **City of Bakersfield, Centennial Corridor Improvement.** This \$625.5 Million project will build a new east-west transportation corridor on the SR-58. Provided budgeting and cost control reporting to clients. Reported cost allocation for customer's capital cost per year, phases, and property types. Comprehensive schedule was created and consisted of acquisition, relocation, and demolition services. **Rosedale Project.** Provided scheduling and budgeting services. Created detailed schedules involving parcel complexities. The project proposes construction of two additional lanes. As a result, SR58 will be a six-lane highway.
- **Nevada Department of Transportation, Project Neon Phase 3.** Created and maintained comprehensive schedule of entire P3 project. Neon is a large, multi-phased, \$1.5 Billion design-build project identified as critically necessary to mitigate several issues that have resulted from escalating congestion levels. The project extends 3.7 miles along I-15. Schedule is detailed and comprises of acquisition, relocation, demolition, and property management services. Capital Expenditure Reports are provided on actual and forecast trends. Reporting capabilities included area parcel reports, fiscal year reports, parcel counts, earned value, and performance reports.
- **Orange County Transportation Agency, I-405 Widening Project.** Created program schedule which included different alternatives including early acquisition and post ROD acquisition, phase 1, and phase 3 projects combined. Program schedule also included client and delivery constraints. Schedule reports contributed to phases being combined into one project. The project widens I-405 between SR-73 and the I-605 through a design-build delivery method.
- **Riverside County Transportation Commission (RCTC), SR-91 Widening.** Provided scheduling, budgeting, and reporting services. Comprehensive schedule with over 13,000 activities comprising of acquisition, relocation, demolition, and property management services. Reporting capabilities included area parcel reports, fiscal year reports, parcel counts, property interest, earned value, and performance reports.
- **California High Speed Rail Authority, HSR.** Provided resource allocation and quality control services. Resource curves were provided to manage the workflow. Quality control was implemented in cost analysis of rail segments.

### Specific Expertise

**Coursework:** California Real Estate License courses

**IRWA Courses:**

100 – Principles of Land Acquisition  
103 – Ethics and the Right of Way Profession  
105 – The Uniform Act Executive Summary  
200 – Principles of Real Estate Negotiation  
400 – Principles of Real Estate Appraisal  
501 – Residential Relocation Assistance  
901 – Engineering Plan Development & Application

**Other Coursework:**

Studied Abroad, International Culture & Business, University College Cork, Ireland

**Additional Software:**

Advanced MS Office Suite including Excel, Project, Project Server, SharePoint, Word, Access, PowerPoint, and Outlook.  
Oracle Primavera EPPM and P6 V8.2





**Raj Virk**  
**Senior Agent**

Overland, Pacific & Cutler, Inc.

**Education:** ▪ Coursework towards Bachelor's Degree, International Studies, Criminal Justice, California State University, East Bay, Hayward CA

**Years of Experience:** **Initial Year in Industry:** 2013  
**Initial Year with OPC:** 2013

**Overview**

As a Senior Agent, Mr. Virk provides acquisition and relocation assistance for public agency projects. He is knowledgeable of both federal and state regulations relating to relocation assistance and benefits. Raj also assists project managers with various project related activities including property mapping and materials research, document preparation, title coordination, database, budgeting, and records management. Mr. Virk is trilingual English/Punjabi/Hindi. His trilingual capabilities enable him to effectively communicate with OPC's diverse client base, as well as complete document translations, when required.

**Project Examples**

- **Mountain View, Sierra Hackett.** Permanently relocated 28 tenants. Provided referrals for replacement housing, calculated income using worksheet, worked closely with tenants, client, Escrow Company and city to make sure all city regulations were followed.
- **EAH Housing, Buchanan Park.** Temporarily relocated households in offsite housing, while coordinating and staffing movers, coordinating move-ins and move-outs with tenants. Maintained records of moves and files.
- **Redwood Housing Partners, Winthrop Hotel.** Interviewed tenants provided mentoring to new team member and attended meetings to answer questions and to give updates on project. Coordinated move bids, found offsite housing, provided temporary relocation, progress updates with client. Provided supervision of project remotely. Provided spreadsheets to client with updates of project status.
- **Berkeley Housing Authority, Scattered Public Housing Sites.** Provided housing referrals and relocation services to voluntary Section 8 tenant relocations. One-on-one assistance to family that speaks Punjabi. Provided temporary relocation services to 22 households, who needed temporary housing, provided assistance with property management issues during relocation. Worked with special needs tenants that needed extra services. Intervened in housing emergencies that required high degree of coordination.
- **Marshall Hotel Investors, Marshall Hotel.** Provided permanent relocation service to 58 residential tenants. Successfully relocated all tenants in the given time. Very challenging population to work with due to limitation in income, difficulties finding housing due to past history. Very highly visible project, worked closely with Sacramento Housing Redevelopment Agency and property staff. Received recognition from the Governing Board of Sacramento Commissions Office for work that was done.



**Raj Virk**  
**Senior Agent**

Page 2

- **Christian Church Homes of Northern California, *Westlake Christian Terrace East*.** Coordinating 177 onsite moves with tenants, property management, and moving company. Prepared and revised move matrix as well as prepared and delivered relocation notices. Kept in close contact with management and tenants during temporary relocation to resolve housing issues. ***Fargo Senior Center*.** Assisted in relocating two over-income households, prepared and revised move matrix, and delivered relocation notices. Kept in close contact with property management and tenants during temporary relocation to resolve housing issues. Coordinated 40 onsite and offsite moves with tenants, property management, and moving company.
- **EAH Housing, *Shelter Hill Apartments*.** Coordinated 24 onsite moves with tenants, property management, and moving company. Prepared and revised move matrix, as well as prepared and delivered relocation notices. Translated for tenants that spoke Hindi and Punjabi. Worked closely with tenants, property management, and construction to resolve any housing issues.
- **Fresno Housing Authority (FHA), *RAD Project*.** Relocated nine over-income families, interviewed tenants, and explained housing options for temporary relocation. Found temporary relocation offsite units for Orange Cove and Fresno. Sent out move bids and conducted walk-through with various moving companies. Prepared claims for check processing as well as prepared and delivered relocation notices to tenants. Coordinated temporary offsite moves with tenants and moving company. Work closely with Offsite Management and client to make sure the project runs smoothly.
- **San Francisco Redevelopment Agency, *Hunters Point Shipyard Artist Studio Redevelopment*.** OPC is providing relocation consulting services to SFRA and Lennar in the planning for the relocation of over 150 artists at the former Hunters Point Shipyard. Researched names on city search, compiled a list of individuals with belongings in warehouse, coordinated movers to conduct cleanup of warehouse. Worked with property management to resolve break-in issues. Took inventory and photographs of wooden vaults. Kept call logs current, tracking cars and/or personal belongings. Assured individuals had proper paperwork on claims of property, creating tracking documents.
- **Vitus, *Saint John's Apartments*.** Coordinating 158 offsite moves with tenants, property management, and moving company. Prepared move, housing, and cost matrices, by phase. Conducting Bi-weekly meetings with property management, construction, and tenants. Prepare and deliver proper relocation notices to tenants. Interaction with management, offsite hotel staff, and tenants during temporary relocation to resolve housing issues.

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**Past Relevant Experience**

**Community Association Executive**  
Property Management

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**Specific Expertise**

**IRWA Coursework:**  
501 – Residential Relocation  
502 – Business Relocation

**Other Affiliations:**  
Vice President and Public Relations Administrator,  
Sikh Students Association

## Bid to Perform the Work

The following outlines our total estimated fee, followed by our billing terms.

Task Item	Per Case Rate	# of Case	Total Estimated Fee
<b>Relocation Cases (Includes Following Tasks)</b>	<b>\$3,000</b>	<b>40</b>	<b>\$120,000</b>
<i>Resident Interview</i>			
<i>File Preparation and Maintenance</i>			
<i>Prepare and Serve RAD Relocation Notices</i>			
<i>Prepare and Serve URA Required Notices</i>			
<i>Calculate Entitlements</i>			
<i>Housing Referrals and Assist in Securing Housing</i>			
<i>Prepare Claims and Deliver Checks</i>			
<i>Replacement Housing Inspections</i>			
<i>Close Relocation Case Files</i>			
<b>Project Management and Delivery (Includes Followin</b>	<b>N/A</b>	<b>N/A</b>	<b>\$25,000</b>
<i>Prepare Required Forms and Notices</i>			
<i>Coordinate Move Bids</i>			
<i>Safety Plan</i>			
<i>Implementation Plan</i>			
<i>Weekly Progress Reports (Assumes 24 Reports)</i>			
<i>Project Close Out Report</i>			
<i>Project Meetings (Assumes 24 Meetings)</i>			
<i>Relocation Case Project Management</i>			
<i>Project Management and Oversight</i>			
<b>Total Proposed Project Fee - Not to Exceed Billed Per OPC Hourly Rates</b>			<b>\$145,000</b>

### BILLING TERMS:

OPC considers local travel/mileage, photocopying, first class postage, telephone, facsimile, and mobile communication charges a normal part of doing business and such costs are included in the stated hourly rates. Out-of-pocket expenses including pre-approved travel and lodging, outside exhibit preparation, requested overnight courier or registered and/or certified mail (return receipt requested) charges, and specialty reproduction (unless otherwise specified) are in addition to the contract amount and will be charged at cost plus ten percent (+10%) for administration, coordination, and handling. Subcontracted services, other than those listed above, will be invoiced at cost plus ten percent (+10%).



In the event OPC is required to perform any act in relation to litigation arising out of any project with the Client (for example, expert consulting, responding to a complaint, or proceeding with discovery and trial), such services are not part of this contract, nor are they part of our normal fees. If required, these types of services will be invoiced at two times the regular hourly rates.

In the event this contract extends twelve (12) months beyond the initial date of execution, the hourly rates and any remaining amount in the contract shall be adjusted upwardly by five percent (5%) per annum, compounded annually, on the anniversary date of this contract.

Written communication services in other languages would be an additional cost and would be billed separately based on quoted hourly rates by independent translation services. Verbal communication in Spanish, if necessary, will be included at no additional charge.

OPC will submit monthly invoices for the professional and trade services rendered based on the hourly rate schedule provided above. The client shall promptly pay the uncontested amount due within no more than thirty (30) days after receipt of invoice. Upon completion of services, the remaining unbilled amount of the project balance shall become immediately due and payable.

## Required Forms

The requested forms are included on the following pages.



# Representations, Certifications, and Other Statements of Bidders

## Public and Indian Housing Programs

### Table of Contents

Clause	Page
1. Certificate of Independent Price Determination	1
2. Contingent Fee Representation and Agreement	1
3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions	1
4. Organizational Conflicts of Interest Certification	2
5. Bidder's Certification of Eligibility	2
6. Minimum Bid Acceptance Period	2
7. Small, Minority, Women-Owned Business Concern Representation	2
8. Indian-Owned Economic Enterprise and Indian Organization Representation	2
9. Certification of Eligibility Under the Davis-Bacon Act	3
10. Certification of Nonsegregated Facilities	3
11. Clean Air and Water Certification	3
12. Previous Participation Certificate	3
13. Bidder's Signature	3

### 1. Certificate of Independent Price Determination

#### (a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on the bid is considered to be a certification by the signatory that the signatory--

(1) Is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

Michele Folk [insert full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization];

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder deletes or modifies subparagraph (a)2 above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

☒ [Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit" ☒ is, ☒ is not included with the bid.

