

THE HOUSING AUTHORITY OF THE CITY OF AUSTIN



BOARD OF COMMISSIONERS

Chairperson - Carl S. Richie, Jr.

Vice-Chairperson - Charles Bailey

2nd Vice-Chairperson - Mary Apostolou

Commissioner - Dr. Tyra Duncan-Hall

Commissioner - Edwina Carrington

Michael G. Gerber, President & CEO

BOARD OF COMMISSIONERS Regular Meeting

**Thursday, October 15, 2020
12:00 PM**

**Via Video Conference Call
1 (408) 650-3123 ; Access Code: 872-473-861**

**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
Via Video Conference Call
1 (408) 650-3123 ; Access Code: 872-473-861**

**Thursday, October 15, 2020
12:00 PM**

CALL TO ORDER, ROLL CALL

CERTIFICATION OF QUORUM

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

**Public Hearing (Note: There will be a three-minute time limit) To accept public comment on
Bridge at Turtle Creek**

THE PROPOSED BRIDGE AT TURTLE CREEK DEVELOPMENT

Austin Affordable Housing Corporation is being presented with an opportunity to partner with the Journeyman Group on a 3.32 acre tract of land located at 735 Turtle Creek Boulevard, Austin, Texas 78745. Bridge at Turtle Creek will consist of 310 family apartment units serving tenants at or below 60% of median family income. The development will use a mixture of 4% tax credits and bonds to finance the development with a total project cost of approximately \$66,000,000. The planned development will consist of 233 one bedroom and one bath units, and 77 two bedroom and two bath units. All units will be marketed to HACA's Housing Choice Voucher residents.

CONSENT ITEMS

1. Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on September 17, 2020

ACTION ITEMS

2. Update on HACA's actions related to the Coronavirus (COVID-19) and update on HACA's Resident and Client Support Center
3. Presentation, Discussion, and Possible Action regarding Resolution No. 02669: Operating Budget Revision for fiscal year April 2020 to March 2021
4. Presentation, Discussion and Possible Action regarding Resolution No. 02670: Approval of the adoption of the revised Housing Choice Voucher Program's Payment Standards
5. Presentation and Discussion of the Proposed Revisions to the Housing Choice Voucher Administrative Plan
6. Presentation and Discussion of the Draft 2021 Public Housing Authority (PHA) Annual Plan

7. Presentation, Discussion, and Possible Action regarding Resolution No. 02671: Approval of the acceptance and reallocation of 25 tenant-based Veteran Affairs Supportive Housing (VASH) Vouchers from Central Texas Council of Governments (CTCOG) to the Housing Authority of the City of Austin (HACA)
8. Update on AAHC's acquisition and development programs
9. Presentation, Discussion, and Possible Action on Resolution No. 02672 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take such actions necessary or convenient to ground lease the land and transfer the improvements located at 1124 South Interstate 35, Austin, Texas 78704 to AAHC HACA Central, LLC, a Texas limited liability company wholly owned by Austin Affordable Housing Corporation
10. Presentation, Discussion, and Possible Action on Resolution No. 02673 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to Melrose Trail Apartments (the "Development") in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and (iii) such other actions necessary or convenient to carry out this Resolution
11. Update on HACA's Rental Assistance Demonstration Program
12. Presentation, Discussion and Possible Action Regarding Resolution No: 02674: Resolution authorizing the Housing Authority of the City of Austin (the "Authority") to take such actions necessary or convenient to facilitate the development of the Pathways at Chalmers Courts West (the "Project")

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
- Chief Financial Officer's Report
- 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 Nidia Hiroms at HACA at 512.477.4488, for additional information; TTY users route through Relay Texas at 711. For more information on HACA, please contact Nidia Hiroms at 512.477.4488 x 2104.

HOUSING AUTHORITY OF THE CITY OF AUSTIN
BOARD ACTION REQUEST
AUSTIN AFFORDABLE HOUSING CORPORATION

MEETING DATE: October 15, 2020

STAFF CONTACT: Suzanne Schwertner, Director of Development

ITEM TITLE: PUBLIC HEARING FOR THE PROPOSED BRIDGE AT TURTLE CREEK DEVELOPMENT

Austin Affordable Housing Corporation is being presented with an opportunity to partner with the Journeyman Group on a 3.32 acre tract of land located at 735 Turtle Creek Boulevard, Austin, Texas 78745. Bridge at Turtle Creek will consist of 310 family apartment units serving tenants at or below 60% of median family income. The development will use a mixture of 4% tax credits and bonds to finance the development with a total project cost of approximately \$66,000,000. The planned development will consist of 233 one bedroom and one bath units, and 77 two bedroom and two bath units. All units will be marketed to HACA's Housing Choice Voucher residents.

BUDGETED ITEM: N/A

TOTAL COST: N/A

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

EXECUTIVE ITEM NO. 1.

MEETING DATE: October 15, 2020

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 September 17, 2020

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 September 17, 2020.

ATTACHMENTS:

- ▣ **20200917 HACA Minutes Summary**

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

September 17, 2020

SUMMARY OF MINUTES

THE HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) BOARD OF COMMISSIONERS REGULAR BOARD MEETING NOTICE WAS POSTED FOR 12:00 P.M. ON THURSDAY, SEPTEMBER 17, 2020, AND WAS HELD VIA CONFERENCE CALL FROM THE HACA CENTRAL OFFICE, 1124 S. IH 35, AUSTIN, TX

CALL TO ORDER, ROLL CALL, CERTIFICATION OF QUORUM

Charles Bailey, HACA Vice-Chairperson called the Board of Commissioners Regular Board Meeting of the Housing Authority of the City of Austin, of September 17, 2020, to order, at 12:05 p.m. The meeting was held via Conference Call from the HACA Central Office, 1124 S. IH 35, Austin, TX

Roll call certified a quorum was present on the call.

MEMBERS PRESENT:

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

MEMBER(S) ABSENT:

ALSO ON THE CALL:

Wilson Stoker, Cokinos, Bosien & Young

STAFF PRESENT ON THE CALL:

Andrea Galloway, Ann Gass, Barbara Jackson, Catherine Crago, Jimi Teasdale, Gloria Morgan, Kelly Crawford, Leilani Lim-Villegas, Michael Cummings, Michael Gerber, Nidia Hiroms, Pilar Sanchez, Ron Kowal, Suzanne Schwertner and Sylvia Blanco

CITIZENS COMMUNICATION

None.

CONSENT AGENDA

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

ITEM 1: Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on July 16, 2020

Commissioner Duncan-Hall requested that the percentage of residents renting at each AMFI level be included in any future documents for each property being considered for Board approval. No changes to the July 16, 2020 were requested.

Commissioner Duncan-Hall moved the Approval of the Board Minutes Summary for the Board Meeting held on July 16, 2020. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ACTION ITEMS

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS

Items were presented out of order.

ITEM 7: Presentation, Discussion, and Possible Action regarding Resolution No. 02668: A statement of support for a ballot measure for the Project Connect Initial Investment, to address long term community transit needs, including funding for affordable housing and anti-displacement strategies along proposed transit corridors

John Michael Cortez, Policy Chief for Mayor Adler was available to address any questions or concerns related to this item.

Resolution No. 02668 supports the ballot measure for the Project Connect Initial Investment to address long term community transit needs, including funding for affordable housing and anti-displacement strategies along proposed transit corridors.

Residents of the Housing Authority of the City of Austin in subsidized, affordable and market-rate housing are disproportionately affected by this measure as housing and transportation are inextricably intertwined. Transportation has historically illustrated the economic and social divides that can keep the most vulnerable Austin residents from full and equitable access to opportunity.

The Project Connect plan aims to offer more transit options through an expanded system that helps link people, employers and neighborhoods, especially neighborhoods and communities that are historically marginalized; and promises to connect the entire city while building Austin's transportation and increase equitable access to major rail lines, transportation hubs that help eliminate food deserts and offer opportunities to work, and lower total cost of transportation.

Project Connect has actively engaged in its design process HACA Smart City Ambassadors, who fully support the project especially because Project Connect aims to collect data and monitor metrics that ensure people in all kinds of affordable housing can keep their homes, reduce transportation costs and increase access to opportunity.

The HACA Board of Commissioners recognizes the extensive public process conducted by Project Connect staff and supports the conclusions of the process that increase affordability, fight displacement and create access to opportunity for Austin's most vulnerable residents and firmly supports a ballot measure for the initial Project Connect investment.

Commissioner Duncan-Hall moved to approve Resolution No. 02668: A statement of support for a ballot measure for the Project Connect Initial Investment, to address long term community transit needs, including funding for affordable housing and anti-displacement strategies along proposed transit corridors. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 2: Update on HACA's actions related to the Coronavirus (COVID-19) and update on HACA's Resident and Client Support Center

Leilani Lim-Villegas, HACA Senior Director of Community Development - Austin Pathways, Barbara Jackson, HACA, Jobs Plus Director, and Catherine Crago, HACA Head of Strategic Initiatives, reported on the Resident & Client Support Center activities.

In August, the HACA Resident & Client Support Center completed over 1,572 contacts with HACA residents. In August, over 300 inbound contacts were completed by phone, email and SMS; about 100 of those calls required significant staff attention and care.

Staff conducted outbound calls to encourage residents to register to vote and complete the 2020 Census. Staff continued to coordinate services, such as 450 household food box recipients.

In July and August, the contact center attempted to contact almost 650 families and successfully contacted and surveyed 380 surveys for Back to School assessments. Then in August, more than 1,000 outbound texts helped provide Back to School referral information and to notify families about school supply distribution schedules.

- **Support Youth in Summer School and Prevent Summer Slide** (1) Communities in Schools (CIS) conducted "porch visits" to assist families with school registration and learning choices. CIS will meet with youth at HACA sites in Sept. (2) Boys and Girls Club is open at Meadowbrook with 20 youth participating. Chalmers Club will open September 8 with space for 15 youth. Priority is given to youth with working parents. Boys and Girls Club is opening at BTW September 14 with room for 30 students.
- **Ensure Family Homes and HACA Community Rooms can Function as a Classroom.** In July, staff investigated models and safety requirements to use community rooms as remote classrooms. Necessary space and adult supervision may fit an afterschool program model most effectively. Our response is centered on remote support to families provided by certified resident para-educators who receive additional training in remote learning tools.
- **Provide Parents with Tools & Resources to Provide 1:1 In-Home Classroom; Help Parents Continue to Work Remotely from Home.** (1) In June, AISD & CapMetro committed to providing Wi-Fi buses through August 16 at all family properties; (2) Data sharing requests to inform prioritization of device deployments; (3) a K-12 Connectivity Pulse Point Survey was launched; about 150 families have been surveyed.
- **Ensuring Families have a Connected 1:1 Home Classroom.** A connected home classroom ensures every child and parent has their own internet connected devices and the digital literacy skills to use them. At right, 30% of HACA youth attend a non-AISD school. School-provided laptops are often locked to the school's learning management system (LMS). Parents need their own devices and know-how to help children using different LMS. In July, 95% of families will be surveyed and triaged for support; by late-August, most will have received devices and referrals to internet and digital literacy supports. AP partnered with AISD and on-AISD schools to align; AP pitched more than \$150K in grants to support.

ITEM 3: Presentation, Discussion, and Possible Action regarding Resolution No. 02666: An amendment to the HACA annual budget to provide additional funding to ensure HACA families can fully participate in at-home and other distance learning by using digital inclusion interventions to combat negative impacts resulting from the coronavirus

The coronavirus has upended educational and economic pathways and our way of life. Austin Pathways' Unlocking the

Connection program focused on closing the homework gap, ensuring children in households had access to one or more computers and a low-cost internet connection. Because the City of Austin and Travis County have issued a Stay at Home order that ends in December, and because schools may not open physically to all students or parents may wish their children to learn at home, families now require a fully connected at-home classroom. This includes Internet infrastructure, internet service, computing devices of all kinds and digital literacy education and programming.

Austin Pathways is working closely with a number of educational service providers including Austin Independent School District and a variety of charter schools to identify gap needs for HACA resident families. Austin Pathways will identify short-medium- and long-term solutions that best help families achieve their educational and economic goals in spite of coronavirus.

It is staff's recommendation to provide supplemental funding to provide funding to ensure HACA families can fully participate in educational and economic life in the face of the coronavirus pandemic.

2nd Vice-Chairperson Apostolou moved to approve Resolution No. 02666: An amendment to the HACA annual budget to provide additional funding to ensure HACA families can fully participate in at-home and other distance learning by using digital inclusion interventions to combat negative impacts resulting from the coronavirus. **Commissioner Duncan-Hall** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

Items were presented out of order.

ITEM 6: Presentation, Discussion and Possible Action of Resolution No. 02665: Approval for Purchase of an Energy Recovery Unit and Related Engineering Services for Installation at HACA's Central Office

In response to the best guidance available on defense against the current COVID 19 pandemic, HACA is making Indoor Air Quality (IAQ) improvements to some of its facilities, with regard to HVAC and air circulation systems. In planning and implementing IAQ improvements to its facilities, HACA engaged a leader in the HVAC technology industry, Heat Transfer Solutions, LLC (HTS), to assist us with making modifications to our existing HVAC systems.

One of the key components of IAQ is the ability to circulate air in a given space, as well as the ability to provide the space with fresh air, continuously. While HVAC units cool or heat air and provide it to the spaces, it is then returned to the unit for re-cooling and then redistribution to the space again. For good IAQ, that cycle should really dispose of some of that returned air, and provide for a flush of fresh air that is then mixed with the conditioned return air, before being re-distributed in a building. This process, called 'air exchange', can be done in a way that keeps a percentage of the already conditioned air, to mix with the fresh air intake. The new fresh air passes over a desiccant, or "drying" wheel, that removes the humidity from the fresh air. In this process, energy is also saved by re-using a portion of already conditioned air, as it is not having to be cooled or heated. A mechanical unit that performs this process is referred to as an Energy Recovery Unit (ERU). The HACA Central Administration HQ Building has an ERU that is non-functional and must be replaced to allow for this healthy air exchange process.

The ERU replacement work was already planned for next year, but the pandemic has caused a need to expedite the project. Additionally, having the building empty provides an optimal window of time to complete the project while not disrupting ongoing office daily business. Due to difficulty working under the COVID 19 pandemic, the tight time frame required for completing this work, and the specialized services needed, HACA utilized the State of Texas Buy Board Cooperative Purchasing Program for procurement. This enabled us to move quickly into a contracting scenario that would allow us to meet our timelines for project completion and facility re-opening.

HTS has previously assisted HACA with other improvements to all of its HVAC systems at HQ, and we have confidence in their ability to assist us in full replacement of the existing rooftop Energy Recovery Unit (ERU). Staff recommends award of the contract to Heat Transfer Solutions, LLC. In the amount of \$151,000.

Commissioner Duncan-Hall moved to approve Resolution No. 02665: Approval for Purchase of an Energy Recovery Unit and Related Engineering Services for Installation at HACA's Central Office from Heat Transfer Solutions, LLC, in the amount of \$151,000. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 4: Update on AAHC's acquisition and development programs

Ron Kowal provided an update to the Board regarding progress with AAHC's Portfolio.

ITEM 5: Presentation, Discussion, and Possible Action on Resolution No. 02667: Resolution authorizing the Housing Authority of the City of Austin to take the following actions with regard to the Montecito Apartments 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

Austin Affordable Housing Corporation (AAHC), was presented with an opportunity to partner with Belveron Corporation, to purchase a 268 unit apartment complex called the Montecito Apartments. The complex is located at 3111 Parker Lane, Austin, Texas 78741. AAHC's proposed partner, Belveron Corporation, prides itself on long term preservation of workforce housing. Located out of San Francisco, Belveron, is a privately held investment firm with a current portfolio of more than 25,000 units across the United States. Founded in 2006, Belveron have invested in more than 200 properties in 32 states. AAHC is working with Managing partner, Paul Odland, and Senior Portfolio Manager, Josh Plattner.

The Montecito was built in 1984 and sits on 10.37 acres. About 50% of the units have gone through renovation and improvement and the current ownership has spent more than \$3,000,000 on exterior work. The property has a newly installed dog park along with a swimming pool and clubhouse and is equipped with several remodeled laundry rooms throughout the site. The property backs up to the Mabel Davis District Park featuring an Olympic size swimming pool, fishing piers, trails and a skate park. The property's location is minutes away from the Riverside corridor, where many affordable units are now being displaced by newer market rate developments. The location provides great access to retail shops, grocery stores and medical providers. Below is a breakdown of the many variations of unit sizes.

The purchase price for the Montecito is \$34,740,000. Belveron will be investing 30% cash to the purchase (approximately \$10.4 MM) as a down payment. In addition, Belveron will place an additional \$2,500,000.00 for future capital needs. Belveron has also committed to place in escrow approximately reserve amount equal to 1 full year of mortgage payments to ease any future rental issues due to the Covid-19 virus. AAHC will not have any liability and will not be responsible for any guarantees required by the lender. The property will serve residents at 80% MFI and below. AAHC and Belveron have committed to not raising rents for the next 12 months and is committed to leasing to HCV voucher holders. The property will be managed by Apartment Management Professionals. The property is currently 96% occupied and 100% of its current residents are under 80% of the area median family income.

Board approval allows the Housing Authority of the City of Austin to take the following actions in regard to the Montecito Apartments 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.

2nd Vice-Chairperson Apostolou moved to approve Resolution No. 02667: Resolution authorizing the Housing Authority of the City of Austin to take the following actions with regard to the Montecito Apartments 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. **Commissioner Carrington** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

REPORTS

The Board accepts the following reports from the President:

- Mr. Gerber reported
 - HACA staff attended a video training call on Diversity, Equity and Inclusion provided by the City of Austin's Equity Office on September 16.
 - The UT Law School completed a public facility corporation report after analyzing 27 deals across the state. The result of the analysis indicates that the value of tax exemption that the development community is getting doesn't match the benefits as well as they could and that housing authorities are getting. The complete report was shared with the Board of Commissioners.
 - The COVID Rent 2.0 \$12.million in rental assistant program is currently being rolled out.
- CFO Report given by Ann Gass reported on revenue and expenses.

THE BOARD RECESSED INTO EXECUTIVE SESSION AT 3:11 PM.

THE BOARD RETURNED FROM EXECUTIVE SESSION AT 4:00 PM. No action was taken.

Chairperson Richie left the meeting immediately after Executive Session. **Vice-Chairperson Bailey** presided over the remainder of the meeting.

Commissioner Carrington moved to adjourn the meeting. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

The meeting adjourned at 4:01 p.m

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

EXECUTIVE ITEM NO. 2.

MEETING DATE: October 15, 2020

STAFF CONTACT: Michael Gerber, President & CEO

ITEM TITLE: Update on HACA's actions related to the Coronavirus (COVID-19) and update on HACA's Resident and Client Support Center

BUDGETED ITEM: N/A

TOTAL COST: N/A

ATTACHMENTS:

- ▣ **COVID-19 Division Reports**
- ▣ **Resident Client Support Center**
- ▣ **At-Home Learning Program**

SEPTEMBER - OCTOBER 2020, COVID-19 DIVISION ACTIONS

This report reflects HACA and its subsidiaries' actions taken to date in response to the Corona virus (COVID-19). Although all actions are not listed, below you will find the top five actions from each division.

ADMISSIONS-LAURA BODAI

1. Worked to open front desk for limited set of services
2. Remotely interviewed and hired a new Admissions Clerk who started on 10/1/19. Currently working to train her via a set of virtual meetings.
3. Continuing to process clients for eligibility to the PBRA program through virtual interviews and online, fillable forms.
4. Conducting the first round of remote HCV eligibility processing for Chalmers residents needing to be relocated. Currently finalizing files and planning remote voucher issuances.

ASSISTED HOUSING-LISA GARCIA

1. On October 1, 2020, HACA opened the front office for limited customer service for receiving and picking up documents. The majority of staff continues to work remotely with the full range of services provided to families and property owners via the phone, virtual meetings, via emails or mail.
2. Virtual Choice Mobility briefings were coordinated and planned for Rosewood, Thurmond Heights, Santa Rita and Salina. Choice Mobility presentations have been recorded in English, Spanish and Arabic and the Choice Mobility sessions will be conducted in October using a GoToMeeting platform.
3. The HQS division has developing procedures to complete virtual annual HQS inspections and will pilot this new process at the Terrace at Oak Springs in October.

AUSTIN AFFORDABLE HOUSING CORPORATION-RON KOWAL

1. Construction sites continue to vigilantly monitor subcontractors by taking temperature, requiring masks, social distancing especially during breaks and lunch, and keeping each trade separated from other trades while working on the site.
2. Construction sites are slowly allowing us to hold owner's/draw meetings on site. Numbers of individuals allowed on site are limited and all meetings are held outside with masks while everyone is spread apart.
3. Our sites are working closely with AISD to allow their buses to park on sites to allow for internet hot spots to reach the students learning at home. We are also adding hot spots to some of our properties to allow more students to use our internet access to do school work.
4. Management offices are fully open to the public, but maintain strict controls over how many people are allowed in the office and masks are required. A thorough wipe down of desks, etc. is followed after each visit.
5. Our properties that are in lease up are adding a table and chairs outside the leasing trailer so that potential tenants can meet with staff outside, social distance and wear masks.

AUSTIN PATHWAYS/COMMUNITY DEVELOPMENT-PILAR SANCHEZ

1. To address food insecurity, Austin Pathways staff is coordinating with HEB, Central Texas Food Bank, Capital Metro, United Healthcare, AISD, Good Apple & Hope Food Bank, and the Boys&Girls Club who are providing food to our residents.
2. AP continues to operate the HACA Support Center Monday - Friday. The hours are Mon-Fri 7:30am-5:30pm. Residents can call to request assistance and get referrals to services available to them in their area. HACA staff answer the calls and lend a friendly ear to residents, who may be experiencing difficulties due to COVID-19. Please see the one-page report in your board book.
3. The Boys&Girls Club is operating all day at Meadowbrook, Chalmers South, and BTW. CIS is now operating M-F from 8-5 at Catherine Crago is negotiating with Internet Service Providers to provide long-term Internet service at bulk rates to HACA. HACA received \$75K from the St. David's Foundation, a portion of the grant will be used for Internet access. As a short-term solution, AP is working with AISD to release hotspots to our families. Our Senior Director is participating in an AISD task force to ensure HACA has the latest plans for the next school year. The Board of Commissioners approved \$250K in May and \$300K in June to implement programming that will assist our kids with distance learning and parents with tech tools and training to support their children. SAATVA Mattress also donated \$10K to HACA for COVID related support.

4.	Although Austin Public Health (APH) had intended to test for COVID at multiple HACA sites, they do not have the nurses and personnel to do this. CommUnity Care has tested residents and staff at Lakeside. APH is distributing PPE at Gaston (face masks, hand sanitizers, disposable gloves). PPE will also be provided at Rosewood/Salina to also include baby diapers and female sanitary pads.
5.	Austin Pathways has received the following grants related to COVID-19 since March: \$10,000 United Way Aging Populations Grant, \$10,000 Texas Capital Bank, \$6,000 St. David's Foundation, \$20,000 Austin Public Health RISE Grant, \$15,000 United Way Critical Needs grant; \$75K St. David's Foundation; \$10K from SAATVA Mattress.
COMMUNICATIONS-KEN BODDEN	
1.	Designed and delivered updated COVID signage for the lobby re-opening
2.	Designed and delivered new COVID warning signs for resident community areas re-opening on property
3.	Completed 25 virtual tour videos of vacant units
4.	Co-ordinated media coverage for RENT 2.0 and local Spanish media
FINANCE-ANN GASS	
1.	We continued reallocating work and developing new controls for use during this extended COVID period. In August, we interviewed and hired two new staff, a Senior Accountant and an Accounts Payable staffer, who started in early September.
2.	We adjusted the methodology for the budget amendment process to allow for remote collaboration on each department's budget.
3.	Most staff continue to work from home. Some Accounts Receivable and Accounts Payable functions need to be done in person. Staff is observing all safety protocols when they have to be in the office.
HUMAN RESOURCES-GLORIA MORGAN	
1.	The Human Resources department continues to conduct New Employee Orientation virtually, via GoToMeeting. This month New Hire orientation was conducted for 9 new employees. With the conversion of the new hire packet into a digital format, using DocuSign, the process of obtaining forms that require the employee's signature has been seamless.
2.	The Human Resources department also continues to conduct virtual New Hire Benefits Enrollment via GoTo Meeting. The necessary forms required to conduct this process were previously converted into a digital format using DocuSign. The process of obtaining new employees information to properly enroll them into benefit has been successful.
3.	A total of six (6) HACA employees have tested positive for COVID-19 since March 2020. Thankfully, all have recovered and returned to work.
LOW INCOME HOUSING - MICHAEL ROTH & NANCY MCILHANEY	
1.	Property management offices, playgrounds and community spaces remained closed through September. Playgrounds at family sites, and outdoor benches at senior sites, were reopened October 1st. This included posting updated signage regarding social distancing and mask wearing. LIH Directors and staff began planning property management office re-openings. Soft opening is set for October 26th; official opening is scheduled for November 2nd. Offices will be open a minimum of 8 hours a week by appointment.
2.	Maintenance staff continued completing all work orders. Staff is required to wear face masks at all times on property and full PPE when entering a resident unit. Effective September 21st the hold time before entering a vacant unit to start the make-ready process was reduced to 24 hours, based on updated NIH guidance regarding the ability to mitigate the virus' survivability on surfaces with disinfectant.
3.	On September 30th HACA received supplemental payments from HUD for COVID-19 related expense totaling \$323,581. This covers expenses from March 27, 2020 through July 31, 2020. While we continue to incur many of these expenses, there is currently no mechanism to request reimbursements for any expenses incurred after August 1. Directors and Managers are evaluating security levels and extra cleaning procedures and will be making changes in October/November. \$323,581.43. This covers expenses from March 27, 2020 through July 31, 2020. While we continue to incur many of these expenses, there is currently no mechanism to request reimbursements for any expenses incurred after August 1.

