

THE HOUSING AUTHORITY OF THE CITY OF AUSTIN



BOARD OF COMMISSIONERS

Chairperson - Carl S. Richie, Jr.

Charles Bailey

Mary Apostolou

Tyra Duncan-Hall

Edwina Carrington

Michael G. Gerber, President & CEO

BOARD OF COMMISSIONERS

Regular Meeting

Thursday, August 16, 2018

12:00 PM

HACA Central Office

1124 S. IH 35

Austin, TX

**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 Office
1124 S. IH 35
Austin, TX
(512.477.4488)**

**Thursday, August 16, 2018
12:00 PM**

CALL TO ORDER, ROLL CALL

CERTIFICATION OF QUORUM

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

Citywide Advisory Board Report

Presentation by Community Advancement Network Executive Director, Raul Alvarez

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 ITEMS

1. Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on July 19, 2018

ACTION ITEMS

2. Presentation and Discussion of Proposed Revisions to the Housing Choice Voucher Administrative Plan
3. Presentation, Discussion, and Possible Action regarding Resolution No. 2561: Approval of an Award of Contract for 26 HVAC Replacements Serving Dwelling Units of the Salina Apartments
4. Update on HACA's Rental Assistance Demonstration Program
5. Presentation, Discussion, and Possible Action Regarding Resolution No. 2562: Approval of an Award of a Contract for RAD Phase II Construction Services at Thurmond Heights, Rosewood Courts and Santa Rita Courts

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.
- 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 esta reunión con una arma o pistola.

"En virtud de 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.

*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 x2104.

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

EXECUTIVE

ITEM NO. 1.

MEETING DATE: August 16, 2018

STAFF CONTACT: Michael Gerber, President & CEO

ITEM TITLE: Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on July 19, 2018

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to review and approve the Board Minutes Summary for the Board Meeting held on July 19, 2018.

ATTACHMENTS:

- ▣ **20180719 HACA Minutes Summary**

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

JULY 19, 2018

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 19, 2018, AND WAS HELD AT THE HACA CENTRAL OFFICE, 1124 S. IH 35, AUSTIN, TX

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 19, 2018, was called to order by Carl S. Richie, Jr., HACA Chairperson, at 12:12 pm. The meeting was held at the HACA Central Office, 1124 S. IH 35, Austin, TX

Roll call certified a quorum was present.

MEMBERS PRESENT:

Carl S. Richie, Jr., Chairperson
Tyra Duncan-Hall, 2nd Vice Chairperson
Edwina Carrington, Commissioner
Mary Apostolou, Commissioner

MEMBER(S) ABSENT:

Charles Bailey, Vice Chairperson

STAFF PRESENT:

Ann Gass, Andrea Galloway, Beth Phillips, Lisa Garcia, Jimi Teasdale, Kelly Crawford, Martha Ross, Michael Cummings, Michael Gerber, Nidia Hiroms, Pilar Sanchez, Rodolfo Rodriguez, Ron Kowal, Suzanne Schwertner, and Sylvia Blanco

ALSO IN ATTENDANCE:

Wilson Stoker, Cokinos, Bosien & Young
Bill Walter, Coats Rose

CITIZENS COMMUNICATION – NONE..

Juliana Gonzales, Executive Director of the Austin Tenants Council (ATC), thanked HACA for the strong partnership, and for being great landlords. ATC to temporarily run operations out of the HACA Central office for the next several months while their new building (HACA's old warehouse), is being completed. The Austin Tenants' Council (ATC), a private nonprofit organization, was founded in 1972 by community and VISTA volunteers. ATC's programs and services provide essential counseling, mediation, and referral to primarily low-income tenants whose rights have been violated.

CITYWIDE ADVISORY BOARD (CWAB) REPORT

Leaola Hughes, Secretary of CWAB, reported that the Citywide Advisory Board met on Tuesday, July 10, 2018 at Northgate. •**Zoe Fay Stindt** with Foundation Communities reported that they are now accepting applications for Free Minds. •**Daniel Lopez** with Capital Idea promoted their free degree program. •The Austin Area Urban League (AAUL) is preparing for a Job Fair and scheduling Pathways to Careers at HACA properties. •**Barbara Jackson**, HACA Jobs Plus Project Director/Acting Community Development Director, and **Officer Whetston** discussed the Apartment Resident on Watch (AROW) Program. Resident Vice Presidents at each property were encouraged to add the AROW Coordinator role to their duties. **Officer Whetston** announced that he would be leaving his role as HACA Police Liaison at the end of the month. His replacement would be announced by the Austin Police Department soon. •**Barbara Jackson** provided an update on Workforce Development/Health and Wellness. •**Claudia Conner** HACA Temporary Workforce Coordinator, spoke on American Gateways and LAP Apprentice. •**Felisa Epps**, HACA YES Manager, discussed various programs and activities (the summer lunch program at eight HACA properties, Family Day Field Trip at Barton Creek Conservatory, Parent Book Club hosted by BookSpring, the YES Incentive program, Bible Study and/or Vacation Bible Study, Youth News Letter and Girl's Day @ Dell). •**Sylvia Blanco**, HACA Executive Vice President, announced that HACA received a \$40,000 planning grant from the Corporation for Supportive Housing (CSH) and Council of Large Public Housing Authorities (CLPHA), with funding provided by the Robert Wood Johnson Foundation, for a joint project with UnitedHealthcare Community & State.. The core components of this six-month planning grant are: data sharing to identify residents' health needs; identifying resident/community health needs among to identify an area of focus; and developing intervention to address resident/community health needs to improve health outcomes.. •**Ms. Blanco** informed the CWAB the Housing Choice Voucher Wait List opening will be September 17th – 24th. Applications will be accepted online at various community centers in Austin •Twenty-two scattered sites are in the process of being transitioned out of public housing. Tenants will be given other housing options including purchasing the home they are renting. •**Thelma Pannell**, Northloop resident, mentioned the new program services train ride, food bank, bingo and

June 14, 2018

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diabetes testing. •**Ms. Pannell** made a motion to have the AROW meeting in September instead of the normal CWAB meeting.

With the announcement of the \$40,000 planning grant HACA received from the Corporation for Supportive Housing (CSH) and Council of Large Public Housing Authorities (CLPHA), with funding provided by the Robert Wood Johnson Foundation, for a joint project with UnitedHealthcare Community & State, HACA has contracted with **Rodolfo Rodriguez**, as HACA's Health and Wellness Strategic Catalyst. **Mr. Rodriguez** has been hired to assist with the implementation of the core components of this six-month planning grant. The components include: data sharing to identify residents' health needs; identifying resident/community health needs among to identify an area of focus; and developing intervention to address resident/community health needs to improve health outcomes. Reporting requirements, communication plan, implementation funding, data sharing.

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 June 14, 2018

Commissioner Apostolou moved to Approve the Board Minutes Summary for the Board Meeting held on June 14, 2018. **2nd Vice-Chairperson Duncan-Hall** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ACTION ITEMS

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS

ITEM 2: Presentation, Discussion, and Possible Action regarding Resolution No. 2558: Approval of HACA's 2018 Capital Fund Program Budget, as revised to reflect the actual amount awarded by HUD

The DRAFT FY2018 Capital Fund Program (CFP) was originally estimated at approximately \$845,000, based on prior awards to the public housing sites that are still eligible to receive the funds. Upon actual award notification, announced by US Department of Housing and Urban Development (HUD) in June 2018, the award total is \$1,672,283. This higher award amount allows HACA to revise the Budget Lines in that program and allocate more funds to the work items contained therein. This is a standard event, and is encountered each year when the draft plan is developed, prior to knowing what the actual award amount is. Upon notification of the award from USHUD, the plan is then revised to match the fund level received. This year, the amount received exceeds the 20% "significant deviation" threshold from the original estimate. Accordingly, per HACA's policies, a Board Resolution is required to approve the changes to the plan. The work items contained in the plan basically stay the same, with some modifications, but their budget levels are increased by this revision.

2nd Vice-Chairperson Duncan-Hall moved to Approve Resolution No. 2558: Approval of HACA's 2018 Capital Fund Program Budget, as revised to reflect the actual amount awarded by HUD of \$1,672,283. **Commissioner Carrington** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ITEM 3: Presentation, Discussion and Possible Action Regarding Resolution No: 2559: A resolution authorizing the Housing Authority of the City of Austin to take the following actions with regard to the Pathways at Goodrich Place (the "Development") in Austin, Texas: (A) lease the Development site to Pathways at Goodrich Place, LP; and (B) such other actions necessary or convenient to carry out this Resolution, allowing for the redevelopment of Goodrich Place

Pathways at Goodrich Place (Goodrich) will be a 120-unit property, developed in partnership with Atlantic Pacific Companies and Madhouse Development and financed using 9% Low Income Housing Tax Credits (LIHTC) through the Texas Department of Housing and Community Affairs. This will be the Board's final consideration of this redevelopment. Demolition is scheduled to begin in late July. Construction will be complete in the fall of 2019. Goodrich is the first 9% LIHTC award for HACA and is part of HACA's conversion to the Rental Assistance Demonstration (RAD) Program. The Housing Authority of the City of Austin (HACA) has successfully converted eleven properties through RAD. The balance of the 18 public housing properties will convert over the next three years. The families who live at Goodrich have already been relocated using Housing Choice Vouchers or to another HACA public housing property. All of those families will have the right to return to the newly redeveloped Goodrich. HACA staff has worked with the Resident Council to ensure that all residents understand their right to return. Staff will continue to meet with the Resident Council on a quarterly basis in an effort to maintain the sense of community that has developed as the residents prepared for the redevelopment of Goodrich.