### 2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

(b) The bidder represents and certifies as part of its bid that, except for full-time bona fide employees working solely for the bidder, the bidder:

(1) ☐ has, ☒ has not employed or retained any person or company to solicit or obtain this contract; and

(2) ☐ has, ☒ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(c) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder shall make an immediate and full written disclosure to the PHA/IHA Contracting Officer.

(d) Any misrepresentation by the bidder shall give the PHA/IHA the right to (1) terminate the contract; (2) at its discretion, deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

### 3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352, title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.



(b) The bidder, by signing its bid, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989 that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the bidder shall complete and submit, with its bid, OMB standard form LLL, "Disclosure of Lobbying Activities," and

(3) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(d) Indian tribes (except those chartered by States) and Indian organizations as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B) are exempt from the requirements of this provision.

#### 4. Organizational Conflicts of Interest Certification

The bidder certifies that to the best of its knowledge and belief and except as otherwise disclosed, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the bidder; or,
  - (b) Impair the bidder's objectivity in performing the contract work.
- ☒ In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

#### 5. Bidder's Certification of Eligibility

(a) By the submission of this bid, the bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the bidder's firm, nor any of the bidder's subcontractors, is ineligible to:

(1) Be awarded contracts by any agency of the United States Government, HUD, or the State in which this contract is to be performed; or,

(2) Participate in HUD programs pursuant to 24 CFR Part 24.

(b) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making award. If it is later determined that the bidder knowingly rendered an erroneous certification, the contract may be terminated for default, and the bidder may be debarred or suspended from participation in HUD programs and other Federal contract programs.

#### 6. Minimum Bid Acceptance Period

(a) "Acceptance period," as used in this provision, means the number of calendar days available to the PHA/IHA for awarding a contract from the date specified in this solicitation for receipt of bids.

(b) This provision supersedes any language pertaining to the acceptance period that may appear elsewhere in this solicitation.

(c) The PHA/IHA requires a minimum acceptance period of [Contracting Officer insert time period] calendar days.

(d) In the space provided immediately below, bidders may specify a longer acceptance period than the PHA's/IHA's minimum requirement. The bidder allows the following acceptance period: calendar days.

(e) A bid allowing less than the PHA's/IHA's minimum acceptance period will be rejected.

(f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the acceptance period stated in paragraph (c) above or (2) any longer acceptance period stated in paragraph (d) above.

#### 7. Small, Minority, Women-Owned Business Concern Representation

The bidder represents and certifies as part of its bid/ offer that it --

(a) ☐ is, ☒ is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b) ☐ is, ☒ is not a women-owned business enterprise. "Women-owned business enterprise," as used in this provision, means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c) ☐ is, ☒ is not a minority business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- |   |   |
|---|---|
| <input type="checkbox"/> Black Americans    | <input type="checkbox"/> Asian Pacific Americans  |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans   |
| <input type="checkbox"/> Native Americans   | <input type="checkbox"/> Hasidic Jewish Americans |

#### 8. Indian-Owned Economic Enterprise and Indian Organization Representation (applicable only if this solicitation is for a contract to be performed on a project for an Indian Housing Authority)

The bidder represents and certifies that it:

(a) ☐ is, ☒ is not an Indian-owned economic enterprise. "Economic enterprise," as used in this provision, means any commercial, industrial, or business activity established or organized for the purpose of profit, which is at least 51 percent Indian owned. "Indian," as used in this provision, means any person who is a member of any tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act.

(b) ☐ is, ☒ is not an Indian organization. "Indian organization," as used in this provision, means the governing body of any Indian tribe or entity established or recognized by such governing body. Indian "tribe" means any Indian tribe, band, group, pueblo, or



community including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

**9. Certification of Eligibility Under the Davis-Bacon Act** (applicable to construction contracts exceeding \$2,000)

(a) By the submission of this bid, the bidder certifies that neither it nor any person or firm who has an interest in the bidder's firm is a person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(b) No part of the contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(c) The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

**10. Certification of Nonsegregated Facilities** (applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to the clause entitled **Equal Employment Opportunity** of the General Conditions of the Contract for Construction.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

(1) Obtain identical certifications from the proposed subcontractors;

(2) Retain the certifications in its files; and

(3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities**

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**Note:** The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

**11. Clean Air and Water Certification** (applicable to contracts exceeding \$100,000)

The bidder certifies that:

(a) Any facility to be used in the performance of this contract ☐ is, ☒ is not listed on the Environmental Protection Agency List of Violating Facilities:

(b) The bidder will immediately notify the PHA/IHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and,

(c) The bidder will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

**12. Previous Participation Certificate** (applicable to construction and equipment contracts exceeding \$50,000)

(a) The bidder shall complete and submit with his/her bid the Form HUD-2530, "Previous Participation Certificate." If the successful bidder does not submit the certificate with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the certificate by that date may render the bid nonresponsive. No contract award will be made without a properly executed certificate.

(b) A fully executed "Previous Participation Certificate"

☐ is, ☐ is not included with the bid.

**13. Bidder's Signature**

The bidder hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

*Michele Folk*

(Signature and Date)

June 13, 2017

(Typed or Printed Name)

Michele Folk

(Title)

Overland, Pacific & Cutler, Inc.

(Company Name)

3750 Schaufele Avenue, Suite 150, Long Beach

(Company Address)



# Certifications and Representations of Offerors

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

OMB Approval No: 2577-0180 (exp. 7/30/96)

## Non-Construction Contract

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

### 1. Contingent Fee Representation and Agreement

(a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

- (1) ☐ has, ☒ has not employed or retained any person or company to solicit or obtain this contract; and
- (2) ☐ has, ☒ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

### 2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offeror represents and certifies as part of its bid/offer that it:

- (a) ☐ is, ☒ is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
- (b) ☐ is, ☒ is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
- (c) ☐ is, ☒ is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- |   |   |
|---|---|
| <input type="checkbox"/> Black Americans    | <input type="checkbox"/> Asian Pacific Americans  |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans   |
| <input type="checkbox"/> Native Americans   | <input type="checkbox"/> Hasidic Jewish Americans |

### 3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization);
- (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and



- (iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.
- (c) If the bidder/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

#### 4. Organizational Conflicts of Interest Certification

- (a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:
- (i) Award of the contract may result in an unfair competitive advantage;
  - (ii) The Contractor's objectivity in performing the contract work may be impaired; or
  - (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.
- (b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.
- (c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.
- (d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

#### 5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

#### 6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

#### 7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

*Michele Folk*

Signature & Date:

June 13, 2017

Typed or Printed Name:

Michele Folk

Title:

Managing Director, Housing & Development



**HOUSING AUTHORITY OF THE CITY OF AUSTIN**  
P.O. BOX 41119 AUSTIN TEXAS 78704-1119 (512) 477-4488  
FEDERAL EXEMPT ENTITY #74-6000117

**VENDOR DATA SHEET (ALL SUPPLIERS)**

<b>BUSINESS NAME (DBA)</b> Overland, Pacific & Cutler, Inc. (Corporate Office)			
<b>ADDRESS</b> 3750 Schaufele Avenue, Suite 150			
<b>CITY</b> Long Beach	<b>STATE</b> CA	<b>ZIP</b> 90808	<b>PHONE FAX</b> 562.304.2000/562.304.2020
<b>TYPE OF OWNERSHIP</b> <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> JOINT PROPRIETORSHIP			
<b>IF MINORITY, WHAT STATUS?</b> <input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> AMERICAN INDIAN <input type="checkbox"/> ALASKAN NATIVE <input type="checkbox"/> WOMAN <input type="checkbox"/> ASIAN AMERICAN <input type="checkbox"/> MBE CERTIFIED			
<b>FEI#</b> 95-3559948		<b>FORM 1099 REQUIRED</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>BUSINESS DESCRIPTION</b> Right of Way and Relocation Services

**PRINCIPALS/OWNERS**

NAME	TITLE	PHONE	ADDRESS
Ray Armstrong	VP/Business	817-719-7598	1431 Greenway Dr, Suite 800, Irving TX
Michele Folk	Principal/Sr. Program Mgr	949-951-5263	1 Jenner, Suite 200, Irvine, CA
Additional Owners	Included in the	Proposal	Corp Office 3750 Schaufele Ave, Long Beach, CA

**BUSINESS REFERENCES**

NAME	TITLE	ADDRESS	PHONE
Bank Reference:			
Joseph McDonald		CA Bank & Trust	310-258-9362

**REMITTANCE ADDRESS**

<b>NAME</b> Corporate Office, Address Above			
<b>ADDRESS</b>			
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	<b>PHONE</b>
<b>EMAIL ADDRESS:</b>			

*Michele Folk* Sr. Program Manager 6/13/2017

AUTHORIZED SIGNATURE

TITLE

DATE

5/15/15

A Fair Housing And Equal Employment Opportunity Agency



**Request for Taxpayer  
Identification Number and Certification**

**Give Form to the  
requester. Do not  
send to the IRS.**

**1** Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**Overland, Pacific & Cutler, Inc.**

**2** Business name/disregarded entity name, if different from above  
**Overland, Pacific & Cutler, Inc.**

**3** Check appropriate box for federal tax classification; check only **one** of the following seven boxes:  
☐ Individual/sole proprietor or single-member LLC  
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ \_\_\_\_\_  
☐ Other (see instructions) ▶ \_\_\_\_\_  
☐ C Corporation  
☒ S Corporation  
☐ Partnership  
☐ Trust/estate

**4** Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  
Exempt payee code (if any) **5**  
Exemption from FATCA reporting code (if any) \_\_\_\_\_  
(Applies to accounts maintained outside the U.S.)

**5** Address (number, street, and apt. or suite no.)  
**3750 Schaufele Avenue, Suite 150**

**6** City, state, and ZIP code  
**Long Beach, CA 90808**

**7** List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

**Social security number**

			-						
--	--	--	---	--	--	--	--	--	--

**or**

**Employer identification number**

9	5	-	3	5	5	9	9	4	8
---	---	---	---	---	---	---	---	---	---

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

**Sign Here** Signature of U.S. person ▶ *Bernie Marguz* Date ▶ **1/19/17**

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

1. Name of Bidder.

Overland, Pacific & Cutler, Inc.

2. Permanent main office address.

Corporate Office: 3750 Schauffele Avenue, Suite 150, Long Beach, CA 90808

3. When organized.

1980

4. State whether bidder is a Corporation, Partnership, or Sole Proprietor.

Corporation

5. If Corporation, date and State of Incorporation.

October 24, 1980, California

6. A breakdown of the minority ownership of the business (Gender, White, Black Hispanic, American Hispanic, American Indian/Eskimo, Asian/Pacific islander, etc.). Who owns what percent of the business, and any other related information.