4.	Property management continues to complete socially distant move-ins to fill vacancies. Staff completed 26 move-ins during September, for a total of 76 move-ins completed since June 15th. Resident interim and annual recertifications are being completed via a primarily virtual process. All 16 PBRA HAP vouchers remain current and received through October 1. annual recertifications are being completed via a primarily virtual process. All 16 PBRA HAP vouchers are current and received through September 1.
5.	HACA received HUD-approval for \$17,437 in Special Claims for vacancy loss to recover a portion of rent loss due to COVID related vacancies. These will post to the November 2020 HAP vouchers. We submitted additional claims totaling \$44,344 that are currently pending HUD approval.
OPERATIONS & PROCUREMENT-NORA MORALES	
1.	Building staff continues to run bulk trash three times-Monday/Wednesday/Friday. On Tuesday and Thursday they perform preventative building maintenance, recycling of items picked up during bulk trash pick-up. They are also working with contractors in getting the building in compliance of the CDC recommendations for a "return to work" plan. We are now fully staffed again.
2.	Procurement staff continues to work from home. Processing purchasing request and submitting invoice to Finance for payment. As of October 5, 2019 all site orders are being shipped to each location. One rotating Purchasing staff member will man all shipping & receiving for Haca headquarters from 8-5 AM. The availability of PPE equipment is becoming available and we are ensuring all maintenance staff has the supplies needed. We are now working on signage for each property with safe distancing and appointment requirements.
3.	OPS staff continues to prepare and monitor essential vehicles for inspectors and other staff as needed.
4.	We continue to work with P/D and other departments to create a "back to work" plan. Lobby project is complete and operational. We are only waiting for ADA speakers to cover the opening in the glass.
5.	We continue to explore online or virtual training possibilities to all OPS staff to enhance skills and become cross trained. Prepping for the transition to the new software, Yardi. Building partnerships with new vendors to provide PPE. Adjusting to the new normal of HACA Operations. Operating paperless and electronically more now than ever before.
PLANNING & DEVELOPMENT-JIMI TEASDALE	
1.	Working on HQ Bldg. Fresh Air Unit Replacement, Unit in custom fabrication, now.
2.	HVAC ION kits installed in four (4) development Community Room spaces (Santa Rita/BTW/Bouldin/Thurmond), utilized as distance learning labs.
3.	HQ Lobby Re-opening-Reception Counter glass wall divider now in, signage, floor decals, etc. selected and installed. Lobby "soft" opened Thursday, Oct 1, as scheduled. Based on that success, now auditing for and creating 2nd order of signage/decals/etc., for remote sites Lobby spaces.
4.	Still implementing some selective work with Contractors using PPE and distanced from residents and staff, and keeping the work moving that is possible to do, in safest ways we can.
QUALITY CONTROL-KELLY CRAWFORD	
1.	In addition to the standard ways the Compliance has adapted to working from home, staff is actively engaged in overseeing the RENT 2.0 program, including conducting quality assurance of our sub-contractors' work.
RAD-ANN GASS	
1.	We have held virtual meetings with Chalmers West residents who will relocate later this year. We continue to support residents who are relocated from Chalmers East via phone and email. The last returning resident moved back in to Goodrich in June.
2.	Construction continues at Chalmers East, with social distancing in place.
3.	Planning for HACA's final RAD conversion, Chalmers West, continues uninterrupted at this time.
4.	We are taking steps to restart the RAD rehabilitation work at Lakeside. The first project to be undertaken will be the elevator work.
5.	All staff working from home.

SOUTHWEST HOUSING COMPLIANCE CORPORATION-MICHAEL CUMMINGS

1.	Management and Occupancy Reviews (MORs) were suspended by HUD effective March 13, 2020. On May 22, 2020, HUD lifted the suspension and authorized Contract Administrators the option to conduct some or all previously scheduled MORs. In doing so, HUD also made temporary safety modifications to MORs by suspending the resident unit inspection portion of the MOR. Confirmation of unit conditions and past deficiency/repair corrections are now allowed through direct resident contact (phone or email) rather than entering units prior to resuming. Based on this development, SHCC resumed MORs the week of June 22, 2020. Almost simultaneously, a rapid increase in COVID-19 cases were being reported in Texas and Arkansas and SHCC began to receive confirmation of COVID-19 cases among residents and staff at X number of properties we were planning to visit. As a result, SHCC implemented a self-imposed suspension effective June 29, 2020.
	SHCC resumed MORs effective September 1, 2020 based on improving COVID conditions as well as improved remote capability modifications to MORs by HUD. 52 MORs were scheduled and 48 were performed. \$ were cancelled due to COVID related reasons affecting property operations and/or residents. Staff were again equipped with masks, hand sanitizer, and disinfectant wipes for each MOR and had been previously provided safety training specific to COVID-19 travel. Additionally, SHCC performed outreach to owner/agents to ensure the MOR can be performed with proper space for social distancing and that owner/agents will reciprocate in the use of PPE. Overall, the travel to and performance of the MORs went well. We will continue to monitor state and local COVID-19 conditions to ensure a reasonably safe travel and performance environment.
2.	At HUD's request, SHCC staff successfully processed 252 COVID Supplemental Payments (CSP) applications totaling \$1,226,229.00 on behalf of Owner/Agents in the SHCC portfolio. These efforts will result in \$37,800 in additional fee income.
3.	SHCC continues to perform updates to its work in progress tracking systems and overall policies and procedures to continue to prepare for the procurement of the SHCC contracts now expected sometime in 2021.
4.	All staff continue to work successfully from home. All HUD performance deadlines have been met and 100% of fees earned.

TECHNOLOGY MANAGEMENT & INNOVATION-ANDREA GALLOWAY

1.	Continued DocuSign implementation in HCV to assist in external document collection.
2.	Completed laptop distribution for LIH staff for added flexibility working from home and in the office.
3.	Held one on one technology trainings for HCV staff on various technology topics.
4.	Working on an automated evaluation process with HR.
5.	Continued support of staff in their work from home needs



Housing Authority of the City of Austin

Established in 1937

HACA RESIDENT & CLIENT SUPPORT CENTER AND RENT CENTER UPDATES

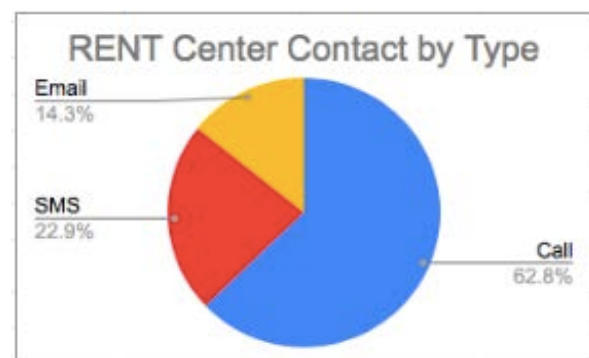
HACA Resident & Client Support Center

In September the HACA Resident & Client Support Center *inbound* calls slowed somewhat. Staff used the time to send over 800 text messages to residents regarding voter registration and school supply distributions. Residents responded that the registration information was very helpful and easy to use. One resident called in and said she couldn't read and hadn't ever voted. Staff in the call center researched assisted voting and not only helped the 55 year old resident get registered, but connected her with further resources to assist her when she is at the polls. Calls also continued to come in regarding the HACA At-Home Learning Survey and were directed to Austin Pathways Digital Inclusion interns.

Resident Concerns. Calls continue to come in from residents wanting help contacting their property manager, Section 8 caseworkers, and Admissions staff. The consistent comment heard from residents and non-residents. "I call this number because you always answer the phone." Bilingual staff taking calls from Spanish speaking residents have also noted a high level of need for information from these residents. The calls with Spanish speaking residents are almost twice as long on average, compared to calls with residents who speak English. Austin Pathways staff is working on solutions to address language barriers and foster better communication with residents whose first language is not English.

"Increasing engagement through more contact channels." Unfortunately, low-income household contact information can change often and is intermittent. For example, at the end of the month residents with limited minutes may switch to text only when they shut off their phones to preserve minutes. To serve residents through their available and preferred contact channel, the HRSC teams continue to integrate and verify data from resident programs and improve our contact quality and the number of HACA households reached.

RENT Assistance Center. The City of Austin Neighborhood Housing and Community Development Department (NHCD) provided \$1.2 million in emergency rental assistance to Austinites negatively affected financially by the COVID-19 crisis. From Friday, May 1 to Wednesday May 6, a cross-functional team of **43 HACA staff** provided information and application assistance by completing **2,998 inbound contacts** by email, SMS and phone calls.





Housing Authority of the City of Austin

Established in 1937

HACA AT-HOME LEARNING PROGRAM

Austin Pathways is committed to support resident children and parents to experience success in both “teacher-led” and “student-led” learning. In September, the AP team established three goals:

- Support Youth After School & Prevent Academic Slide.** (1) Communities in Schools (CIS) conducted “porch visits” to assist families with school registration and learning choices. CIS began meeting with youth at HACA sites in late September. (2) Boys and Girls Club is open at Meadowbrook with 20 youth participating; at Chalmers Courts with 15 youth participating and at Booker T. Washington with room for 25 students. Priority is given to youth with working parents or with high needs.
- Ensure Family Homes and HACA Community Rooms can support remote learning.** (1) Staff investigated models and safety requirements to use community rooms as remote classrooms. Necessary space and adult supervision may fit an afterschool program model most effectively. (2) We have engaged 8 residents certified as para-educators to provide remote support to HACA families. These para-educators will start additional training on remote learning tools to better assist students and parents. 12 additional residents have been engaged to start the 6-week Paraeducator certification program with ACC.
- Provide Parents with Tools & Resources to Provide 1:1 In-Home Classroom;** Help Parents Continue to Work Remotely from Home. (1) To secure affordable high-speed broadband access for every home classroom AISD will provide Wi-Fi buses; Austin Pathways is negotiating with paid and in-kind internet service providers; hotspot loans will be available and delivered through Austin Pathways and the Austin Public Library; (2) 73/200 devices for parents secured and en route to HACA AISD parents; (3) 14 ACC IT interns and Ambassadors providing technical support and assistance. *Additional detail, see Digital Inclusion report.*



Key elements of HACA’s At-Home Learning Program, including 1:1 Connected Classroom, Digital Literacy Tech Support, Trusted Resident-Led Family Support via Paraeducators, Safe HACA Community Center Learning Location.

HACA At-Home Learning Options

Purpose: Ensure families have needed resources while eliminating duplication of effort

1:1 Connected Home Classroom

Affordable High Speed Internet

- WiFi Hotspot
- Internet Kiosk / WiFi Bus
- Local Mesh Network
- Commercial Subscription Service: Buy Bulk or Reimburse Resident

Device 1:1

- School device for each child
AISD: Pre-K to 2nd gets tablet; 3-12 gets desktop
- Parent device
- Tablet or phone, as needed
- Timely, relevant deployment

Digital Literacy Tech Support

- School-provided tech support for child’s device
- ACC IT Intern tech support for parent’s device
- Smart City Ambassador Virtual Computer Lab
- No Cost Access to Online Curriculum

Trusted Resident-Led Family Support

- Digital Paraeducator
- Staff-Led Complex Multi-Issue Family Support
- Resident Support Specialists

Safe, Nearby Learning Location

Community Centers



HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02669

FINANCE ITEM NO. 3.

MEETING DATE: October 15, 2020

STAFF CONTACT: Ann Gass, Interim Chief Financial Officer

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02669: Operating Budget Revision for fiscal year April 2020 to March 2021

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

Motion to Approve Resolution No. 02669 Operating Budget Revision for fiscal year April 2020 to March 2021.

SUMMARY

Background:

The regulations of the U.S. Department of Housing and Urban Development require the Commissioners of the Housing Authority of the City of Austin to approve the Agency's Operating Budget revision.

Process:

Finance worked with Department managers to update the budget based on actual usage and forecast revenues and expenses through March 2021.

Staff Recommendation:

Approval is recommended.

ATTACHMENTS:

- ❑ **Exhibit 1 - FY 21 Budget Amendment Summary**
- ❑ **Exhibit 2 - Form HUD 52574**

RESOLUTION NO. 02669

RESOLUTION APPROVING THE REVISED OPERATING BUDGETS FOR THE FISCAL YEAR APRIL 1, 2020 TO MARCH 31, 2021

WHEREAS, the regulations of the U. S. Department of Housing and Urban Development require the Commissioners of a Public Housing Agency to approve Operating Budget revisions; and

WHEREAS, The Commissioners of the Housing Authority of the City of Austin have reviewed the revised Operating Budgets and do find:

1. That the proposed expenditures are necessary for the efficient and economical operation of the program for the purpose of serving low-income families.
2. That the financial plan is reasonable in that:
 - a. It includes sources of funding adequate to cover all proposed expenditures, and
 - b. It does not provide for use of Federal funding in excess of that payable under the provisions of the Annual Contributions Contract.
3. That all proposed rental charges and expenditures are consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Board of Commissioners of the Housing Authority of the City of Austin hereby certify that the Housing Authority of the city of Austin is in compliance with the Annual Contributions Contract; and

WHEREAS, the Board of Commissioners of the Housing Authority of the City of Austin hereby certify that the Housing Authority of the City of Austin is in compliance with the requirement of the Annual Contributions Contract, and that rents and utility allowance calculations have been, or will be, adjusted in accordance with current HUD requirements and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Fiscal Year 2021 Revised Operating Budgets, copies of such budgets attached be hereby approved by the Board of Commissioners of the Housing Authority of the City of Austin.

PASSED, APPROVED AND ADOPTED this 15th day of October 2020.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

2020/2021 Budget Revision	
Revenue Changes	
Assisted Housing received more funds in CARES ACT HAP and Admin Fees	\$5,871,516
Austin Pathways - Approved by the Board to fund At Home Learning Program	\$550,000
Sale of Scattered Sites	\$2,530,299
SHCC Revenue increase for last 3 months of fiscal year	\$2,723,389
SHCC donation to COCC, for Performance incentive, and cover other expenses,TMI, HR	\$602,638
COCC Management Fees from Eastland Plaza	\$232,976
Total Additional Revenue	\$12,510,818
Expense Changes	
Assisted Housing: Increase in Housing Assistance Payments	\$3,753,437
Austin Pathways: Adding At Home Learning Program and other Tenant Services	\$550,000
Central Office: Performance Incentives	\$345,830
Eastland Plaza: Increase in Management Fees paid to COCC	\$232,976
SHCC: Decrease of sundry expenses due to COVID19	-\$332,298
SHCC: Increase in Donations Expense to COCC, Austin Pathways	\$1,152,638
TMI: Decrease of Salary, Employee benefits and increase of contractor	\$103,542
TMI: Increase of computer equipments and software for WFH due to COVID19	\$153,266
Total Additional Expenses	\$5,959,391
Total Net Change with the budget revision	\$6,551,427
Current Budgeted Excess Revenue	\$7,462,296
Expected Excess Revenue After Budget Revision	\$14,013,723
Restricted New Revenue	\$6,283,736

HOUSING AUTHORITY OF THE CITY OF AUSTIN

SCHEDULE 1

ALL PROGRAMS

BUDGET ANALYSIS

	2020/2021 Approved	2020/2021 Revision	Over (Under) Prior Budget
REVENUE:			
Rental & Rental Related Income	\$ 15,547,295	\$ 15,547,295	\$ 0
Interest	17,779	17,779	0
HAP Reimbursements	496,374,095	500,127,532	3,753,437
HUD Subsidy, Fees and Grants	26,418,196	31,259,664	4,841,468
COCC Fees and Revenues	3,593,716	3,826,692	232,976
Gain/Loss on Sale of Scattered Sites	2,000,000	4,530,299	2,530,299
Public Donations	1,143,463	1,143,463	0
Non Federal Donations	12,057,908	13,210,546	1,152,638
Other Income	8,299,801	8,299,801	0
Total Revenues	\$ 565,452,253	\$ 577,963,071	\$ 12,510,818
EXPENSE:			
Administrative:			
Salaries	\$ 13,640,836	\$ 13,640,836	\$ 0
Performance Incentive	0	345,830	345,830
Legal	394,250	394,250	0
Travel & Training	570,566	570,566	0
Audit Fees	298,476	298,476	0
Office Rent/Utilities	216,287	216,287	0
Sundry Administrative	5,030,713	4,955,223	-75,490
Property General & Admin. Costs	730,031	730,031	0
Mgmt Fees & Commissions	3,593,716	3,826,692	232,976
Total Administrative	\$ 24,474,875	\$ 24,978,191	\$ 503,316
Maintenance:			
Labor	\$ 1,426,080	\$ 1,426,080	\$ 0
Materials	606,377	606,377	0
Contracts	3,724,829	3,724,829	0
Total Maintenance	\$ 5,757,286	\$ 5,757,286	\$ 0
General Expense:			
Insurance	\$ 961,010	\$ 961,010	\$ 0
Employee Benefit Contributions	7,563,167	7,563,167	0
Interest Expense	3,982,119	3,982,119	0

Property /FranchiseTaxes	115,838	115,838	0
Total General Expenses	\$ 12,622,134	\$ 12,622,134	\$ 0
Other Routine Expenses:			
Tenant Services	\$ 2,413,311	\$ 2,963,311	\$ 550,000
Utilities	3,293,291	3,293,291	0
Protective Services	617,290	617,290	0
Total Other Routine Expenses	\$ 6,323,892	\$ 6,873,892	\$ 550,000
Non-Routine Expenses:			
Other/ Land Lease	66,767	66,767	0
ExtraOrdinary Maintenance	75,000	75,000	0
Total Non-Routine Expenses	\$ 141,767	\$ 141,767	\$ 0
Housing Assistance Payments	\$ 496,374,095	\$ 500,127,531	\$ 3,753,436
Tenant Education Program	10,000	10,000	0
Fin. Lit. ED & Hm. Ownwership/ Other	3,000	3,000	0
Down payment Assistance	100,000	100,000	0
Community Initiatives/ Other	125,000	125,000	0
Donations to Housing Programs	12,057,908	13,210,546	1,152,638
Other Expenses/Donations	\$ 508,670,003	\$ 513,576,077	\$ 4,906,074
Total-All Expenses	\$ 557,989,957	\$ 563,949,347	\$ 5,959,390
PROVISION FOR RESERVE	\$ 7,462,296	\$ 14,013,724	\$ 6,551,428
Other Expenditures in FY20 Budget			
Debt Principal	936,609	936,609	0
Replacement Reserve	\$ 590,305	\$ 590,305	\$ 0
Total Other Expenditures in FY18 Budget	1,526,914	1,526,914	0
REMAINING BALANCE	\$ 5,935,382	\$ 12,486,810	\$ 6,551,428

PHA Board Resolution
Approving Operating Budget

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing -
Real Estate Assessment Center (PIH-REAC)

OMB No. 2577-0026
(exp. 07/31/2019)

Public reporting burden for this collection of information is estimated to average **10 minutes per response**, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required by Section 6(c)(4) of the U.S. Housing Act of 1937. The information is the operating budget for the low-income public housing program and provides a summary of the proposed/budgeted receipts and expenditures, approval of budgeted receipts and expenditures, and justification of certain specified amounts. HUD reviews the information to determine if the operating plan adopted by the public housing agency (PHA) and the amounts are reasonable, and that the PHA is in compliance with procedures prescribed by HUD. Responses are required to obtain benefits. This information does not lend itself to confidentiality.

PHA Name: *****PHA Code:

PHA Fiscal Year Beginning: *****Board Resolution Number:

Acting on behalf of the Board of Commissioners of the above-named PHA as its Chairperson, I make the following certifications and agreement to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

DATE

- ☐ Operating Budget approved by Board resolution on:
- ☐ Operating Budget submitted to HUD, if applicable, on:
- ☐ Operating Budget revision approved by Board resolution on:
- ☐ Operating Budget revision submitted to HUD, if applicable, on:

I certify on behalf of the above-named PHA that:

1. All statutory and regulatory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditure are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The PHA will comply with the wage rate requirement under 24 CFR 968.110(c) and (f); and
6. The PHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i).

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, if applicable, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012.31, U.S.C. 3729 and 3802)

Print Board Chairperson's Name:	Signature:	Date:
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HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02670

ASSISTED HOUSING ITEM NO. 4.

MEETING DATE: October 15, 2020

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Presentation, Discussion and Possible Action regarding Resolution No. 02670: Approval of the adoption of the revised Housing Choice Voucher Program's Payment Standards

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to review and approve Resolution No. 02670 which will update the Housing Choice Voucher Program's Payment Standards.

SUMMARY

Background:

Housing Authorities are required to adopt Payment Standards for the Housing Choice Voucher Program between 90 and 110 percent of the currently published fair market rents.

Staff Recommendation:

The 2021 fair market rents (FMRs) reflect an average increase of 6% over last year's published FMRS. On November 21, 2019, the payment standards were approved by the Board at 100% of published fair market rents.

The rising Austin rental rates continue to make it difficult for housing choice voucher families to locate affordable homes in the Austin area. In analyzing the factors outlined below, staff's recommendation is to adjust the payment standards to 100% of the recently published fair market rents for all bedroom sizes. Staff will continue to exercise the flexibility to approve payment standards up to 120% of the published fair market rents as a reasonable accommodation for persons with disabilities.

The recommendation is proposed in consideration of the following information:

By adjusting the payment standards as recommended, HACA is helping to ensure that rental assistance provided is competitive with the rising rents in the Austin metropolitan area and that families can locate affordable housing.

An analysis of the following reports reflect that proposed Payment Standards are below market rents:

- GoSection 8 Payment Standards Analysis report
- Austin Multi-Family Trend Report 2nd quarter 2020
- Austin Board of Realtors Multiple Listing Service Analysis of market rate units.

The New Payment Standards, if approved, will go into effect February 1, 2021.

ATTACHMENTS:

- ▣ **HUD published FMRS 2021**
- ▣ **Austin Trend Report 2Q 2020**

RESOLUTION NO. 02670

**APPROVAL OF THE ADOPTION OF THE REVISED HOUSING CHOICE VOUCHER
PROGRAM'S PAYMENT STANDARDS**

WHEREAS, the Housing Authority of the City of Austin is responsible for adopting payment standards between 90 and 110 percent of the published fair market rents;

WHEREAS, the Housing Authority of the City of Austin strives to ensure that rental assistance provided is competitive with rents in the Austin metropolitan area and that families can locate affordable housing;

WHEREAS, based on analysis of the Austin rental market compared to fair market rents, the Housing Authority of the City of Austin requests approval to adopt payment standards at 100% of the currently published fair market rents for all bedroom unit sizes.

The proposed payment standards are as follows:

No. of bedrooms	Eff.	1 br	2 br	3br	4 br	5 br
Payment Standards	\$1,059	\$1,212	\$1,434	\$1,848	\$2,207	\$2,538

NOW, THEREFORE, BE IT RESOLVED, that the Housing Authority of the City of Austin's Board of Commissioners adopts payment standards as outlined above to go into effect on February 1, 2021.

PASSED, APPROVED and ADOPTED this 15th day of October, 2020.

Carl S. Richie, Jr., Chairperson

Michael G. Gerber, Secretary



FY 2021 FAIR MARKET RENT DOCUMENTATION SYSTEM

The FY 2021 Austin-Round Rock, TX MSA FMRs for All Bedroom Sizes

Final FY 2021 & Final FY 2020 FMRs By Unit Bedrooms

Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2021 FMR	\$1,059	\$1,212	\$1,434	\$1,848	\$2,207
FY 2020 FMR	\$988	\$1,134	\$1,356	\$1,763	\$2,128

The Austin-Round Rock, TX MSA consists of the following counties: Bastrop County, TX; Caldwell County, TX; Hays County, TX; Travis County, TX; and Williamson County, TX. All information here applies to the entirety of the Austin-Round Rock, TX MSA.

Fair Market Rent Calculation Methodology

[Show/Hide Methodology Narrative](#)

Fair Market Rents for metropolitan areas and non-metropolitan FMR areas are developed as follows:

1. 2014-2018 5-year American Community Survey (ACS) estimates of 2-bedroom adjusted standard quality gross rents calculated for each FMR area are used as the new basis for FY2021 provided the estimate is statistically reliable. For FY2021, the test for reliability is whether the margin of error for the estimate is less than 50% of the estimate itself and whether the ACS estimate is based on at least 100 survey cases. HUD does not receive the exact number of survey cases, but rather a categorical variable known as the count indicator indicating a range of cases. An estimate based on at least 100 cases corresponds to a count indicator of 4 or higher.

If an area does not have a reliable 2014-2018 5-year, HUD checks whether the area has had at least minimally reliable estimate in any of the past 3 years, or estimates that meet the 50% margin of error test described above. If so, the FY2021 base rent is the average of the inflated ACS estimates.

If an area has not had a minimally reliable estimate in the past 3 years, the estimate State for the area's corresponding metropolitan area (if applicable) or

State non-metropolitan area is used as the basis for FY2021.