Commissioner Carrington moved to Approve Resolution No: 2559: A resolution authorizing the Housing Authority of the City of Austin to take the following actions with regard to the Pathways at Goodrich Place (the "Development") in Austin, Texas: (A) lease the Development site to Pathways at Goodrich Place, LP; and (B) such other actions necessary or convenient to carry out this Resolution, allowing for the redevelopment of Goodrich Place. **Commissioner Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ITEM 4: Presentation, Discussion, and Possible Action regarding Resolution No. 2560: Authorizing the Housing Authority of the City of Austin to take the following actions with regard to The Preserve at Wells Branch Apartments (the "Development") in Austin, Texas: (a) Acquire the site of the Development; (b) Lease the Development site to the Owner of the Development; and (c) such other actions necessary or convenient to carry out this Resolution, helping to preserve and expand Page 3 of 4 affordable housing in the City of Austin

Austin Affordable Housing Corporation was presented with an opportunity to partner with Affordable Central Texas (ACT), a 501c(3), to purchase the Preserve at Wells Branch. ACT was formed to develop and manage the social impact, open ended, private equity fund (AHC) to preserve multifamily properties for Austin's workforce. ACT is the sponsor and investment manager of the AHC, a middle-income housing preservation fund serving Austin's moderate income and low-income workforce, including nurses and healthcare workers, entry level tech workers, teachers, musicians and other individuals and families earning between 60%-120% of median income. AHC is targeting existing multifamily communities for investment that meet goals of proximity to jobs, schools, grocery stores and transit located across greater Austin. The fund was launched at the end of 2017 with a target to acquire \$100-\$150 million in properties per year.

2nd Vice-Chairperson Duncan-Hall moved to Resolution No. 2560: Authorizing the Housing Authority of the City of Austin to take the following actions with regard to The Preserve at Wells Branch Apartments (the "Development") in Austin, Texas: (a) Acquire the site of the Development; (b) Lease the Development site to the Owner of the Development; and (c) such other actions necessary or convenient to carry out this Resolution, helping to preserve and expand affordable housing in the City of Austin. **Commissioner Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

THE BOARD DID NOT RECESS INTO EXECUTIVE SESSION.

REPORTS

The Board accepts the following reports:

- The Board was briefed on temporary management services to be utilized at Chalmers South and Goodrich Apartments upon completion of construction. Additional briefings will be provided to the Board at future meetings.
- The HACA VP Picnic is taking place on August 10th at HACA Central. All Commissioners are invited to attend.
- The Housing Choice Voucher Wait List opening will be September 17th – 24th. Applications will be accepted online at various community centers in Austin

ADJOURNMENT

Commissioner Apostolou moved to adjourn the meeting. **2nd Vice-Chairperson Duncan-Hall** seconded the motion. The Motion Passed (4-Ayes and 0-Nays). The meeting adjourned at 2:55 p.m.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

HOUSING AUTHORITY OF THE CITY OF AUSTIN
REPORT
ASSISTED HOUSING
ITEM NO. 2.

MEETING DATE: August 16, 2018

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Presentation and Discussion of Proposed Revisions to the Housing Choice Voucher Administrative Plan

BUDGETED ITEM: No

TOTAL COST: N/A

ACTION

Presentation and Discussion of proposed changes to the Housing Choice Voucher (HCV) Administrative Plan which will go out for public comment for 30 days beginning Friday, August 17, 2018. The Board is being asked to review the Administrative Plan, approve staff taking the document out for a 30 day public comment period, and returning the Administrative Plan to the Board for final consideration at the September 20, 2018 Board meeting.

SUMMARY

Background:

The Housing Choice Voucher (HCV) Administrative Plan is required by HUD. The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in HACA's agency plan. The Administrative Plan is a supporting document to HACA's agency plan, and is available for public review as required by CFR 24 Part 903. The HACA Board of Commissioners must approve the original policy and any subsequent changes to comply with HUD regulations.

The proposed changes to the HCV Administrative Plan incorporate updates to the criminal background eligibility requirements. In addition, Nan McKay's revision service provided updates with clarifying language regarding a number of policy items. All changes are summarized in Exhibit 1 and reflected in Exhibit 2.

Criminal Background:

On November 2015, HUD issued Notice PIH 2015-19 providing guidance to housing authorities on how to address the use of arrest records in housing decisions. HACA made policy changes to meet the requirements of this notice by adopting changes to the criminal screening criteria in the HCV Administrative Plan in December 2017. Since that time, it has become evident that the current screening criteria still creates a barrier to housing homeless individuals and families.

A recent review of 287 sample criminal history reports, made available by ECHO, showed that 37% of the sample applicants experiencing homelessness would have been denied admissions to the HCV program with application of HACA's current screening criteria. The majority of the denials would have been for assault, drug possession, and a pattern of alcohol-related criminal activity such as public intoxication.

Recently, HACA applied for 500 Mainstream Vouchers to provide housing to non-elderly disabled homeless households and to non-elderly disabled individuals who are currently living in a nursing, rehab, medical facility, psychiatric hospital or another type of congregate setting. Considering the known barriers in housing individuals and families experiencing homelessness, the use of our current criminal screening criteria could potentially result in the denial of 37% of Mainstream Voucher referrals. Staff is therefore recommending changes to the criminal history screening criteria. The changes would reduce the denial percentage from approximately 37% to 18% for homeless individuals referred through the current homeless preference and/or those being referred through future programs that seek to provide housing to persons experiencing homelessness. The proposed changes were informed by the Austin/Travis County Reentry Roundtable's criminal screening recommendations with full consideration of how adjustments to the criminal history screening criteria could be made while continuing to provide safe housing for all and allow a better opportunity for individuals and families experiencing homelessness to move from the streets into stable housing.

Lifetime look periods remain in tack for capital murder, kidnapping, rape or crimes of a sexual nature, indecency with a child, first degree felony injury to a child and crimes involving terrorism.

Nan McKay Revisions:

The following summarizes changes as a result of updates provided by Nan McKay's revision service:

- Additional changes with respect to the Lead-Based Paint final rule.
- Updates Project-based Voucher policies as a result of Notice PIH 2017-21 and FR Notice 1/18/17.
- Other clarifications and corrections to bring the content current with HUD regulations and guidance.

In addition, policies were added with regards to wait list preferences and the referral process for eligible Mainstream individuals and families in the event HACA is awarded new Mainstream vouchers. If we are unsuccessful in receiving this award, these policy revisions will be removed.

Process:

Staff is bringing these proposed changes to the Board for both discussion and input. After incorporating any Board recommendations, HACA will invite public comment on the proposed changes beginning Friday, August 17, 2018 through Monday, September 17, 2018. HACA will send the proposed changes to Texas RioGrande Legal Aid and the Austin Tenants' Council. After receiving all comments, the proposed changes will come back to the Board for final approval at the September 20, 2018 Board meeting.

Staff Recommendation:

The Board is being asked to review the proposed revisions to the Housing Choice Voucher Administrative Plan and approve staff to take the document out for a 30-day public comment period. Staff will present the proposed revised Housing Choice Voucher Administrative Plan to the Board for final consideration and approval at the September 20, 2018 Board meeting.

ATTACHMENTS:

- ❑ **Exhibit 1 HCV Summary of changes**
- ❑ **Exhibit 2 Effective Sections of HCV Plan revisions**

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 3: 3-I.B Definition of Family and Household	50-51	Change: Revised HACA's policy regarding the definition of family to be in compliance with HUD's definition and guidance regarding defining a family.
Chapter 3: 3-III.B. & C. PERMITTED REASONS FOR DENIAL OF ASSISTANCE	69-75	<p>Change: Changes to the criminal screening portion of the eligibility criteria.</p> <p>Rationale: Proposed changes to the current criminal screening criteria to reduce barriers to individuals and families experiencing homelessness so they can have a better opportunity to move from the streets into stable housing. HACA recently applied for Mainstream vouchers to serve non-elderly disabled homeless households. The current criminal screening criteria could result in a 37% denial of vulnerable individuals referred to receive Mainstream Housing Choice Vouchers. The proposed revisions would reduce the denials from approx 37% to 18%. Lifetime look periods remain in tack for capital murder, kidnapping, rape or crimes of a sexual nature, indecency with a child, first degree felony injury to a child and crimes involving terrorism.</p>
	69-70	Change: No change to Mandatory denials. Deleted definition that was misplaced in this section.
	71-72	<p>Change: Lifetime look periods remain in tack for capital murder, kidnapping, rape or crimes of a sexual nature, indecency with a child, first degree felony injury to a child and crimes involving terrorism.</p> <p>Reduced to look back period for arson and crimes involving explosives to 4 years from felony conviction.</p> <p>For all denials in this section, changed to convictions only and removed engaged in or attempted.</p>
	72	Change: Manslaughter and Criminally Negligent Homicide changed from 5 years to 4 years from felony conviction. Removed "currently engaged in or has engaged in"

Section	Page Numbers	Summary of Changes Made in Admin Plan
	72	Change: Deleted (1) and (2) which were general definitions of drug related criminal activity and violent criminal activity in favor of specific offense look back periods to clarify look backs for specific crimes. These definitions are included in the Glossary of the HCV Admin Plan.
	72-73	<p>Change: Specific crimes in this section continue to have a 4 year look back period from date of felony conviction except for alcohol related criminal activity. Alcohol related criminal activity was reduced to 1 year for DWI/DUI conviction.</p> <p>Removed “currently engaged in or has engaged in”</p> <p>Crimes that are in this 4 year look back category include the following: (1) Drug-related offenses for Manufacture, distribution, or possession with intent to distribute – felony conviction (2) Robbery-related offenses (3) Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon; (4) Physical violence to persons to include assault, aggravated assault, assault by threat, terroristic threat and domestic violence offenses (5) Physical violence to property to include arson and vandalism (6) fraud committed against a government entity (7) Burglary of a habitation (8) Unlawful Restraint (changed to conviction from misdemeanor) (9) Crimes involving explosives</p>