(Male/Asian/Pacific Islander) Joey Mendoza, Vice President – 11.9%

(Female/Caucasian) Michele Folk, Vice President – 11.9%

(Male/Slovak) Marek Karon, Vice President – 17.9%

(Male/Caucasian) Mark La Bonte, Chairman of the Board – 19%

(Male/Caucasian) Ray Armstrong, Vice President/Secretary – 19%

(Male/Caucasian) Brian Everett, CEO/President – 14.3%

(Male/Caucasian) Craig Justesen, Vice President – 6%

7. Number of years engaged in contracting business under present name.

Stadler, Shober & Cline, Inc. 1980-2003

Cutler & Associates, Inc. 1982-2003

Overland Resources, Inc. 1992-2003

All three companies merged in 2003 to form Overland, Pacific & Cutler, Inc.

8. Contract in progress (gross amounts of contracts, estimated completion dated, project owner, architect).

OPC is a large firm with approximately 130 employees, currently involved in 800+ active projects ranging from small service projects (in the range of \$10,000) to large-scale, long-term projects upwards (\$10,000,000-\$20,000,000). To outline estimated completion dates of all of these projects would be onerous. Project owners are primarily governmental agencies.

9. General character of work performed by your company.

OPC was established in 1980 to provide a core of professional services for clients with projects involving relocation planning and implementation, right of way program management, land and right of way acquisition, relocation assistance services, real estate appraisal, utility coordination, and property management. Our firm was created to perform these services for housing and community development, transportation, redevelopment, public works, school districts, energy,



and utilities. Local, regional, state, and federal agencies call upon OPC to provide on-call and project based real estate services for their most challenging assignments.

Our relocation staff places emphasis on the early planning and the implementation of relocation for public projects and those utilizing public funds. Our firm is innovative and creative when consulting on today's increasingly complex public real estate programs and regulations. Our clients have come to rely on us to provide reliable expert consultation and guidance from project planning through implementation. We encourage a collaborative approach to project implementation. Our experience has demonstrated that regular communication from the beginning of a project forms a cohesive and effective project delivery unit.

10. Report on any failures to complete work awarded to you (where, when & why). Report any contracts you have defaulted on.

No projects to report regarding failures to complete awarded work.

No projects have been in default.

11. Name & address of bonding company and name and address of agent.

Bonding: N/A

Insurance: Venbrook Insurance Services, 6320 Canoga Avenue, Woodland Hills, CA 91367

Carriers: Hartford, Sentinel, Twin City Fire, Western World Insurance

12. List of three (3) currently completed projects, including name, address, phone number, and type of work.

Proposal, Pages 5-8, includes multiple projects with references

13. List any previous contracts, including dated executed with HACA.

Please refer to our proposal including extensive similar work experience.

HACA Contract: Phase I Conversion, Ongoing; Work commenced in 2016

FORM OF NON-COLLUSIVE AFFIDAVIT

## AFFIDAVIT

Prime Bidder

STATE OF TEXAS

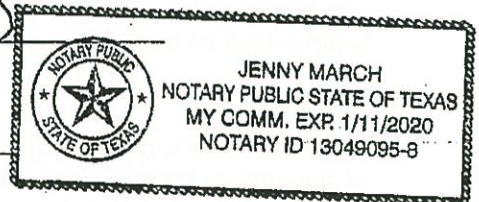
COUNTY OF

NUECESRay Armstrong, being first duly sworn, deposes and says:

That he is Vice President of Overland, Pacific & Cutler, Inc. the party making the foregoing  
 (A partner or officer of the firm, corp., of etc.)  
 proposal or bid and attests to the following:

- (1) That affiant employed no person, corporation, firm association, or other organization, either directly or indirectly, to secure the public contract under which he received payment, other than persons regularly employed by the affiant whose services in connection with the construction of the public building of project or in securing the public contract were in the regular course of their duties for affiant; and
- (2) That no part of the contract price received by affiant was paid or will be paid to any person, corporation, firm, association, or other organization for solicitation the contract, other than the payment of their normal compensation to persons regularly employed by the affiant whose services in connection with the construction of the public building or project were in the regular course of their duties for affiant.
- (3) That such proposal or bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the Housing Authority of the City of Austin or any person interested in the proposal contract; and that all statements in said proposal or bid are true.

Signature\*

Subscribed and sworn to me this 7<sup>th</sup> day of June, 20 17My Commission expires January 11, 20 20Jenny March

\*Bidder if the bidder is an individual; all partners if the bidder is a partnership; Officer if the bidder is a corporation.





## HACA FORM S3-1 SECTION 3 CONTRACTOR COMPLIANCE

Contract/Solicitation Name or Number: Request for Proposal HACA-17-P-0220

☒ Contractor ☐ Subcontractor Name of Business: Overland, Pacific & Cutler, Inc.

**All HACA Contractors for Section 3 covered contracts must submit this form and supporting documentation if required.**

Section 3 mandates, that to the greatest extent feasible, training, employment and other economic opportunities generated by HUD funds be directed to low-income residents, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low-income persons.

All solicitation responses must provide the following Section 3 Contractor Compliance to outline how they will, to the greatest extent feasible, meet the regulations of Section 3.

### Part I: Current Status as a Section 3 Business Concern

- ☐ We are a Section 3 business concern. Attach [HACA Form S3-2: Section 3 Business Certification](#).
- ☒ We are not a Section 3 business concern. Attach [HACA Form S3-2: Section 3 Business Certification](#).

### Part II: Hiring

- ☐ We do foresee the need to hire new employees to complete this project. Every effort to obtain 30% or more of the new hires shall be Section 3 residents in order of priority. Attach [HACA Form S3-4: Hiring Plan](#).
- ☒ We do not foresee the need to hire employees to complete this project. Should the need arise to hire, every effort to provide employment opportunities to Section 3 residents in order or priority will be made to the greatest extent feasible according to the numerical goals.

### Part III: Subcontracting

- ☐ We do foresee the need to subcontract to complete this project. Every effort will be made to ensure that 10% or more of the total dollar amount of this contract for building trade contacts, and 3% or more of the total dollar amount of this contract for non-building trade contacts, is awarded to Section 3 business concerns in order of priority. Attach [HACA Form S3-3: Subcontracting Plan](#).
- ☒ We do not foresee the need to subcontract in order to complete this project. Should the need arise to subcontract every effort to provide contracting opportunities to Section 3 business concerns in order of priority shall be made to the greatest extent feasible according to the numerical goals.

### Part IV: Training

- ☐ We do foresee the opportunity to provide training over the course of this project in the amount of 3% or more of the total contract award, consistent with [24 CFR Part 135.11](#) in the area of Section 3 resident training. Attach and sign company letterhead describing training curriculum and supporting documentation for HACA approval, including the number of residents to be trained and value of the training.
- ☒ We do not foresee the opportunity for training to during this project. Should the opportunity arise to train, other economic opportunities may be substituted upon HACA approval according to the numerical goals.

### Part V: Efforts That Will be Taken to Comply With the Requirements of Section 3

Select every effort to be utilized should the need arise for hiring, training or contracting. Every effort, in order of priority, will be made to the greatest extent feasible according to the numerical goals. Please see the full list of the [Appendix to 24 CFR Part 135](#).





## HACA FORM S3-1 SECTION 3 CONTRACTOR COMPLIANCE

Check all efforts for Section I and Section II.

### *Section I: Examples of Efforts To Offer Training and Employment Opportunities to Section 3 Residents*

- ☐ Incorporate into the contract a specific number of Section 3 residents to be trained or employed.
- ☐ Enter into "first source" hiring agreements.
- ☐ Establish training programs.
- ☐ Advertise the training and employment positions by distributing and posting flyers at HACA sites.
- ☐ Advertise the training and employment positions through local media, community television networks, newspapers, and radio advertising.
- ☐ Contact resident councils or other resident organizations to assist in notifying residents of the training and employment positions to be filled.
- ☐ Sponsor a job information meeting (job fair).
- ☐ Arrange for a location on site where job applications may be delivered and collected.
- ☐ Conduct job interviews and complete job applications on site.
- ☐ Contact HUD Youthbuild programs and request their assistance in recruiting program participants.
- ☐ Employ a job coordinator.
- ☒ Maintain a file of eligible qualified Section 3 residents for future employment positions.
- ☐ Continued job training efforts as may be necessary to ensure the continued employment of S3 residents previously hired for employment opportunities.

### *Section II: Examples of Efforts to Award Contracts to Section 3 Business Concerns*

- ☒ Utilize procurement procedures for Section 3 business concerns.
- ☐ Consider previous experience of Section 3 compliance.
- ☐ Contact business assistance agencies, minority contractors associations, and community organizations to inform them of contracting opportunities and requesting their assistance in identifying Section 3 businesses which may solicit bids or proposals.
- ☐ Advertise contracting opportunities by posting notices, which provide general information about the work to be contracted and where to obtain additional information at HACA sites.
- ☐ Provide written notice to all known Section 3 business concerns of the contracting opportunities.
- ☐ Coordinate pre-bid meetings and workshops at which Section 3 business concerns could be informed of upcoming contracting and subcontracting opportunities.
- ☐ Where appropriate, breaking out contract work items into economically feasible units to facilitate participation by Section 3 business concerns.
- ☐ Contact agencies administering HUD Youthbuild programs and notifying these agencies of the contracting opportunities.
- ☐ Advertise the contracting opportunities through trade association papers and newsletter, the local media, community television networks, newspaper of general circulation, and radio advertising.
- ☒ Develop a list of eligible Section 3 business concerns.
- ☐ Establish or sponsor programs designed to assist residents of public housing in the creation and development of resident-owned businesses.

The undersigned company official does swear or affirm that the information on this form is true and correct to the best of his/her knowledge and there is no willful intent to mislead or commit fraud.

Signature

*Michele C. Folk*

Title: VP/Sr. Program Manager

Print Name: Michele Folk, SR/WA, R/W-RAC

Date: 06/14/2017





**HACA FORM S3-2**  
**SECTION 3 BUSINESS CERTIFICATION**

Contract/Solicitation Name or Number: Request for Proposal HACA-17-P-0220

☒ Contractor ☐ Subcontractor Name of Business: Overland, Pacific & Cutler, Inc.

Trade/Type of Service/Work Performed: Real Estate and Related Services, Including Relocation

Address of Business: 3750 Schaufele Avenue, Long Beach, CA 90807 (corporate office)

Physical Address

City

State

Zip

Mailing Address (if different): 1 Jenner, Suite 200, Irvine, CA 92618

Mailing Address

City

State

Zip

Business Phone: (562) 304-2000

Fax: (562) 304-2020

Email: mfolk@opcservices.com

Website: OPCservices.com

Type of Business: ☒ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Other: \_\_\_\_\_

Select the Section 3 business concern type you are claiming (A, B, C or D) and attach the required supporting documentation. **IMPORTANT: Preference must be maintained for the entire contract or the contract will be in non-compliance and at risk of termination.**

☐ A. Section 3 resident-owned enterprise (51 percent or more owned by Section 3 residents).

☐ Attach HACA Form S3-6: Section 3 Resident Certification for each owner claiming a Section 3 resident status.