2. HUD calculates a recent mover adjustment factor by comparing a 2018 1-year 40th percentile recent mover 2-bedroom rent to the 2014-2018 5-year 40th percentile adjusted standard quality gross rent. If either the recent mover and non-recent mover rent estimates are not reliable, HUD uses the recent mover adjustment for a larger geography. For metropolitan areas, the order of geographies examined is: FMR Area, Entire Metropolitan Area (for Metropolitan Sub-Areas), State Metropolitan Portion, Entire State, and Entire US; for non-metropolitan areas, the order of geographies examined is: FMR Area, State Non-Metropolitan Portion, Entire State, and Entire US. The recent mover adjustment factor is floored at one.
3. HUD calculates the appropriate recent mover adjustment factor between the 5-year data and the 1-year data and applies this to the 5-year base rent estimate.
4. Rents are calculated as of 2019 using the relevant (regional or local) change in gross rent Consumer Price Index (CPI) from annual 2018 to annual 2019.
5. All estimates are then inflated from 2019 to FY2021 using a trend factor based on the forecast of gross rent changes through FY2021.
6. FY2021 FMRs are then compared to a State minimum rent, and any area whose preliminary FMR falls below this value is raised to the level of the State minimum.
7. FY2021 FMRs may not be less than 90% of FY2020 FMRs.

The results of the Fair Market Rent Step-by-Step Process

1. The following are the 2018 American Community Survey 5-year 2-Bedroom Adjusted Standard Quality Gross Rent estimate and margin of error for Austin-Round Rock, TX MSA.

Area	ACS ₂₀₁₈ 5-Year 2-Bedroom Adjusted Standard Quality Gross Rent	ACS ₂₀₁₈ 5-Year 2-Bedroom Adjusted Standard Quality Gross Rent Margin of Error	Ratio	Sample Size Category	Result
Austin-Round Rock, TX MSA	<u>\$1,184</u>	\$9	$\frac{\$9}{\$1,184} = 0.008$	6	$0.008 < .5$ $6 \geq 4$ Use ACS ₂₀₁₈

5-Year
Austin-
Round
Rock, TX
MSA 2-
Bedroom
Adjusted
Standard
Quality
Gross
Rent

Since the ACS₂₀₁₈ Margin of Error Ratio is less than .5, the ACS₂₀₁₈ Austin-Round Rock, TX MSA value is used for the estimate of 2-Bedroom Adjusted Standard Quality Gross Rent:

Area	FY2021 Base Rent
Austin-Round Rock, TX MSA	\$1,184

2. A recent mover adjustment factor is applied based on the smallest area of geography which contains Austin-Round Rock, TX MSA and has an ACS₂₀₁₈ 1-year Adjusted Standard Quality Recent-Mover estimate with a Margin of Error Ratio that is less than .5.

Area	ACS ₂₀₁₈ 1-Year Adjusted Standard Quality Recent-Mover Gross Rent	ACS ₂₀₁₈ 1-Year Adjusted Standard Quality Recent-Mover Gross Rent Margin of Error	Ratio	Sample Size Category	Result
Austin-Round Rock, TX MSA – 2 Bedroom	\$1,335	\$35	0.026	6	0.026 < .5 6 ≥ 4 Use ACS ₂₀₁₈ 1-Year Austin-Round Rock, TX MSA 2-Bedroom Adjusted Standard Quality Recent-Mover Gross Rent

The smallest area of geography which contains Austin-Round Rock, TX MSA and has an ACS₂₀₁₈ 1-year Adjusted Standard Quality Recent-Mover estimate with a Margin of Error Ratio that is less than .5 and with a sufficient number of sample cases is Austin-Round Rock, TX MSA.

3. The calculation of the relevant Recent-Mover Adjustment Factor for Austin-Round Rock, TX MSA is as follows:

ACS₂₀₁₈ 5-Year Area	ACS₂₀₁₈ 5-Year 40th Percentile Adjusted Standard Quality Gross Rent	ACS₂₀₁₈ 1-Year 40th Percentile Adjusted Standard Quality Recent-Mover Gross Rent
Austin-Round Rock, TX MSA – 2 Bedroom	\$1,184	\$1,335

Area	Ratio	Recent-Mover Adjustment Factor
Austin-Round Rock, TX MSA	$\frac{\$1,335}{\$1,184} = 1.128$	$1.1275 \geq 1.0$ Use calculated Recent-Mover Adjustment Factor of 1.1275

4. The calculation of the relevant CPI Update Factors for Austin-Round Rock, TX MSA is as follows: HUD updates the 2018 intermediate rent with the ratio of the annual 2019 local or regional CPI to the annual 2018 local or regional CPI to establish rents as of 2019.

	Update Factor	Type
CPI Update Factor	1.0295	Region CPI

5. The calculation of the Trend Factor is as follows: HUD forecasts the change in national gross rents from 2019 to 2021 for each CPI area and Census Region. This makes Fair Market Rents "as of" FY2021.

Trend Factor	Trend Factor Type
1.0433	Region

6. The FY 2021 2-Bedroom Fair Market Rent for Austin-Round Rock, TX MSA is calculated as follows:

Area	ACS₂₀₁₈ 5-Year Estimate	Recent-Mover Adjustment Factor	Annual 2018 to 2019 CPI Adjustment	Trending 1.0433 to FY2021	FY 2021 2-Bedroom FMR
Austin-Round Rock, TX MSA	\$1,184	1.1275	1.0295	1.0433	$\$1,184 * 1.128 * 1.0295 * 1.0433 = \$1,434$

7. In keeping with HUD policy, the preliminary FY 2021 FMR is checked to ensure that it does not fall below the state minimum.

Area	Preliminary FY2021 2-Bedroom FMR	FY 2021 Texas State Minimum	Final FY2021 2-Bedroom FMR
Austin-Round Rock, TX MSA	\$1,434	\$734	\$1,434 ≥ \$734 Use Austin-Round Rock, TX MSA FMR of \$1,434

8. Bedroom ratios are applied to calculate FMRs for unit sizes other than two bedrooms.

Click on the links in the table to see how the bedroom ratios are calculated.

FY 2021 FMRs By Unit Bedrooms					
	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2021 FMR	\$1,059	\$1,212	\$1,434	\$1,848	\$2,207

9. The FY2021 FMR must not be below 90% of the FY2020 FMR.

	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY2020 FMR	\$988	\$1,134	\$1,356	\$1,763	\$2,128
FY2020 floor	\$890	\$1,021	\$1,221	\$1,587	\$1,916
FY 2021 FMR	\$1,059	\$1,212	\$1,434	\$1,848	\$2,207
Use FY2020 floor for FY2021?	No	No	No	No	No

Final FY2021 Rents for All Bedroom Sizes for Austin-Round Rock, TX MSA

The following table shows the Final FY 2021 FMRs by bedroom sizes.

Final FY 2021 FMRs By Unit Bedrooms					
	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom

Final FY 2021 FMR	\$1,059	\$1,212	\$1,434	\$1,848	\$2,207
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The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four bedroom FMR, for each extra bedroom. For example, the FMR for a five bedroom unit is 1.15 times the four bedroom FMR, and the FMR for a six bedroom unit is 1.30 times the four bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero bedroom (efficiency) FMR.

Permanent link to this page:

http://www.huduser.gov/portal/datasets/fmr/fmrs/FY2021_code/2021summary.odn?&year=2021&fmrtype=Final&cbsasub=METRO12420M12420

Select a different area

Press below to select a different county within the same state (same primary state for metropolitan areas):

Anderson County, TX
Andrews County, TX
Angelina County, TX
Aransas County, TX
Archer County, TX

Select a new county

Press below to select a different state:

Select a new state

Select a Final FY 2021 Metropolitan FMR Area:

Austin-Round Rock, TX MSA

Select Metropolitan FMR Area

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[FMR/IL Summary System](#) |
[Multifamily Tax Subsidy Project \(MTSP\) Income Limits](#) |
[HUD LIHTC Database](#)

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Austin Multi-Family Trend Report

Second Quarter, 2020



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Austin Quarterly Snapshot

Average Occupancy:	91.69%
Average Rent:	\$1,290
Average Square Feet:	862
Average \$/SF:	\$1.50
New Units Added	2,183
Average Sales Price/Unit:	\$154,563



Did You Know

The statistics in this report are based on conventional properties unless otherwise noted. For further information, all of our data can be searched on the website.

2Q20 Affordable Housing Stats:

20,542 Units – 90.6% - \$1.17psf

2Q20 Student Housing Stats:

14,698 Units – 89.43% - \$1.81psf

2Q20 Senior Housing Stats:

5,638 Units – 88.72% - \$1.44psf

Published by Apartmenttrends.com

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Market Overview

Settling into Covid Pandemic

After a 10 year period of positive rent growth and absorption, Covid-19 has infected the local apartment market. Much like the first quarter that started out strong and was then dealt a harsh blow when the pandemic hit, the second quarter was enjoying the re-opening of the city when an increase in positive cases caused another shutdown in the latter part of June.

Despite the setbacks, the market has retained a spark of resistance, with management companies adjusting to the new norm and developers moving forward with construction. Leasing agents worked around closed offices by offering virtual tours and appointment-only, masked viewings.

Some areas fared better than others, with the pricey, yet heavily populated, downtown areas reporting the highest declines in both rent and occupancy. Once desired amenities such as social spaces and elevator access became a bane to resident retention.

Overall, much of the lack of tenant retention, was reported as people moved in with family/friends but mostly due to home purchases.

Rent and Occupancy

During the quarter, overall rents declined 3.4% to reach \$1.52 psf, or \$1,290/mo, while occupancy retreated back to 2017 levels. Absorption levels improved from the previous quarter, but remained in the negative for the second consecutive quarter. With the exception of the E and NEC sectors, all areas of the market struggled during the quarter. While some pockets of the city will fare better than others, this negative/flat trend is expected to continue over the coming year.

Development

Despite the notable losses during the first half of 2020, the construction pipeline was unyielding and may be set to further impact the market. In total, there are currently over 29,000 units under construction with over 14,000 anticipating completion over the next 12 months. In addition, and excluding the nearly 10,000 units that are longterm "Domain style" developments, there are 37,806 units in the pipeline actively awaiting a permit or ground breaking. This current and proposed flood of units has the potential for a negative impact on a market that is currently struggling to maintain the status quo.

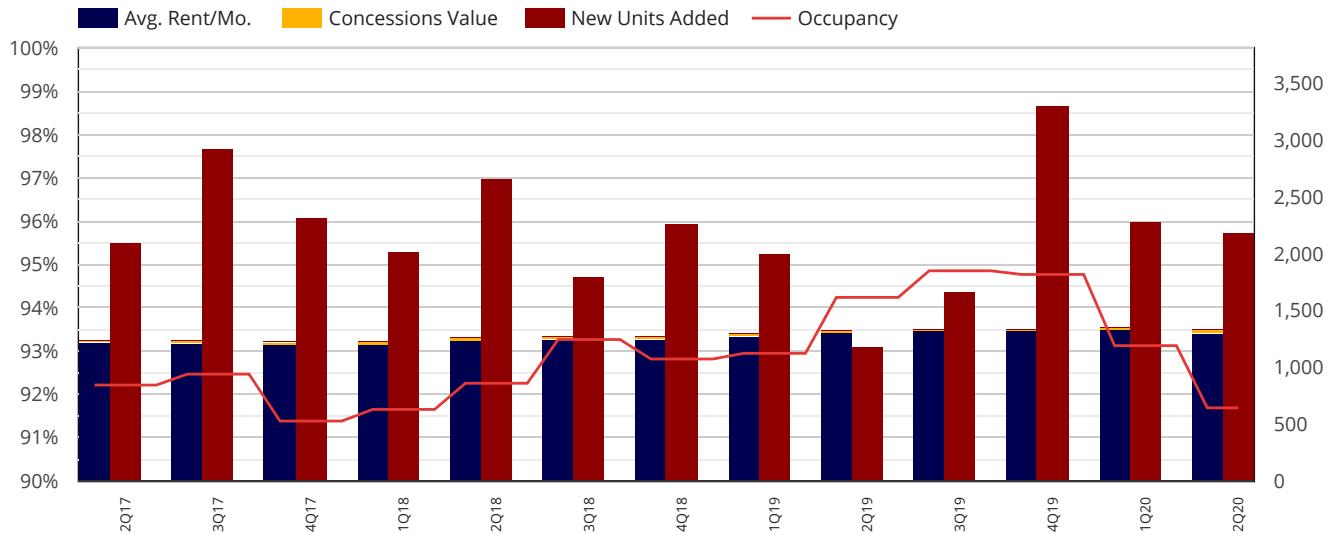
Property Sales

Investors were turned off by the uncertainty in both the local and global markets, with many refraining from selling their assets. Buyers were leery as well, with some dropping their contracts during the first half of the year.

Job Growth/Unemployment

Industries, including the apartment market, were saved from an economic free-fall by way of local and federal stimulus funds. PPA loans and unemployment bonuses, along with a ban on evictions, kept the overall market in check and many tenants in their homes. However, despite a fall in unemployment rates, from 11.4% in May to 7.5% in June, eviction tsunamis have been projected as stimulus help will end at the end of July and the City of Austin's eviction moratorium will be lifted on September 30th. The market is not expected to regain the momentum previously achieved, and there will be plenty of challenges ahead finding balance with the long-term effects of Covid-19.

Historical Rents and Occupancy



	2Q17	3Q17	4Q17	1Q18	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Avg. Rent/Mo	\$1,225	\$1,215	\$1,195	\$1,203	\$1,235	\$1,249	\$1,248	\$1,269	\$1,308	\$1,323	\$1,323	\$1,335	\$1,290
Concessions	\$14	\$17	\$25	\$23	\$23	\$21	\$22	\$24	\$12	\$11	\$9	\$13	\$39
New Units	2,096	2,923	2,320	2,019	2,660	1,803	2,264	1,999	1,184	1,666	3,305	2,283	2,183
Occupancy	92.2%	92.5%	91.4%	91.7%	92.3%	93.3%	92.8%	92.9%	94.2%	94.9%	94.8%	93.1%	91.7%
Avg. \$/SF	\$1.43	\$1.41	\$1.39	\$1.40	\$1.44	\$1.45	\$1.45	\$1.47	\$1.52	\$1.54	\$1.54	\$1.55	\$1.50

The current pandemic has amplified what would have been a subtle dip in the Austin apartment market. A sharp increase in new unit completions, that started in the fourth quarter, was taxing occupancy and pushing up rents, but the addition of COVID has put a strain on occupancy and caused rents to fall and concessions to rise.

The second quarter saw occupancy down 1.4% to reach 91.7%, an annual decrease of 2.6%. Effective rental rates fell a whopping 3.4%, to \$1.50 psf, or \$1,290/mo. This is the largest decrease seen since 2002 and represents an annual decline of 1.45%.

The affordably priced NEC was the only area to report increases in both rent and occupancy. A few areas traded rent for occupancy, or vice versa, but 17 of the 23 sectors reported a decline in both rent and occupancy.

The more popular, pricier and, currently important, denser areas saw an exodus of residents with occupancy rates falling 4-5% during the quarter, leading to a reduction in rents as well. These areas included the C (-5%), CBD (-8.4%), EC (-10.3%), and the NC (-7.9%).

The UT area was another one that struggled, as students were uncertain that school would resume in the fall and held off on early rentals. Units in this area saw a 5.5% decrease in occupancy and a loss of 1.27% in rents.

Concessions increased considerably over the quarter, in both prevalence and cost. Overall, the value of incentives increased almost 2%, from an average of \$13/mo off in the first quarter to \$39/mo in the second. The largest concessions were found in the same areas that saw the highest declines in occupancy - C (4.2%), CBD (5.5%), EC (8.4%) and NC (6.3%).

Need More Information?

The Trend Report is meant to be a derivative of all of the data we collect in-house on all properties. The following are a few suggested reports when you need more than a gauge on market conditions. Our data is comprehensive, transparent and available through our interactive search on our website to allow you to specify your own criteria to gauge your own market. The following reports will likely be of great benefit on your specific market:

- Market Comparison Report
- Development Pipeline
- Comprehensive Profiles
- Historical Absorption
- And many more...

Visit our website
www.apartmenttrends.com

Austin Region Multi-Family Trend Report / 2Q20

Continued from page 3

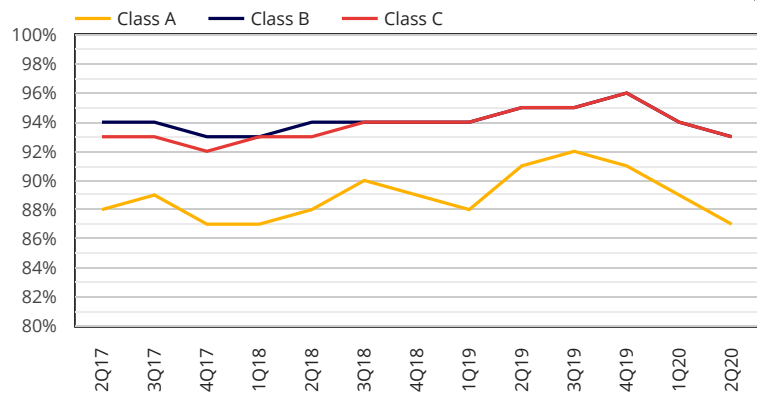
Newer developments that based much of their amenity offerings around social spaces/lounges, found themselves searching for value-added options to appease their residents who were paying a premium for amenities that were no longer available due to social distancing requirements and stay-at-home protocols. Some hired concierge services to offer pickup and delivery options to residents, including dry cleaning, groceries and even laundry service. Found primarily in the upper-end Class A properties, this offering was appreciated, but not enough to keep tenants in place. Overall occupancy in Class A fell 2.4% to reach 87.5%, while rents plummeted 4.5% to reach \$1.67 psf. While the decrease in occupancy for the 197 stabilized Class A units (built prior to the last 12 months), was only 1.4%, to reach 93%, rents fell even further, down 4.8%, to \$1.66 psf. The newest unit completions dragged occupancy down, and although they averaged rents at \$1.74 psf, this reflected concessions that ran over 8%, or \$141/mo off market rates.

Class B properties saw decreases in both occupancy and rent, with the former falling 1.1%, to 93.7%, and the latter down 3.6% to \$1.39 psf.

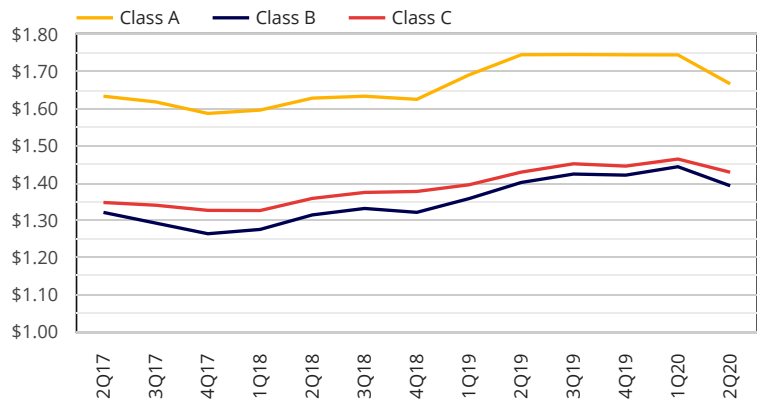
Class C units reported the smallest declines, with occupancy down .78% to 93.8%, and rents falling 2.4% to reach \$1.43 psf. Because the Austin area is Class C heavy in prominent "pricey" locations, the overall average exceeds Class B units.

Continued on page 7

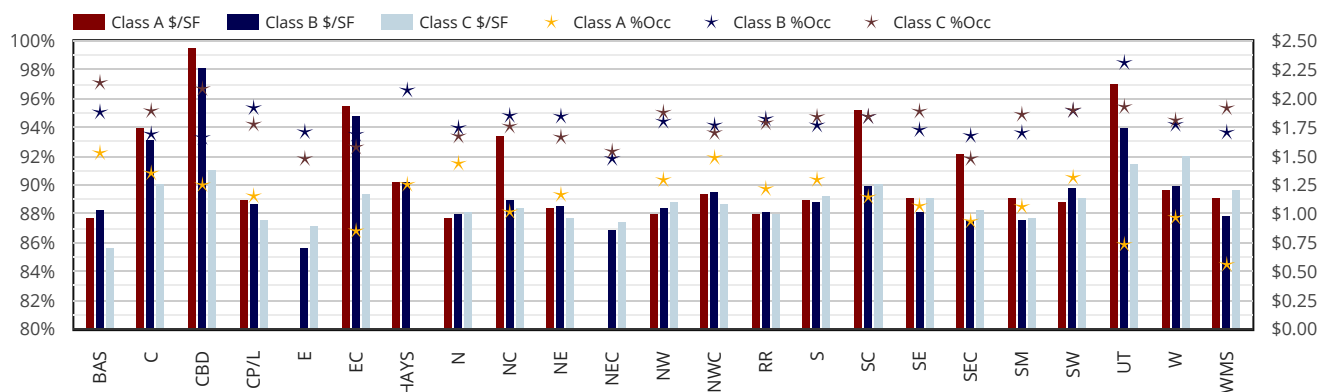
Historical Occupancy by Class



Historical Rental Rates by Class



Submarket Average \$/SF & Occupancy by Class



OCCUPANCY AND RENTAL RATES

2Q20	CLASS A		STAB CLASS A		CLASS B		CLASS C		TOTALS		QTR CHANGE		ANN CHANGE	
	OCC	RENT	OCC	RENT	OCC	RENT	OCC	RENT	OCC	RENT	OCC	RENT	OCC	RENT
BAS	96.3%	\$1.24	95.1%	\$1.33	94.5%	\$1.13	96.4%	\$1.01	95.5%	\$1.15	1.9%	-1.71%	2.0%	0.07%
C	91.9%	\$2.08	91.9%	\$2.08	87.0%	\$1.95	92.7%	\$1.74	90.9%	\$1.90	-4.1%	-5.01%	-0.3%	-4.59%
CBD	90.6%	\$2.74	92.0%	\$2.66	89.5%	\$2.35	78.0%	\$1.90	89.8%	\$2.54	-2.1%	-8.40%	-2.8%	-9.75%
CP/L	82.1%	\$1.47	93.3%	\$1.39	93.9%	\$1.25	96.2%	\$1.24	86.8%	\$1.38	-4.3%	-1.83%	-7.3%	1.67%
E	-	-	-	-	-	-	93.9%	\$1.20	93.9%	\$1.20	-	1.49%	-	2.47%
EC	89.4%	\$2.07	90.8%	\$2.05	88.1%	\$1.72	93.9%	\$1.71	89.8%	\$1.98	-3.8%	-10.28%	-2.0%	-7.76%
HAYS	91.9%	\$1.40	95.0%	\$1.39	97.9%	\$1.31	-	-	92.7%	\$1.38	1.7%	-2.04%	2.4%	1.58%
N	86.5%	\$1.55	94.3%	\$1.50	93.9%	\$1.35	94.2%	\$1.41	93.5%	\$1.41	-0.1%	-0.25%	-2.5%	4.23%
NC	81.7%	\$1.85	91.0%	\$1.78	94.9%	\$1.54	93.9%	\$1.44	86.8%	\$1.69	-4.8%	-7.92%	-4.6%	-6.37%
NE	88.4%	\$1.41	92.8%	\$1.40	94.2%	\$1.27	96.7%	\$1.37	92.0%	\$1.35	-1.1%	-3.83%	-2.0%	2.14%
NEC	-	-	-	-	94.9%	\$1.25	92.5%	\$1.35	92.6%	\$1.34	1.4%	0.34%	-2.5%	2.61%
NW	94.7%	\$1.48	95.5%	\$1.47	93.8%	\$1.28	93.4%	\$1.37	93.7%	\$1.34	-1.1%	-5.65%	-2.3%	-2.51%
NWC	-	-	-	-	94.7%	\$1.32	95.0%	\$1.37	94.9%	\$1.36	0.3%	-7.10%	1.3%	-5.94%
RR	90.9%	\$1.34	94.7%	\$1.34	94.6%	\$1.26	95.7%	\$1.36	94.0%	\$1.29	-1.0%	-1.37%	-1.4%	0.07%
S	89.4%	\$1.56	94.2%	\$1.56	93.5%	\$1.46	94.0%	\$1.46	92.2%	\$1.49	-0.4%	0.26%	-2.1%	2.67%
SC	90.9%	\$2.25	90.9%	\$2.25	90.8%	\$1.91	92.9%	\$1.68	92.0%	\$1.92	-2.6%	-2.54%	-2.9%	-3.99%
SE	87.8%	\$1.42	94.2%	\$1.40	94.6%	\$1.35	95.1%	\$1.35	91.7%	\$1.38	-2.8%	-1.60%	-3.4%	-3.15%
SEC	83.2%	\$1.93	91.9%	\$1.94	94.7%	\$1.52	93.6%	\$1.43	91.1%	\$1.57	-0.3%	-1.08%	-4.2%	-0.72%
SM	76.6%	\$1.32	91.1%	\$1.28	95.1%	\$1.27	93.1%	\$1.20	89.7%	\$1.24	-0.6%	-0.61%	-6.0%	-1.88%
SW	91.9%	\$1.56	93.9%	\$1.57	94.2%	\$1.41	94.9%	\$1.35	93.5%	\$1.45	-0.2%	-1.69%	-1.0%	-3.21%
UT	94.7%	\$2.36	94.7%	\$2.36	-	-	85.4%	\$1.97	89.9%	\$2.19	-5.5%	-1.27%	-2.7%	-0.43%
W	91.2%	\$1.53	91.2%	\$1.53	94.1%	\$1.40	86.0%	\$1.73	92.1%	\$1.48	-0.9%	-3.77%	0.6%	2.25%
WMS	78.1%	\$1.37	94.5%	\$1.40	94.2%	\$1.28	97.3%	\$1.38	84.8%	\$1.35	-2.3%	-3.20%	-2.2%	-1.10%
TOTAL	87.5%	\$1.67	93.0%	\$1.66	93.7%	\$1.39	93.8%	\$1.43	91.7%	\$1.50	-1.4%	-3.40%	-2.6%	-1.45%
% OF TOTAL	CLASS A		STAB CLASS A		CLASS B		CLASS C		TOTALS					
	244 PROPERTIES (29%)		197 PROPERTIES		209 PROPERTIES (25%)		387 PROPERTIES (46%)		840 PROPERTIES					
	66,965 UNITS (33%)		56,219 UNITS		63,121 UNITS (31%)		75,110 UNITS (37%)		205,196 UNITS					