Section	Page Numbers	Summary of Changes Made in Admin Plan
	73-74	<p>Change: This section has been changed to reflect the following:</p> <p>If any household member has been convicted of the following crimes within the past three years they will be denied to include:</p> <ul style="list-style-type: none"> (1) Stalking felony (2) Theft or fraud committed against a non-government entity (3) Public lewdness and indecent exposure offenses <p>Convicted of the following crimes within the past two years</p> <ul style="list-style-type: none"> (1) Drug-related offenses for possession 2 year look back for felony conviction. Removed a pattern of misdemeanor possession of marijuana. <p>Convicted of the following crimes within the past one year</p> <ul style="list-style-type: none"> (1) DWI/DUI - one year look back for felony conviction <p>Patterns of criminal activity A pattern consists of three or more incidences, with a minimum of two or more incidences occurring within the last three years.</p> <ul style="list-style-type: none"> (1) A pattern of organized criminal activity (2) A pattern of prostitution (3) A pattern of misdemeanor harassment or domestic violence offenses (4) Added a pattern of misdemeanor terroristic threat offenses

Section	Page Numbers	Summary of Changes Made in Admin Plan
	75	Moved: Threatened violent or abusive behavior language against HACA staff or contract employees' policy has been moved from crimes section to previous behavior section. The look back period remains the same "within last four years."
Chapter 4: Applications, Waiting List and Tenant Selection	103	Addition: Added Mainstream Vouchers in the targeted funding section in anticipation of receiving Mainstream Vouchers for non-elderly persons with disabilities who are homeless or who are transitioning out of institutions or other segregated settings
	104 & 109	Addition: Required by the Mainstream NOFA application added preference for non-elderly persons with disabilities who are homeless and transitioning out of institutions or other segregated settings
	107 & 108	Addition: Added Project Based Rental Assistance (PBRA) to (H) Public Housing Special Accommodation Preference section
	110 & 111	Addition: Added policy to allow HACA to accept referrals from other agencies in addition to ARCIL (Area Resource Center for Independent Living) for the Non-Elderly Disabled Program and added verification of eligibility requirements.
	111 & 112	Addition: Added waiting list and referral policy for new Mainstream Vouchers in the event that HACA receives an award of these new vouchers.
Chapter 8: Housing Quality Standards	219	Addition: Lead-based paint policy added to be in compliance with new HUD requirements

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 11: 11-I.E. Determining Ongoing Eligibility of Certain Students	255	Addition: Added clarifying policy regarding verify income for families with 90% of income from fixed sources
Chapter 16: Program Administration	346-348	Addition: Added clarifying policy regarding repayment thresholds as defined in Notice PIH 2017-12
	357	Addition: Added clarifying policy regarding reporting requirements for HACA and property owners who have children living in their property with elevated blood lead levels as defined and required in Notice PIH 2017-13
Chapter 17: Project-Based Voucher	380	Change: Considering the future need to project-base vouchers for RAD conversions and redevelopment activities changed from the option to operate a project-based voucher program that utilizes up to 200 tenant base vouchers to 400 units.
	384	Change: To allow flexibility to project-base vouchers at Chalmers South added the following language. "HACA may elect to project-base vouchers not to exceed 43 units at Chalmers South or no more than half of the total units at Chalmers South."
	380, 381, 382, 383, 391, 392, 393, 398, 421, 422, 426	Other changes throughout the chapter as a result of Notice PIH 2017-21 and FR Notice 1/18/17
Chapter 18: Choice Mobility	436, 437, 438	Change: Minor changes to policies as a result of discussions in the Choice Mobility Committee meetings to include changing the selection of 1/3 of monthly vouchers issued rather than drawn from HCV waiting list.

Family

To be eligible for assistance, an applicant must qualify as a family. *Family* as defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other groups of persons qualify as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

HACA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application and must notify HACA if the family's composition changes.

~~A family also includes two or more individuals who are related by blood, marriage (either licensed or Texas common law), consensual sexual relationship, legal adoption or other operation of law, who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family and will be living in the same dwelling unit. Notwithstanding anything to the contrary, in order to qualify as a family in the context of a~~

~~head of household with~~ For minors who are not the head of household's children, the head of household must provide either:

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

~~A family does not include:~~

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

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

Household

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

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up [24 CFR 982.315]

Except under the following conditions, HACA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- ☐ If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault or stalking, HACA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault and stalking, see section 16-IX.D of this plan.)
- ☐ If a court determines the disposition of property between members of the assisted family, HACA is bound by the court's determination of which family members continue to receive assistance.

HACA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted. The family may request a change of Head of Household unless HACA determines, in its sole discretion that the requested change is for the purpose of the family obtaining a benefit by circumventing a limitation or requirement of the housing program, federal statute, regulation or other PHA Policy.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, HACA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, HACA will determine which family will retain their placement on the waiting list or continue to receive assistance. In making its determination, HACA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3)

Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)]

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

Age, disability, race, color, religion, sex, or national origin (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)

Where a family lives prior to admission to the program

Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside HACA's jurisdiction under portability. (See Chapter 10.)

Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock

Whether the family includes children

Whether a family decides to participate in a family self-sufficiency program

Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant is otherwise qualified for assistance (See section 3-III.G.)

3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires HACA 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 also permits public housing authorities to adopt a policy to deny admissions or terminate assistance if any member of the family has been evicted from federally assisted housing in the last five years (24 CFR 982.552 (c) (1) (ii). HUD also permits, but does not require, HACA to admit an otherwise-eligible family if the household member has completed HACA-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

For families evicted from federally-assisted housing, HACA will deny assistance if they were evicted from federally-assisted housing in the last five years.

~~If HACA 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.~~

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

~~If HACA 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.~~

HUD requires denial of ~~A~~any household member that 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

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

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

HACA Policy

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

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

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

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

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

Preliminary Eligibility Criteria

All applications will be screened for preliminary eligibility before they are added to the HACA voucher 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.

An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA HCV waiting list if currently housed in this same program and listed as the head of household or co-head of household.

If the head of household, spouse, or co-head in the applicant family owes a move-out balance or debt to HACA, the family will be notified in writing that they owe this debt. The written notification will inform them that they have been placed on the waiting list and the outstanding debt must be paid in full before they are eligible to receive any form of housing assistance. The notice will also explain how they may establish a repayment agreement and begin making payments. This notice will be sent in all cases in which the debt 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.

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 982.553]

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

HACA Policy

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

capital murder
kidnapping
rape or crimes of a sexual nature
~~arson~~
indecentcy with a child
first degree felony injury to a child

crimes involving terrorism –
felony conviction
~~crimes involving explosives~~

If any household member ~~has been convicted~~ ~~is currently engaged in, or has engaged in any~~ of the following criminal activities, during the designated review period, the family will be denied admission:

Within the past ~~four~~ ~~five~~ years:

Manslaughter – felony conviction
Criminally Negligent Homicide – felony conviction

Within the past ~~four~~ ~~4~~ years:

- (1) ~~Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution or use of a drug or the possession of a drug with intent to manufacture, sell distribute or use the drug [24 CFR 5.100].~~ Drug-related offenses for Manufacture, distribution, or possession with intent to distribute – felony conviction
- (2) ~~Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].~~ Robbery-related offenses – felony conviction
- (3) Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon - felony conviction.
- (4) Physical violence to persons that has one of its elements the use or threatened use of physical force against the person or property of another such as ~~A~~assault, aggravated assault, assault by threat, terroristic threat and domestic violence offenses – felony conviction, ~~stalking.~~
- (5) Physical violence to ~~persons or~~ property to include arson, and vandalism – felony conviction ~~or criminal activity that has as one of its elements the use, attempted use or threatened use of physical force against the person or property of another.~~
- (6) ~~Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or~~
- (7) ~~Criminal activity that may threaten the health or safety of property owners, management staff, HACA staff, persons performing contract administration functions or other responsibilities on behalf of HACA including contractors, subcontractors or agents.~~ Fraud committed against a government entity – felony conviction
- (8) ~~Three or more incidences or convictions of alcohol-related criminal activity, including Driving under the Influence and Public Intoxication.~~

(9) Burglary of a habitation – felony conviction;

(10) Unlawful Restraint ~~(misdemeanor)~~ – felony conviction

(12) Crimes involving explosives – felony conviction

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

1. ~~A pattern of misdemeanor possession of marijuana (two ounces or less);~~ Stalking – felony conviction

2. ~~A pattern of~~ Theft or fraud committed against a non-government entity – felony conviction;

3. Public lewdness and indecent exposure offenses – felony conviction

3. ~~A pattern of organized criminal activity;~~

4. ~~A pattern of prostitution;~~

5. ~~A pattern of misdemeanor harassment;~~

6. ~~A pattern (for the purposes listed above) consists of three or more incidences, with a minimum of two or more incidences occurring within the last three years;~~

If any household member has been convicted of the following criminal activities, within the **past two years**, the family will be denied admission:

1. Drug-related offenses for possession – felony conviction

If any household member has been convicted of the following criminal activities, within the **past one year**, the family will be denied admission:

1. DWI/DUI – felony conviction

Patterns of criminal activity

If any household member has been convicted of or has a pattern of engaging in any of the following criminal activities the family will be denied admission. A pattern consists of three or more incidences, with a minimum of two or more incidences occurring within the last three years.