I am a ☐ HACA public housing resident or ☐ Section 8 HCV resident; or

☐ Attach proof of participation in a public assistance program; or other: \_\_\_\_\_

Attach the following documentation for business entity type, as applicable:

☐ Copy of Articles on Incorporation

☐ Partnership Agreement

☐ Assumed Business Name Certificate

☐ Additional documentation, as necessary

☐ List of owners/stockholders and percentage of ownership of each

☐ B. Section 3 status due to at least 30 percent of permanent full-time employees are Section 3 residents, or were Section 3 residents within three years of the date of first hire.

☐ Attach HACA Form S3-5: Existing Employee List. List all current full-time employees; hire date, and whether they are eligible for Section 3 resident status.

☐ Attach HACA Form S3-6: Section 3 Resident Certification for each Section 3 eligible employee.

☐ C. Section 3 status by subcontracting more than 25 percent of the dollar amount of the contract to Section 3 business concern(s) that meet A or B.

☐ Attach HACA Form S3-3: Subcontracting Plan. List of Section 3 business(es) and subcontract amount(s) of intended subcontract commitment.

☐ Attach HACA Form S3-2: Section 3 Business Certification for each subcontractor claiming to be a Section 3 business concern and required supporting documentation.

☒ D. I am not a Section 3 Business Concern.

☐ Attach HACA Form S3-5: Existing Employee List. List all current full-time employees; hire date, and whether they are eligible for Section 3 resident status

The undersigned company official does swear or affirm that the information on this form is true and correct to the best of his/her knowledge and there is no willful intent to mislead or commit fraud.

Signature

*Michele Folk*

Title: Principal/Sr. Program Manager

Print Name: Michele Folk, SR/WA, R/W-RAC

Date: 06/14/2017



# HACA FORM S3-3 SUBCONTRACTING PLAN

Contract/Solicitation Name or Number: Request for Proposal HACA-17-P-0220

☒ Contractor ☐ Subcontractor Name of Business: \_\_\_\_\_

Section 3 goals for construction contracts are to subcontract 10% or more of construction work and 3% or more of non-construction work to Section 3 business concerns in order of priority. If the contractor has claimed Section 3 status by subcontracting, the commitment to subcontract is 25% or more of the work to Section 3 business concerns in order of priority.

List All Subcontracts and Describe Work They Will Perform		Subcontract Amount	Construction (C) or Non-Construction (NC)	Section 3 Business Concern
1. N/A		\$	<input type="checkbox"/> C <input type="checkbox"/> NC	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.		\$	<input type="checkbox"/> C <input type="checkbox"/> NC	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.		\$	<input type="checkbox"/> C <input type="checkbox"/> NC	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.		\$	<input type="checkbox"/> C <input type="checkbox"/> NC	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.		\$	<input type="checkbox"/> C <input type="checkbox"/> NC	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Dollar Value Of Contract	Total Subcontract Amount	\$	% Building Trade	% Non-Building Trade
\$	Total Subcontract Amount of S3 Business Concerns	\$	% Building Trade	% Non-Building Trade

HUD's [Section 3 Clause](#) must be included in all contracts with subcontractors. Contractor must collect [HACA Form S3-1: Section 3 Contract Compliance](#) and [HACA Form S3-2: Section 3 Business Certification](#) and supporting documentation from each subcontractor.

The undersigned company official does swear or affirm that the information on this form is true and correct to the best of his/her knowledge and there is no willful intent to mislead or commit fraud.

Signature: Michele C Folk

Title: VP/Sr. Program Manager

Print Name: Michele Folk, SR/WA, R/W-RAC

Date: 06/17/2017





# HACA FORM S3-4 HIRING PLAN

Contract/Solicitation Name or Number: Request for Proposal HACA-17-P-0220

☒ Contractor ☐ Subcontractor Name of Business: Overland, Pacific & Cutler, Inc.

Section 3 goals for hiring are that 30% or more of the total new hires shall be Section 3 residents in order of priority.

	Job Classification/Title Needed to Complete The Project	Total No. of Projected NEW HIRES and TRAINEES	Total No. of Projected SECTION 3 NEW HIRES	Total No. of Projected SECTION 3 TRAINEES	Projected HIRE DATE of new hires and trainees	Anticipated LENGTH OF HIRE (months)
Non-Construction	Officer/Supervisor:					
	Professional:					
	Technician:					
	Office/Clerical:					
	Service Worker:					
	Other:					
Construction	Journeyman:					
	Apprentice:					
	Laborer:					
	Trainee:					
	Trade:					
	Other:					
Total		0	0	0		

Contractor must collect [HACA Form S3-6: Section 3 Resident Certification](#) for each new hire or trainee.

The undersigned company official does swear or affirm that the information on this form is true and correct to the best of his/her knowledge and there is no willful intent to mislead or commit fraud.

Signature: \_\_\_\_\_

Print Name: Michele Folk, SR/WA, R/W-RAC

Title: VP/Sr. Program Manager

Date: 06/14/2017



# HACA FORM S3-5 EXISTING EMPLOYEE LIST

Contract/Solicitation Name or Number: Request for Proposal HACA-17-P-0220

☒ Contractor ☐ Subcontractor Name of Business: Overland, Pacific & Cutler, Inc.

Total No. of Employees: 128 Total No. of Section 3 Residents: 0 0 % of Employees are Section 3 Residents

List all current employees, specifically those who will work on the above listed HACA project. If the contractor has claimed Section 3 status due to its staff, at least 30% of the existing employees must be Section 3 residents. A list or spreadsheet may be attached in lieu of this form; however please indicate which employees are Section 3 residents.

Employee Name & Address	Hire Date	Job Classification/Title	Section 3 Resident
Michele Folk, SR/WA, R/W-RAC, Irvine, CA	10/25/1999	Sr. Program Manager	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Chad Wakefield, Chandler, AZ	4/27/2009	Sr. Project Manager	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Joe La Bonte, PMP	11/12/2001	Project Manager	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Raj Virk, Oakland, CA	3/11/2013	Sr. Relocation Agent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Jose Garcia, Texas	7/1/2016	Relocation Agent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marett Hanes, Texas	12/1/2016	Relocation Agent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Contractor must collect [HACA Form S3-6: Section 3 Resident Certification](#) for each Section 3 eligible employee.

The undersigned company official does swear or affirm that the information on this form is true and correct to the best of his/her knowledge and there is no willful intent to mislead or commit fraud.

Signature: \_\_\_\_\_

Title: VP/Sr. Program Manager

Print Name: Michele Folk, SR/WA, R/W-RAC

Date: 06/14/2017



# Bid Tabulation Score Sheet

**RAD Relocation Services HACA-17-P-0220 June 15, 2017 3:00PM/CST**

Evaluators	Overland Pacific & Cutler	PRDS Corp.		
Michale Roth TITLE	90	78	0	0
Elvira Lathrop TITLE	100	80	0	0
Shawna Stewart TITLE	90	80	0	0
Angie Towne RAD Coordinator	90	80	0	0
EVALUATOR NAME TITLE	0	0	0	0
EVALUATOR NAME TITLE	0	0	0	0
<i>Total :</i>	370	318	0	0
<b>Average Score</b>	<b>62</b>	<b>53</b>	<b>0</b>	<b>0</b>

**Recommended:** Overland Pacific & Cutler

## Goodrich Place Relocation RFP Evaluation

EVALUATION CRITERIA	Vendor #1		Vendor #2	
	PRDS Corporation		Overland Pacific & Cutler Inc	
<b>A. 1. Geographic Location &amp; Accessibility: 20 points</b> a. State the full name and address of your organization and, if applicable, the branch office that will perform the work. Also provide telephone numbers, fax numbers and an e-mail address. b. Please describe your organization's location with respect to the City of Austin. Explain what steps will be taken to minimize potential problems in the areas of: availability for meetings, tenant interviews, general communications, coordination, supervision and expenses. Indicate the on-sites' office location and the hours they will be available to be on-site per week.	Points: 20	Comments	Points: 20	Comments
	A. PRDS Corp 5620 Hillcrest Dr Union City, GA 30291 B. Will set up a local office in Austin within 14 days of start of contract with full time employee (Daniel Weddington) to work the office. Office to be open M-F 8 am to 6 pm and Saturday 9 am to 1 pm. Evening hours to be provided on an as needed basis. HACA to approve location of office. Office to be located no more than 3-5 miles from complex. Home visits and full time availability are key elements to PRDS approach.		A. OPC Corporate 3750 Schaufele Ave, Suite 150 Long Beach, CA 90808 B. Local Austin office at 811 E. 11th Street. Local office available for appointments, however, expectation is that staff will be spending their time on the property, in homes of residents and at any location necessary to complete the job. Office hours are 8-5 M-F with expectation that evening hours and weekends will be needed to complete the job.	
<b>B. 2. Past Performance on Similar Projects: 30 points</b> a. Please list your organization's previous experience with HUD-related relocation planning. Provide a comprehensive account of your experience with HUD projects, particularly those involving with RAD and LIHTC, as well as use of Housing Choice Vouchers for relocation (particularly in Texas). b. On each project, state briefly: the scope e.g. type of project (residential single, multi-family, commercial, public housing or other subsidized units) # of units, # of persons displaced, types of residents served (elderly, disabled, large families, etc), time frames for displacement, cost. Describe any major challenges encountered and provide a contact person and telephone number. Please note if project(s) were audited by HUD and the outcome of such audit. c. Points will be awarded based upon past performance in terms of: complexity of project, diversity of funding involved, variety of types of residents served, quality of work and compliance with HUD requirements.	Points: 25	Comments	Points: 27	Comments
	A. HUD best practice award (Relocation). Provided a long list of HUD related relocation and LIHTC relocation. Only 1 RAD deal listed. B. See listing in proposal. Full scope of work not identified. Experience with elderly and disabled residents. C. HUD assessment report provided. Overall rating in this assessment was exceptional. However, the notes indicate a few things: 1) "Contractor fulfilled the requirements, but did not substantially exceed the requirements." 2) "One relocation task order rated as excellent, the rest of the task orders were rated as good." 3) Audit found that some work was missed. They made it up, but only after pointed out by audit.		A. Lots of experience with permanent relocation listed. HUD experience, LIHTC experience and RAD experience. B. See proposal for full listing. Lots of demonstrated experience with vouchers, working in locations with limited housing availability, working with project fatigue for residents, working with negative outside advocacy. Lots of experience working with Housing Authorities, including HACA. C. Projects listed demonstrate a wide range of complexity and diversity of funding. At the same time they reflect a lot of similarity to the Goodrich Place project. OPC has extensive HUD compliance experience.	