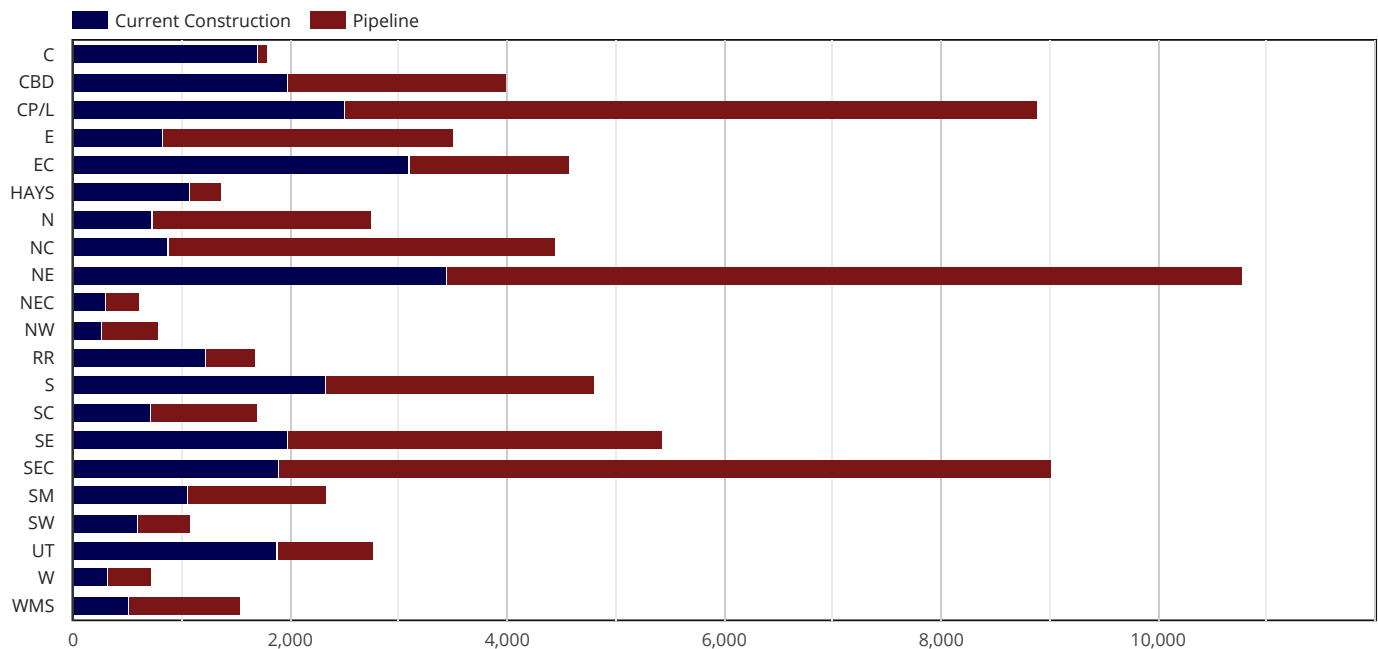
Austin Region Multi-Family Trend Report / 2Q20

UNIT MIX

2Q20	Efficiency		1 Bedroom		2 Bedrooms		3 Bedrooms		4+ Bedrooms		Overall		Concess	#
	SF	RENT	SF	RENT	SF	RENT	SF	RENT	SF	RENT	SF	RENT	Adjust	Props.
BAS	-	-	681	\$876	959	\$1,040	1,182	\$1,346	-	-	872	\$999	3.62%	8
C	484	\$1,069	698	\$1,397	1,046	\$1,802	1,327	\$2,678	-	-	804	\$1,527	4.19%	38
CBD	561	\$1,646	824	\$2,087	1,326	\$3,315	2,169	\$5,712	-	-	982	\$2,493	5.50%	19
CP/L	564	\$1,025	755	\$1,164	1,117	\$1,399	1,347	\$1,704	1,689	\$1,932	935	\$1,291	2.51%	44
E	500	\$874	725	\$958	1,037	\$1,118	-	-	-	-	854	\$1,028	2.15%	2
EC	435	\$1,089	729	\$1,515	1,119	\$1,983	1,346	\$2,064	1,015	\$1,198	802	\$1,588	8.42%	26
HAYS	562	\$1,020	705	\$1,054	1,036	\$1,335	1,263	\$1,625	-	-	864	\$1,196	1.73%	17
N	442	\$812	674	\$1,015	1,001	\$1,297	1,275	\$1,617	1,917	\$2,129	800	\$1,126	1.70%	82
NC	513	\$1,086	715	\$1,256	1,050	\$1,625	1,296	\$1,782	-	-	798	\$1,349	6.28%	37
NE	524	\$867	720	\$1,052	1,062	\$1,330	1,369	\$1,634	1,725	\$2,042	876	\$1,183	1.41%	56
NEC	407	\$895	657	\$931	938	\$1,184	1,186	\$1,418	1,500	\$1,600	779	\$1,047	1.95%	20
NW	494	\$884	731	\$1,064	1,067	\$1,328	1,391	\$1,607	1,786	\$2,215	892	\$1,193	2.78%	95
NWC	434	\$865	693	\$1,027	1,035	\$1,290	1,418	\$1,721	1,800	\$2,088	844	\$1,149	3.56%	24
RR	514	\$911	744	\$1,036	1,045	\$1,297	1,304	\$1,534	1,786	\$1,767	920	\$1,188	1.50%	47
S	456	\$893	706	\$1,148	1,035	\$1,424	1,339	\$1,742	1,417	\$1,867	853	\$1,274	2.16%	60
SC	481	\$1,186	709	\$1,447	1,014	\$1,734	1,467	\$2,793	1,201	\$2,258	806	\$1,545	2.76%	60
SE	452	\$856	694	\$1,055	1,037	\$1,323	1,264	\$1,569	1,193	\$1,529	858	\$1,186	2.39%	22
SEC	472	\$1,041	675	\$1,136	986	\$1,398	1,276	\$1,949	1,298	\$1,727	794	\$1,250	2.13%	59
SM	419	\$713	686	\$954	931	\$1,076	1,175	\$1,272	1,441	\$1,372	829	\$1,028	2.31%	33
SW	562	\$1,080	773	\$1,213	1,109	\$1,478	1,344	\$1,782	-	-	926	\$1,341	2.27%	35
UT	446	\$1,168	682	\$1,474	968	\$1,907	1,302	\$3,002	2,157	\$5,505	787	\$1,725	0.40%	12
W	423	\$1,279	799	\$1,299	1,205	\$1,729	1,590	\$2,093	2,179	\$2,184	1,038	\$1,537	2.50%	19
WMS	612	\$1,022	746	\$1,099	1,071	\$1,358	1,371	\$1,630	1,805	\$2,071	928	\$1,249	3.86%	25
TOTAL	485	\$1,049	718	\$1,166	1,050	\$1,438	1,352	\$1,752	1,775	\$2,218	862	\$1,290	2.93%	840
% OF TTL	6,844 Units 3.3%		114,417 Units 55.8%		74,163 Units 36.1%		9,004 Units 4.4%		750 Units 0.4%					



DEVELOPMENT PIPELINE DISTRIBUTION



Historical Construction Activity

Quarter by Quarter Comparison

Activity	2Q17	3Q17	4Q17	1Q18	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Starts (TTL)	2,115	2,910	1,842	3,538	3,968	4,755	4,352	2,089	6,662	3,771	3,771	5,123	2,414
Submittals (TTL)	4,092	2,980	2,987	4,693	3,421	4,607	4,730	4,366	6,731	7,170	5,304	7,598	6,792
New Units Added (CNV)	2,096	2,923	2,320	2,019	2,660	1,803	2,264	1,999	1,184	1,666	3,305	2,283	2,183
New Units Added (Non-CNV)	379	744	696	418	693	842	585	523	524	1,021	720	302	1,219
Absorption (CNV)	2,173	3,124	-158	2,235	3,531	3,423	1,494	2,012	3,730	2,783	2,959	-1,430	-573
Occupancy (CNV)	92.21%	92.47%	91.38%	91.65%	92.26%	93.27%	92.82%	92.95%	94.24%	94.86%	94.77%	93.13%	91.69%

Continued from page 4

While the construction industry as a whole has weathered the pandemic well thus far, due to the built-in social distancing nature of the job, funding issues have stifled some future plans for development, and other projects have been outright canceled.

New starts were less than half of what was seen in the first three months of the year, yet 2,414 units, in 12 projects, did break ground during the second quarter. Added to the units already underway, there are currently 120 projects, with 29,190 units, under construction. Of these, 79% are designated conventional.

Despite the setbacks, and the current uncertainty in the global markets, many developers continued forward with their plans. There were 29 properties, with 6,792 units, submitted into permitting during the quarter, bringing the total number of units waiting for approval to 31,559. Over 88% of these are conventional and can be found distributed throughout the Austin area, with heavy concentration in the following areas: NE (12%), SEC & SE (13%), EC (11%) and CP/L (9%).

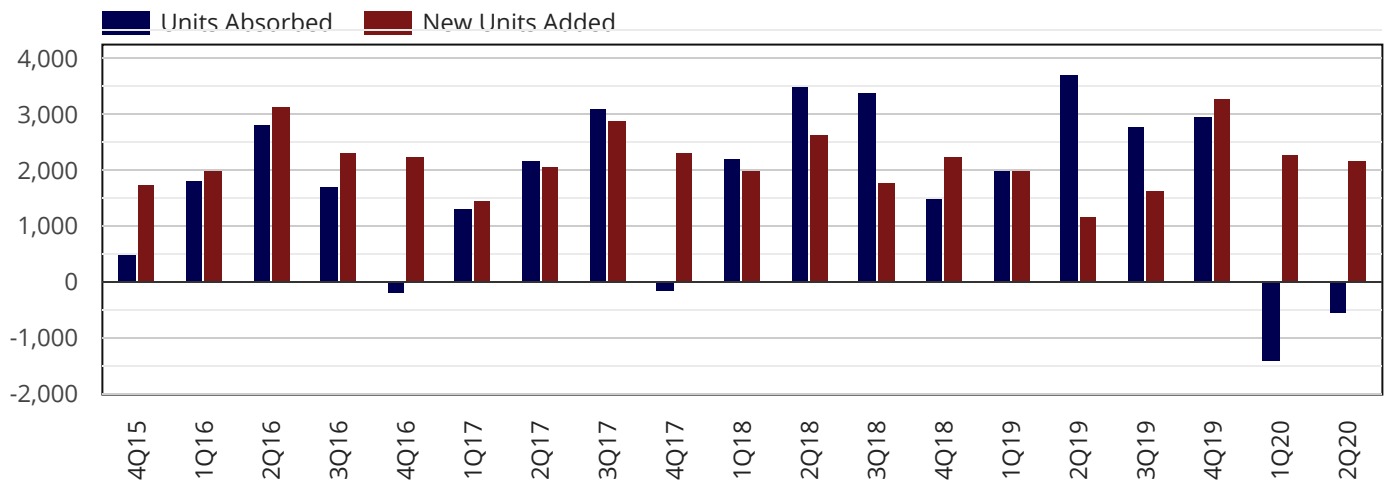
The announcement of the new Tesla plant in the southeast sector is expected to bring over 5,000 new jobs to Austin's

manufacturing industry, and bolster occupancy in nearby properties. The building of this plant will likely spur additional development to this area and divert additional traffic away from the already congested downtown area.

While current and imminent construction remains heavy, the number of units proposed is starting to lighten up. At present, the following units are already in the pipeline (considering all property types):

29,190 units - Under Construction
 4,000 units - Approved for Construction
 31,559 units - Submitted for permit
 9,856 units - Proposed/Predevelopment

OVERALL ABSORPTION/NEW UNITS ADDED



2Q20	2Q20				CNV: New Development Summary		
	CNV HSG Absorption & Units Added				Last 12 Months	Next 12 Months	
	Rentable Units	New Uts Added	Net Unit Change	Absrbd Units	New Units Added	Est Starts	Est Complete
BAS	1,001	-	-	19	55	-	-
C	5,733	-	9	-227	-9	-	1,037
CBD	4,458	-	-	-95	217	587	330
CP/L	11,852	653	653	81	1,447	1,250	1,608
E	508	-	-	-	-	1,227	-
EC	5,813	63	182	-49	604	988	786
HAYS	4,065	-	-	70	200	-	92
N	21,023	-	-	-17	350	986	-
NC	10,366	341	348	-177	1,304	3,060	178
NE	15,844	220	221	24	1,224	4,841	1,542
NEC	3,961	-	-	56	-	314	-
NW	28,054	33	212	-104	33	-	39
NWC	5,990	-	-	15	-	-	-
RR	12,051	154	154	24	226	258	800
S	14,195	204	204	132	936	779	1,609
SC	12,550	-	29	-295	-3	256	74
SE	6,301	282	280	91	383	341	1,007
SEC	13,334	120	148	96	974	637	934
SM	5,057	-	-	-31	425	526	517
SW	10,524	-	-	-26	184	-	300
UT	1,351	-	-	-74	-	-	-
W	5,146	-	-	-47	-	-	-
WMS	6,019	113	113	-39	887	615	67
Total	205,196	2,183	2,553	-573	9,437	16,665	10,920

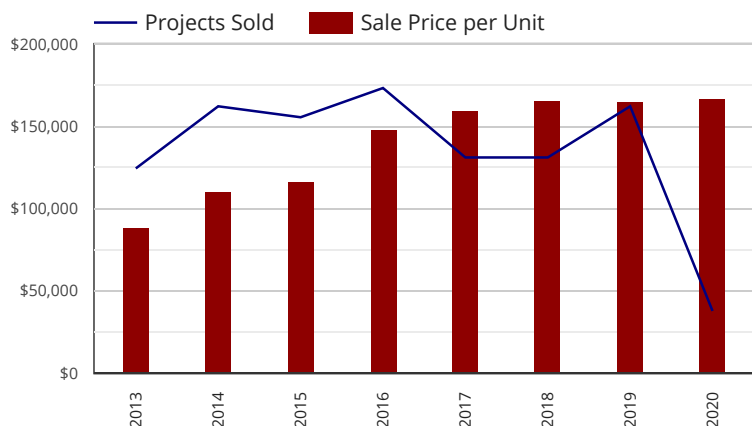
Continued from page 7

Projected new starts over the next 12 months total 19,230 units in 66 properties. Of these, 55 are slated as conventional properties, with 16,665 units. As shown in the chart to the left, the new starts remain dominant in the NE NC, CP/L and the E sectors. At present, delays remain prominent and are dependent on the constraints already mentioned. Regardless, 48 projects, or 72% of these units (14,015), expect to begin by the end of the year, but whether they actually do is up in the air.

The setbacks also apply to projects already underway, as many of the expected completions were pushed back due to city delays. Despite the impediments, 2,183 conventional units finished during the quarter, bringing the annual total to 9,437. Expectations for completions over the next year include 14,060 new units with over 76% of these slated as conventional units. Many more will follow in the next year.

Absorption figures were negative for the second consecutive quarter, with 573 fewer units occupied. Notable losses were found in the C, NC, NW and SC areas. None of the submarkets posted significant gains. Annual numbers were positive, totaling 3,739 more units occupied.

HISTORICAL SALES PRICE/UNIT



Second Quarter Sales

Project:*	Submarket	Units
1 - 401 at Teravista	WMS	320
2 - Bridgehead	W	128
3 - Melrose Place	NW	132
4 - Parkwood Terrace	RR	144
5 - Retreat at Wolf Ranch	WMS	303
6 - Villas of Bristol Heights	NE	351

Sales activity in the Austin area ground to a near halt during the second quarter, as investors became reluctant to act with the downturn in market conditions due to ramifications of the pandemic. This isn't a trend that is expected to last, however, and out-of-state investors are eager to get in, especially those from New York.

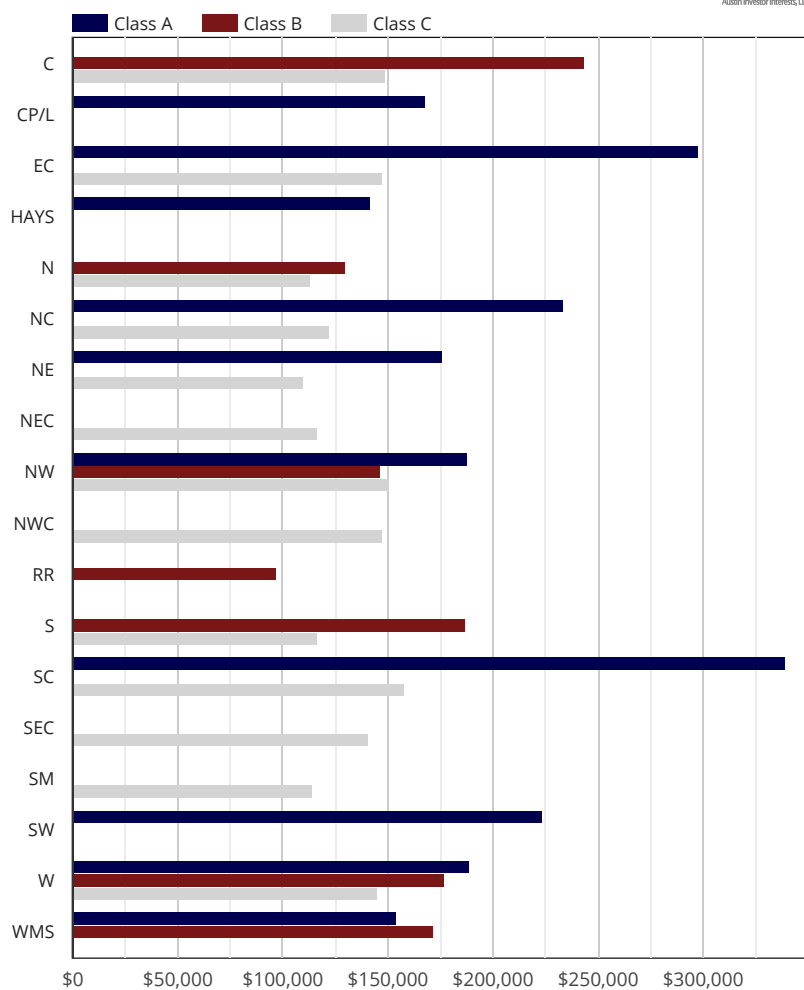
While some buyers were found negotiating prices downward, many owners simply took their properties off the market, content to wait for a more opportune time to sell. However, Freddie Mac and Fannie Mae remain ready to make loans on existing properties.

During the second quarter, sales included only six properties, totaling 1,378 units. The average price paid was \$154,563 per unit or \$173 psf. Annual totals amount to 74 projects, that average a price per unit at \$164,990 or \$197 psf.

Since 2010 over 53% of the region's assets have changed hands.

Only 17 properties were shown to be on the market at quarter's end and six had contracts pending.

ANNUAL SALES PRICE PER UNIT BY SUBMARKET



Looking For Sales?

For a comprehensive list of property sales, including grantor, grantee, price and additional property information, please

check our website at
www.apartmenttrends.com

Austin Region Multi-Family Trend Report / 2Q20

MARKET OVERALL

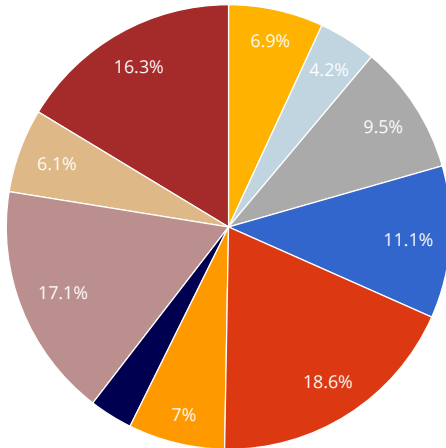
2Q20	CURRENT CONSTRUCTION		CNV COMPLETIONS		ABSORPTION		OCCUPANCY		RENTAL		ANNUAL SALES \$ Per Unit
	Rentable Units	CNV Const Remaining	12 MOS	24 MOS	12 MOS	24 MOS	2Q20	Annual Change	2Q20	Annual Change	
BAS	1,001	-	55	140	242	304	95.50%	2.05%	\$1.15	0.07%	-
C	5,733	1,544	-9	411	-18	221	90.93%	-0.31%	\$1.90	-4.59%	\$148,438
CBD	4,458	1,969	217	217	77	9	89.84%	-2.78%	\$2.54	-9.75%	-
CP/L	11,852	2,414	1,447	1,675	499	1,071	86.79%	-7.27%	\$1.38	1.67%	\$168,219
E	508	300	-	-	-	4	93.90%	-	\$1.20	2.47%	-
EC	5,813	2,294	604	1,081	548	1,254	89.78%	-1.99%	\$1.98	-7.76%	\$254,973
HAYS	4,065	629	200	865	279	1,026	92.69%	2.42%	\$1.38	1.58%	\$141,221
N	21,023	638	350	583	-180	480	93.54%	-2.45%	\$1.41	4.23%	\$118,947
NC	10,366	869	1,304	1,917	718	1,779	86.81%	-4.64%	\$1.69	-6.37%	\$211,948
NE	15,844	2,530	1,224	2,688	835	2,581	91.97%	-2.00%	\$1.35	2.14%	\$150,116
NEC	3,961	300	-	-1	-98	-21	92.63%	-2.47%	\$1.34	2.61%	\$116,931
NW	28,054	39	33	20	-446	177	93.73%	-2.32%	\$1.34	-2.51%	\$153,078
NWC	5,990	-	-	-	77	139	94.94%	1.30%	\$1.36	-5.94%	\$147,402
RR	12,051	898	226	354	46	380	94.00%	-1.41%	\$1.29	0.07%	\$96,778
S	14,195	2,313	936	966	588	1,075	92.21%	-2.07%	\$1.49	2.67%	\$142,569
SC	12,550	712	-3	-28	-344	-93	92.00%	-2.94%	\$1.92	-3.99%	\$216,745
SE	6,301	1,299	383	662	150	570	91.65%	-3.36%	\$1.38	-3.15%	-
SEC	13,334	1,564	974	1,147	365	1,150	91.11%	-4.16%	\$1.57	-0.72%	\$140,998
SM	5,057	769	425	521	-300	-430	89.72%	-5.97%	\$1.24	-1.88%	\$144,248
SW	10,524	586	184	972	67	850	93.55%	-1.02%	\$1.45	-3.21%	\$223,889
UT	1,351	700	-	-	-38	-108	89.93%	-2.74%	\$2.19	-0.43%	-
W	5,146	318	-	456	31	299	92.11%	0.60%	\$1.48	2.25%	\$179,409
WMS	6,019	323	887	2,041	641	1,681	84.85%	-2.17%	\$1.35	-1.10%	\$159,081
Total	205,196	23,008	9,437	16,687	3,739	14,398	91.69%	-2.55%	\$1.50	-1.45%	\$164,990

Austin Region Multi-Family Trend Report / 2Q20

Industry Composition



- Mining, Logging and Construction
- Other Services
- Leisure and Hospitality
- Education and Health Services
- Professional and Business Service:
- Financial Activities
- Information
- Trade, Transportation, and Utilities
- Manufacturing
- Government



Industry Size Class			
Size Class	Employees per firm	Employment in size class	% Total Employment
9	1000 and over	306,669	28.3
8	500-999	113,801	10.5
7	250-499	106,342	9.8
6	100-249	159,425	14.7
5	50-99	107,836	10
4	20-49	120,545	11.1
3	10-19	69,924	6.5
2	5-9	47,272	4.4
1	1-4	47,595	4.4

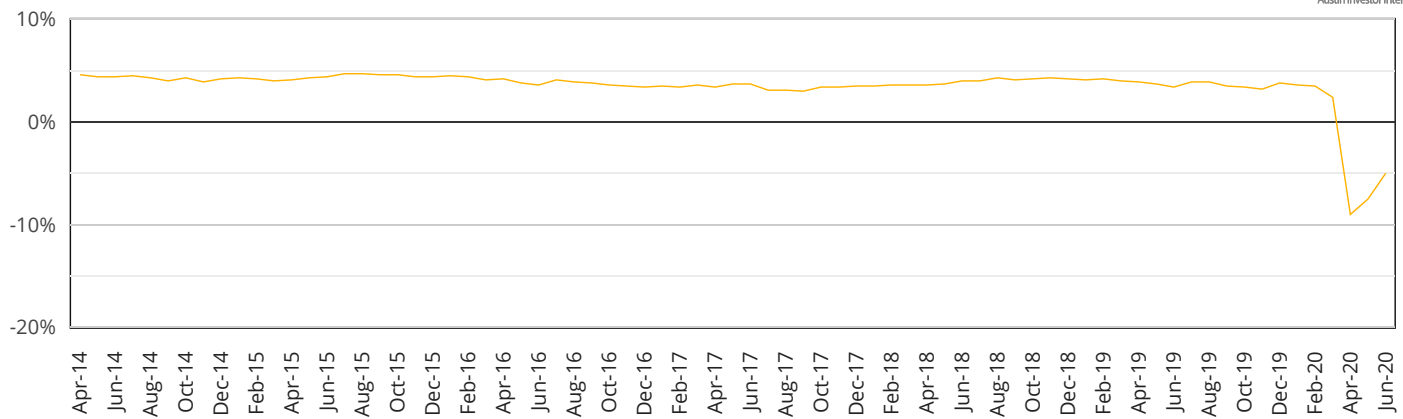
Employment by Industry

	Jun-2020	May-2020	Jun-2019	Monthly Change		Annual Change	
				Actual	%	Actual	%
Mining, Logging and Construction	73,400	72,200	69,300	1,200	1.7	4,100	5.9
Manufacturing	65,000	64,200	62,900	800	1.2	2,100	3.3
Trade, Transportation, and Utilities	181,700	174,800	183,000	6,900	3.9	-1,300	-0.7
Information	33,500	34,000	38,900	-500	-1.5	-5,400	-13.9
Financial Activities	74,700	72,700	66,000	2,000	2.8	8,700	13.2
Professional and Business Services	198,200	199,200	197,400	-1,000	-0.5	800	0.4
Education and Health Services	117,800	111,300	127,800	6,500	5.8	-10,000	-7.8
Leisure and Hospitality	100,500	86,900	137,800	13,600	15.7	-37,300	-27.1
Other Services	44,800	38,700	48,300	6,100	15.8	-3,500	-7.2
Government	173,800	176,600	187,900	-2,800	-1.6	-14,100	-7.5
Total Nonfarm	1,063,400	1,030,600	1,119,300	32,800	3.2	-55,900	-5.0