1. A pattern of organized criminal activity

2. A pattern of prostitution

2. A pattern of misdemeanor harassment or domestic violence offenses

3. A pattern of misdemeanor terroristic threat offenses

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

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

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

HACA will not deny an application solely on the basis of an arrest. If HACA receives arrest information for a disqualifying activity, HACA may request additional information. Additional information that may be considered, if available, includes the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant not included in the police report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

Previous Behavior in Assisted Housing [24 CFR 982.552 c]

HUD authorizes HACA to deny admission based on relevant information pertaining to the family's previous behavior in assisted housing.

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

HACA Policy

HACA will deny admission to an applicant family for the following reasons.

- 1) If the head of household, spouse, or co-head owes rent or other amounts to HACA or any other PHA in connection with Section 8 or other public housing assistance under the 1937 Act. Any amounts owed to HACA or other federally subsidized programs will have to be repaid by the applicant before Admissions approval.

HACA will not deny admissions if the head or co-head are moving from the HACA Public Housing program to the HACA Section 8 program (or vice versa) and are in compliance with their HACA repayment agreements. There is a four-year statute of limitations that ends the latter of:

- a) Four years from the date the debt became delinquent, or
 - b) Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.
- 2) Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.
 - 3) Any family member has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program. This includes intentional misrepresentation of citizenship or immigration status within the last four years.
 - 4) Refuses to sign and submit consent forms for obtaining information necessary to determine eligibility and continued eligibility for housing assistance.
 - 5) Any family member has been evicted from federally-assisted housing in the last five years.
 - 6) Has engaged in or threatened violent or abusive behavior that threaten the health or safety of property owners, management staff, HACA staff, persons performing contract administration functions or other responsibilities on behalf of HACA including contractors, subcontractors or agents toward HACA personnel within the last four years.

Abusive or violent behavior towards HACA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

3-III.D. SCREENING

Screening for Eligibility

HACA is authorized to obtain criminal conviction records from law enforcement agencies to

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

Mainstream Vouchers for non-elderly persons with disabilities who are homeless or who are transitioning out of institutions or other segregated settings

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 982.202(d)].

Local Preferences [24 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

Families can claim eligibility for any local preference any time from the date they applied up until the time their name is drawn off the waiting list. Preference claims will be 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
PH Special Accommodation	= 3
FUP Youth	= 3
<u>NED+Homeless/Institutionalized</u>	<u>= 2</u>
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.

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.

(L)

Non-Elderly Disabled Preference for those transitioning from institutions or are homeless: HACA will provide a preference in its administrative plan for non-elderly persons with disabilities transitioning out of institutional and other congregate settings, or who are non-elderly persons with disabilities who are homeless.

- 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

- (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 policies outlined in Chapter 18 of this HCV Administrative Plan.

- (H) **Public Housing Special Accommodation Preference:** HACA will give preference to families that are currently housed in Public Housing or Project-Based Rental Assistance developments (PBRA) and waiting on the transfer list for a unit with an accessible accommodation as well as to families that have been certified eligible off the Public Housing or PBRA waiting list and are waiting for a unit with an accessible accommodation. To qualify for this preference, the family must meet all of the following criteria:

For current Public Housing or PBRA families waiting on the transfer list to be eligible, they must:

- a) Be currently housed in Public Housing or PBRA and waiting on the transfer list for a unit with the needed special accommodation;
- b) Have a documented need for a reasonable accommodation which requires a specific type of housing unit (including but not limited to wheelchair accessibility, no stairs, etc).
- c) Have waited more than 9 months since the reasonable accommodation was approved and they were placed on the transfer waiting list without receiving a housing offer specifically because the availability of the needed accommodation is limited within HACA's portfolio and all units with that accommodation are occupied by families needing that accommodation.

If the needed accommodation is not structurally or economically feasible in HACA's existing Public Housing or PBRA portfolio, the family will not be required to wait 9 months.

- d) Have verified income at the time of their last annual or interim recertification which was below the current income limit for the Housing Choice Voucher program.

For families drawn off the Public Housing or PBRA waiting list and waiting for their first

housing offer, they must:

- a) Have a current application on the Public Housing **or PBRA** waiting list which was drawn according to the regular rules and guidelines of the Public Housing **or PBRA** waiting list.
- b) Have completed eligibility certification and are eligible for the Public Housing **or PBRA** program.
- c) Have a documented need for a reasonable accommodation which requires a specific type of housing unit (including but not limited to wheelchair accessibility, no stairs, etc).
- d) Have waited more than 9 months since completing the eligibility process for Public Housing **or PBRA** without receiving a housing offer specifically due to either
 - 1. The needed accommodation is not economically feasible to be done in HACA's existing Public Housing **or PBRA** portfolio; or
 - 2. The availability of the needed accommodation is limited within HACA's portfolio and all units with that accommodation are occupied by families needing that accommodation.
- e) Had verified income at the time of their eligibility processing which was below the current income limit for the Housing Choice Voucher program.

*For both current Public Housing **or PBRA** families and families drawn off the Public Housing waiting list:*

- a) If the family chooses the special accommodation preference for HCV, they will be placed on the HCV waiting list with the special accommodation preference.
 - b) When the family's name is drawn from the waiting list, they will be required to meet the eligibility requirements for the HCV program at that time in order to receive a voucher.
 - c) The total number of families (from the combination of both the current Public Housing **or PBRA** families and families drawn off the Public Housing **or PBRA** waiting list) eligible to receive this preference will be capped at no more than 10 families per calendar year.
- (I) **FUP Youth Preference:** HACA will give preference to FUP youth whose ~~18~~**36** 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

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 (1) a completed application and (2) a completed referral from the Texas Department of Aging and Disability Services (DADS) through their service provider ARCIL (Area Resource Center for Independent Living) or verification of age, verification of disability, verification of residence in an eligible institution, and confirmation from another independent agency or organization that routinely provides care and case management services to persons transitioning from institutions that the agency will provide such services to the applicant. 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.

Therefore, NED eligible applicants are granted a preference over all other applicants not eligible for NED vouchers. Applicants certified eligible for the NED vouchers will be coded as such on HACA's waiting list. This preference will be granted only for the issuance of NED vouchers and not any other voucher. If NED vouchers are not available, NED eligible families will maintain their original place on the waiting list for the issuance of non-NED vouchers. All families granted a NED preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

(a.) Identifying NED eligible families currently on HACA's HCV waiting list

- (i) Upon receipt of the list of NED families referred by Texas DADS through ARCIL, HACA will compare the names with those of families already on HACA's HCV waiting list. Any family currently on the HCV waiting list that matches the referral list, will be coded as NED, and will be granted a NED preference for NED vouchers. For issuance of non-NED vouchers, these applicants will be assisted in order of their original position on HACA's HCV waiting list in accordance with HACA's admissions policies. Therefore they will not lose their original position on the waiting list as a result of receiving a NED preference.

- (b.) Placing NED eligible families referred by ARCIL or by direct application with necessary supplemental documentation on HACA's HCV waiting list:

Those eligible applicants on the current waiting list will have priority over families not on the waiting list. If additional funding is available, and all eligible families on the waiting list are exhausted, the waiting list will remain open for NED eligible families. Eligibility for the NED vouchers will be based on the respective HUD Notice of Funding Availability and ~~may be limited to referrals from the Texas Department of Aging and Disability Services and their service partners.~~ When HACA receives a completed application and referral from ARCIL or necessary supplemental documents, the applicant will be placed on the waiting list after all lottery applicants and in order according to the date and time when HACA first had received both documents.

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

- C. **Veterans Affairs Supportive Housing (VASH):** HACA accepts VASH applicants as referrals in the order received from the Veterans Affairs administration.
- D. **Mainstream:** HACA will assist the minimum number of families defined in the original grant and will replace any vacancies with eligible disabled households from the HCV waiting list.
- E. **Mainstream NED for homeless or institutional transitions (targeted funding) waiting list policy:**
For the issuance of Mainstream NED vouchers, only applicants certified eligible for Mainstream NED Vouchers will be issued a Mainstream NED voucher. To be an eligible application for a Mainstream NED voucher, HACA will have to receive both (1) a completed application and (2) a completed referral from ECHO, Integral Care, ARCIL, or verification of age, verification of disability, and verification of homelessness or verification of residence in an eligible institution or eligible segregated setting. 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.

Therefore, Mainstream NED eligible applicants are granted a preference over all other applicants not eligible for Mainstream NED vouchers. Applicants certified eligible for the Mainstream NED vouchers will be coded as such on HACA's

waiting list. This preference will be granted only for the issuance of Mainstream NED vouchers and not any other voucher. If Mainstream NED vouchers are not available, Mainstream NED eligible families will maintain their original place on the waiting list for the issuance of other vouchers. All families granted a Mainstream NED preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

(a.) Placing Mainstream NED eligible families referred by ECHO, Integral Care, or ARCIL, or by direct application with necessary supplemental documentation on HACA's HCV waiting list:

waiting list:

Those eligible applicants on the current waiting list will have priority over families not on the waiting list. If additional funding is available, and all eligible families on the waiting list are exhausted, the waiting list will remain open for Mainstream NED eligible families. Eligibility for the Mainstream NED vouchers will be based on the respective HUD Notice of Funding. When HACA receives a completed application and referral from ECHO, Integral Care, ARCIL, or necessary supplemental documents, the applicant will be placed on the waiting list after all lottery applicants and in order according to the date and time when HACA first had received both documents.

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

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during HACA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, HACA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.

Absence of a functioning toilet in the unit

Any other serious deficiency deemed to be potentially life threatening.

If an owner fails to correct life threatening conditions as required by HACA, HACA will enforce the HQS in accordance with HUD requirements. See 8-II-G.

If a family fails to correct a family caused life threatening condition as required by HACA, HACA will enforce the family obligations. See 8-II.H.

8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]

Family Responsibilities

The family is responsible for correcting the following HQS deficiencies:

Tenant-paid utilities not in service

Failure to provide or maintain appliances owned by the family.