	Vendor #1		Vendor #2	
EVALUATION CRITERIA	PRDS Corporation		Overland Pacific & Cutler Inc	
<b>C. 3. Management Plan and/or Approach: 30 points</b> a. Describe your approach to performing the scope of work outlined above, including a description of staffing levels. Explain the roles that consultants might play and your methods of coordination, communication, case management and control.	Points: 18		Points: 25	
	Comments	<p>A. Goal is to minimize inconvenience to residents, ensure residents protected and make the relocation process as smooth as possible for residents and HACA. Mr. Weddington to be full time local with full time administrative assistant who is bilingual in Spanish. Experience with cultural competency, They will conduct extensive housing search, create database of available housing and organize the move process. Jackie Robinson will handle all notices, communications, case management and quality assurance. Management Plan and timetable seem overly optimistic / aggressive. Plan to complete everything within 16 weeks is unrealistic. Also does not seem that they would be able to accomplish the items in the first several weeks with the staffing proposed.</p>	Comments	<p>A. 5 key goals: 1) Conduct early project planning. 2) Engage in frequent resident communication. 3) Provide expert consultation to each resident. 4) Carefully monitor each case for compliance. 5) Perform thorough closeout for audit prep. OPC has a good understanding of the project, its complexity and the need to start very early. The proposal laid out a comprehensive plan approach to how to handle this project. Plan seems very detailed. They seem to have a better understanding of the documentation requirements (URA, RAD, HUD, etc). The plan also includes monitoring until time of return.</p>
<b>4. Key Personnel: 20 points</b> a. Points will be awarded based on evidence of your firm's ability to perform the work as indicated by profiles of the proposed principal's and staff's cultural, professional and technical competence, and experience. Indicate the experience and languages, other than English, in which on-staff is proficient. In each profile include: relevant education, courses taken, professional designations earned, number of years in the profession, number and types of assignments, specific experience with HUD funded or other public housing projects, key employers, etc.	Points: 15		Points: 18	
		<p>A. Rose Bell: President of company and point of contact. 10 years experience working with HUD on relocation and 8A national property management contract. Jackie Robinson: 11 years experience doing relocation project management. Tony Savarese: Won HUD best practice award in 2000. Extensive experience with permanent relocation. Daniel Weddington: 7 years customer service experience with Nielson. Lots of customer service experience - very little relocation experience.</p>		<p>A. Michele Folk: Senior Project Manager. 18 years of relocation experience. Chad Wakefield: Project manager - program development. 17 years experience. Has worked extensively with HACA. Joe La Bonte: Project Manager - Policy and procedure role for the team. Raj Virk: Senior Agent. 4 years experience. Jose Garcia: Relocation Agent / Lead Agent. Bilingual. Already on site. Would manage the day to day with residents. Marett Hanes: Relocation Agent / Support. Already on site. Back up for Jose.</p>
	Total Points: 78	Overall, it did not feel as though they have budgeted enough time to complete this work. The budget did not account for any tracking of residents during relocation (14 months).	Total Points: 90	Overall cost is higher, but they seem to have proposed a more complete program.
Evaluator: Michael Roth	Date: 7/6/2017		Date: 7/6/2017	



## Goodrich Place Relocation RFP Evaluation

EVALUATION CRITERIA	Vendor #1		Vendor #2	
	PRDS Corporation		Overland Pacific & Cutler Inc	
<b>A. 1. Geographic Location &amp; Accessibility: 20 points</b> a. State the full name and address of your organization and, if applicable, the branch office that will perform the work. Also provide telephone numbers, fax numbers and an e-mail address. b. Please describe your organization's location with respect to the City of Austin. Explain what steps will be taken to minimize potential problems in the areas of: availability for meetings, tenant interviews, general communications, coordination, supervision and expenses. Indicate the on-sites' office location and the hours they will be available to be on-site per week.	Points: 15	Comments	Points: 20	Comments
		Corporate office located in Union City, GA. FT coordinator will be living in Austin. PRDS will set up a full-time office, either within the complex, or no more than 3 - 5 miles from the property, within the first fourteen days of contract award. Normal business hours for office will be M-F, 8 A.M. - 6 P.M. and Saturday 9 A.M - 1 P.M. Evening hours provided on an as needed basis for residents who cannot make appts. during normal business hours, as well as home visits. There will only be one person working out of Austin, assigned as full time coordinator, for the entire project?		Corporate office located in Long Beach, CA. Austin Office - Two Austin-based agents. Work will be performed out of the Austin office, located at 811 E. 11th St., Austin, TX 78702. Office hours are generally 8-5, but will work outside those hours to accommodate the needs of the project. Local office is available for meetings by appointment only. Team will be primarily working at Goodrich to provide direct services to households. Will participate in meeting swith HACA staff at locations convenient for HACA.
<b>B. 2. Past Performance on Similar Projects: 30 points</b> a. Please list your organization's previous experience with HUD-related relocation planning. Provide a comprehensive account of your experience with HUD projects, particularly those involving with RAD and LIHTC, as well as use of Housing Choice Vouchers for relocation (particularly in Texas). b. On each project, state briefly: the scope e.g. type of project (residential single, multi-family, commercial, public housing or other subsidized units) # of units, # of persons displaced, types of residents served (elderly, disabled, large families, etc), time frames for displacement, cost. Describe any major challenges encountered and provide a contact person and telephone number. Please note if project(s) were audited by HUD and the outcome of such audit. c. Points will be awarded based upon past performance in terms of: complexity of project, diversity of funding involved, variety of types of residents served, quality of work and compliance with HUD requirements.	Points: 30	Comments	Points: 30	Comments
		Experience working with low to moderate-income families, resident councils, community groups, and local housing authorities. Work typically involved locating available housing, one on one counseling, coordinating/conducting HQS unit inspections, landlord negotiation; moving/storage prep. and implementation, complete reconrd-keeping consistent with regulations, rent/debt delinquency assistance/counseling, referrals to community resources, verificatoin/certification of resident income, and transporting residents looking for housing. Extensive experience in relocation. Prior to 2004: 9,000 families relocated on behalf of HUD and federal government. From 2004 - 2008: 6,000 families relocated; supervised distribution of \$3M in financial assistance to qualified residents for relocation-related expenses. 2010-2014 - relocation services for 1,300 units. Experience in 6 relocations in Texas, ranging from 25 - 165 units. Significant work with senior citizens and disabled residents		Currently working with HACA on relocation program for the rehabilitation of over 400 units of public housing in North and South Austin as part of HACA's Phase I and Phase II RAD conversions. <u>Completed Projects:</u> <b>AMTEX</b> - relocated 22 households; redevelopment of mobile home park; replaced with LIHTC and HUD Section 811 funding; <b>Fresno HA</b> - relocated 370 households when the rehabilitated over 400 unites of public housing. RAD funds and LIHTC and HOME funds. Created 3 relocations plans relocation program development; <b>Berkeley HA</b> - relocated 75 households, conducted multiple years of tenant outreach, provided relocation advisory and implementation services to meet regulations. <u>Working Projects:</u> <b>Richmond HA</b> - temporary relocation of 140 households, conducted several community meetings, interviewed tenants, and provided advanced notification. Located and coordinated leasing of off-site housing, and coordinated with moving contractors; <b>San Francisco HA</b> - relocated 220 households. Prepared relocation plan, including interviewing over 200 households and staffing relocation committee that met biweekly; <b>Housing Authority of the County of Contra Costa</b> - permanent relocation of 83 households. Developed relocation, assisting with transfer to other HACCC units and private rental market units; <b>Housing Authority of the County of Sacramento</b> - relocated over 220 households. Prepare relocation plan, prepared initial relocation noticing docs, and provided education to residents through large group meetings; <b>San Joaquin Co. HA</b> - Relocation planning for 27 households. <del>Developed relocation plan, prepared noticing docs, provided relocation education to</del>



EVALUATION CRITERIA	Vendor #1		Vendor #2	
	PRDS Corporation		Overland Pacific & Cutler Inc	
<b>C. 3. Management Plan and/or Approach: 30 points</b> a. Describe your approach to performing the scope of work outlined above, including a description of staffing levels. Explain the roles that consultants might play and your methods of coordination, communication, case management and control.	Points: 20	Comments	Points: 30	Comments
	10 years serving clients. Project will take between 12 and 16 weeks to complete. Top priority is to minimize the inconvenience of the residents, ensure residents are protected, and make relocation process as smooth as possible primarily for residents but also HACA. Full-time on-site relocation coordinator - Daniel Weddington. Will hire administrative assistant proficient in Spanish to work with Mr. Weddington on FT basis at the property. Mr. Weddington has significant and mission-critical experience in cultural competency, sensitivity and respect while interacting with residents. Mr. Weddington and admin asst., working with key PRDS personnel, will conduct extensive housing search, create a database of available housing, organize and manage a successful move assistance program. No consultants working on the relocation. Jackie Robinson will coordinate day to day operations of the process with Mr. Weddington, involving moving logistics, bidding and planning for moving services, transportation, utility connections, fees and deposits, storage, and hotels. Rose Bell, President of PRDS, will be point of contact for HACA and supervise and monitor compliance with procurement policy. Description of plan is somewhat vague and not as detailed.		37 years serving clients. Project will take 14 - 18 months to complete. All households must vacate site during construction. Project is complex - increase regulatory requirements and need for increased level of communication and documentation. Take care of residents and achieve regulatory compliance. Approach: 1) Conduct early project planning; 2) Engage in frequent communication with households; 3) Provide expert consultation to each household; 4) Carefully monitor each case to ensure compliance; and 5) Perform a thorough close out for potential audit preparation. Kickoff meeting to determine goals. Data analysis. Creation of Project Management Plan. Staffing plan - 2 agents in Austin, including Spanish language capacity. Thorough step by step process from planning through move through final audit.	
<b>4. Key Personnel: 20 points</b> a. Points will be awarded based on evidence of your firm's ability to perform the work as indicated by profiles of the proposed principal's and staff's cultural, professional and technical competence, and experience. Indicate the experience and languages, other than English, in which on-staff is proficient. In each profile include: relevant education, courses taken, professional designations earned, number of years in the profession, number and types of assignments, specific experience with HUD funded or other public housing projects, key employers, etc.	Points: 15		Points: 20	
	<b>Rose Bell</b> (B.A. in Business Management) - President of company. 10 years experience in industry. Works with HUD's local offices to relocate families from as few as 5 units to as many as 400 units. <b>Jackie Robinson</b> (some college courses; Norwalk Community Technical College)- 11 years experience. Project management experience focusing on every detail and obligation involved with regulatory compliance. Served diverse needs. Successful relocation totaling several thousand units. <b>Tony Savarese</b> (M.A. - Rhetoric/Communication) - Prior to 2004, coordinated relocation of 8,500 households. From 2004 - 2008, worked with HUD providing accounting, administrative, monitoring, and compliance services to HUD's national relocation contract (relocated over 6,500 families and supervised distribution of \$3M in financial assistance). Development and negotiation of permanent relocations, non-displacement and temporary relocations plans to meet regulations. Recognized by HUD in 2000 with Best Practices Award for relocation work. <b>Daniel Weddington</b> (completed 90 hours towards B.A. in Architecture)- Over 7 years experience in customer services with skill set in conflict resolution and respondent interviewed for Nielson.		Key staff has extensive knowledge, experience, and proven capability in completion of similar projects. <b>Michele Folk</b> (Doctorate)- Senior Program Manager; Principal-in-Charge. 18 years experience in the industry. Senior member of the International Right of Way Association; certified as Relocation Assistance Specialist; Negotiations Specialist, and Uniform Act Specialist. Certified relocation course facilitator for the IRWA. Well versed in Uniform Relocation Act, California Redevelopment Law, and HUD guidelines. <b>Chad Wakefield</b> (M.A. - Urban and Regional Planning)- Sr. Project Manager. 17 years experience in the industry. Experience in real estate projects. Oversees and carries out property acquisitions and relocation assistance in accordance with Uniform Relocation Act and multiple HUD programs. <b>Joe La Bonte</b> (B.A. Business Administration)- Project Manager. 5 years in industry. Project Management Professional certified. <b>Raj Virk</b> (Coursework towards B.A. in International Studies/Criminal Justice) - Senior Agent. 4 years in the industry. Acquisitions and relocation assistance for public agency projects. Knowledgeable of federal and state regulations relating to relocating assistance and benefits. Trilingual (English/Punjabi/Hindi). <b>Jose Garcia</b> - Relocation Agent/Lead Agent; case management; move coordination; Spanish translation; housing needs assessments; file maintenance. <b>Marett Hanes</b> - Relocation Agent/Supporting Relocation Agent. Case management, housing referrals, and move coordination. <b>Program Management Group</b> - multi-person team of analysts providing housing	
	80 Total Score		100 Total Score	
Evaluator	Date		Date	
Elvira Lathrop	6/26/2017		6/26/2017	