Data provided by the Texas Workforce Commission

Austin Region Multi-Family Trend Report / 2Q20

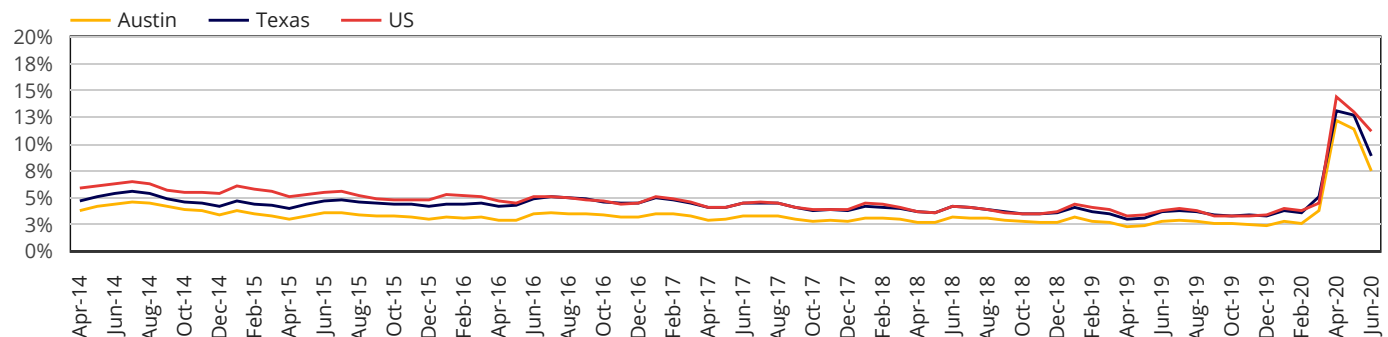
Annual Growth Rate for Total Nonagricultural Employment



Unemployment Information (all estimate in thousands)

	Austin-Round Rock MSA				Texas (Actual)				United States (Actual)			
	C.L.F.	Emp.	Unemp.	Rate	C.L.F.	Emp.	Unemp.	Rate	C.L.F.	Emp.	Unemp.	Rate
Jun-2020	1,214,563	1,123,676	90,887	7.5	13,844,386	12,612,804	1,231,582	8.9	160,883,000	142,811,000	18,072,000	11.2
May-2020	1,172,013	1,038,858	133,155	11.4	13,464,075	11,752,881	1,711,194	12.7	157,975,000	137,461,000	20,514,000	13
Jun-2019	1,234,994	1,200,278	34,716	2.8	14,009,283	13,489,259	520,024	3.7	164,120,000	157,828,000	6,292,000	3.8

Historical Unemployment Rates



Data provided by the Texas Workforce Commission



HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

ASSISTED HOUSING ITEM NO. 5.

MEETING DATE: October 15, 2020

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

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

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

Staff is presenting the proposed revisions to the Administrative Plan. No voting action is required at this time.

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 following summarizes the proposed changes to the HCV Administrative Plan:

Summary of proposed revisions:

Arrest Records - added language provided by Nan McKay's revision service regarding the use of arrest records and criminal activity, specifically that a PHA may not use arrest records alone as the basis for denial.

Briefings and Voucher Issuance - Added statement that HACA will conduct briefings individually, in groups, by phone or by a virtual method.

Housing Quality Standards Inspection - Added a statement for all inspections types that HACA may conduct inspections by a HUD approved virtual inspection protocol.

Reexamination appointments - Added statement that HACA may conduct re-exams by virtual method and that we will accept documents via DocuSign.

Termination of Assistance – Added statement per regulation 24 CFR 5.903 that governs a PHA's access to and use of criminal conviction records obtained from a law enforcement agency and the regulatory permitted uses includes allowing PHAs to use records for screening of applicants for admissions to the HCV program, but excludes the use of records for lease enforcement and eviction of HCV participants or to terminate assistance for participants.

Grounds for Owner Terminations - Added language regarding rules as it relates to foreclosures and during the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice.

Foreclosure - Added section that defines HCV families' protections in the event of a foreclosure as defined in PIH 2010-49 and Protection Tenants at Foreclosure ACT (PTFA).

Payment Standards – Added Exception Payment Standards information and revised HACA's policy as it relates to the use of Small Area FMRs. Revised policy to state that HACA will not voluntarily use Small Area FMRs except to establish exception payment standards in certain zip code areas.

Informal Reviews and Hearings - Added policy regarding remote informal review and hearing procedures.

VAWA Notification - Added information regarding Notice PIH 2017-08, which cautions PHAS from sending information by mail, since the abuser may be monitoring the mail. HACA will consider other alternative delivery methods.

Project-based vouchers – Revisions throughout chapter provided by Nan McKay's revision service.

Process:

Proposed changes to the Housing Choice Voucher (HCV) Administrative Plan will go out for public comment for 30 days beginning Friday, October 16, 2020. The proposed changes to the HCV Administrative Plan incorporate updates summarized in Attachment 1 and reflected in Attachment 2.

Staff Recommendation:

At this time no vote action is required by the Board. The Board is being asked to review the proposed revisions to the Housing Choice Voucher Administrative Plan as presented. Staff will post the document 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 December 17, 2020 Board Meeting.

ATTACHMENTS:

- ❑ **Attachment 1 HCV Admin Plan Summary of Changes**
- ❑ **Attachment 2 HCV Admin Plan proposed revisions**

Section	Page Numbers	Summary of Changes Made in Admin Plan
Introduction	27-32	Revised Resource list per Nan McKay revision service
Chapter 3: Eligibility Part III: Denial of Assistance 3-III.A. Overview	73	Added language provided by the Nan McKay revision service regarding the use of arrest records and criminal activity, specifically that a PHA may not use arrest records as the sole basis for denial.
Chapter 5 Briefings and Voucher Issuance	122	Added statement that HACA will conduct briefings individually, in groups, by phone or by a virtual methods.
Chapter 8 Housing Quality Standards	228-232	Added a statement for all inspections types that HACA may conduct inspections by a HUD approved virtual inspection protocol method.
Chapter 11 Re-examinations	275	Added statement that we can conduct re-exams by virtual method and that we will accept documents via DocuSign.
Chapter 12 Termination of Assistance	298	Added statement provide by Nan McKay and per regulation 24 CFR 5.903 that governs a PHA's access to and use of criminal conviction records obtained from a "law enforcement agency" such as the National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records. The regulatory permitted uses includes allowing PHAs to use records for screening of applicants for admissions to the HCV program, but excludes the use of records for lease enforcement and eviction of HCV participants or to terminate assistance for participants. The limitations, however, do not apply to criminal conviction information searches from non-federal sources.

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 12 III.B. Grounds for Owner Terminations	306	Added language regarding rules as it relates to foreclosures and during the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice.
Chapter 13 13-II.G. Foreclosure	327-328	Added section that defines HCV families' protections in the event of a foreclosure as defined in PIH 2010-49 and Protection Tenants at Foreclosure ACT (PTFA).
Chapter 16.II.B. Payment Standards	350-351	Added Exception Payment Standards information and HACA's policy as it relates to the use of Small Area FMRs. HACA will not voluntary use Small Area FMRs except to establish exception payment standards in certain zip code areas.
Chapter 16 III.A. Informal Reviews and Hearings	355-356 360-361 364	Added policy regarding remote informal review and hearing procedures.
Chapter 16 I.X.C. VAWA Notifications	388	Added information regarding Notice PIH 2017-08, which cautions PHAS from sending information by mail, since the abuser may be monitoring the mail. HACA will consider other alternative delivery methods.
Chapter 17: Project-Based Voucher	410,411, 413, 415, 418, 419, 420,422, 426,427, 434,435 464-470	Revisions throughout chapter provided by Nan McKay's revision service.

Abbreviation	Document
CFR	Code of Federal Regulations
HCV GB	Housing Choice Voucher Program Guidebook (7420.10G), April 2001.
HUD-50058 IB	HUD-50058 Instruction Booklet
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions.
VG	PIH Notice 2004-01 Verification Guidance, March 9, 2004.
HB 4350.3	Occupancy Requirements of Subsidized Multifamily Housing Programs

Resources and Where to Find Them

Following is a list of resources helpful to HACA or referenced in the model administrative plan, and the online location of each.

Resources and Where to Find Them

Following is a list of resources helpful to the PHA or referenced in the model administrative plan, and the online location of each.

Document and Location
<p><u>Code of Federal Regulations</u></p> <p>https://www.ecfr.gov/http://www.gpoaccess.gov/cfr/index.html</p>
<p><u>Earned Income Disregard FAQ</u></p> <p>https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid http://www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm</p>
<p><u>Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937: Final Rule</u></p> <p>http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf</p>
<p><u>Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data</u></p> <p>https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/eivseccguidepha.pdf</p>

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Executive Order 11063

<https://www.archives.gov/federal-register/codification/executive-order/11063.html>
<http://www.hud.gov/offices/fheo/FHLaws/EXO11063.cfm>

Federal Register

<https://www.federalregister.gov/>
http://www.access.gpo.gov/su_docs/aces/fr cont.html

General Income and Rent Determination FAQs

www.hud.gov/offices/pih/programs/ph/rhiip/faq_gird.cfm

Housing Choice Voucher Program Guidebook (7420.10G), April 2004 Updated Chapters

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook
www.hud.gov/offices/pih/programs/hcv/forms/guidebook.cfm

HUD-50058 Instruction Booklet

<https://www.hud.gov/sites/documents/FORM50058INSTRUCTBOOKLET.PDF>

Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004

https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf
<http://www.hud.gov/offices/fheo/library/hud DOJ statement.pdf>

Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007

https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf
<http://www.hud.gov/offices/fheo/promoting/FederalRegisterpublishedguidance.pdf>

Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice

https://www.hud.gov/sites/documents/DOC_8993.PDF

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Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System

<https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF>

Notice PIH 2018-24, Verification of Social Security Numbers (SSNs) and Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report

https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24_EIV_SSN_Notice_FINAL.pdf

Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System

<https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF>

Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice

<http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf>

OMB Circular A-133

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/a133.pdf> <http://www.whitehouse.gov/omb/circulars/a133-compliance-supplement-2010>

Project-Based Voucher Program; Final Rule

<http://www.gpo.gov/fdsys/pkg/FR-2005-10-13/pdf/05-20035.pdf>

Rental Housing Integrity Improvement Program (RHIP) Frequently Asked Questions:

www.hud.gov/offices/pih/programs/ph/rhip/faq.cfm

VAWA Final Rule

<http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>

Verification FAQ

www.hud.gov/offices/pih/programs/ph/rhip/faq_verif.cfm

Verification Guidance, March 2004 (attachment to Notice PIH 2004 1)

<http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf>

The HUD website ~~Web site~~ is <https://www.hud.gov/>.

Guidebooks, handbooks and other HUD resources may be found at the HUDClips webs~~Web site~~:
https://www.hud.gov/program_offices/administration/hudclips.

Document and Location
Code of Federal Regulations http://www.gpoaccess.gov/cfr/index.html
Earned Income Disregard FAQ www.hud.gov/offices/pih/phr/about/ao-faq-eid.cfm
Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf
Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/eivsecguidepha.pdf
Executive Order 11063 http://www.hud.gov/offices/theo/FHlaws/EXO11063.cfm
Federal Register http://www.access.gpo.gov/su-docs/aces/fr-cont.html
General Income and Rent Determination FAQs www.hud.gov/offices/pih/programs/ph/rhiip/faq-gird.cfm
Housing Choice Voucher Program Guidebook (7420.10G), April 2001 www.hud.gov/offices/pih/programs/hcv/forms/guidebook.cfm
HUD-50058 Instruction Booklet https://www.hud.gov/sites/documents/FORM50058INSTRUCTBOOKLET.PDF
Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 http://www.hud.gov/offices/theo/library/huddoistatement.pdf
Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; published January 22, 2007 http://www.hud.gov/offices/theo/promotingfh/FederalRegistepublishedguidance.pdf
Notice PIH 2018-24, Verification of Social Security Numbers (SSNs) and Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report
Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF
Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf
OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133-compliance-supplement-2010
Project-Based Voucher Program; Final Rule http://www.gpo.gov/fdsys/pkg/FR-2005-10-13/pdf/05-20035.pdf

Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions: www.hud.gov/offices/pih/programs/ph/rhiip/faq.cfm
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VAWA Final Rule

http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf

Verification FAQ

www.hud.gov/offices/pih/programs/ph/rhiip/faq_verif.cfm
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Verification Guidance, March 2004 (attachment to Notice PIH 2004-1)

http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf

The HUD Web site is <https://www.hud.gov/>.

Guidebooks, handbooks and other HUD resources may be found at the HUDClips Web site:

https://www.hud.gov/program_offices/administration/hudclips.

with or does not know where to contact his/her other parent, HACA will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. HACA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, HACA will use the income limits for the jurisdiction in which the parents live.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory and those in which denial of assistance is optional.

While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.

When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds PHAs of their obligation to safeguard the due process rights of applicants and tenants [Notice PIH 2015-19].

HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16].

PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

Not placing the family's name on the waiting list

~~Required denial of admission~~

~~— Other permitted reasons for denial of admission~~

~~— Screening~~

~~— Criteria for deciding to deny admission~~

~~— Prohibition against denial of admission to victims of domestic violence, dating violence or stalking~~

Denying or withdrawing a voucher

Not approving a request for tenancy or refusing to enter into a HAP contract

Refusing to process a request for or to provide assistance under portability procedures

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)]

that dictate how vouchers are issued, and how long families have to locate a unit.

PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

HUD regulations require HACA to conduct mandatory briefings for applicant families who qualify for a voucher. The briefing provides a broad description of owner and family responsibilities, explains HACA's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

5-I.B. BRIEFING [24 CFR 982.301]

HACA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families will be given the option to receive the briefing packet in electronic format or hard copy. Families may be briefed individually or in groups. At the briefing, HACA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

HACA Policy

HACA will conduct briefings individually, in groups, by phone or by a virtual method. Briefings will be conducted in group meetings.

The head of household is required to attend the briefing.

Families that attend group briefings and still need individual assistance will be referred to an appropriate staff person.

Briefings will be conducted in English. For Limited English Proficient (LEP) applicants, HACA will provide translation services in accordance with HACA's LEP plan (See Chapter 2).

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Notification and Attendance

HACA Policy

Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

If the notice is returned by the post office with no forwarding address, the applicant will be denied and their name will not be placed back on the waiting list. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated.

Applicants who fail to attend a scheduled briefing will be scheduled for another briefing

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Owner and Family Inspection Attendance

HUD permits HACA to set policy regarding family and owner presence at the time of inspection [HCV GB p. 10-27].

HACA Policy

At the time of the inspection, if the family occupies the unit, an adult family member or an adult designated by the family must be present for the inspection. The family may notify the inspector that the family will not be present but that the property owner or manager will be present for the inspection. HACA staff will not enter an occupied unit without the presence of an adult family member, property owner, manager or property owner's representative. The family may request to reschedule the inspection appointment prior to the inspection date with good cause.

At initial inspection of a vacant unit, HACA will gain access as instructed by the owner and inspect the unit. The presence of the owner, owner's representative, or family representative is permitted, but is not required.

8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Initial Inspections [FR Notice 1/18/17]

The PHA may, but is not required to, approve assisted tenancy and start HAP if the unit fails HQS inspection, but only if the deficiencies identified are non-life-threatening. Further, the PHA may, but is not required to, authorize occupancy if a unit passed an alternative inspection in the last 24 months.

HACA Policy

The unit must pass the HQS inspection on or before the effective date of the HAP contract.

The PHA will not rely on alternative inspections and will conduct an HQS inspection for each unit prior to executing a HAP contract with the owner.

HACA may conduct initial inspections by a HUD approved virtual inspection protocol.

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Timing of Initial Inspections

HUD requires PHAs with fewer than 1,250 budgeted units to complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA). For PHAs with 1,250 or more budgeted units, to the extent practicable such inspection and determination must be completed within 15 days. The 15-day period is suspended for any period during which the unit is not available for inspection [24 CFR 982.305(b)(2)].

HACA Policy

HACA will complete the initial inspection, determine whether the unit satisfies HQS and

Rent Reasonableness, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA). The 15-day period will be suspended for any period during which the unit is not available for inspection.

Inspection Results and Re-inspections

HACA Policy

If any HQS violations are identified, the owner will be notified of the deficiencies. HACA will re-inspect the unit within 5 business days of the date the owner notifies HACA that the required corrections have been made.

No timeframe will be given to correct the deficiencies. However, if the deficiencies are not corrected in a reasonable timeframe, and the family decides to reject the unit, HACA will notify the owner that the unit has been rejected and that the family must search for another unit.

Utilities

Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

HACA Policy

All utility connections must be established prior to the initial inspection. The owner and family are required to coordinate to ensure that utility service is connected prior to the inspection date.

Appliances[Form HUD-52580]

HACA Policy

If the family is responsible for supplying the stove and/or refrigerator, HACA will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place and inspected by HACA prior to executing the HAP contract. HACA will re-inspect the unit within 5 business days of notification to confirm appliances are installed and working properly.

8-IL.C. ANNUAL/BIENNIAL HQS INSPECTIONS 24 CFR 982.405 and 982.406, Notice PIH 2016-05]

HACA Policy

Each unit under HAP contract must be inspected at least biennially within 24 months of the last full HQS inspection.

~~HACA will not rely on alternative inspection standards.~~

HACA may conduct the annual/biennial inspection by a HUD approved virtual inspection protocol method.

Scheduling the Inspection

HACA Policy

If an adult family member cannot be present on the scheduled date, the family should request that HACA reschedule the inspection.

HACA and the family will agree on a new inspection date that generally should take place within 10 business days of the originally scheduled date. HACA may schedule an inspection more than 10 business days after the original date for good cause.

If the family misses the first scheduled appointment without requesting a new inspection date, HACA will automatically schedule a second inspection. If the family misses two scheduled inspections without HACA approval, HACA will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

8-II.D. SPECIAL INSPECTIONS [24 CFR 982.405(g)]

HACA will conduct a special inspection if the owner, family, or another source reports HQS violation in the unit. If a participant or government official reports a life-threatening condition which the owner would be required to repair within 24 hours, the PHA must inspect the unit within 24 hours of notification. If the reported condition is not life-threatening, the PHA must inspect the unit within 15 days of notification.

HACA Policy

The owner and family are required to provide maintenance request in writing to the other party prior to requesting a special inspection. Excluding life threatening conditions, a reasonable amount of time must be provided to respond to, and complete the repairs. Requests for special inspections need to be made in writing explaining the reason for the request and include a copy of the written maintenance request submitted to the other party.

During a special inspection, HACA generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual inspection has been scheduled or is due within 60 days of the date the special inspection is scheduled, HACA may elect to conduct a full annual inspection.

HACA may conduct special inspections by HUD approved virtual inspection protocol method.

8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); HCV GB, p. 10-32]

HUD requires a HACA supervisor or other qualified person to conduct quality control

inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding 3 months. The selected sample will include (1) each type of inspection (initial, annual, and special), (2) inspections completed by each inspector, and (3) units from a cross-section of neighborhoods.

HACA Policy

The Inspections Manager, or other designated qualified person will conduct the Quality Control Inspection.

Quality Control Inspections will be selected at random from HQS inspections that have been completed within the last 60 days.

The Quality Control Inspection will be scheduled with the tenant. QC Inspections will be conducted with the tenant's permission and at the tenant's convenience during normal business hours. If the tenant is unable or unwilling to schedule a QC Inspection, another inspection will be selected.

During the Quality Control Inspection, The HQS Quality Control Inspection form and the Quality Control Unit Inspection form will be completed. Completed QC Inspections will be tracked in the QC Database and supporting documentation will be maintained in the QC Inspection File.

HACA may conduct quality control inspections by HUD approved virtual inspection protocol method.

8-ILF. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

Notification of Corrective Actions

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, HACA will determine (1) whether or not the failure is a life threatening condition and (2) whether the family or owner is responsible.

HACA Policy

When life-threatening deficiencies are identified, HACA will immediately notify both parties by telephone, facsimile, or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of HACA's notice.

When non-life threatening deficiencies are identified, HACA will send the owner and the family a written notification of the inspection results within 3 business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. Corrections need to be made within 30 days.

The notice of inspection results will inform the owner that if life-threatening conditions

are not corrected within 24 hours, and non-life threatening conditions are not corrected within 30 days (or any PHA-approved extension), the owner's HAP will be abated in accordance with PHA Policy (see 8-II.G.). Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame, the family's assistance will be terminated in accordance with PHA Policy (see Chapter 12).

Extensions

For conditions that are life-threatening, HACA cannot grant an extension to the 24 hour corrective action period. For conditions that are not life-threatening, HACA may grant an exception to the required time frames for correcting the violation, if HACA determines that an extension is appropriate [24 CFR 982.404].

HACA Policy

Extensions will be granted in cases where HACA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

A repair cannot be completed because required parts or services are not available.

A repair cannot be completed because of weather conditions.

A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed 30 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible.

The necessary repairs must be made within 15 calendar days, once the weather conditions have subsided.

Re-inspections

HACA Policy

HACA will schedule a re-inspection within 5 business days of the notification by the owner or family that the deficiencies have been corrected.

The family and owner will be given reasonable notice of the re-inspection appointment. If the deficiencies have not been corrected at the time of the re-inspection, the owner and family will be notified via telephone, facsimile, or email. If HACA is unable to gain entry to the unit in order to conduct the scheduled re-inspection, HACA will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

HACA may conduct re-inspections by HUD approved virtual inspection protocol

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method..**8-II.G. ENFORCING OWNER COMPLIANCE**

If the owner fails to maintain the dwelling unit in accordance with HQS, HACA must take prompt and vigorous action to enforce the owner obligations.

HAP Abatement

If an owner fails to correct HQS deficiencies by the time specified by HACA, HUD requires HACA to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)]. No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

HACA Policy

HACA will make all HAP abatements effective the first of the month following the expiration of HACA's specified correction period (including any extension).

HACA will inspect abated units within 5 business days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

During any abatement period, the family continues to be responsible for their share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

HAP Contract Termination

HACA must decide how long any abatement period will continue before the HAP contract will be terminated. HACA should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time [HCV GB p. 10-29] and must give the owner reasonable notice of the termination. HACA will issue a voucher to permit the family to move to another unit as described in Chapter 10.

HACA Policy

The maximum length of time that a HAP contract may be abated is 90 days. However, if the owner completes corrections and notifies HACA before the termination date of the HAP contract, HACA may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

A 30-day notice to terminate the HAP contract will be provided.

8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]

Families are responsible for correcting any HQS violations listed in paragraph 8.I.D. If the family fails to correct a violation within the period allowed by HACA (and any extensions), HACA will terminate the family's assistance, according to the policies described in Chapter 12.

If the owner carries out a repair for which the family is responsible under the lease, the owner

Notification of and Participation in the Annual Reexamination Process

HACA is required to obtain the information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of HACA. However, PHAs should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

HACA Policy

Annual reexamination

HACA may choose to conduct annual reexaminations in person, by mail, ~~by phone, or~~ through an on-line certification process or other virtual method. Notification of the annual reexamination will be sent by mail, email or through the certification portal. Documents will be accepted by mail, by fax, email, though the on-line certification portal, DocuSign or in-person.

If the notice is returned by the post office with no forwarding address, a notice of termination (see Chapter 12) will be sent to the family's address of record, as well as to any alternate address provided in the family's file.

If the family is unable to attend a scheduled interview, the family should contact HACA at least 2 business days in advance of the interview to schedule a new appointment or request an alternative reexamination method. If a family does not attend the first scheduled interview, HACA will automatically send a second reexamination notification with a new interview appointment time.

If a family fails to attend two scheduled reexamination interviews without HACA approval, or if the notice is returned by the post office with no forwarding address, a notice of termination will be sent to the family's address of record in accordance with the policies in Chapter 12.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and HACA must execute a certification attesting to the role and the assistance provided by any such third party.

11-I.D. CONDUCTING ANNUAL REEXAMINATIONS

As part of the annual reexamination process, families are required to provide updated information to HACA regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

HACA Policy

Each participant will re-certify using HACA's current recertification form or other format required by HACA.

Families must bring all required information.

Repayment of Family DebtsHACA Policy

If a family owes amounts to HACA, as a condition of continued occupancy, HACA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from HACA of the amount owed. See Chapter 16 for policies on repayment agreements.