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that result in a breach of HQS. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

Owner Responsibilities

The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225;FR Notice 1/13/17; NoticePIH 2017-13]

If HACA is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than 6 years of age, living in an HCV-assisted unit has been identified as having an environmental intervention blood lead level, HACA must complete a risk assessment of the dwelling unit **within 15 calendar days after being notified by a public health department or other medical health care provider**. The risk assessment must be completed in accordance with program requirements, and the result of the risk assessment must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within 30 days after receiving the risk assessment report from HACA, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-

Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources. If at least 90 percent of the family's income is from fixed sources, the PHA may streamline the verification of fixed income and may choose whether to verify non-fixed income amounts in years where no fixed-income review is required. If the family receives less than 90 percent of its income from fixed sources, the PHA may streamline the verification of fixed income and must verify non-fixed income annually.

HACA Policy

HACA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. ~~HACA~~The PHA will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added, HACA will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, HACA will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.

11-I.C. SCHEDULING ANNUAL REEXAMINATIONS

HACA must establish a policy to ensure that the annual reexamination for each family is completed *within* a 12-month period, and may require reexaminations more frequently [HCV GB p. 12-1].

HACA Policy

HACA will schedule annual reexaminations to coincide with the family's anniversary date. HACA will begin the annual reexamination process approximately 90-120 days in advance of its scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family moves to a new unit, HACA will perform a new annual reexamination, and the anniversary date will change based on the new lease effective date.

HACA may also schedule an annual reexamination for completion prior to the

repayment agreement, HACA will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts to HACA

HACA Policy

Any amount due to HACA by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 days, HACA may offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, HACA will terminate the assistance in accordance with the policies in Chapter 12 and pursue other modes of collection.

Repayment Agreement [24 CFR 792.103]

The term *repayment agreement* refers to a formal document signed by a tenant or owner and provided to HACA in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

Repayment Agreement Guidelines

Payment Thresholds

Notice PIH ~~2010-19~~2017-12 recommends that the total amount that a family must pay each month—the family’s monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family’s monthly adjusted income. However, a family may already be paying 40 per cent or more of its monthly adjusted income in rent. Moreover, Notice PIH ~~2010-19~~2017-12 acknowledges that PHAs have the discretion to establish “thresholds and policies” for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

HACA Policy

For fraud cases, any amounts owed in the amount of more than \$5,000, HACA will not enter into repayment agreement, unless approval is granted by the Vice President of Assisted Housing. HACA may pursue termination of assistance and refer the case to HUD’s Office of Inspector General for prosecution.

For all balances owed under HACA’s established threshold, repayment timeframes will be established as listed below:

Amounts between \$4,000 and \$5,000 must be repaid within 48 months.

Amounts between \$3,000 and \$3,999 must be repaid within 36 months.

Amounts between \$2,000 and \$2,999 must be repaid within 24 months.

Amounts between \$1,000 and \$1,999 must be repaid within 18 months.

Amounts between \$500 and \$999 must be repaid within 12 months.

Amounts under \$500 must have a minimum monthly payment of \$50 and cannot exceed 12 months.

Exceptions to this schedule may be made at the discretion of the Vice President of Assisted Housing.

Execution of the Agreement

HACA Policy

The head of household and spouse/co-head (if applicable) must sign the repayment agreement.

Due Dates

HACA Policy

All payments are due by the close of business on the 5th day of the month. If the 5th does not fall on a business day, the due date is the close of business on the first business day after the 5th.

Non-Payment

HACA Policy

If the family fails to make any payment as required by the terms set forth within the repayment agreement, HACA retains the right to demand immediate payment of the remaining unpaid balance. If the family fails to make payment of the full balance, it will be considered a breach of the agreement and HACA will terminate tenancy in accordance with the policies in Chapter 12.

No Offer of Repayment Agreement

HACA Policy

HACA will not enter into a new repayment agreement if there is already a current repayment agreement in place with the family, or the amounts owed by the family exceed the Federal or State threshold for criminal prosecution and/or HACA's established threshold under fraud cases.

Repayment Agreements Involving Improper Payments

Notice PIH ~~2010-19~~2017-12 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the family briefing packet that state the family's obligation to provide true and complete information at every reexamination and the grounds on which the PHA may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to the PHA the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance

PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

16-V.A. OVERVIEW

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure PHA performance in key areas to ensure program integrity and accountability. SEMAP scores translate into a rating for each PHA as high performing, standard, or troubled. Scores on individual SEMAP indicators, as well as overall SEMAP ratings, can affect HACA in several ways.

High-performing PHAs can be given a competitive advantage under notices of funding availability [24 CFR 985.103].

PHAs with deficiencies on one or more indicators are required to correct the deficiencies and report to HUD [24 CFR 985.106].

PHAs with an overall rating of "troubled" are subject to additional HUD oversight, including on-site reviews by HUD staff, a requirement to develop a corrective action plan, and monitoring to ensure the successful implementation of the corrective action plan. In addition, PHAs that are designated "troubled" may not use any part of the administrative fee reserve for other housing purposes [24 CFR 985.107].

HUD may determine that HACA's failure to correct identified SEMAP deficiencies or to prepare and implement a corrective action plan required by HUD constitutes a default under the ACC [24 CFR 985.109].

16-V.B. SEMAP CERTIFICATION [24 CFR 985.101]

PHAs must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year. The certification must be approved by PHA board resolution and signed by HACA executive director. If HACA is a unit of local government or a state, a resolution approving the certification is not required, and the certification must be executed by the Section 8 program director.

PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if HACA elects to have its performance

Eligible Immigration Status Documents

The following documents will be retained for a minimum of 5 years if provided as part of the INS appeal or informal hearing process: the application; form completed by family for family reexamination; photocopies of any original documents (front and back), including original INS documents; signed verification consent form; INS verification results (primary and secondary); request for an INS appeal; final INS determination; request for an informal hearing; and final informal hearing decision.

PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-VII.A. OVERVIEW

HACA has certain responsibilities relative to children with environmental intervention blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed in Chapter 8. This part deals with the reporting requirements, and data collection and record keeping responsibilities that HACA is subject to.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e); Notice PIH 2017-13]

The ~~PHA~~ owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within ~~five~~ five business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days. The PHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

~~HACA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.~~

HACA Policy

Upon notification by the owner, HACA will provide the public health department written notice of the name and address of any child ~~under 6 years of age~~ identified as having ~~an~~ elevated blood lead level within five business days. ~~a environmental intervention blood lead level within 5 business days of being so notified by any other medical health care professional.~~

Upon notification by the owner, HACA will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days.

~~HACA will provide written notice of each known case of a child under 6 years of age with an environmental intervention blood lead level to the HUD field office~~

receive under this program.

PART I: GENERAL REQUIREMENTS

17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice PIH 2017-21]

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 authorized units 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 Policy

HACA may operate a project-based voucher program that utilizes up to 4200 tenant based vouchers.

HACA may decide to project-base vouchers above the 4200 voucher limit (but no more than 20 percent of its allocated authorized units), if HUD publishes a notice making available PBV for HUD-VASH vouchers or other PBV special purpose vouchers or for a project that would provide affordable housing for low-income or homeless veterans.

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the PHA is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, the PHA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC, regardless of whether the PHA has vouchers available for project-basing [FR Notice 1/18/17].

~~[24 CFR 983.6].~~

Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21]

The PHA may project-base an additional 10 percent of its units above the 20 percent program limit, ~~if the units:~~ The units may be distributed among one, all, or a combination of the categories as long as the total number of units does not exceed the 10 percent cap. Units qualify under this exception if the units:

- Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families that are comprised of or include a veteran.
 - *Veteran* means an individual who has served in the United States Armed Forces.
- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

PHA Policy

The PHA will not set aside units above the 20 percent program limit.

Units Not Subject to the PBV Program Limitation [FR Notice 1/18/17]

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count toward the 20 percent limitation when PBV assistance is attached to them.

In addition, units that were previously subject to certain federal rent restrictions or were receiving another type of long-term housing subsidy provided by HUD are not subject to the cap. The unit must be covered under a PBV HAP contract that first became effective on or after 4/18/17.

~~In order to be excepted, the unit must meet the following conditions:~~

- ~~• The unit must be covered under a PBV HAP contract that first became effective on or after 4/18/17; and~~
- ~~• In the five years prior to the date the PHA either issued the RFP or selected the project, the unit either:~~
 - ~~— Received Public Housing Capital or Operating Funds, Project-Based Rental Assistance, Housing for Elderly (Section 202), Housing for Persons with Disabilities (section 811), Rent Supplement (Rent Supp), or Rental Assistance Program (RAP); or~~
 - ~~— The unit was subject to a rent restriction through a loan or insurance program as a result of Section 236, Section 221(d)(3) or (d)(4) BMIR, Housing for Elderly Persons (Section 202), or Housing for Persons with Disabilities (Section 811)~~

~~Units that have previously received either PBV or HCV assistance are not covered under the exception.~~

PHA Policy

HACA will not project-base any ~~of the above unit types~~ units not subject to the 20 percent cap.

~~The PHA may project base the unit types that meet the requirements described above.~~

17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the PHA policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

HACA Policy

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, HACA's policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants.

17-I.C. RELOCATION REQUIREMENTS [24 CFR 983.7]

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. PHAs may not use voucher program funds to cover relocation costs, except that PHAs may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of the PHA to ensure the owner complies with these requirements.

17-I.D. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]

The PHA must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the PHA must comply with the PHA Plan certification on civil

rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

PART II: PBV OWNER PROPOSALS

17-II.A. OVERVIEW

With certain exceptions, the PHA must describe the procedures for owner submission of PBV proposals and for PHA selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, the PHA must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per project [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57]. The PHA may not commit PBVs until or unless it has followed the proposal selection requirements defined in 24 CFR 983.51 [Notice PIH 2011-54].