# Goodrich Place Relocation RFP Evaluation

EVALUATION CRITERIA	Vendor #1		Vendor #2	
	PRDS Corporation		Overland Pacific & Cutler Inc	
<p><b>A. 1. Geographic Location &amp; Accessibility: 20 points</b></p> <p>a. State the full name and address of your organization and, if applicable, the branch office that will perform the work. Also provide telephone numbers, fax numbers and an e-mail address.</p> <p>b. Please describe your organization's location with respect to the City of Austin. Explain what steps will be taken to minimize potential problems in the areas of: availability for meetings, tenant interviews, general communications, coordination, supervision and expenses. Indicate the on-sites' office location and the hours they will be available to be on-site per week.</p>	15	Comments	20	Comments
	1 - Austin Office (easily accessible location approved by HACA, established within the first 14 days of contract award.)		1 - OPC has already established an Austin Office.	
<p><b>B. 2. Past Performance on Similar Projects: 30 points</b></p> <p>a. Please list your organization's previous experience with HUD-related relocation planning. Provide a comprehensive account of your experience with HUD projects, particularly those involving with RAD and LIHTC, as well as use of Housing Choice Vouchers for relocation (particularly in Texas).</p> <p>b. On each project, state briefly: the scope e.g. type of project (residential single, multi-family, commercial, public housing or other subsidized units) # of units, # of persons displaced, types of residents served (elderly, disabled, large families, etc), time frames for displacement, cost. Describe any major challenges encountered and provide a contact person and telephone number. Please note if project(s) were audited by HUD and the outcome of such audit.</p> <p>c. Points will be awarded based upon past performance in terms of: complexity of project, diversity of funding involved, variety of types of residents served, quality of work and compliance with HUD requirements.</p>	25	Comments	30	Comments
	<p>13 years experience?</p> <p>Over 19,000 families relocated across the US.</p> <p>HUD/HA properties</p> <p>LIHTC properties</p> <p>Emergency Case</p> <p>NYS Homes (DHCR)</p> <p>FHA</p> <p>Elderly/Senior Citizens</p> <p>Disabled/Visually-Impaired/ADA/504 requirements/Special Needs</p> <p>U.S. Army</p> <p>**Did not list # of families for Texas Relocations, only # of units</p> <p>**Did not list # of units for all other relocation examples, only # of families</p> <p>**Did not list major challenges</p> <p>Did list evaluations/HUD audits with contact information provided.</p>		<p>37 years experience</p> <p>Over 50,000 residential and commercial relocation cases</p> <p>Note: OPC listed all required fields</p> <p>I really liked how they specified the major challenges for each job.</p>	



	Vendor #1		Vendor #2	
EVALUATION CRITERIA	PRDS Corporation		Overland Pacific & Cutler Inc	
<b>C. 3. Management Plan and/or Approach: 30 points</b> a. Describe your approach to performing the scope of work outlined above, including a description of staffing levels. Explain the roles that consultants might play and your methods of coordination, communication, case management and control.	30	Comments	25	Comments
	Mr. Weddington lives 25 miles from Austin. Within the first 14 days, he will secure an Austin Office, approved by HACA. He will hire an administrative assistant that is proficient in Spanish. Conduct an extensive housing search - ? Create a database of available housing - ? Organize and manage a successful move assistance program Will assist residents with completing applications for vouchers & housing Assist residents with finding local landlords that will accept vouchers Assist with finding available units within the area desired/needed Jackie Robinson will coordinate all day-to-day operations including notifications, communications, case management, and quality assurance. Such items include all moving logistics, including bidding and planning for moving services, movers, materials, transportation, utility connections, fees, and deposits, storage, and hotels. Tony Savarese will provide technical guidance and assistance. His role will be to make sure the relocation process at Goodrich Place complies with all City, State, URA, HUD/RAD, LIHTC relocation rules and regulations. Note: I really like how they have each role assigned and can explain exactly who will be handling which part of the process.		Key Goals: Conduct Early Project Planning Engage in frequent communication with the households Provide expert consultation to each household Carefully monitor each case to ensure compliance Perform a thorough case out for potential audit preparation Note: Will they perform an extensive housing search?	
<b>4. Key Personnel: 20 points</b> a. Points will be awarded based on evidence of your firm's ability to perform the work as indicated by profiles of the proposed principal's and staff's cultural, professional and technical competence, and experience. Indicate the experience and languages, other than English, in which on-staff is proficient. In each profile include: relevant education, courses taken, professional designations earned, number of years in the profession, number and types of assignments, specific experience with HUD funded or other public housing projects, key employers, etc.	10	1 - Agent, Daniel Weddington (lives within 25 miles of HACA but will live in Austin?) 1 - Site Administrative Assistant (Proficient in Spanish) 1 - Rose Bell (President of PRDS) Point of Contact for the contract and HACA 1 - J. Robinson - Title? Coordination & Planning of meetings & conducting interviews 1 - Anthony (Tony) Savarese - Title? Technical support, planning meetings, & compliance with city, state, URA, HUD/RAD, LIHTC relocation rules & regulations. Note: I do like how they listed each personnel and their responsibilities/tasks of the project. Note: I am not sure if Mr. Weddington has the experience needed beside customer service - would our RPM be spending a lot of timetraining this new staff? Note: Their costs are more reasonable, but are they feasible?	15	2 - Austin Based Agents are currently on site (but working with other projects.) Marett Hanes and Jose Garcia Note/Question: Will OPC be providing another agent for this particular project? It states on the second page that in addition to the current agents working with HACA, they are "excited about the opportunity to continue to grow [OPC's] relationship with HACA on this and future projects." Note/Question: Marett Hanes nor Jose Garcia have voucher experience. If OPC hires a new agent for Goodrich, will they have voucher experience? Michelle Folk (Senior Program Manager) 1 - Chad Wakefield (Senior Project Manager) 1 - Joe La Bonte (Project Manager) 1 - Raj Virk (Senior Agent) Note/Question: Is HACA paying for searching services when HACA is actually finding the temporary placement? Will we need a consultant to actually do the searching since it is a voucher situation? Note: OPC can start work immediately. (If they are not hiring new staff?) Note: They are more expensive, but their costs seem more realistic.
	80		90	
Evaluator: Shawna Stewart	Date: 07/06/17		Date: 07/06/17	

## Goodrich Place Relocation RFP Evaluation

EVALUATION CRITERIA	Vendor #1	Vendor #2
	PRDS Corporation	Overland Pacific & Cutler Inc
<b>A. 1. Geographic Location &amp; Accessibility: 20 points</b> a. State the full name and address of your organization and, if applicable, the branch office that will perform the work. Also provide telephone numbers, fax numbers and an e-mail address. b. Please describe your organization's location with respect to the City of Austin. Explain what steps will be taken to minimize potential problems in the areas of: availability for meetings, tenant interviews, general communications, coordination, supervision and expenses. Indicate the on-sites' office location and the hours they will be available to be on-site per week.	20	18
	Comments Full name, address and all other requested contact info provided. PRDS has provided a full description of availability which appears would meet HACAs needs for a relocation consultant. Within 14 days of being awarded a contract, they will have someone officed within 3-5 miles of Goodrich. Business hours coincide with HACA residents M-F 8-6 and even Saturdays 9-1pm. I would like to see later evening hours at least once a week for resident availability but am satisfied with statement that evening appointments are provided as needed.	Comments Full name was not listed on this Geographic Location & Accessibility area as requested on RFP. All other information complete. Clearly stated objective and how they will address problems.
<b>B. 2. Past Performance on Similar Projects: 30 points</b> a. Please list your organization's previous experience with HUD-related relocation planning. Provide a comprehensive account of your experience with HUD projects, particularly those involving with RAD and LIHTC, as well as use of Housing Choice Vouchers for relocation (particularly in Texas). b. On each project, state briefly: the scope e.g. type of project (residential single, multi-family, commercial, public housing or other subsidized units) # of units, # of persons displaced, types of residents served (elderly, disabled, large families, etc), time frames for displacement, cost. Describe any major challenges encountered and provide a contact person and telephone number. Please note if project(s) were audited by HUD and the outcome of such audit. c. Points will be awarded based upon past performance in terms of: complexity of project, diversity of funding involved, variety of types of residents served, quality of work and compliance with HUD requirements.	20	27
	Comments HACAs quote is under any of these total costs even when unit size is under. I would ask why and if any change orders were involved. Does not include description of reimbursement to resident experience, although significant experience is apparent in submission. HUD report was a little old 2013-14 but yielded good ratings not-Exceptional. There was no change to key personnel during process, contractor failed to pay 4 residents per diem after final invoice submitted but issue was resolved. Sounds like they had some issues finding suitable housing for a few folks but eventually everyone was relocated. This is a concern as Austin market is tight. All contracts exceeded completion date but were under contract \$ amount. Some points deducted because of previous performance rating.	Comments Confused on what Phase II work they have completed, but other than that experience has proven that OPC is capable of handling this type of work. I do feel like there is still performance issues, mostly direct supervision of OPC staff (more discussed below on this). Projects listed on proposal are similar and in line with what we are hoping to achieve.