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE**Evidence**

For criminal activity, HUD permits HACA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

HACA Policy

HACA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Use of Criminal Conviction Records after Admission [24 CFR 5.903]

The regulation at 24 CFR 5.903 governs a PHA's access to and use of criminal conviction records obtained from a "law enforcement agency" such as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. While the regulatory listing of permitted uses for these records includes PHA screening of applicants for admission to the HCV program, it specifically excludes the use of records for lease enforcement and eviction of HCV participants and excludes by omission a PHA's use of records to terminate assistance for participants. While a PHA has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, PHAs may not use records for this purpose. The limitations, however, do not apply to criminal conviction information searches from non-federal sources (i.e., sources other than the "law enforcement agencies" defined in 24 CFR 5.902(b)). There is no prohibition that bars a PHA from using non-federal sources to conduct criminal background checks of program participants.

Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or

Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. This is the case except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, sexual assault, or stalking, and the tenant or an affiliated individual is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

Other Good Cause

During the initial lease term, the owner may not terminate the tenancy for “other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises. After the initial lease term, “other good cause” for termination of tenancy by the owner includes:

Failure by the family to accept the offer of a new lease or revision;

The owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit;

A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent).

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

If a property is subject to foreclosure, during the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. See Section 13-II.G for a discussion of PHA policies relating to units in foreclosure.

13-II.G. FORECLOSURE [Notice PIH 2010-49]

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). During the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. Further, the new owner assumes interest in the lease between the prior owner and the tenant and to the HAP contract.

Any state or local law that provides longer time periods or other additional protections for tenants also applies.

HACA Policy

If a property is in foreclosure, HACA will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.

HAC will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.

HACA will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.

In the event that HACA is unable to make HAP payments to the new owner due to an action or inaction by the new owner that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the new owner, HACA will either use the funds to pay:

The utilities that are the owner's responsibility after taking reasonable steps to notify the owner; except that if the unit has been or will be rendered uninhabitable due to termination or threat of termination of service, prior notice is not required. In the latter case, HACA shall notify the owner within a reasonable time after making the utility payment; or

For the family's reasonable moving costs, including security deposit costs.

HACA will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.

See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.

CHAPTER 14 PROGRAM INTEGRITY INTRODUCTION

HACA is committed to ensuring that subsidy funds made available to HACA are spent in accordance with HUD requirements.

This chapter covers HUD and PHA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents PHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures HACA must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and detecting program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

Provide applicants and participants with form HUD-52675, "Debts Owed to PHAs and Terminations"

Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

HACA Policy

To ensure that HACA's HCV program is administered effectively and according to the highest ethical and legal standards, HACA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

further adjustments if it determines that rent burdens for assisted families in HACA's jurisdiction are unacceptably high [24 CFR 982.503(g)].

HACA Policy

HACA will review the appropriateness of the payment standards on an annual basis when the new FMRs are published, and at other times as determined necessary. In addition to ensuring the payment standards are always within the "basic range" HACA will consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

Funding Availability: HACA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served.

Average rental amounts for unassisted units – HACA will review the average rental amounts from HACA's available units list and Multiple Listing Service for leased units.

Any changes to payment standard amounts will be approved by the Board of Commissioners and the effective date will be provided in writing to staff and program participants.

Exception Payment Standards [24 CFR 982.503(c)(5), Notice PIH 2018-01]

A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to SAFMRs@hud.gov to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.

Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]

PHAs that administer vouchers in a metropolitan area where the adoption of SAFMRs is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

HACA Policy

HACA will not voluntarily adopt the use of SAFMRs except to establish exception payment standards in certain zip code areas.

Exception Payment Standards [982.503(e)]

The HACA must request HUD approval to establish payment standards that are higher than the

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~~basic range. At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception payment standard amount (in accordance with program requirements) for all units, or for all units of a given size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD approved exception payment standard amount. The total population of all HUD approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.~~

~~**Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]**~~

~~PHAs that administer vouchers in a metropolitan area where the adoption of small area FMRs (SAFMRs) is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.~~

HACA Policy

~~HACA will not voluntarily adopt the use of SAFMRs.~~

Unit-by-Unit Exceptions [24 CFR 982.503, 24 CFR 982.505(d), Notice PIH 2010-26, Streamlining Rule 3/8/2016 and Notice PIH 2016-05]

Unit-by-unit exceptions to HACA's payment standards are generally not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. (See Chapter 2 for a discussion of reasonable accommodations.) This type of exception does not affect HACA's payment standard schedule.

When needed as a reasonable accommodation, the PHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the applicable FMR for the unit size [24 CFR 982.503(b)]. The PHA may request HUD approval for an exception to the payment standard for a particular family if the required amount exceeds 120 percent of the FMR.

HACA Policy

A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RFTA) is submitted.

The family must submit a written request for a reasonable accommodation for an exception (higher) payment standard;

The family must provide supporting documentation from a medical professional which defines the need for the exception payment standard; and .

The family must provide a written explanation of why the features of the unit meet the needs of a family member with disabilities. For example, a unit may be suitable

applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

Scheduling an Informal Review

HACA Policy

A request for an informal review must be made in writing and delivered to HACA either in person or by first class mail, by the close of the business day, no later than 15 calendar days from the date of HACA's denial of assistance.

HACA will schedule and send written notice of the informal review within 30 calendar days of the family's request.

Informal Review Procedures [24 CFR 982.554(b)]

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

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

HACA Policy

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

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

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

Remote Informal Reviews

All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations.

HACA Policy

HACA has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, HACA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. HACA will consider other reasonable requests for a remote informal review

on a case-by-case basis.

Conducting Remote Informal Reviews

HACA must ensure that the applicant has the right to hear and be heard.

HACA Policy

HACA will conduct remote informal reviews via telephone conferencing call-in or via videoconferencing. If the informal review will be conducted via videoconferencing, HACA will ensure that all applicants, applicant representatives, HACA representatives and the person conducting the informal review can adequately access the platform (i.e., hear, be heard, see, and be seen). If any applicant, applicant representative, HACA representative, or person conducting the informal review is unable to effectively utilize the videoconferencing platform, the informal review will be conducted by telephone conferencing call-in.

Whether the informal review is to be conducted via videoconferencing or telephone call-in, the HACA will provide all parties login information and/or conferencing call-in information before the review.

HACA determination not to approve an extension ~~or suspension~~ of a voucher term

HACA determination not to approve a unit or tenancy

HACA determination that a unit selected by the applicant is not in compliance with the HQS

HACA determination that the unit is not in accordance with HQS because of family size
A determination by HACA to exercise or not to exercise any right or remedy against an owner under a HAP contract

HACA Policy

HACA will only offer participants the opportunity for an informal hearing when required to by the regulations.

Remote Informal Hearings

HACA's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all HACA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations.

HACA Policy

HACA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, HACA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. HACA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Conducting Informal Hearings Remotely

In conducting any informal hearing remotely, HACA shall ensure due process and that all parties are able to have full access to the hearing.

HACA Policy

HACA will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, the HACA will ensure that all participants, participant representatives, advocates, witnesses, HACA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen).

If any participant, representative, advocate, witness, HACA representative, or hearing officer is unable to effectively utilize the videoconferencing platform, the informal hearing will be conducted by telephone conferencing call-in.

Whether the informal hearing is to be conducted via videoconferencing or telephone call-in, HACA will provide all parties login information and/or telephone call-in information before the hearing. HACA will also provide technical assistance, if needed, before the informal hearing.

The family will be allowed to copy any documents related to the informal hearing at a cost of \$.10 per page. The participant or representative must present any documents relevant to the informal hearing at the informal hearing or as requested by HACA, otherwise, the family may not rely on the documents at the informal hearing.

If the hearing will be conducted remotely, HACA will compile a hearing packet, consisting of all documents HACA intends to produce at the informal hearing. HACA will mail copies of the hearing packet to the family, the family's representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of HACA's representative and retained by HACA.

Documents will be shared electronically whenever possible.

The HACA hearing procedures may provide that HACA must be given the opportunity to examine at the HACA offices before the hearing any family documents that are directly relevant to the hearing. HACA must be allowed to copy any such document at the HACA's expense. If the family does not make the document available for examination on request of HACA, the family may not rely on the document at the hearing.

HACA Policy

For in-person hearings, HACA may require pre-hearing discovery by HACA of family documents directly relevant to the hearing.

If the informal hearing is to be conducted remotely, HACA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing. HACA will scan and email copies of these documents to the hearing officer and the HACA representative the same day.

Documents will be shared electronically whenever possible.

Participant's Right to Bring Counsel [24 CFR 982.555(e)(3)]

At their own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer [24 CFR 982.555(e)(4)]

Informal hearings will be conducted by a person or persons approved by HACA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

HACA Policy

or termination of housing benefits.

HACA Policy

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

HACA will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at annual reexamination. HACA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the Notice of Occupancy Rights under VAWA and a copy of form, Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

HACA is not limited to providing VAWA information at the times specified in the above policy. If HACA decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

HACA Policy

Whenever HACA has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, HACA may decide not to send mail regarding VAWA protections to the victim's unit if HACA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, HACA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

Notification to Owners and Managers

While PHAs are no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, the PHA may still choose to inform them.

HACA Policy

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;
24 CFR 983.51(b)]**

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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 attach PBV assistance non-competitively without following one of the two processes above.

~~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. The public housing units may either currently be in the public housing inventory or may have been removed from the public housing inventory within five years of the date on which the PHA entered into the AHAP or HAP.

- If the PHA is planning rehabilitation or new construction on the project, a minimum threshold of \$25,000 per unit in hard costs must be expended.

- If the PHA plans to replace public housing by attaching PBV assistance to existing housing in which the PHA has an ownership interest or control, then the \$25,000 per unit minimum threshold does not apply as long as the existing housing substantially complies with HQS.
- 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.
-
- *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.~~

HACAPHA 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 will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

Owner experience and capability to build or rehabilitate housing as identified in the RFP;

Extent to which the project furthers HACA's goal of deconcentrating poverty and expanding housing and economic opportunities;

If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Projects which will provide affordable housing and support services to individuals or families experiencing homelessness.

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Projects which will provide affordable housing and support services to low-income or homeless veterans.

HACA Requests for Proposals for Existing Housing Units

HACA will advertise its request for proposals (RFP) for existing housing in the following newspapers and trade journals.

Austin American Statesman

The Austin Chronicle

The Villager

El Mundo

HACA may also advertise the RFPs in other trade journals and industry sources, including electronic advertising, as HACA determines is appropriate for the project.

In addition, HACA will post the notice inviting such proposal submission and the rating and ranking procedures on its electronic web site.

HACA may periodically publish its advertisement in the newspapers and trade journals mentioned above for at least one day per week for two consecutive weeks. The advertisement will specify the number of project based units available. The due date for proposals will be specified in the RFP. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program;

each proposal on its merits using the following factors: Owner experience and capability to build or rehabilitate housing as identified in the RFP;

Extent to which the project furthers HACA's goal of deconcentrating poverty and expanding housing and economic opportunities; and

Projects that will provide affordable housing and support services to individuals or families experiencing homelessness.

Projects which will provide affordable housing and support services to low-income or homeless veterans.

PHA-Owned Units [24 CFR 983.51(e) 983.59, FR Notice 1/18/17 and Notice PIH 2017-21]

A PHA-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the PHA-owned units were appropriately selected based on the selection procedures specified in the PHA administrative plan. . This also applies to non-competitive selections. If the PHA selects a proposal for housing that is owned or controlled by the PHA, the PHA must identify the entity that will review the PHA proposal selection process and perform specific functions with respect to rent determinations, the term of the HAP contract, and inspections ~~If the PHA selects a proposal for housing that is owned or controlled by the PHA, the PHA must identify the entity that will review the PHA proposal selection process and p~~

In the case of PHA-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by the PHA and a HUD-approved independent entity. In addition, an independent entity must determine the rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.

~~Perform specific functions with respect to rent determinations and inspections.~~

The independent entity that performs these program services may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

HACA Policy

HACA may submit a proposal for project-based housing that is owned or controlled by HACA or its subsidiary. If the proposal for HACA-owned or controlled housing is selected, the HUD field office or a HUD-approved independent entity will review the selection process to determine if the HACA owned or controlled units were appropriately selected based on the selection procedures specified in HACA's administrative plan.

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that a PHA may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or the PHA in accordance with HUD requirements.

17-ILE. SUBSIDY LAYERING REQUIREMENTS ~~[24 CFR 983.55, FR Notice 11/24/08, FR Notice 7/9/10, Notice PIH 2013-11, and FR Notice 6/25/14]~~

~~[24 CFR 983.55, FR Notice 11/24/08, FR Notice 7/9/10, and FR Notice 6/25/14]~~

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.

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance. ~~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, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.~~

When a PHA selects a new construction or rehabilitation project, the PHA must require information regarding all HUD and/or other federal, state, or local governmental assistance to be

disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/20 contains a list of all required documentation.

Either HUD or a HUD-approved housing credit agency (HCA) in the PHA's jurisdiction performs the subsidy layering review. The PHA must request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.

If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the PHA. The PHA may proceed to execute an AHAP at that time if the environmental approval is received.

~~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. However, in order to satisfy applicable requirements, HCAs must conduct subsidy layering reviews in compliance with the guidelines set forth in the Federal Register notice published July 9, 2010.~~

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.

~~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-ILF. 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, 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 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

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.

HACA Policy

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

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

A PHA may establish local requirements designed to promote PBV assistance in partially assisted projects. A *partially assisted project* is a project in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].

A PHA may establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building. A PHA may also determine not to provide PBV assistance for excepted units, or the PHA may establish a per-project cap of less than 25 units or 25 percent of units.

PHA Policy:

Excepted units will be limited to units for elderly families.

~~The PHA will not provide assistance for excepted units.~~ Beyond that, the PHA will not impose any further cap on the number of PBV units assisted per project.

~~A PHA may establish local requirements designed to promote PBV assistance in partially assisted projects. A *partially assisted project* is a project in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].~~

~~A PHA may establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building. A PHA may also determine not to provide PBV assistance for excepted units, or the PHA may establish a per-project cap of less than 25 percent.~~

housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 does not apply to the PBV program.

Lead-based Paint [24 CFR 983.101(c)]

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The PHA must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

17-III.D. INSPECTING UNITS

Pre-selection Inspection [24 CFR 983.103(a)]

The PHA must examine the proposed site before the proposal selection date. If the units to be assisted already exist, the PHA must inspect all the units before the proposal selection date, and 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.

Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]

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. 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.

HACA Policy

HACA will not provide assistance on behalf of the family until the unit fully complies 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. 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.

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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.

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

the availability of sufficient appropriated funding as determined by HUD or by the PHA in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that PHAs first take all cost-saving measures prior to failing to make payments under existing PBV HAP contracts.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the PHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Termination by Owner [24 CFR 983.205(d)]

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to the PHA. In this case, families living in the contract units must be offered tenant-based assistance.

Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206; FR Notice 1/18/17 and Notice PIH 2017-21]

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the PHA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. The PHA must provide the family with a voucher and the family must also be given the option by the PHA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements. The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard. The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to the PHA HCV tenant-based program and are not subject to income eligibility requirements or any other admission requirements. If the family chooses to remain in their unit with tenant-based

assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

~~Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to the PHA HCV tenant-based program, and are not subject to income eligibility requirements or any other admission requirements and will not be rescreened under tenant selection and eligibility criteria. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.~~

Remedies for HQS Violations [24 CFR 983.208(b)]

The PHA may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If the PHA determines that a contract does not comply with HQS, the PHA may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

HACA Policy

HACA will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies defined in the tenant-based voucher program. These policies are contained in Chapter 8 of HACA's HCV Administrative Plan.

17-V.C. AMENDMENTS TO THE HAP CONTRACT

Substitution of Contract Units [24 CFR 983.207(a)]

At the PHA's discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit. Before any such substitution can take place, the PHA must inspect the proposed unit and determine the reasonable rent for the unit.

Addition of Contract Units [FR Notice 1/18/17 and Notice PIH 2017-21]

The PHA and owner may amend the HAP contract to add additional PBV contract units in projects that already have a HAP contract without having to fulfill the selection requirements found at 24 CFR 983.51(b) for those additional PBV units, regardless of when the HAP contract was signed. The additional PBV units, however, are still subject to the PBV program cap and individual project caps. Prior to attaching additional units without competition, the PHA must submit to the local field office information outlined in FR Notice 1/18/17. The PHA must also detail in the administrative plan their intent to add PBV units and the rationale for adding units to the specific PBV project.

assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by the PHA.

Likewise, the PHA is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. The PHA is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. The PHA may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements

If the amount of the utility allowance exceeds the total tenant payment, the PHA must pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.

The PHA may pay the utility reimbursement directly to the family or to the utility supplier on behalf of the family. If the PHA chooses to pay the utility supplier directly, the PHA must notify the family of the amount paid to the utility supplier.

HACA Policy

HACA will make utility reimbursements payments directly to the family.

17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services

With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner

The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

EXHIBIT 17-1: PBV DEVELOPMENT INFORMATION

(Fill out one for each development)

Date: [Enter the date on which this form was completed]

DEVELOPMENT INFORMATION**Development Name:** [Insert name of PBV development]**Address:** [Insert full address of PBV development]**Owner Information:** [Insert PBV development owner name and contact information. If development is PHA-owned, enter "PHA-owned."]**Property Management Company:** [Insert property management company name and contact information, or enter "None"]**PHA-Owned:** [Enter "Yes" or "No." If yes, enter name of independent entity]**Mixed Finance Development:** [Enter "Yes" or "No." If yes, list other types of funding and units to which other funding applies.]**HAP CONTRACT****Effective Date of Contract:** [Enter start date of HAP contract]**HOTMA Requirements:** [If HAP contract was signed prior to April 18, 2017, enter "Pre-HOTMA." If HAP contract was signed on or after April 18, 2017, enter "Post-HOTMA."]**Term of HAP Contract:** [Enter term from HAP contract]**Expiration Date of Contract:** [Enter expiration date from HAP contract]**PBV UNITS**

	<u>0 BR</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>	<u>5 BR</u>	<u>Total</u>
<u># of Units</u>							
<u>Initial Contract Rent</u>	\$	\$	\$	\$	\$	\$	

Accessible Units and Features: [Identify which units are accessible and describe accessibility features or enter "None"]**Target Population:** [Describe targeted population in accordance with HAP contract or enter "None"]

Excepted Units: [Identify excepted unit types below or enter “None”]

Supportive Services: [Enter “Yes, see Exhibit D of HAP Contract” or enter “No”]

Elderly Units: [Enter “Yes” or “No.” If yes, identify which units are elderly units.]

Disabled Units (only for HAP contracts executed prior to April 18, 2017) [Enter “Yes” or “No.”
If yes, identify which units are for persons with disabilities.]

Are units excepted because they are located in a low-poverty census tract area?: [Enter
“Yes” or “No”]

WAITING LIST AND SELECTION

Waiting List Type: [Enter “Site-based waiting list,” “Combined with HCV,” “Waiting list for
entire PBV program,” or “Merged with another assisted housing program”]

Preferences: [Enter “Same as HCV; see Chapter 4” or describe preferences offered. If different
from HCV, also note in Section 17.1.B of this policy.]

Preference Verification: [Enter “Same as HCV; see Chapter 4” or describe for each preference
listed above. If different from HCV, note in Section 17.1.B of this policy.]

For the PBV program, is the income limit the same as the HCV program? (Note: In mixed
finance developments, other income limits may also apply.) [Enter “Same as HCV; see Chapter
3” or clearly describe. If different from HCV, note in Section 17.1.B of this policy.]

OCCUPANCY

Subsidy Standards: [Enter “Same as HCV; see Chapter 5” or describe. If different from HCV,
note in Section 17.1.B of this policy]

Utilities: [Enter in accordance with HAP contract Exhibit C]

Vacancy Payments: [Enter in accordance with HAP contract Part 1, e, 2 and Section 17-V.F.
within this chapter]

EXHIBIT 17-2: Special Provisions Applying to TPVs Awarded as Part of a Voluntary Conversion of Public Housing Units in Projects that Include RAD PBV Units

[24 CFR Part 972.200; Notice PIH 2019-05; Notice PIH 2019-23]

Under certain circumstances, HUD allows small PHAs to reposition a public housing project (or portion of a project) by voluntarily converting units to tenant-based housing choice voucher assistance. In order to preserve affordable housing for residents of the project, the PHA is given priority to receive replacement tenant protection vouchers (TPVs). As part of the voluntary conversion, the PHA has the option to continue to operate it as rental housing. If so, the PHA or subsequent owner must allow existing families to remain in their units using the TPV in the form of tenant-based assistance. In this situation, however, the PHA may choose to project-base these TPVs in the former public housing project. Families must still be provided with the option to remain in their unit using tenant-based assistance. In order for the PHA to project-base the assistance and include these units on the PBV HAP contract, the family must voluntarily consent in writing to PBV assistance following the requirements in Appendix A of Notice PIH 2019-05. If the family fails to consent to PBV assistance and chooses to remain using tenant-based assistance, the family's unit is excluded from the PBV HAP contract until the family moves out or consents to switching to PBV assistance. In general, all applicable program regulations and guidance for the standard PBV program apply to these units.

The PHA may also convert units in the same former public housing project to the PBV program under the rental assistance demonstration (RAD) program. The RAD statute authorizes HUD to waive certain statutory and regulatory provisions governing the standard PBV program and specify alternative requirements. In order to facilitate the uniform treatment of residents and units at the project, Notice PIH 2019-23 extended some of the alternative requirements to non-RAD PBV units in the converted project (i.e., the TPV units in the project). As such, while PBV TPV units in the converted project generally follow the requirements for the standard PBV program listed in this chapter, where HUD has specified alternative requirements for non-RAD PBV units in the project, PBV TPV units will instead follow the requirements outlined in Chapter 18 of this policy for the RAD PBV program.

RAD Requirements Applicable to Non-RAD units in the Project

<u>Alternative Requirement under RAD as Listed in Notice PIH 2019-23</u>	<u>Standard PBV Policy That Does Not Apply</u>	<u>Applicable Policy in Chapter 18</u>
<u>1.6.A.4. Site Selection – Compliance with PBV Goals</u>	<u>17-II.G. SITE SELECTION STANDARDS applies with the exception of</u>	<u>18-II.F. SITE SELECTION STANDARDS</u>

Draft revised October 15, 2020 Revised December 19, 2019

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	<u>deconcentration of poverty and expanding housing and economic opportunity requirements.</u>	
<u>1.6.B.5.d. PBV Site-Specific Utility Allowances</u>	<u>Alternative requirement under RAD. No corresponding policy in Chapter 17.</u>	<u>18-VII.C. UTILITY ALLOWANCES</u>
<u>1.6.C.1. No Rescreening of Tenants upon Conversion</u>	<u>Policies contained in Chapter 3 relating to eligibility do not apply to existing tenants who receive TPVs.</u>	<u>18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION</u>
<u>1.6.C.2. Right to Return</u>	<u>Alternative requirement under RAD. No corresponding policy in Chapter 17.</u>	<u>18-I.D. RELOCATION REQUIREMENTS</u>
<u>1.6.C.3. Phase-in of Tenant Rent Increases</u>	<u>Alternative requirements under RAD. No corresponding policy in Chapter 17.</u>	<u>18-VIII.D. PHASE-IN OF TENANT RENT INCREASES</u>
<u>1.6.C.4. Family Self Sufficiency (FSS) and Resident Opportunities and Self-Sufficiency Service Coordinator (ROSS-SC) Programs</u>	<u>Not covered in administrative plan.</u>	<u>18-VI.C. PUBLIC HOUSING FSS AND ROSS PARTICIPANTS</u>
<u>1.6.C.5. Resident Participation and Funding</u>	<u>Alternative requirement under RAD. No corresponding policy in Chapter 17.</u>	<u>18-VI.D. RESIDENT PARTICIPATION AND FUNDING</u>
<u>1.6.C.6. Resident Procedural Rights</u>	<u>Policies related to hearings in Chapter 16 apply, with added</u>	<u>18-VI.H. RESIDENTS' PROCEDURAL RIGHTS</u>

	<u>procedural rights and notice requirements as outlined in Chapter 18.</u>	
<u>1.6.C.7. Earned Income Disregard (EID)</u>	<u>Alternative requirements under RAD for in-place residents.</u> <u>New admissions follow policies in Chapter 6.</u>	<u>18-VI.G. EARNED INCOME DISALLOWANCE</u>
<u>1.6.C.8. Jobs Plus</u>	<u>Not covered in administrative plan.</u>	<u>No corresponding policy.</u>
<u>1.6.C.9. When Total Tenant Payment Exceeds Gross Rent</u>	<u>Alternative requirements under RAD for in-place residents.</u> <u>New admissions follow policies in 17-VII.B. LEASE, Continuation of Housing Assistance Payments.</u>	<u>18-VI.B. LEASE, Continuation of Housing Assistance Payments</u>
<u>1.6.C.10. Under-Occupied Unit</u>	<u>Alternative requirements under RAD for in-place residents.</u> <u>New admissions follow 17-VII.C. MOVES, Overcrowded, Under-Occupied, and Accessible Units</u>	<u>18-VI.E. MOVES, Overcrowded, Under-Occupied, and Accessible Units</u>
<u>1.6.D.4. Establishment of Waiting List</u>	<u>Alternative requirements under RAD for initial establishment of the waiting list.</u> <u>Once waiting list is established, follow 17-VI.D. SELECTION</u>	<u>18-V.D. ORGANIZATION OF THE WAITING LIST</u>

	<u>FROM THE WAITING LIST</u>	
<u>1.6.D.10. Initial Certifications and Tenant Rent Calculations</u>	<u>Alternative requirements under RAD for in-place residents. No corresponding policy in Chapter 17.</u>	<u>18-VIII.C. TENANT RENT TO OWNER, Initial Certifications</u>

Note, while Notice PIH 2019-05 states that the PHA must screen families for eligibility for a tenant protection voucher and that families must be below the low-income limit (80 percent of AMI), Notice PIH 2019-23 waives these requirements for residents in projects that include RAD PBV units.