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(b)]

The PHA must select PBV proposals in accordance with the selection procedures in the PHA administrative plan. The PHA must select PBV proposals by either of the following two methods.

PHA request for PBV Proposals. The PHA may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the PHA request. The PHA may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

The PHA may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. The PHA need not conduct another competition.

Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21]

For certain public housing projects where the PHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the PHA may select a project without following one of the two processes above.

- This exception applies to projects in which the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site.

- *Ownership interest* means that the PHA or its officers, employees, or agents are in an entity that holds any direct or indirect interest in the building, including, but not limited to an interest as: titleholder; lessee; stockholder; member, or general or limited partner; or a member of a limited liability corporation.
- Further, the PHA must be planning rehabilitation or construction on the project with a minimum of \$25,000 per unit in hard costs.
- The PHA must include in the administrative plan what work it plans to do on the property or site and how many PBV units will be added to the site.

PHA Policy

HACA is currently undertaking a complete redevelopment and expansion of its Chalmers Courts public housing property in east Austin. In accordance with HUD requirements, this redevelopment and expansion will exceed the required minimum of \$25,000 in per unit hard costs. This property is a high priority for HACA – it is in an area of expanding opportunity that is rapidly gentrifying and where there is a significant need for additional affordable housing to meet the needs of current residents of the area and others moving to Austin. The first phase of the redevelopment is the construction of 86 new affordable housing units south of the existing Chalmers Courts site (**Chalmers South**). **HACA may elect to project-base vouchers not to exceed 43 units at Chalmers South or no more than half of the total units at Chalmers South.** Once complete, HACA will relocate residents from either the east or west side of the existing Chalmers Courts site, minimizing displacement and disruption to families. A redevelopment will then begin on either the east or west side of the site. The exact order of redevelopment is dependent on the financing tools which ultimately will be available, including use of the Low Income Housing Tax Credit program.

The east side and west side redevelopments of Chalmers Courts will involve the construction of approximately 160 units on each side. Once fully completed, the new Chalmers Courts – south, west and east – will total approximately 400 units, significantly helping address Austin's affordable housing needs.

HACA has determined that the placement of up to 81 project-based Housing Choice Vouchers, as well as the placement of a to-be-determined number of project-based HUD VASH vouchers, will significantly benefit HACA's ability to meet its mission of serving the lowest income persons in our community, including seniors, persons with disabilities, transitioning homeless, and families with children.

Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)]

PHA procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the PHA.

The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of the PHA request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

The PHA may provide PBV assistance only in accordance with HUD subsidy layering regulations [24 CFR 4.13] and other requirements.

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

Subsidy layering requirements do not apply to existing housing. A further subsidy layering review is not required for new construction or rehabilitation if HUD's designee has conducted a review that included a review of PBV assistance in accordance with the PBV subsidy layering guidelines.

The PHA must submit the necessary documentation to HUD for a subsidy layering review. Except in cases noted above, the PHA may not enter into an agreement to enter into a HAP contract or a HAP contract until HUD, or a HUD-approved housing credit agency (HCA), has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements. The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT

25 Percent per Project Cap [24 CFR 983.56, FR Notice 1/18/17, and Notice PIH 2017-21]

In general, the PHA may not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of 25 units or 25 percent of the number of dwelling units (assisted or unassisted) in the project.

Exceptions to 25 Percent per Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]

As of April 18, 2017, ~~Exceptions are allowed and PBV~~ units are not counted against the 25 percent or 25-unit per project cap if:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project
 - If ~~t~~The project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, ~~the~~

project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) eliminated the project cap exemption for projects that serve disabled families and modified the exception for supportive services. Projects where these caps were implemented prior to HOTMA (HAP contracts executed prior to 4/18/17) may continue to use the former exceptions~~exemptions~~ and may renew their HAP contracts under the old requirements, unless the PHA and owner agree to change the conditions of the HAP contract. However, this change may not be made if it would jeopardize an assisted family's eligibility for continued assistance in the project.

Supportive Services

PHAs must include in the PHA administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. As of 4/18/17, ~~the~~ the project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit. It is not necessary that the services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. A PHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

~~If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS supportive services or any other supportive services as defined in the PHA administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.~~

HACA Policy

HACA ~~may~~**will** develop housing for occupancy by families in need of services. This may include disabled families, families in need of particular supportive services, or families participating in the Family Self-Sufficiency (FSS) program. Families will not be required to accept and receive supportive services for the exception to apply to the unit.

The following types of services will be provided depending on the needs of the family:

Supportive Services

The types of supportive services that will be offered include, but are not limited to:

Job readiness / Job training: Includes preparation and counseling, job development and placement, follow-up assistance after placement, completion of FSS "Contract of Family Participation";

Education: Includes education for the completion of GED, post-secondary education, or computer training classes for children and adults.;

Household Training: Includes homemaking, parenting skills, financial literacy and stability programs;

Self-Sufficiency Services and Resources: Includes participating in the FSS program and accessing all appropriate services to assist the family to achieve economic independence and self-sufficiency.

Substance Abuse Treatment: Includes counseling, treatment for substance abuse and participation in ongoing support groups.

Projects not Subject to a Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]]

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are exempt from the project cap. In other words, 100 percent of the units in these projects may receive PBV assistance. ~~To qualify for the exception, the unit must:~~

- ~~• Be covered by a PBV HAP contract that first became effective on or after 4/18/17; and~~
- ~~• In the five years prior to the date the PHA either issued the RFP under which the project was selected or the PHA selected the project without competition, the unit met at least one of the two following conditions:~~
 - ~~— The unit received Public Housing Capital or Operating Funds, Project Based Rental Assistance, Housing for the Elderly (Section 303), Housing for Persons with disabilities (Section 811), the Rental Supplement program;~~
 - ~~— The unit was subject to a rent restriction as a result of one of the following HUD loans or insurance programs: Section 236, Section 221(d)(3) or (d)(4) BMIR, Housing for the Elderly (Section 202), or Housing for Persons with Disabilities (Section 811)~~

~~Units that were previously receiving PBV assistance are not covered by the exception. Both existing and rehabilitation units are eligible for this exception. Newly constructed units qualify if they meet the definition of replacement unit described in FR Notice 1/18/17.~~

PHA Policy

The PHA does not have any PBV units that are subject to the per project cap exception.

Promoting Partially-Assisted Projects [24 CFR 983.56(c)]

must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the PHA may not execute the HAP contract until the units fully comply with HQS, ~~unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions.~~

Pre-HAP Contract Inspections [24 CFR 983.103(b); FR Notice 1/18/17]

The PHA must inspect each contract unit before execution of the HAP contract. The PHA may not enter into a HAP contract covering a unit until the unit fully complies with HQS, ~~unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions.~~

PHA Policy

~~The PHA will not enter into a PBV HAP contract until all units that will be under contract fully comply with HQS.~~

Turnover Inspections [24 CFR 983.103(c), FR Notice 1/18/17, and Notice PIH 2017-20]

Before providing assistance to a new family in a contract unit, the PHA must inspect the unit. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS, ~~unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions or if the unit passed an alternative inspection.~~

PHA Policy

The PHA will not provide assistance in turnover units until the unit fully complies with HQS.

Annual/Biennial Inspections [24 CFR 983.103(d); FR Notice 6/25/14]

At least once every 24 months during the term of the HAP contract, the PHA must inspect a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

HACA Policy

HACA will inspect on an annual basis a random sample consisting of at least 20 percent

family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.261]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the PHA. If the family wishes to move with continued tenant-based assistance, the family must contact the PHA to request the rental assistance prior to providing notice to terminate the lease.

HACA Policy

PBV participants may be eligible to move when all the following criteria are true:

- The PBV participant family has completed 1 full year of occupancy;
- The participant family has no outstanding debts to the owner and / or HACA; and
- The participant family has given advance notice of intent to vacate to the owner and HACA in accord with any terms of the lease.

If the family terminates the lease in accordance with these requirements, the PHA is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, the PHA must give the family priority to receive the next available opportunity for continued tenant-based assistance.

If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]

As of April 17, 2018, ~~t~~The PHA may not pay housing assistance under a PBV HAP contract for more than the greater of 25 units or 25 percent of the number of dwelling units in a project unless the units are [24 CFR 983.56]:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project

If ~~t~~The project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, ~~the project cap is the~~

greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined by the PHA and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit. However, if the FSS family fails to successfully complete the FSS contract of participation or supportive services objective and consequently is no longer eligible for the supportive services, the family must vacate the unit within a reasonable period of time established by the PHA, and the PHA shall cease paying HAP on behalf of the family.

Further, when a family (or remaining members of a family) residing in an excepted unit that no longer meets the criteria for a “qualifying family” because the family is no longer an elderly family due to a change in family composition the PHA has the discretion to allow the family to remain in the excepted unit. If the PHA does not exercise this discretion, the family must vacate the unit within a reasonable period of time established by the PHA, and the PHA must cease paying housing assistance payments on behalf of the non-qualifying family.

Individuals in units with supportive services who choose to no longer participate in a service or who no longer qualify for services they qualified for at the time of initial occupancy cannot subsequently be denied continued housing opportunity because of this changed circumstance. A PHA or owner cannot determine that a participant’s needs exceed the level of care offered by qualifying services or require that individuals be transitioned to different projects based on service needs.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by the PHA.