	Vendor #1	Vendor #2
EVALUATION CRITERIA	PRDS Corporation	Overland Pacific & Cutler Inc
<b>C. 3. Management Plan and/or Approach: 30 points</b> a. Describe your approach to performing the scope of work outlined above, including a description of staffing levels. Explain the roles that consultants might play and your methods of coordination, communication, case management and control.	30	30
	Comments First priority includes resident concern. This is a good sign. Assigned Relocation Coordinator, Daniel Weddington would be living within 25 miles of Austin. Management plan seemed to go a little quick. Almost even a little unrealistic. Clearly states they will assist residents with completing applicaiton for voucher and housing process. Find land lords and available units in area where residents desire.	Comments OPC provided a realisitic timeline and approach to this project. Some concern with staffing levels. Although OPC has proved they are capable of relocation work this is a different type of relocation than we have experienced with them. I like they specifically call out "thorough close out for potential audit preperation".
<b>4. Key Personnel: 20 points</b> a. Points will be awarded based on evidence of your firm's ability to perform the work as indicated by profiles of the proposed principal's and staff's cultural, professional and technical competence, and experience. Indicate the experience and languages, other than English, in which on-staff is proficient. In each profile include: relevant education, courses taken, professional designations earned, number of years in the profession, number and types of assignments, specific experience with HUD funded or other public housing projects, key employers, etc.	10	15
	Although most staff seems qualified and capable, the first point of contact for us, Mr. Weddington has no experience at all in relocation. Overall it makes me a little nervous to give our residents over to a staff member that has no relocation experience. I t hink this would cause a large learning curve on a project we just dont have time for.	All staff is experienced which is helpful. Previous performance still left something to be desired and I feel this came from staff performance. At times it feels like there was not enough oversight of their staff. HACA has done much of the work that was propsoed in the proposal. Staff responds, but at minimum. Would really like to see them step up their game and perform above and beyond. - This brings concern because they are already bidding at a higher rate. Does this mean the fee would go up or they are not providing the level of service they should be to begin with? If they offer to reduce price do we reduce quality of service? I would also like ot see more staff oversight from a Project Manager or Senior Agent. HACA should manage by giving direction but not have to also manage and train OPC staff.
	80	90
Evaluator Angie Towne	Date 7/5/17	Date

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

**ITEM NO. 7**

**Presentation, Discussion, and Possible Action regarding  
Resolution No. 2516: Award of contract for RAD Phase II  
Construction Services for HACAs Portfolio at Booker T.  
Washington and Meadowbrook Courts**

**August 17, 2017  
Regular Meeting**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**  
**BOARD ACTION REQUEST**  
**RESOLUTION NO. 2516**  
**PLANNING AND DEVELOPMENT DEPARTMENT**

**MEETING DATE:** August 17, 2017

**STAFF CONTACT:** James Teasdale, Planning and Development Director

**ITEM TITLE:** Discussion and Adoption of Resolution No. 2516: Approving the Award of Contract for RAD Construction Services at Meadowbrook Courts and Booker T. Washington Terraces, subject to HUD approval of use of a single bidder.

**BUDGETED ITEM:** No

**TOTAL COST:** \$2,375,678

**ACTION**

Motion to approve Resolution No. 2516: Approving the Award of Contract for RAD Construction Services at Meadowbrook Courts and Booker T. Washington Terraces, subject to HUD approval of use of a single bidder.

**SUMMARY**

*General Information:* This award is to approve a contract for work associated with the Rental Assistance Demonstration Program (RAD) at Booker T. Washington Terraces (BTW) and Meadowbrook Apartments. As you know, BTW had significant upgrades made when HACA received funding through the ARRA stimulus funding provided early in the administration of President Obama. Accordingly, major renovations are not needed. With respect to Meadowbrook, a more extensive redesign of this property will be necessary in future years. However at this time, given funding constraints and other challenges associated with the property, HACA will be performing upgrades necessary to improve quality of life at the property and enable the property to be converted to Project Based Rental Assistance (PBRA), consistent with the requirements of the RAD program.

At BTW, this contract will allow for the following improvements to be made: retaining wall replacements and repairs, new playground with cover, new cover over present playground, new three car maintenance garage, second floor rehab and partial roof replacement of the community development building, rehab of community center to include asbestos abatement and new flooring, entry and vestibule doors, lower reception counter, and remodel restrooms to be ADA compliant, and repair of selected duplex floors.

At Meadowbrook, this contract will allow for the following improvements to be made: additional site lighting, two new covered playgrounds, water cut-offs and brick veneer repairs. Again, Meadowbrook is a property with significant additional challenges, and these improvements will represent an investment by HACA to improve the quality of life for residents for the next several years. Ultimately, given the extent of needs at Meadowbrook, HACA hopes to develop a redevelopment plan for this site in future years.

Through RAD, HUD does allow for the waiver of certain procurement requirements. For this contract for construction services, HACA received only one bid that was responsive to our Invitation for Bid (IFB).

Another potential bidder did participate in the bid conference held on July 31, 2017 and there were inquiries made by other contractors regarding the IFB. HACA however only received one bid from Unity Contractor Service, Inc. that was determined to be responsive. HACA has had extensive experience with Unity through their modernization work at Thurmond Heights and other work they have performed for our agency. Their bid was deemed to be responsive, reasonable in cost, and both reference checks and past HACA experience with this bidder have been positive.

While it is always HACA's strong preference to have multiple bidders competing on HACA projects, in this case, and given the constraints associated with RAD deadlines, staff recommends that we proceed with a conditional award of this contract to Unity Contractor Service, Inc. HACA staff will be working with HUD staff to ensure that the use of a single bid in this instance will be determined to meet procurement laws and requirements of HUD. We will also be working with HACA compliance staff and auditors to ensure that this award meets state and HACA guidelines for procurement so that there are no audit or compliance issues. Should any issues be raised, staff will void the bid and reissue the IFB.

### **EXHIBITS**

Exhibit 1: Bid Process

Exhibit 2: Reference Verification



**RESOLUTION NO. 2516**

**Approving the Award of Contract for Approving the Award of Contract for RAD Construction Services at Meadowbrook Courts and Booker T Washington Terraces, subject to HUD approval of use of a single bidder.**

**WHEREAS,** On August 10, 2017, HACA opened and publicly read a single bid for RAD Phase II Construction Services at Meadowbrook Courts and Booker T. Washington Terraces; and

**WHEREAS,** HUD approval will be required for use of a single bidder; and

**WHEREAS,** It is the recommendation of the President and CEO that the bid submitted by Unity Contractor Service, Inc. be accepted as the most responsible and responsive bid;

**Now, therefore, it is hereby**

**RESOLVED,** the Housing Authority of the City of Austin Board of Commissioners authorizes the President and CEO to accept the bid as submitted by Unity Contractor Service, Inc. and award such contract in the amount of \$2,375,678, subject to HUD approval of use of a single bidder.

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**Michael G. Gerber, Secretary**

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**Charles Bailey, Vice-Chairperson**

**BID PROCESS:** The Invitation for Bid was advertised in *The Austin American Statesman* on Sunday, July 16, 2017, Sunday, July 23, 2017 and again on Sunday, July 30, 2017, and faxed Monday, July 24, 2017 to the minority/small business organizations designated in the HACA Procurement Policy.

Fourteen (14) Project Manuals were distributed and One (1) Bid Proposals were submitted. Sealed bids were received, opened and read aloud on August 11, 2017 at 3:00 p.m., local time.

Plan Holder	Bid Amount	MBE/WBE
Virtual Builders Exchange 4047 Naco-Perrin Suite 100 San Antonio, TX 78217 210-564-6900; Contact: Heather Hope	<u>NO BID RECEIVED</u>	NO
McGraw Hill Construction Dodge Reports 4300 Beltway Place Suite 180 Arlington, TX 76018 817-375-2955; Contact: Plan Center/Kirstin Klutch	<u>NO BID RECEIVED</u>	NO
Reed Construction Data 30 Technology Parkway South Suite 500 Norcross, GA 30092-2912 800-876-4045; Contact: Lourd Abad/Document Processing Center	<u>NO BID RECEIVED</u>	NO
Associated General Contractors of America San Antonio Chapter 10806 Gulfdale San Antonio, TX 78216 210-349-4921; Contact: Mary Lugo/Dana Marsh	<u>NO BID RECEIVED</u>	NO
Construction Data-CDC-News 4201 West Parmer Lane Bldg. # Suite 200 Austin, TX 78727 800-872-7878; Contact: Plan Room Center/Toni Lawson	<u>NO BID RECEIVED</u>	NO
AGC Austin 609 South Lamar Austin, TX 78704 512-804-2796; Contact: Toni Osberry	<u>NO BID RECEIVED</u>	NO
CMD 333 E. Butterfield Road, Suite 600 Lombard, IL 60148 630-258-7983; Contact: Sherwin De Peralta/Fonda Rosenfeldt	<u>NO BID RECEIVED</u>	NO
iSqFt Plan Room 4500 Lake Forest Drive, Suite 502 Cincinnati, OH 45242 1-800-364-2059, ext 702; Contact: Kyle Bellomy	<u>NO BID RECEIVED</u>	NO
AMTEK Information Services (Austin Plan Room) 7801 N. Lamar, Suite-A137 Austin, TX 78752 512-323-0508; Contact: John Rugh	<u>NO BID RECEIVED</u>	NO
S & L Speciality Contracting 315 S Franklin Street Syracuse, NY 13202 609-598-2317; Contact: Michael McShane	<u>NO BID RECEIVED</u>	MBE

ECM Internation, Inc. 1290 Wonder World Drive, Suite 1220 San Marcos, TX 78666 512-351-1900; Contact: JC Lujan	<u>NO BID RECEIVED</u>	MBE
Gibraltar Construction Company, Inc. 42 Hudson Street, Suite 107 Annapolis, MD 21401 410-573-1000; Contact: Nathan Nelson	<u>NO BID RECEIVED</u>	NO
Unity Contractor Services, Inc. 6448 E Highway 290 Suite F-113 Austin, TX 78723 512-926-8065; Contact: Samantha House/Pat Carter	<b><u>\$2,159,708.00</u></b>  Completion Time: 280 Calendar Days	MBE
J2 General, LLC 910 Tallow Trail Cedar Park, TX 78613 512-649-6569; Contact: John Rider/Jerry Allen	<u>NO BID RECEIVED</u>	NO

- **AWARD OF CONTRACT:** Bids were opened and read aloud by James Teasdale, Planning & Development Director, recorded by Christina Huerta, Modernization Specialist and witnessed by Ann Gass, Director of Strategic Housing Initiatives.
- Bidder, was determined to be responsive – Bid Proposal, Non-Collusive Affidavit, Representations, Certifications, and Other Statements of Bidders, Certification of Bidder Regarding Equal Employment Opportunity, and Contractor's Qualification Statement, Section 3 Certification were complete & executed, as required.
- Reference verifications were performed, with all positive results.

REFERENCE VERIFICATION:

COMPANY:

PROJECT: #2017-20- RAD Phase II Meadowbrook Apartments & BTW Terraces

Source:

1. Vandenberg AFB Vandenberg CA-Phone: 805-588-4889

Contact: Mr. Bill Deem in the amount of approximately \$2.6 million over five years.

**Comments:** The contract is for tree trimming of housing area on base and maintenance facilities work basewide. We have had a working relationship with contractor for about two years. Very pleased with performance and quality of work. Bob Reeder is very knowledgeable; Patrick and Lenzy are very responsive. Staff usually consists of one supervisor and four workers, which do good work. Would definitely work with contractor again.

2. Taylor Housing Authority – Phone: 512-352-3231; Extension 110

Contact: Ms. Ebby Green, Executive Director in the amount of approximately \$123,000.