HOUSING AUTHORITY OF THE CITY OF AUSTIN
BOARD ACTION REQUEST
QUALITY CONTROL
ITEM NO. 6.

MEETING DATE: October 15, 2020

STAFF CONTACT: Kelly Crawford, Director of Compliance Oversight

ITEM TITLE: Presentation and Discussion of the Draft 2021 Public Housing Authority (PHA) Annual Plan

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

This is a presentation and discussion of the Draft 2021 Public Housing Authority (PHA) Annual Plan and update to the Five Year Plan which will go out for public comment for 45 days beginning Friday, October 16, 2020. No formal vote is required of the Board at this time. The Board is being asked to review the Plan, approve staff taking the document out for a 45-day public comment period, and returning the Plan to the Board for final consideration at the December 2020 Board Meeting.

SUMMARY

Background:

The Annual PHA Plan provides a ready source for interested parties to locate basic housing authority policies, rules, and requirements concerning its operations, programs, and services. They also inform HUD, families served by the PHA, and members of the public of the housing authority's mission, goals and objectives for serving the needs of low-income, very low-income, and extremely low-income families. High Performer housing authorities such as HACA utilize Form HUD-50075-HP to submit annual changes to its PHA Plans.

The Draft 2021 PHA Plan incorporates proposed changes from the Housing Choice Voucher Administrative Plan along with updates regarding the Rental Assistance Demonstration (RAD) program and the agency's 5-Year Goals and Objectives. Due to HACA's conversion from public housing to Project-Based Rental Assistance (PBRA) through RAD, there are no longer any public housing facilities to include in the Annual Plan.

Process:

Staff is bringing these proposed changes to the Board for discussion and input at this time. After incorporating any Board recommendations, HACA will invite public comment on the proposed changes beginning at 8:00 a.m. on Friday, October 16, 2020 through 5:00 p.m. on Monday, November 30, 2020. HACA will send the proposed changes to Texas Rio Grande Legal Aid, the Austin Tenants' Council and other stakeholders. After receiving the comments, the proposed changes will be presented to the Board for final approval at the December 2020 Board Meeting.

Staff Recommendation:

The Board is being asked to review the Plan, approve staff taking the document out for a 45-day public comment period, and returning the Plan to the Board for final consideration at the December 17, 2020 Board meeting.

ATTACHMENTS:

- ▣ **Draft 2021 PHA Annual Plan**

Housing Authority of the City of Austin

DRAFT 2021 PUBLIC HOUSING AUTHORITY ANNUAL PLAN



A 45-Day Public Comment Period for the draft 2021 PHA Annual Plan and updates to the 2020-2024 Five-year Plan commence on Friday, October 16, 2020 and conclude on Monday, November 30, 2020. Three Public Hearings to be held: November 10, 2020 at 10:00AM (via teleconference); Friday, November 13, 2020 at 12:00 PM (via teleconference); and Tuesday, November 24, 2020, at 5:30PM (via teleconference) to receive public input for the draft 2021 Annual Plan and updates to the 2020-2024 Five Year Plan. The final draft will be presented to the HACA Board of Commissioners for approval at the December 17, 2020 Board of Commissioners meeting.

Streamlined Annual PHA Plan (High Performer PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0226
Expires: 02/29/2016

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

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

Definitions.

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

A.	PHA Information.																										
A.1	<p> PHA Name: <u>Housing Authority of the City of Austin</u> PHA Code: <u>TX001</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performer PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>04/2021</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>NONE</u> Number of Allocated Housing Choice Vouchers (HCVs) <u>5,979 HCV and 338 Mainstream Voucher</u> Total Combined <u>6,317</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> Availability of Information. A 45-Day Public Comment Period for the draft 2021 PHA Annual Plan and updates to the 2020-2024 Five-Year Plan will commence on Friday, October 16, 2020 and conclude on Monday, November 30 2020. Three Public Hearings will be held via teleconference due to the COVID-19 Pandemic on the following dates: Tuesday, November 10, 2020 at 10:00AM; Friday, November 13, 2020 at 12:00PM; and Tuesday, November 24, 2020, at 5:30PM to receive public input for the draft 2021 Annual Plan. The final draft will be presented to the HACA Board of Commissioners for approval at the December 17, 2020 Board of Commissioners meeting. </p> <p> Copies of the 2021 Annual Plan are available at the HACA Central Office and on the HACA website, www.hacanet.org. All supporting documentation is available at the HACA Central Office or via the HACA website. </p> <p> <input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) </p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:	N/A	N/A	N/A	N/A	N/A												
Participating PHAs	PHA Code					Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program																			
		PH	HCV																								
Lead PHA:	N/A	N/A	N/A	N/A	N/A																						

B. Annual Plan Elements**B.1 Revision of PHA Plan Elements.**

(a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission?

Y N

- ☐ ☒ Statement of Housing Needs and Strategy for Addressing Housing Needs.
☐ ☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
☐ ☒ Financial Resources.
☐ ☒ Rent Determination.
☐ ☒ Homeownership Programs.
☐ ☒ Safety and Crime Prevention.
☐ ☒ Pet Policy.
☐ ☒ Substantial Deviation.
☐ ☒ Significant Amendment/Modification

(b) The PHA must submit its Deconcentration Policy for Field Office Review.

(c) If the PHA answered yes for any element, describe the revisions for each element below:

Statement of Housing Needs and Strategy for Addressing Housing Needs

The 2020 published income limits* for the Austin-Round Rock-San Marcos Metro Area based on a family of four:

Extremely Low (0-30% Area Median Income (AMI)): \$29,300

Very Low (>30%-50% AMI): \$48,800

Low Income (>50%-80% AMI): \$78,100

July 1, 2018 United States Census Bureau Population Estimate for Austin: 964,254

* Based on the 2016 American Community Survey (ACS) 5-year Estimates Subject Tables, the average median household income of an occupied housing unit in the Austin CCD is \$58,527. The average renter occupied median household income is \$41,161. There are over 181,874 renter occupied housing units.

Monthly Housing Costs:

RENT	Owner-Occupied	Renter-Occupied
Less than \$300	3.3%	1.7%
\$300-\$499	7.0%	2.0%
\$500-\$799	12.4%	14.2%
\$800-\$999	7.7%	22.0%
\$1,000-\$1,499	24.1%	38.3%
\$1,500-\$1,999	18.8%	14.4%
\$2,000-\$2,499	9.9%	3.5%
\$2,500-\$2,999	6.6%	1.0%
\$3,00 or more	10.2%	.9%

Over 52% of the renter-occupied units pay a rent between \$1,000 - \$1,999 per month. This data reaffirms the data provided by the City of Austin Consolidated Plan 2019-24, that there are over 84,000 renters who have a rent burden over 30% or more of their income and the need for more affordable housing rental units in the Austin area continues to grow.

B.1**City of Austin Consolidated Plan 2019-2024
Priority Housing Needs/Housing Problems**

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing Cost burden greater than 50% of income	27,390	10,580	2,360	185	40,515	5,399	3,775	3,420	1,030	13,624
Housing cost burden greater than 30% of income	2,830	13,380	18,020	3,390	37,620	875	2,925	6,485	3,195	13,480
Zero/Negative Income	4,225	0	0	0	4,225	1,130	0	0	0	1,130

The Housing Authority of the City of Austin is only able to address a small percentage of the need for affordable housing through its Housing Choice Voucher programs for the extremely low to very low income families in Austin. Thus, the Housing Authority of the City of Austin continues to have a high demand to provide services through its programs to address safe, decent, affordable, and accessible units that are located throughout Austin. The demand for extremely low to low-income assisted housing through the Housing Choice Voucher programs is shown below. The greatest demands for HACA are one-bedroom and two-bedroom units.

Housing Needs of Families on the Waiting List

Waiting list type: (select one)

- ☒ Section 8 tenant-based assistance (The Section 8 waiting list opened September 17-24, 2018. 2,000 applications were randomly selected from 15,307 applications received. As of September 2019, the waiting list contained 2,182 active applicants. The overall number on the waiting list has increased due to VAWA requests for a voucher, low income housing reasonable accommodation requests for vouchers, and residents relocating from Chalmers West for our RAD redevelopment project.

	# of Families	% of Total Families
Waiting list total	HCV 2182	HCV
Extremely low income <=30% AMI	1881	86.21%
Very low income (>30% but <=50% AMI)	262	12.01%
Low income (>50% but <80% AMI)	4628	1.28%
Families with children	1110	50.87%
Elderly families	72	3.30%
Disabled	605	27.73%
Single	395	18.10%
White	910	41.70%
Asian	36	1.65%
Native Hawaiian/Other Pacific Island	13	.60%
Black/African American	1185	54.31%
American Indian/Alaska Native	31	1.42%
Not Assigned	7	.32%
Ethnicity-Hispanic or Latino	657	30.11%
Ethnicity-Not Hispanic or Latino	1525	69.89%

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

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

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

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

Policies that Govern Eligibility, Selection, and Admissions

[24 CFR §903.7(b)]

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

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

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

The policies regarding the Eligibility, Selection and Admissions to the Housing Choice Voucher program in their entirety can be found on the HACA webpage: www.hacanet.org.

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory and those in which denial of assistance is optional.

While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.

When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds PHAs of their obligation to safeguard the due process rights of applicants and tenants [Notice PIH 2015-19].

HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16].

PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE**Evidence**

For criminal activity, HUD permits HACA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

HACA Policy

HACA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Use of Criminal Conviction Records after Admission [24 CFR 5.903]

The regulation at 24 CFR 5.903 governs a PHA's access to and use of criminal conviction records obtained from a "law enforcement agency" such as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records.

While the regulatory listing of permitted uses for these records includes PHA screening of applicants for admission to the HCV program, it specifically excludes the use of records for lease enforcement and eviction of HCV participants and excludes by omission a PHA's use of records to terminate assistance for participants. While a PHA has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, PHAs may not use records for this purpose. The limitations, however, do not apply to criminal conviction information searches from non-federal sources (i.e., sources other than the "law enforcement agencies" defined in 24 CFR 5.902(b)). There is no prohibition that bars a PHA from using non-federal sources to conduct criminal background checks of program participants.

Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

If a property is subject to foreclosure, during the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. See Section 13-II.G for a discussion of PHA policies relating to units in foreclosure.

13-II.G. FORECLOSURE [Notice PIH 2010-49]

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). During the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a 90-day notice to vacate. Further, the new owner assumes interest in the lease between the prior owner and the tenant and to the HAP contract.

Any state or local law that provides longer time periods or other additional protections for tenants also applies.

HACA Policy

If a property is in foreclosure, HACA will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.

HACA will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.

HACA will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.

In the event that HACA is unable to make HAP payments to the new owner due to an action or inaction by the new owner that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the new owner, HACA will either use the funds to pay:

The utilities that are the owner's responsibility after taking reasonable steps to notify the owner; except that if the unit has been or will be rendered uninhabitable due to termination or threat of termination of service, prior notice is not required. In the latter case, HACA shall notify the owner within a reasonable time after making the utility payment; or

For the family's reasonable moving costs, including security deposit costs.

HACA will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.

See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.

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

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

HACA Policy

Preliminary Eligibility Criteria

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

- HACA shall prohibit admission to the housing program of an applicant for five years from the date of eviction or termination if a household or family member has been evicted or terminated from federally assisted housing for drug-related criminal activity.
- If the household or family vacated in lieu of eviction from a HACA property due to a household or family member engaging in drug-related criminal activity within 5 years from the date of application, HACA will prohibit the admission to the housing program if the following criteria have been met:
 - HACA has documentation confirming the household or family member engaged in the drug-related criminal activity (e.g. criminal records, including but not limited to, probable cause affidavits, court records, police reports, criminal background report, and / or other official documents); and
 - HACA has documentation confirming that it started the eviction process with the family (e.g. issuance of a 30 day notice or termination lease letter, issuance of a 3 day notice to vacate letter, notice of intent to vacate in lieu of eviction signed by tenant, filing a forcible detainer lawsuit against the family and / or other records); and
 - The offender that is identified in the documentation is still listed as a member of the household or family on the new application.

- An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if they were the head of household, spouse or cohead at the time of past residency at HACA and owes a move-out balance or debt to HACA which is not barred by a statute of limitations. There is a four-year statute of limitation, which ends the latter of:
 - Four years from the date the debt became delinquent, or
 - Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.
- An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if they were terminated or evicted for any reason other than drug-related activity from either program within a two-year period from date of new application. Abandonment of unit in the housing choice voucher program is considered a termination; abandonment of unit in the conventional housing program is considered an eviction. This restriction applies only to the former head of household and/or spouse or co-head.
- If the family vacated in lieu of eviction from any HACA property for any reason other than drug-related criminal activity within the two years from the date of application, HACA will prohibit admission to the housing program if the following criteria have been met:
 - HACA has documentation supporting the grounds for termination that would have led to the eviction of the household or family (e.g. criminal records including, but not limited to, probable cause affidavits, court records, police reports, criminal background reports, etc.; other records, including but not limited to Elite notes, photographs, resident ledgers, complaint records, HACA incident reports, prior tenant file documentation, etc.; and / or other official documents); and
 - HACA has documentation confirming that it started the eviction process with the family (e.g. issuance of a 30 day notice of termination letter, issuance of a 3 day notice to vacate letter, notice of intent to vacate in lieu of eviction signed by tenant, filing a forcible detainer lawsuit against the family, and / or other records); and
 - The family member or members identified in that documentation are still listed as members of the family on the new application.
- An applicant is deemed preliminarily ineligible and shall be rejected if applying for the housing choice voucher program if they have been issued a voucher within one year from the date of application, whether or not the voucher was utilized. Expiration of an unused voucher is not cause for preliminary ineligibility for the housing program.
- An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA waiting list if currently housed in this same program and listed as the head of household or co-head of household.
- For the purpose of providing a housing opportunity to as many applicants as possible, 12 months should elapse before an applicant is preliminarily eligible to reapply for the same program they have just moved out of. This shall include voluntary move outs from the housing program.
- An applicant is deemed preliminarily ineligible and shall be rejected if applying for the same program for which they have already been denied admissions due to criminal history or derogatory rental history, unreported income or fraud within a 12-month period. The applicant will not be eligible to request an informal review of this rejection due to the fact that the applicant was offered an informal review when they were initially denied admissions for criminal history and/or derogatory rental history. Twelve months should elapse from the date of denial or date of the hearing decision whichever is later.
- A family is deemed evicted if a lease termination/violation letter had been sent to the family alleging a breach of the lease based upon drug-related criminal activity, criminal activity, non-payment of rent or other breach and the family has voluntarily vacated, or if a judgment for eviction is rendered, or if the family vacated due to the oral threatened termination of the lease.
- HACA complies with all Fair Housing laws. Applicants have the right to request a Reasonable Accommodation. HACA will consider all Reasonable Accommodation requests under the Fair Housing Act and Section 504 of the American Disabilities Act. Information related to the Fair Housing Act, Section 504 and Requests for Reasonable Accommodation will be included in the denial letters.
- If the basis for the denial relates to family violence, the applicant may qualify for an exception under the VAWA Amendments. Information related to VAWA will be included in the denial letters.

Criminal Activity [24 CFR 960.203 (c)]

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

B.1**HACA Policy – HCV Program**

If any household member has been convicted of the following criminal activities during the designated review (look back) period, the family will be denied admission. The designated review period commences as of the date of the criminal offense.

If any household member has been convicted of any of the following criminal activities regardless of the date committed the family will be denied admission:

- Capital murder
- Murder
- Kidnapping
- Rape or crimes of a sexual nature
- Arson
- Indecency with a child
- First degree felony injury to a child
- Crimes involving terrorism
- Crimes involving explosives

Five year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- Manslaughter – felony conviction
- Criminally Negligent Homicide – felony conviction

Four year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- Drug-related offenses for Manufacture, distribution, or possession with intent to distribute – felony conviction
- Robbery-related offenses – felony conviction
- Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon - felony conviction
- 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 assault, aggravated assault, assault by threat, terroristic threat and domestic violence offenses – felony conviction.
- Physical violence to property to include vandalism – felony conviction
- Fraud committed against a government entity – felony conviction
- Burglary of a habitation – felony conviction
- Unlawful Restraint – felony conviction

Three year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- (1) Stalking- felony conviction
- (2) Theft or fraud committed against a non-government entity- felony conviction
- (3) Public lewdness and indecent exposure offenses- felony conviction

Two year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- Drug-related offenses for possession – felony conviction

One year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- 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
- (3) A pattern of misdemeanor harassment or domestic violence offenses
- (4) A pattern of misdemeanor terroristic threat offenses

If an applicant has one misdemeanor offense within the past four years, HACA will not deny the applicant. More than one misdemeanor may 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.

HACA will not deny an application solely on the basis of an arrest. If, however, HACA receives arrest information for a disqualifying activity, in addition to a prior conviction within a respective look-back period, it may take that arrest into consideration in making a decision with regard to an applicant's assistance. Additional information may be considered, if available, including police reports, statements, disposition of criminal charges such as abandonment, plea, dismissal, prosecution or acquittal, and any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity. In sum, any evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety of residents and/or property.

Individualized Assessment

In making its decision to deny assistance, HACA will consider the criminal background discussed in Sections 3-III.E and 3-III.F on an individual and case-by-case basis taking into consideration the nature and gravity of the offense and any other mitigating factors known and available. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior [960.203(c) and (d) , PH Occ GB, p. 48 and 24 CFR 982.552c]

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

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

B.1

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.

HACA will conduct an individualized assessment of each candidate's application. In making a 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.

Screening for Eligibility

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

HACA Policy

HACA requires criminal background checks for all applicant household and family members 17 years of age or older. HACA will use a third party vendor or other government agency to provide the criminal history reports. The report will be requested after a consent form has been signed. The report encompasses a national criminal history search.

If the applicant and/or household member 17 years of age or older or the live-in aide applicant has not resided in the state of Texas for the most recent 2 years from the date of application, HACA will require a FBI criminal history report that includes information from the National Crime Information Center (NCIC), in addition to reviewing the criminal history report provided by HACA's third party vendor or other government agency.

HACA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

HACA Policy

An online National Sex Offender check covering sex offender registries in all states is performed for all adults.

Additionally, HACA must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

Applicants' Grievance Procedure

If HACA proposes to deny admission based on a criminal record or on sex offender registration information, HACA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)]. Individuals denied admissions based on criminal record or sex offender registration information will be permitted to present mitigating and extenuating reasons for why they should be considered in light of a conviction including facts and circumstances surrounding criminal conduct, age at the time of conviction, evidence of good tenant history, employment, or rehabilitation.

HACA Criminal Record Policy & Process

HACA complies with HUD requirements, including 24 CFR 5.903(f) and 5.905(d) in the following manner:

- Authorization -- HACA will require each household member age 17 and older to sign a consent form allowing HACA to request the criminal history report.
- Criminal Records -- Once the consent is signed, HACA will request the criminal history report from its third party vendor or other government agency. HACA does not obtain criminal conviction records directly from law enforcement agencies.
- Information Sharing -- Upon review of the criminal history report, if there is information on the report that may be grounds for denial, HACA will share the information with the applicant and provide an opportunity for the family to dispute the accuracy of the information or provide additional relevant information.
- Notice of Denial -- After review of the report and any information provided by the family, HACA will determine if a denial is applicable. If a denial is warranted, a written notice of denial will be given to the family if they are present or mailed if they are not. The notice will provide the detailed summary of the criminal history that caused the reason for the proposed denial.
- Right to Appeal -- Additionally, the denial notice will advise the applicant of the right to request an informal hearing to dispute the accuracy of the data and the basis for the denial. The request must be made in writing within 15 calendar days of the date of the denial notice. If the family fails to request an informal hearing within 15 calendar days of the date of the official denial letter, the denial shall become final.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

Exception Payment Standards [24 CFR 982.503(c)(5), Notice PIH 2018-01]

A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to SAFMRs@hud.gov to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.

Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]

PHAs that administer vouchers in a metropolitan area where the adoption of SAFMRs is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

HACA Policy

HACA will not voluntarily adopt the use of SAFMRs except to establish exception payment standards in certain zip code areas.

Remote Informal Reviews

All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations.

HACA Policy

HACA has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, HACA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. HACA will consider other reasonable requests for a remote informal review on a case-by-case basis.

Conducting Remote Informal Reviews

HACA must ensure that the applicant has the right to hear and be heard.

HACA Policy

HACA will conduct remote informal reviews via telephone conferencing call-in or via videoconferencing. If the informal review will be conducted via videoconferencing, HACA will ensure that all applicants, applicant representatives, HACA representatives and the person conducting the informal review can adequately access the platform (i.e., hear, be heard, see, and be seen). If any applicant, applicant representative, HACA representative, or person conducting the informal review is unable to effectively utilize the videoconferencing platform, the informal review will be conducted by telephone conferencing call-in.

Whether the informal review is to be conducted via videoconferencing or telephone call-in, the HACA will provide all parties login information and/or conferencing call-in information before the review.

Remote Informal Hearings

HACA's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all HACA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations.

HACA Policy

HACA has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, HACA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. HACA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Conducting Informal Hearings Remotely

In conducting any informal hearing remotely, HACA shall ensure due process and that all parties are able to have full access to the hearing.

HACA Policy

HACA will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, the HACA will ensure that all participants, participant representatives, advocates, witnesses, HACA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen).

If any participant, representative, advocate, witness, HACA representative, or hearing officer is unable to effectively utilize the videoconferencing platform, the informal hearing will be conducted by telephone conferencing call-in.

Whether the informal hearing is to be conducted via videoconferencing or telephone call-in, HACA will provide all parties login information and/or telephone call-in information before the hearing. HACA will also provide technical assistance, if needed, before the informal hearing.

If the hearing will be conducted remotely, HACA will compile a hearing packet, consisting of all documents HACA intends to produce at the informal hearing. HACA will mail copies of the hearing packet to the family, the family's representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of HACA'S representative and retained by HACA.

Documents will be shared electronically whenever possible.

The HACA hearing procedures may provide that HACA must be given the opportunity to examine at the HACA offices before the hearing any family documents that are directly relevant to the hearing. HACA must be allowed to copy any such document at the HACA's expense. If the family does not make the document available for examination on request of HACA, the family may not rely on the document at the hearing.

HACA Policy

For in-person hearings, HACA may require pre-hearing discovery by HACA of family documents directly relevant to the hearing.

If the informal hearing is to be conducted remotely, HACA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing. HACA will scan and email copies of these documents to the hearing officer and the HACA representative the same day.

Documents will be shared electronically whenever possible.

VAWA:

HACA is not limited to providing VAWA information at the times specified in the above policy. If HACA decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

HACA Policy

Whenever HACA has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, HACA may decide not to send mail regarding VAWA protections to the victim's unit if HACA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, HACA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21; 24 CFR 983.51(b)]

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 attach PBV assistance non-competitively 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. The public housing units may either currently be in the public housing inventory or may have been removed from the public housing inventory within five years of the date on which the PHA entered into the AHAP or HAP.

- If the PHA is planning rehabilitation or new construction on the project, a minimum threshold of \$25,000 per unit in hard costs must be expended.
- If the PHA plans to replace public housing by attaching PBV assistance to existing housing in which the PHA has an ownership interest or control, then the \$25,000 per unit minimum threshold does not apply as long as the existing housing substantially complies with HQS.
- 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.
- *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.

PHA-Owned Units [24 CFR 983.51(e) 983.59, FR Notice 1/18/17 and Notice PIH 2017-21]

A PHA-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the PHA-owned units were appropriately selected based on the selection procedures specified in the PHA administrative plan. This also applies to non-competitive selections. If the PHA selects a proposal for housing that is owned or controlled by the PHA, the PHA must identify the entity that will review the PHA proposal selection process and perform specific functions with respect to rent determinations, the term of the HAP contract.

In the case of PHA-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by the PHA and a HUD-approved independent entity. In addition, an independent entity must determine the rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.

The independent entity that performs these program services may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

17-I.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, Notice PIH 2013-11, and FR Notice 2/28/20]

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.

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance. 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, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.

When a PHA selects a new construction or rehabilitation project, the PHA must require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/20 contains a list of all required documentation.

Either HUD or a HUD-approved housing credit agency (HCA) in the PHA's jurisdiction performs the subsidy layering review. The PHA must request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.

If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the PHA. The PHA may proceed to execute an AHAP at that time if the environmental approval is received.

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.

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

A PHA may establish local requirements designed to promote PBV assistance in partially assisted projects. A *partially assisted project* is a project in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].

A PHA may establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building. A PHA may also determine not to provide PBV assistance for excepted units, or the PHA may establish a per-project cap of less than 25 units or 25 percent of units.

PHA Policy:

Excepted units will be limited to units for elderly families.

Beyond that, the PHA will not impose any further cap on the number of PBV units assisted per project.

Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]

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.~~ 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.

HACA Policy

HACA will not provide assistance on behalf of the family until the unit fully complies 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.

Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206; FR Notice 1/18/17 and Notice PIH 2017-21]

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the PHA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. The PHA must provide the family with a voucher and the family must also be given the option by the PHA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements. The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard. The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to the PHA HCV tenant-based program, and are not subject to income eligibility requirements or any other admission requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 AND 205]

HACA's HCV waiting list must be organized in such a manner to allow HACA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

HACA Policy

The waiting list will contain the following information for each applicant listed:

- Applicant name and address
- Social Security number
- Family member count
- Date and time of application
- Lottery number of selection through the lottery process.
- Certification from Head of household claiming any local preference
- Racial or ethnic designation of the head of household.