The PHA may allow a family that initially qualified for occupancy of an excepted unit based on elderly family status to continue to reside in a unit, where through circumstances beyond the control of the family (e.g., death of the elderly family member or long-term or permanent hospitalization or nursing care), the elderly family member no longer resides in the unit. In this case, the unit may continue to be counted as an excepted unit for as long as the family resides in that unit. Once the family vacates the unit, in order to continue as an excepted unit under the

FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent, if HACA determines it is necessary due to PHA budgetary constraints.

Use of Small Area FMRs (SAFMRs) [24 CFR 888.113(h)]

While small area FMRs (SAFMRs) do not apply to PBV projects, PHAs that operate a tenant-based program under SAFMRs ~~(either by HUD designation or because the PHA requested HUD approval to use SAFMRs)~~ may apply SAFMRs to all future PBV HAP contracts. If the PHA adopts this policy, it must apply to all future PBV projects and the PHA's entire jurisdiction. The PHA and owner may not subsequently choose to revert back to use of the FMRs once the SAFMRs have been adopted, even if the PHA subsequently changes its policy.

Further, the PHA may apply SAFMRs to current PBV projects where the notice of owner selection was made on or before the effective dates of ~~both the SAFMR designation and the PHA administrative plan policy,~~ **implementation**, provided the owner is willing to mutually agree to doing so and the application is prospective. The PHA and owner may not subsequently choose to revert back to use of the FMRs once the SAFMRs have been adopted, even if the PHA subsequently changes its policy. If rents increase as a result of the use of SAFMRs, the rent increase may not be effective until the first anniversary of the HAP contract.

PHA Policy

The PHA will not apply SAFMRs to the PHA's PBV program.

Redetermination of Rent [24 CFR 983.302]

The PHA must redetermine the rent to owner upon the owner's request or when there is a five percent or greater decrease in the published FMR.

Rent Increase

If an owner wishes to request an increase in the rent to owner from the PHA, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by the PHA. The PHA may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

HACA Policy

An owner's request for a rent increase must be submitted to HACA 60 days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

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 family~~ies~~ 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 **Choice Mobility Voucher application** ~~voucher request form~~ provided at the property. ~~(See Appendix 2).~~
 - The **application** ~~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 the total ~~its~~ monthly vouchers issued ~~draw~~ will come 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

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 2561

PLANNING AND DEVELOPMENT

ITEM NO. 3.

MEETING DATE: August 16, 2018

STAFF CONTACT: Jimi Teasdale, Planning & Development Director

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 2561: Approval of an Award of Contract for 26 HVAC Replacements Serving Dwelling Units of the Salina Apartments

BUDGETED ITEM: Yes

TOTAL COST: \$ 105,300.00

ACTION

The Board is being asked to approve a contract for 26 HVAC Replacement Serving Dwelling Units of Salina Apartments.

SUMMARY

Background:

All thirty-two units of the Salina Apartments were in need of full replacement of their existing central air and heat HVAC systems. Staff notified Planning & Development of conditions that could impact health and safety of the residents. The work is considered an emergency due to the exigent nature of the needed work. RAD actions that HACA is undertaking further impacted the need to expedite the project in the fastest way possible for the safety of residents, staff and the ability to meet timelines dictated by RAD conversion deadlines. All systems are roof top unit packages. Six units have been previously replaced. Quotes were requested for the remaining 26 units and are provided in the summary packet.

Process:

HACA worked with three local preferred mechanical services vendors with prior HACA work experience to develop scope for the project needs. All bidders visited site for familiarity with site conditions affecting the work that could impact bid price.

Staff Recommendation:

Based on the satisfactory past and current performance, staff recommends award of contract to HVAC Air Services.

ATTACHMENTS:

▣ **Exhibit 1-Summary of Bids**

RESOLUTION NO. 2561

**APPROVAL OF AN AWARD OF CONTRACT FOR 26 HVAC REPLACEMENTS SERVING
DWELLING UNITS
AT SALINA APARTMENTS**

WHEREAS, On July 18, 2018, the Housing Authority of the City of Austin received bids for 26 HVAC Replacements Serving Dwelling Units at Salina Apartments; and

WHEREAS, it is the recommendation of the President and CEO that the bid submitted by HVAC Air Services, be accepted as the most responsible and responsive bid; and

NOW, THEREFORE, BE IT RESOLVED, that the Housing Authority Board of Commissioners/Directors authorizes the President and CEO to accept the bid as submitted by HVAC Air Services., and award such contract,

PASSED, APPROVED AND ADOPTED this 16th day of August, 2018.

Michael G. Gerber, Secretary

Carl S. Richie, Jr. Chairperson

SALINA HVAC REPLACEMENTS

AUGUST 2018

CONTRACTOR/FIRM	CONTACT PERSON	TOTAL PRICE	COMMENTS
AIRCO MECHANICAL SERVICES	STUART THOMPSON, ESTIM.	\$141,000.00	Previous participation, in excess of \$200,000
			Good performance and results.
HVAC AIR SERVICES	GALEN DICKEY, OWNER	\$105,300.00	previous participation, in excess of \$50,000
			Could not provide insurance requirement.
MTECH MECHANICAL SERVICES	ERIC CHANDLER, ESTIM.	\$182,471.00	Previous participation, in excess of \$200,000
			Good performance and results.
<p>Note: Summary of bids for replacement of 26 rooftop RTU HVAC Units serving dwelling Units of the Salina Apartments, as requested by Mgr., Site Staff, and DLM, due to depth of repairs needed, on these systems., which included "flame roll out", indicating rusted or perforated heat exchangers. This is a fire and CO hazard to occupants and service personnel alike. These Units are the balance of the 32 systems serving all apartments, with 6 apartments already having been retrofit with new equipment. The Low Bidder, HVAC Air Services has satisfactorily performed this work on Salina Units in the past, and bids reflect pricing received on identical work at same development, earlier this year. HVAC Air Services is a reputable firm, hs worked for HACA previously with highly satisfactory perfromance, and meet all qualifications for performing this type of work for HACA. Based on bids and prior work history, HVAC Air Services is recommended for award on their Base Bid of \$105,300.00.</p> <p>Account code-728 146031 000000 055 008</p>			

HVAC Air Services

3609 Walleye Way
 Round Rock, TX 78665
 (512)216-1561
 galengdickey@yahoo.com

Estimate**ADDRESS**

HACA
 Housing Authority of the City of Austin
 1124 S. IH 35
 Ausitn, TX 78704 usa

SHIP TO

HACA
 Housing Authority of the City of Austin
 1124 S. IH 35
 Ausitn, TX 78704 usa

ESTIMATE #

1027

DATE

07/06/2018

ACTIVITY**QTY****RATE****AMOUNT****Installation**

Estimate for 1143 Salinas St. Apartments to replace:

1. (26) roof top units
 Rheem package unit Model # RGEA14024AJD041
 2.0T
 208/230V 1PH 14 SEER GAS/ELECTRIC
 NOTE: Existing curb to remain.
2. Install (26) new Nest programmable thermostats.
3. Install new Electrical disconnect and whip
4. Condensate drain: Tie into existing drain line and paint with UV resistant paint.
- 5) Install new gas drip leg

TOTAL PRICE INCLUDES:

- 1) new Rheem package units, electrical disconnect and whip, 1/2" gas line for drip leg, Duct sealant, pvc fittings and piping to connect to existing pvc drain, insulation over new section of pvc drain connection
- 2) CRANE FEES
- 3) DISPOSAL of Existing/removed package units
- 4) Mechanical Permit
- 5) Electrical Permit - for installing new disconnect and whip

number of units: 26
 Cost per unit: \$3800.00
 subtotal: \$98,800

Permit cost: \$6500.00 -

Total: \$105,300

1

105,300.00

105,300.00

Please sign and date to accept estimate.

Thank you

TOTAL

\$105,300.00

APPROVED

By Christina Huerta at 4:19 pm, Aug 07, 2018

Accepted By

Accepted Date

Please sign and date to accept estimate.



1000 South IH 35
Round Rock, TX 78681-6641
Phone (512) 837-2917 • Fax (512)834-8264
www.aircoaustin.com
E-mail: stuart@aircomechanical.com

PROPOSAL

Date: 17 JULY 18
To: HACA
Attn: JIM TEASDALE
Ref:

Estimator: STUART THOMPSON
Project: HVAC REPLACEMENT, 26 RTU
Address: 1143 SALINAS ST
E-MAIL:

SCOPE OF WORK:

1. DEMO & DISPOSE OF 26 EXISTING 2 TON GAS ELECTRIC RTU'S
2. FURNISH AND INSTALL 26 RHEEM 14 SEER GAS ELECTRIC RTU'S
3. REUSE EXISTING CURBS
4. INSTALL NEW GAS FLEX AND DRIP LEG
5. INSTALL NEW HONEYWELL WIFI THERMOSTATS
6. TIE INTO EXISTING DRAINS & PAINT WITH UV RESISTANT PAINT
7. INSTALL NEW DISCONNECTS AND ELECTRICAL WHIPS
8. CRANE IS INCLUDED IN QUOTE
9. ELECTRICAL & MECHANICAL PERMIT IS INCLUDED
10. JOB INCLUDES ALL LABOR AND MATERIAL NEEDED FOR COMPLETION
11. ONE YEAR PARTS & LABOR WARRANTY, 5 YEAR COMPRESSOR WARRANTY
12. PERFORMANCE AND PAYMENT BONDS ARE INCLUDED IN THIS QUOTE

BID AMOUNT	\$ 141,000.00
SALES TAX	\$ EXEMPT
TOTAL BID AMOUNT	\$ 141,000.00

EXCLUSIONS:

- SHEETROCK - CUTTING, PATCHING, PAINTING.
- ELECTRICAL WIRING – ANY OUT OF SCOPE ELECTRICAL WIRING SHOULD BE PERFORMED BY A LICENSED ELECTRICIAN.
- ROOFING, FLASHING, OR SEALING THE ROOF COATING.
- PRE-EXISTING OUT OF SCOPE CODE DEFICIENCIES; ANY REQUIRED UPGRADES MAY BE AN ADDITIONAL COST.
- SAFETY RAILS IF REQUIRED BY THE CITY OF AUSTIN
- TIE IN EXISTING DRAINS TO BUILDING PLUMBING SYSTEM
- DRYWELLS ARE NOT INCLUDED IN THIS BID

COMPANY:

ACCEPTED BY:

DATE:

This proposal may be withdrawn by us if not accepted within 30 days

TERMS OF ACCEPTANCE ARE A MUTUALLY AGREEABLE CONTRACT AND CONDITIONS

Regulated by The Texas Department of Licensing & Registration,

PO Box 12157, Austin, TX, 78711, 1-800-803-9202

Texas Air Conditioning License TACLA 63838C/TACLA51950C Texas Master Plumbing License M-37961



Proposal

[Phone: 512.929.7090] [1720 Royston Lane, Round Rock, TX 78664] [TACLA021308C] [TACLA0020760C] [M-18971] [TECL 29725]

Date: 7-18-18

Proposal Number: 2018-11,094

Customer: HACA
TIPS# 1810101

Attention: Jimi Teasdale

Location: Selina Apartments
1143 Salina St

Email: jimt@hacanet.org

Project Name: Changeout of 25 Rheem Gas Fired Roof Top Package Units.