**Comments:** The contract was for flooding damage repair and major clean up of forty-one vacant units that took place in May of 2015 including an office and maintenance shop. Very Professional. Very impressed. Performed very good work. Cleanliness of the units was outstanding. This project was first working relationship with firm. No significant change orders one the project, one change order was owner request to expand scope on a few items. The performance and quality of work was excellent. Timely start of project and impressed with early completion. Very fast. No safety issues on project. Would definitely work with them again.

3. Construction Flight 2d Contracting Squadron Barksdale AFB, LA 71110 – Phone: 318-456-6833;

Contact: Ms. Marla Poirer in the amount of approximately \$2.2 million.

**Comments:** Unity provided all labor, materials and supplies to complete a formal design process then construct the required HVAC replacement at the facility. The new system will incorporate a VAV AHU's and VAV boxes with reheat coils. New system will also incorporate an EMCS that is 100% compatible with the JCI N2 architecture and able to communicate with the existing NAE without the use of 3<sup>rd</sup> party devices or programs. HVAC units and upgrading the electrical system was required. Project currently underway. No safety issues on project. Would work with them again.

4. Housing Authority of the City of Austin - Phone 512-477-4488 Extension 1124

Contact: Mr. James Teasdale in the amount of approximately \$5.2 million.

**Comments:** Past performance with housing authority very satisfactory. Projects completed for the authority includes, but not limited to:

Tree Trimming –PHA-Wide

Grounds Maintenance-PHA-Wide

Phase II& Phase IV- Interior & Accessibility @ Salina Apartments

Phase I-Kitchen and Bath Renovations @ BTW Terraces

Phase III-Interior/Exterior Renovations @ Thurmond Heights

Phase IV-Interior/Exterior Renovations @ Thurmond Heights



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

**ITEM NO. 8**

**Presentation, Discussion, and Possible Action regarding  
Resolution No. 2517: Approval to proceed with submission  
of a 4% low income housing tax credit application for  
Pathways at Chalmers South to the Texas Department of  
Housing and Community Affairs (TDHCA)**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**  
**BOARD ACTION REQUEST**  
**RESOLUTION NO. 2517**  
**EXECUTIVE DEPARTMENT**

**MEETING DATE:** August 17, 2017

**STAFF CONTACT:** Ann Gass, Director of Strategic Housing Initiatives

**ITEM TITLE:** Presentation, discussion and possible action regarding Resolution No. 2517: Approval to proceed with submission of an application for 4% low income housing tax credits for Chalmers Courts South to the Texas Department of Housing and Community Affairs (TDHCA)

**BUDGETED ITEM:** N/A

**TOTAL COST:** N/A

**ACTION**

Motion to authorize the submission of an application for 4% low income housing tax credits for Chalmers Courts South to the Texas Department of Housing and Community Affairs (TDHCA).

**SUMMARY**

*General Information:* In October 2016, the U.S. Department of HUD awarded a Commitment to Enter into a Housing Assistance Contract (CHAP) for Chalmers Courts under the Rental Assistance Demonstration (RAD) Program. To complete the RAD conversion for Chalmers Courts, HACA, along with our developer partner Carleton Residential, plans to demolish the existing buildings and construct a new, larger property with additional units and modern amenities in its place. In order to complete this redevelopment, residents must relocate from Chalmers Courts for 14-18 months.

To minimize the inconvenience caused by relocation, HACA plans to construct a new 86-unit property in the parcel of land already owned by HACA that currently includes two administrative buildings. This will allow the residents to remain in their neighborhood, near current schools, jobs and transportation.

HACA intends to fund this property, called Chalmers Courts South, in part with 4%, non-competitive low-income housing tax credits. Staff members have been working with Carleton to prepare the tax credit application, which is due to TDHCA on September 25. While preparation of the final application is still in progress, several items, including the draft site plan and elevations are included as Exhibits.

With this resolution, staff is requesting authorization to submit an application for 4%, non-competitive, low income housing tax credit to the TDHCA for Chalmers Courts South.

## **EXHIBITS**

Exhibit 1: Draft Site Plan and Unit Plan – Chalmers Courts South

Exhibit 2: Draft Elevation – Chalmers Courts South

**RESOLUTION NO. 2517**

**Authorizing the submission of a 4% low income housing tax credit application for Chalmers Courts South to the Texas Department of Housing and Community Affairs (TDHCA).**

**WHEREAS**, the U.S. Department of HUD awarded a Commitment to Enter into a Housing Assistance Contract (CHAP) for Chalmers Courts under the Rental Assistance Demonstration (RAD) Program; and

**WHEREAS**, the HACA Board of Commissioners approved the selection of Carleton Residential to serve as the developer partner for the redevelopment of Chalmers Courts; and

**WHEREAS**, HACA intends to pursue the conversion to RAD and the redevelopment of Chalmers Courts, which will require temporary relocation of residents; and

**WHEREAS**, HACA intends to minimize the inconvenience caused by relocation with the construction of a new 86-unit building called Chalmers Courts South on the adjacent parcel of land that is already owned by HACA; and

**WHEREAS**, HACA intends to use the 4%, non-competitive, low income housing tax credit (LIHTC) program to provide funding for construction of Chalmers Courts South;

**Now, therefore, it is hereby**

**RESOLVED**, that the Housing Authority of the City of Austin Board of Commissioners authorizes the submission of an application for 4% low income housing tax credits for Chalmers Courts South to the Texas Department of Housing and Community Affairs in September 2017.

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**Michael G. Gerber, Secretary**

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



# Chalmers Courts Site



EN  
ERS  
ANNERS

Carleton Residential Properties







# Unit Tabulation

Unit Size	Net SF	Unit Count	Total Net SF
1 Bedroom	671	44	29,524
2 Bedroom	947	32	30,304
3 Bedroom	1,272	6	7,632
4 Bedroom	1,394	4	5,576
<b>Total Units</b>		<b>86</b>	<b>73,036</b>



# Perspective View





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

**ITEM NO. 9**

**Presentation, Discussion, and Possible Action regarding Resolution No. 2518: 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 Booker T. Washington Terraces and Pathways at Meadowbrook Courts (the "Projects")**

**HOUSING AUTHORITY OF THE CITY OF AUSTIN**  
**BOARD ACTION REQUEST**  
**RESOLUTION NO. 2518**  
**EXECUTIVE DEPARTMENT**

**MEETING DATE:** August 17, 2017

**STAFF CONTACT:** Ron Kowal, Vice President of Housing Development/Asset Management

**ITEM TITLE:** Presentation, Discussion, and Possible Action regarding Resolution No. 2518: 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 Booker T. Washington Terraces and Pathways at Meadowbrook Courts (the "Projects")

**BUDGETED ITEM:** N/A

**TOTAL COST:** N/A

**ACTION**

Motion to authorize the Housing Authority of the City of Austin to take such actions necessary or convenient to facilitate the development and rehabilitation of the Pathways at Booker T. Washington Terraces and Pathways at Meadowbrook Courts.

**SUMMARY**

*General Information:* The Rental Assistance Demonstration (RAD) Program was authorized by the Consolidated and Further Continuing Appropriations Act of 2012. RAD is a tool that enables Public Housing Authorities to convert public housing subsidies into long-term, Section 8 rental assistance subsidy. This is beneficial to PHAs because historically public housing subsidies and funding for capital projects have been unpredictable and fluctuate annually due to federal budget cuts. The project based rental assistance program provides a much more stable and predictable annual subsidy, benefitting PHAs and their residents.

More importantly, the RAD program provides PHAs an opportunity to make substantial physical improvements to its properties, resulting in a higher quality of life for residents. Additionally, provisions with RAD ensure that existing residents are protected and enjoy more choices on where they wish to reside. The Housing Authority of the City of Austin (HACA) submitted applications and received a "Commitment to enter into a Housing Assistance Payment Contract" (CHAP) award for Booker T. Washington Terraces and Meadowbrook Courts.

The conversion process to RAD will allow each property to address the needed repairs and renovations determined by a third party physical needs assessment. Booker T. Washington will receive renovations to its management offices and two community rooms, repairs to subfloors and replacement of flooring in several units, as well as a maintenance garage and new and improved playgrounds with covers. Meadowbrook will receive new covered playgrounds, exterior lighting and exterior brick repairs.

Resolution 2518 asks the Board of Commissioners to authorize the Housing Authority of the City of Austin to take such actions necessary or convenient to facilitate the development and rehabilitation of the Pathways at Booker T. Washington Terraces and Pathways at Meadowbrook Courts.

### **EXHIBITS**

Exhibit 1: Draft Site Plan and Unit Plan – Chalmers Courts South

Exhibit 2: Draft Elevation – Chalmers Courts South

**RESOLUTION NO. 2518**

**RESOLUTION 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 MEADOWBROOK COURT AND THE PATHWAYS AT BOOKER T. WASHINGTON TERRACES (THE "PROJECTS")**

WHEREAS, the Authority owns the sites containing the Projects (collectively, the "Land");

WHEREAS, the Authority and Pathways at Meadowbrook Court, LLC and Pathways at Booker T. Washington Terraces, LLC (the "Companies") desire to enter into ground leases (the "Ground Leases") granting site control of the Land to the Companies;

WHEREAS, the Authority desires to convey title to the improvements comprising the Projects to the Companies via bills of sale;

WHEREAS, the Authority may grant or loan demolition, relocation, capital and/or other financing funds to the Austin Affordable Housing Corporation to facilitate the redevelopment of the Projects;

WHEREAS, the Authority has submitted an application with the United States Department of Housing and Urban Development ("HUD") for approval under the Rental Assistance Demonstration ("RAD") Program to designate certain units within the Projects as RAD units, and upon receipt of HUD approval, the Authority desires to implement the RAD units;

NOW, THEREFORE, in connection with the development, construction and equipping of the Project, the Board of Commissioners hereby adopt the following resolutions:

BE IT RESOLVED, that the President and CEO of the Authority and/or his designee is hereby authorized to review, approve and execute all certificates, affidavits, agreements, documents and other writings (collectively the "Agreements") the President and CEO shall deem to be necessary or desirable in the consummation of the transactions herein contemplated;

BE IT FURTHER RESOLVED, that all acts, transactions, or agreements undertaken prior hereto by the President and CEO of the Authority or his designee, in connection with the foregoing matters are hereby ratified and confirmed as the valid actions of the Authority, effective as of the date such actions were taken; and

BE IT FURTHER RESOLVED, that the President and CEO is hereby authorized and directed for and on behalf of, and as the act and deed of the Authority, to take such further action in the consummation of the transactions herein contemplated and to do any and all other acts and things necessary or proper in furtherance thereof, as the President and CEO shall deem to be necessary or desirable, and all acts heretofore taken by the designee of the President and CEO to such end are hereby expressly ratified and confirmed as the acts and deeds of the Authority.



This resolution shall be in full force and effect from and upon its adoption.

*[Remainder of page intentionally left blank for signature]*

PASSED this 17th day of August, 2017.

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CHAIR

ATTEST:

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Secretary

**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**

**August 17, 2017  
Regular Meeting**



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

**ADJOURNMENT**

**August 17, 2017  
Regular Meeting**