Scope of Work: Safely demo and remove existing RTU's per EPA regulations. Provide and install new 14 SEER Rheem Gas Fired RTU's

Includes:

- Provide City of Austin Mechanical and Electrical Permits.
- Crane Services for all roof work.
- Provide and install 25 new Rheem RTU's with No outside air dampers.
- Provide and install new Digital Programable Honeywell Wifi Thermostats for each new RTU.
- Modify 8 RTU curbs to create code compliance service distance.
- Bring condensate drainage up to code by tying existing drainage into new PVC lines and terminate at code approved floor drains on first and second floors.
- Provide all necessary labor and material to disconnect, extend and reconnect utilities- condensate drains, gas lines and electrical services per code.
- Provide and install new Natural gas flex lines and drip legs on each new RTU.
- Provide and install new disconnect and electrical whips at each RTU.
- Labor and all material to complete the above-mentioned scope of work.

*****5 Year Compressor, 1 Year Parts, 1 Year Mtech Labor Warranty.*****

Exclusions: Roofing stones, carry tread, providing- installing and interlocking smoke detectors into fire alarm system, asbestos abatement, fire sprinkler work, floor scanning, Architectural, Structural engineering or structural supports / angle iron framing / structural steel, wall or door louvers of any kind, any existing HVAC/Plumbing code violations or design drawings of any kind and Taxes

Quoted Price.....	<u>\$182,471.00(excluding tax)</u>
Option to add 25 Manual Dampers.....	<u>\$2,850.00(excluding tax)</u>
Option to add 25 Motorized Outside air dampers...	<u>\$6,750.00(excluding tax)</u>
Option to add 25 Fully Modulating economizers...	<u>\$23,750.00(excluding tax)</u>

Prepared By –

Eric Chandler

Eric Chandler

Email: eric.chandler@csusa.us

O: 512-929-7090 | M: 512-201-7563

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Proposal is subject to and conditioned upon approval of Customer's credit by Mechanical Technical Services, Inc. Quote may be withdrawn by us if not accepted within 30 days. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Unless specified, payment will be made within 30 days after completion of service. Regulated by the Texas Department of Licensing and Regulation, PO Box 12157, Austin, TX. 78711 1.800.803.9202, 512.463.6599 Licensed by the Texas State Board of Plumbing Examiners, License #M-18971, Curtis Novinger, RMP. Correspondence with this Board should be directed to PO Box 4200, Austin, TX 78767.

512.458.2145

A Comfort Systems USA Company



HOUSING AUTHORITY OF THE CITY OF AUSTIN
REPORT
RENTAL ASSISTANCE DEMONSTRATION
ITEM NO. 4.

MEETING DATE: August 16, 2018

STAFF CONTACT: Ann Gass, Director of RAD

ITEM TITLE: Update on HACA's Rental Assistance Demonstration Program

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

No action is being requested. Staff will provide an update to the Board regarding progress with HACA's Rental Assistance Demonstration Program, ongoing construction and rehabilitation of units in HACA's public housing portfolio, and implications for residents and the broader community.

The Board will also be briefed on temporary management services to be utilized at Chalmers South and Goodrich Apartments upon completion of construction in 2019,

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 2562

RENTAL ASSISTANCE DEMONSTRATION

ITEM NO. 5.

MEETING DATE: August 16, 2018

STAFF CONTACT: Ann Gass, Director of RAD

ITEM TITLE: Presentation, Discussion, and Possible Action Regarding Resolution No. 2562: Approval of an Award of a Contract for RAD Phase II Construction Services at Thurmond Heights, Rosewood Courts and Santa Rita Courts

BUDGETED ITEM: Yes

TOTAL COST: \$1,195,607.41

ACTION

Approving the Award of Contract for RAD Construction Services at Thurmond Heights, Rosewood Courts and Santa Rita Courts.

SUMMARY

Background:

This award is to approve a contract for work associated with the Rental Assistance Demonstration Program (RAD) at Thurmond Heights Apartments, Rosewood Courts and Santa Rita Courts. As you know, Thurmond Heights received significant and major upgrades including rehab of every unit, site work, concrete work, and lighting upgrades throughout the property during the last four years funded through Capital Fund Program and Energy Performance Contract administered by HACA. Accordingly, major renovations are not needed. With respect to Rosewood and Santa Rita, a more extensive redesign of these properties 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 Thurmond Heights, this contract will allow for the following improvements to be made: playground shades at two playgrounds, improvements to the community room including replacing windows, ceiling tiles and floor coverings including abatement, adding an accessible path at entrance, adding a concrete pad under mail drop and steam cleaning and regrouting tile in bathrooms.

Rosewood will receive improvements to the Goodwill building including the work in the upstairs kitchen, replacing 2nd floor flooring and an air handler in attic and fixing porch poles. A number of units will also receive new bathtubs and water heaters.

Santa Rita improvements include a number of exterior improvements as well as storm door replacements, new stair treads in several units and common area restroom improvements.

Process:

The Invitation for Bid was advertised in The Austin American Statesman on Sunday, June 10, 2018, Sunday, June 17, 2018, Sunday, June 24, 2018, and again on July 1, 2018 and faxed Monday, June 11, 2018 to the minority/small business organizations designated in the HACA Procurement Policy. The Invitation for bid was also distributed to nine plan rooms and placed on the HACA website.

Staff Recommendation:

Based on the satisfactory past and current performance, staff is recommending award of contract to Unity Contractor Services, Inc.

ATTACHMENTS:

- ▣ **Exhibit 1: Bid Process**
- ▣ **Exhibit 2: Reference Verification**

RESOLUTION NO. 2562

**APPROVAL OF AN AWARD OF CONTRACT FOR RAD PHASE II CONSTRUCTION
SERVICES AT ROSEWOOD COURTS, SANTA RITA COURTS AND THURMOND
HEIGHTS APARTMENTS**

WHEREAS, On July 25, 2018, the Housing Authority of the City of Austin opened and publicly read a single bid for RAD Phase II Construction Services at Rosewood Courts, Santa Rita Courts and Thurmond Heights Apartments; and

WHEREAS, HUD approval will be required for use of single bidder; and

WHEREAS, it is the recommendation of the President and CEO that the bid submitted by Unity Contractor Services, Inc., be accepted as the most responsible and responsive bid; and

NOW, THEREFORE, BE IT RESOLVED, that the Housing Authority Board of Commissioners authorizes the President and CEO to accept the bid as submitted by Unity Contractor Services, Inc. and award such contract, subject to HUD approval of use of a single bidder.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2018.

Michael G. Gerber, Secretary

Carl S. Richie, Jr. Chairperson

BID PROCESS: The Invitation for Bid was advertised in *The Austin American Statesman* on Sunday, June 10, 2018, Sunday, June 17, 2018 Sunday, June 24, 2018, and again on July1,2018 and faxed Monday, June 11, 2018 to the minority/small business organizations designated in the HACA Procurement Policy.

Fifteen (15) Project Manuals were distributed and One (1) Bid Proposals were submitted. Sealed bids were received, opened and read aloud on July 26, 2017 at 2:00 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
AgH2O Holdings 3817 Bent Brook Drive Round Rock, Tx 78664 512-293-7302; Contact: Scott Ray	<u>NO BID RECEIVED</u>	NO

ILCOR Builders P.O. Box 9616 Austin, TX 78766 512-415-8865; Contact: Kathy Wimbish	<u>NO BID RECEIVED</u>	NO
J4 Development Construction Services Group 1700 Jay Ell Drive, Suite 100 Richardson, TX 75081 972-930-7075; Contact: Jerry Straley	<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	<u>\$2,159,708.00</u> Completion Time: 280 Calendar Days	MBE
All Cor Services PO Box 40955 Austin, TX 78704 Contact: Tim Christiansen	<u>NO BID RECEIVED</u>	
HD Supply 4445 Friedrich Lane Austin, TX 78747 Contact: Karmen Alvarado		

- **AWARD OF CONTRACT:** Bids were opened and read aloud by James Teasdale, Planning & Development Director, recorded by Christina Huerta, Modernization Specialist and witnessed by Angie Towne, RAD Coordinator.
- 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: #2018-01- RAD Phase II Thurmond Heights, Rosewood Courts & Santa Rita Courts

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 3rd 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 \$7.3 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

Phase II- RAD Conversions @ BTW and Meadowbrook