HUD requires HACA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

HACA Policy

HACA will maintain a single waiting list for the HCV program.

HACA will not merge the HCV waiting list with the waiting list for other subsidized housing programs.

HACA will use separate waiting lists for Project-based Voucher (PBV) units in individual projects. Specifications regarding selection from the PBV waiting lists can be found in Chapter 17 of the Administrative Plan.

If HACA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the PHA's project-based voucher program or moderate rehabilitation program, HACA will direct the applicant to the internet link to complete an application for HCV tenant based assistance.

Similarly, if HACA's waiting list for its project-based voucher program or moderate rehabilitation program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes units suitable for the applicant, HACA will direct the applicant to the internet link for the other programs to complete an application.

A family's decision to apply for, receive, or refuse other housing assistance will not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

4-III.A. OVERVIEW

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

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

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

4-III.B. SELECTION AND HCV FUNDING SOURCES**Special Admissions [24 CFR 982.203]**

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

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

Targeted Funding [24 CFR 982.204(e)]

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

HACA Policy

- HACA administers the following types of targeted funding:
- Mainstream Vouchers for Persons with Disabilities
- 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 960.206 & 24 CFR 982.202(d)].

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

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

HACA Policy for the Housing Choice Voucher Program

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

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

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

Elderly = 2
Disabled = 2
Involuntarily Displaced = 2
Homeless = 3
Families with Minor Children = 2
Residency = 1
RAD Choice Mobility = 3
RAD Relocation = 4
PH Special Accommodation = 3
FUP Youth = 3
NED+Homeless/Institutionalized=2
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.

B.1	<p>The displacement must have occurred within six months of requesting the involuntary displacement preference. Also, HACA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.</p> <p>(D) Homeless Preference: HACA will give preference to homeless applicants. Each fiscal year HACA will give a preference to no more than 100 applicants or 25% of all applicants drawn (whichever is less) meeting all of the following criteria:</p> <ol style="list-style-type: none"> Meet the HUD definition of homeless. See definitions section at the end of the Administrative Plan. Are referred to HACA by a coalition of homeless service providers with whom HACA has executed a Memorandum of Understanding (MOU) outlining the provider's responsibilities with respect to the provision of housing search assistance and supportive services for the referred household. Have received a written commitment from the referring homeless service provider for housing search / location assistance. Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and Have received a written commitment from the homeless service provider to offer supportive services to help the household maintain housing and comply with HCV rules. <p>While a referral from the coalition of homeless service providers is required for this preference, use of the offered supportive services is not a requirement. The choice of the applicant to refuse the offered services will not jeopardize any housing assistance for which they are eligible.</p> <p>HACA will execute a Memorandum of Understanding with one entity representing a coalition of homeless service providers that will serve as the primary point of contact for communicating homeless referrals to HACA. HACA reserves the right to establish additional MOUs as necessary to ensure that homeless applicants have the opportunity to apply for housing assistance under this preference.</p> <p>If it is determined that an applicant referred by a homeless service provider, as described above, does not meet the criteria described therein, the applicant will not receive the preference and:</p> <ul style="list-style-type: none"> if the applicant was only on the HCV waiting list because of the homeless referral, the applicant will be removed from the HCV waiting list if the applicant was on the HCV waiting list through the regular application process, the applicant will return to their lottery position on the waiting list without the homeless preference. <p>If HACA denies an applicant's homeless preference claim, HACA will notify the applicant and referring service provider in writing, including the reason(s) for the preference denial. Applicants have the right to appeal the denial of eligibility for the homeless preference using the established process for informal hearings.</p> <p>Persons transitioning out of the City of Austin's 1115 Waiver Permanent Supportive Housing Assertive Community Treatment Team program into permanent housing will be included as a priority group as part of this preference. This would require a referral from the current case manager as well as documentation that the family was homeless prior to entering into the current program. This documentation must be provided as part of the referral.</p> <p>Individuals and families transitioning, or "moving up," from Permanent Supportive Housing (PSH) units will also be included as a priority group as part of this homeless preference. These are persons that were previously homeless prior to entry into a PSH program but who no longer require that level of supportive services. This would require a referral from the current case manager or PSH provider as well as documentation that the family was homeless prior to entering into the PSH unit. This documentation must be provided as part of the referral.</p> <p>(E) Families with Minor Children Preference: HACA will give preference to families with minor children. A minor child is a child under age 18 who meets HUD and HACA's definition of a family member (See Section 3.1.B for the definition of Family Members).</p> <ul style="list-style-type: none"> Minor children of a live in aide do not qualify the family for this preference. Minor children that are foster children of an authorized adult member of the assisted family do not qualify the family for this preference.
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- (F) **Residency Preference:** HACA will give preference to persons who reside in the following Texas Counties: Travis, Hays, Bastrop, Caldwell and Williamson counties. The residency status will be determined at the time of the eligibility interview. This preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, sexual orientation, religion, disability, or age of any member of an applicant family.
- Applicants who are working or who have been notified that they are hired to work in a residency preference area will be treated as residents of the residency preference area with documented proof of employment in the residency preference area. Applicants who are graduates of, or active participants in, education and training programs in a residency preference area are eligible for this preference if the education or training program is designed to prepare individuals for the job market.
- (G) **Rental Assistance Demonstration (RAD) Choice Mobility Preference (Ch. 18 HCV Administrative Plan):** As required by HUD and in accordance with all HUD RAD guidelines, if HACA participates in RAD, HACA will provide a Choice-Mobility option to residents of covered RAD projects in accordance with the following:
- Resident Eligibility.* Residents have a right to move with tenant based rental assistance (e.g. Housing Choice Voucher (HCV)) the later of: (a) 24 months from date of execution of the HAP or (b) 24 months after the move-in date.
- Voucher Inventory Turnover Cap.* Recognizing the limitation on the availability of turnover vouchers from year to year, HACA in any year, will only provide one-third of its turnover vouchers to the residents of covered projects. HACA will establish this voucher inventory turnover cap, and if implemented HACA will create and maintain a waiting list in the order in which the requests from eligible households are received.
- Project Turnover Cap.* Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interests of the property, in any year, HACA will limit the number of Choice-Mobility moves exercised by eligible households to 15 % of the assisted units in the project. HACA will establish this project turnover cap, and if implemented HACA will create and maintain a waiting list in the order in which the requests from eligible households are received.
- (H) **PBRA Special Accommodation Preference:** HACA will give preference to families that are currently housed in 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 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 PBRA families waiting on the transfer list to be eligible, they must:***
- a) Be currently housed in 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 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 PBRA waiting list and waiting for their first housing offer, they must:***
- a) Have a current application on the PBRA waiting list which was drawn according to the regular rules and guidelines of the PBRA waiting list.
 - b) Have completed eligibility certification and are eligible for the 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 PBRA without receiving a housing offer specifically due to either

B.1	<ol style="list-style-type: none"> 1. The needed accommodation is not economically feasible to be done in HACA's existing 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. <p>e) Had verified income at the time of their eligibility processing which was below the current income limit for the Housing Choice Voucher program.</p> <p><i>For both current PBRA families and families drawn off the PBRA waiting list:</i></p> <ol style="list-style-type: none"> 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 PBRA families and families drawn off the PBRA waiting list) eligible to receive this preference will be capped at no more than 10 families per calendar year. <p>(I) FUP Youth Preference: HACA will give preference to FUP youth whose 18 month FUP voucher is expiring and they will lack adequate housing as a result of voucher expiration. To be eligible for this voucher, the FUP Youth must be referred by the Texas Department of Family Protective Services (TDFPS), Lifeworks or another social service agency. The referral must indicate that without continued voucher assistance, the FUP Youth will lack adequate housing. Receipt of this preference is not a guarantee of uninterrupted voucher assistance, as issuance of vouchers is dependent on funding availability.</p> <p>(J) PBRA Relocation Preference: HACA may give preference to families currently housed in PBRA properties that are undergoing significant renovation or redevelopment post- RAD conversion 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.</p> <p>(K) HACA VAWA Emergency Preference: HACA will give preference to families living in a HACA owned 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.</p> <p>(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.</p> <p>2. Specified category vouchers waiting list selection criteria.</p> <p>F. Project-Based Vouchers (PBV): Applicants who occupy units with PBV assistance must be selected from the PHA's waiting list. The PHA may establish selection criteria or preferences for occupancy of particular PBV units. The PHA may place families referred by the PBV owner on its PBV waiting list. See Chapter 17-VI.D for selection method. HACA will use separate waiting lists for PBV units in individual projects. Specifications regarding selection from the PBV waiting lists can be found in Chapter 17 of the Administrative Plan.</p> <p>17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]</p> <p>If HACA's Housing Choice waiting list is open when an applicant is placed on the PBV waiting list, applicants will be given the opportunity to apply to the Housing Choice Voucher waiting list. The applicant will remain on the waiting list for tenant-based voucher assistance, even after the applicant has applied for, received, or refused an offer of PBV assistance.</p> <p><u>ELYSIUM GRAND</u> HACA will project-base 25 HUD-VASH vouchers at the Elysium Grand, located at 3300 Oak Creek Drive, Austin TX 78727.</p> <p><u>Tenant Selection</u> HACA will accept HUD-VASH applicants for vacant units in the order received from the Veterans Affairs Austin Outpatient Clinic in accordance with HUD-VASH Operating Requirements.</p> <p><u>TERRACE AT OAK SPRINGS (previously Housing First at Oak Springs)</u> HACA will project-base 25 HUD-VASH vouchers and 25 Housing Choice Vouchers at the Terrace at Oak Springs (previously Housing First at Oak Springs), located at 3000 Oak Springs Drive, Austin TX 78702.</p> <p><u>Tenant Selection</u> HACA will accept HUD-VASH applicants for vacant units in the order received from the Veterans Affairs Austin Outpatient Clinic in accordance with HUD-VASH Operating Requirements.</p>
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For non-specified category vouchers, HACA will allow the PBV owner to refer households for placement on the waiting list. HACA 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 Owner Referral preference (if they qualify). Weights for each preference are as follows:

Owner Referral = 1

Project-Specific Supportive Services Need = 1

Disability = 1

Chronically Homeless = 2

Owner Referral Preference: HACA will give preference to households (including individuals) referred by the project owner who have completed a Coordinated Assessment administered by a member of the Austin/Travis County Continuum of Care (CoC) and been verified by the CoC Lead Agency as the highest priority eligible household as required by the project's funding sources.

Project-Specific Supportive Services Need Preference: HACA will give preference to households (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain housing, who without appropriate supportive services will not be able to obtain or maintain housing, and for whom such services cannot be provided in a non-segregated setting. HACA will verify qualification for this preference with the PBV owner's on-site clinical staff. Disabled residents shall not be required to accept particular services offered at the project. HACA is prohibited from granting preferences to persons with specific disabilities (24 CFR 982.207(b)(3)).

Disability: 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.

Chronically Homeless Preference: HACA will give preference to households (including individuals) who meet the HUD definition of chronically homeless defined in the Final Rule published December 4, 2015 (24 CFR Part 91).

When notified of a vacancy in a non-specified voucher unit, HACA will first draw applicants that meet and score the highest site-based preferences based on date and time of application. HACA will then draw all other applicants based on the date and time of application.

Financial Resources

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2020 grants)		
a) Public Housing Operating Fund *excluding RAD Properties for 2017	\$2,082,400	
b) Public Housing Capital Fund	\$848,848	
c) HOPE VI Revitalization	-	
d) HOPE VI Demolition	-	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$58,742,043	
f) Resident Opportunity and Self-Sufficiency Grants	-	
g) Community Development Block Grant	-	
h) HOME	\$658,978	
Other Federal Grants (list below)		
Continuum of Care Program	\$586,216	
Section 8 Mod-Rehab SRO	\$325,127	
Section 8 FSS Coordinator	\$270,578	
CARES	\$675	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
Public Housing Capital Fund		
3. Public Housing Dwelling Rental Income		
4. Other income (list below)		
Interest	\$425,574	
Other Income	\$764,968	
5. Non-federal sources (list below)		
Component Unit	\$35,383,856	
Total resources	\$100,738,609	

Rent Determination

INCOME AND RENT DETERMINATION

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

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

5.609 Annual income.

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

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
 - (3) Which are not specifically excluded in paragraph [5.609(c)].
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

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

HOUSEHOLD COMPOSITION AND INCOME

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

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

Temporarily Absent Family Members

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

Anticipating Annual Income

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

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

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

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

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

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

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

B.1	<p>The approved method to reduce administrative burden and streamline income recertification efforts states the following:</p> <ul style="list-style-type: none"> • Applicants must provide full third party verification (i.e. bank statements) at the time of determination of income eligibility. • For a resident family with net assets equal to or less than \$5,000, a PHA may accept, for purposes of recertification of income, a family's declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income. However, the PHA must obtain full third-party verification of assets every three years. <p>The following HACA forms, which are signed by all adult family members, will serve as documentation of the family's self-declaration of asset income, HCV program's Annual Re-certification form and How to Report a Change form. If the family has net family assets equal to or less than \$5,000, HACA will not request supporting documentation (e.g. bank statements) from the family to confirm the assets or the amount of income expected to be received from those assets. If the family has net assets in excess of \$5,000, HACA will request supporting documentation (e.g. bank statements) from the family to confirm the assets.</p> <p>Any assets reported by the family will be reported on the HUD Form 50058.</p> <p>EARNED INCOME DISALLOWANCE [24 CFR 960.255] The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time.</p> <p>PERIODIC PAYMENTS Streamlined Income Determination of Fixed Income Sources [24 CFR 960.257]</p> <p>On March 8, 2016 HUD published the Streamlining Rule in the Federal Register. According to this rule, for any family member with a fixed source of income, a PHA may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.</p> <p><u>HACA Policy</u> HACA will apply this streamlined income determination for all fixed income sources in the following way:</p> <ul style="list-style-type: none"> • HACA will only use the streamlined income determination as part of a reexamination. HACA will require third-party verification of all income for applicants during the admissions process. • A "family member with a fixed source of income" is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources: <ul style="list-style-type: none"> ○ Social Security, Supplemental Security Income, Supplemental Disability Insurance; ○ Federal, state, local, or private pension plans; ○ Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or ○ Any other source of income subject to adjustment by a verifiable COLA or current rate of interest. • HACA will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. HACA will verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then HACA will obtain third-party verification of income amounts in order to calculate the change in income for the source. • For any family member whose income is determined pursuant to a streamlined income determination, HACA will obtain third-party verification of all income amounts every 3 years. <p>PAYMENTS IN LIEU OF EARNINGS Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)].</p> <p>WELFARE ASSISTANCE Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state or local governments [24 CFR 5.603(b)].</p> <p>PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)] Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.</p>
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B.1	<p>Regular Contributions or Gifts</p> <p>The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].</p> <p>ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME</p> <p>Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this section include the following:</p> <ul style="list-style-type: none"> • Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member [24 CFR 5.609(c)(4)] • The full amount of <u>student financial assistance</u> paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)]. <p><u>HACA Policy</u></p> <p>Regular financial support from parents or guardians to students for food, clothing, personal items and entertainment is not considered student financial assistance and is included in annual income.</p> <ul style="list-style-type: none"> • Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)] • Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a <u>Plan to Attain Self-Sufficiency (PASS)</u> [(24 CFR 5.609(c)(8)(ii)] • <u>Reparation payments</u> paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)] • <u>Adoption assistance</u> payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)] • <u>Refunds or rebates on property taxes</u> paid on the dwelling unit [24 CFR 5.609(c)(15)] • Amounts paid by a state agency to a family with a member who has a <u>developmental disability and is living at home</u> to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)] • Amounts specifically <u>excluded by any other federal statute</u> [24 CFR 5.609(c)(17), FR Notice 05/20/14]. HUD publishes an updated list of these exclusions periodically. It includes: <ul style="list-style-type: none"> a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b)) b) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058) c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) d) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e) e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f)) f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)) (Effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931).) g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04) (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nations Settlement Act of 1990 (25 U.S.C. 1774f(b)) h) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408) i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under the federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu) For Housing Choice Voucher (Section 8) programs, the exception found in §237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-249) (See Section 6-1.L. for exceptions.) j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f)) k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.) l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721) m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
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B.1	<p>o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)</p> <p>p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))</p> <p>q) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida.</p> <p>r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)</p> <p>s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)</p> <p>t) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C.1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC)</p> <p>u) Any amount in an)individual development account” as provided by the Assets for Independence Act, as amended in 2002</p> <p>v) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437A) by section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289)</p> <p>w) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under NAHASDA and administered by the Office of Native American Programs</p> <p>x) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., 816 F. Supp. 2d 10 (Oct. 5, 2011 D.D.C.), as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291)</p> <p>y) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).</p> <p>z) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013-30. “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a))</p> <p>PART II: ADJUSTED INCOME</p> <p>HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family’s adjusted income. Mandatory deductions are found in 24 CFR 5.611.</p> <p>5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:</p> <p>(1) \$480 for each dependent;</p> <p>(2) \$400 for any elderly family or disabled family;</p> <p>(3) The sum of the following, to the extent the sum exceeds three percent of annual income:</p> <p>(i) Unreimbursed medical expenses of any elderly family or disabled family;</p> <p>(ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and</p> <p>(4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.</p> <p>PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]</p> <p>Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the PHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128].</p> <p>The <i>Form HUD-50058 Instruction Booklet</i> states the maximum allowable amount for total permissive deductions is less than \$90,000 per year.</p> <p><u>HACA Policy</u></p> <p>HACA will deduct child support payments up to \$480 annually, per child, made by any member of the family for the support and maintenance of any child who does not reside in the household. In order to verify payment, such payments must be tendered through an appropriate, governing child support collection entity. Payments must be verifiable by HACA.</p>
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B.1

PART III: CALCULATING RENT

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

TTP Formula [24 CFR 5.628]

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

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

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

Welfare Rent [24 CFR 5.628]

HACA Policy

Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

HACA Policy

The minimum rent for this locality is \$25.

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

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

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

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

HACA Policy

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

B.1	<p>Utility Reimbursement [24 CFR 960.253(c)(3)] PRORATED Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.</p> <p><u>HACA Policy</u> HACA will make utility reimbursements to the family.</p> <p>RENT FOR MIXED FAMILIES [24 CFR 5.520] HUD regulations prohibit assistance to ineligible family members. A <i>mixed family</i> is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the PHA must:</p> <ol style="list-style-type: none"> (1) Subtract the TTP from the PHA-established flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible (family maximum subsidy). (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy). (3) Multiply the member maximum subsidy by the number of eligible family members. (4) Subtract the subsidy calculated in the last step from the PHA-established flat rent applicable to the unit. This is the prorated TTP. (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family. <p>CHANGES AFFECTING INCOME OR EXPENSES Interim reexaminations can be scheduled either because HACA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change.</p> <p><u>Criteria of Substantial Deviation and Significant Amendments</u></p> <p>U.S. Department of Housing and Urban Development (HUD) statute, Public and Indian Housing (PIH) Notice 99-51, requires that public housing authorities explain “substantial deviations” from the 5-Year Plan in their Annual Plans. The statute also provides that, while public housing authorities may change or modify their plans or policies described in them, any “significant amendment or modification” to the plan would require public housing authorities to submit a revised PHA Plan that has met full public process requirements. The Housing Authority of the City of Austin defines the following circumstances will constitute as a significant amendment/modification to this agency’s PHA plan:</p> <ul style="list-style-type: none"> *Changes made to the admissions policies, organization of the waiting list and/or tenant rent payments; *Addition of non-emergency work items (items not included in the current Annual Statement or 5-Year Action Plan) or changes in use of replacement reserve funds under the Capital Fund in the amount of 20% or more of the annual grant; *Any changes with regard to demolition or disposition, designation, homeownership programs or conversion activities. <p>A substantial deviation may be defined as a loss and/or inadequate funding for a program, reallocation of funding to sustain programs and/or a change in regulatory requirements governing a program, thus requiring the PHA to amend its agency plan.</p> <p>As part of the Rental Assistance Demonstration (RAD), HACA is redefining the definition of a substantial deviation from the PHA Plan to exclude the following RAD-specific items per PIH Notice 2012-32, Rev-2:</p> <ol style="list-style-type: none"> a. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance; b. Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds; c. Changes to the construction and rehabilitation plan for each approved RAD conversion; and d. Changes to the financing structure for each approved RAD conversion.
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B.2**New Activities.**

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

Y N

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

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

For Chalmers West, we will be project-basing 128 units out of 156 total units as described below:

28 RAD Project Based Vouchers

50 Section 18 Project Based Vouchers

50 HACA Project Based Vouchers

This is consistent with our Goal "We are committed to Affordable Housing". We revitalized our public housing assets and converted them through RAD. We will seek additional rental assistance vouchers, and advance innovative affordable housing solutions. Our Objectives under this goal indicate that we will seek to obtain additional rental assistance vouchers, increase the number of affordable housing units, and to execute an agreement to enter into a Housing Assistance Payment contract to project-base vouchers at Chalmers West.

HACA Policy

HACA may operate a project-based voucher program that utilizes up to 400 tenant base vouchers.

HACA may decide to project-base vouchers above the 400 voucher limit (but no more than 20 percent of its allocated 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.

B.2

The Housing Authority of the City of Austin (“HACA”) hereby declares that Chalmers Courts, Santa Rita Courts, Rosewood Courts, Meadowbrook Courts, Booker T. Washington Terraces, Lakeside Apartments, Salina Apartments, Gaston Place Apartments, Thurmond Heights Apartments, Georgian Manor Apartments, Goodrich Apartments, North Loop Apartments, Northgate Apartments, Manchaca Village Apartments, Manchaca II Apartments, Coronado Hills Apartments, and Shadowbend Ridge Apartments, which converted from the Public Housing program to a RAD PBRA contract, comply with the Site Selection requirements set forth at Appendix III of PIH Notice 2012-23 Revision 1, the Fair Housing Act, Title VI of the Civil Rights Act of 1964 including implementing regulations at 24 CFR §1.4(b)(3), Section 504 of the Rehabilitation Act of 1973 including the implementing regulations at 24 CFR §8.4(b)(5), and the American with Disabilities Act.

Public Housing Developments Converted to RAD

Property/ PIC ID	Type of Units Pre-RAD and Post-RAD *no change	Change in # Units	# of Units	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	CONVERSION DATE, effective HAP contract	CONSTRUCTION COMPLETION DATE
Gaston Place **/ TX001000009	Elderly / Disabled*	None	100	0	96	4	-	-	-	8/1/17	4/24/19
Bouldin Oaks / TX001000010	Family*	None	144	0	54	58	22	10	-	12/1/16	11/7/17
Georgian Manor / TX001000012	Family*	None	94	0	38	38	14	4		12/1/16	4/27/18
North Loop / TX001000015	Elderly / Disabled*	None	130	0	125	5	-	-	-	12/1/16	2/1/18
Northgate / TX001000016	Family*	None	50	0	20	18	8	3	1	12/1/16	4/27/18
Coronado Hills / TX001000016	Family*	None	48	0	12	32	4	-	-	12/1/16	9/15/17
Shadowbend / TX001000017	Family*	None	50	0	18	20	9	2	1	12/1/16	8/24/17
Manchaca Village TX001000017	Family*	None	33	0	12	12	6	2	1	12/1/16	8/24/17
Manchaca II / TX001000017	Family*	None	33	0	12	13	7	1	-	12/1/16	7/30/17
Booker T Washington/ TX001000005	Family*	None	216	0	15	60	103	35	4	11/1/17	6/3/19
Rosewood Courts/ TX001000002	Family	None*	124	8	48	50	12	34	0	12/1/18	8/1/19
Salina/TX001000008	Elderly / Disabled	None*	32	16	16	0	0	6	0	12/1/18	
Santa Rita Courts/ TX001000003	Family	None*	97	0	15	36	34	0	2	12/1/18	8/15/19
Thurmond Heights/ TX001000011	Family	None*	144	0	54	58	22	10	0	11/1/18	6/5/19
Goodrich/ TX001000013	Family	+80	120	0	16	15	4	10	0	9/1/18	
Meadowbrook/ TX001000004	Family*	None	160	0	0	100	37	20	3	11/1/17	4/16/19
Chalmers Courts East/ TX001000001	Family	+76	156	0	78	53	17	8	0	9/1/19	
Lakeside / TX001000007	Elderly / Disabled	None*	164	48	92	23	1	0	0	11/1/19	
Chalmers Courts West/ TX001000001	Family	None*	78	0	38	18	12	10	0	11/15/20	Mid 2021
TOTAL		156	1,973	72	759	613	276	155	12		

B.2

Conversion Process:

With the RAD conversions, HACA has established a Reserve for Replacement account, which is held by the lender. This account funds ongoing capital replacement and repair items to ensure the long-term preservation of HACA's properties. In addition to a substantial initial deposit, each property contributes an additional \$350 per unit per year.

RAD Program Elements Affecting Resident Rights and Participation , Waiting List and Grievance Procedures for PBRA (Note: these requirements have been adopted)

Under RAD, HACA residents continue to receive many of the same protections as they did under the HACA Public Housing program. These protections include, but are not limited to: 1.) no re-screening of current residents returning from relocation due to construction; 2.) for qualified residents, HUD continues to subsidize their rent, while the resident pays 30% of their income towards rent; 3.) families have the right to return and receive relocation assistance if relocated due to rehabilitation or construction; 4.) resident councils can continue to meet and advocate for residents; 5.) families may stay in an under-occupied unit until an appropriate size unit becomes available; 6.) grievance and termination policies will remain the same; 7.) current participants of the Family Self-Sufficiency program will continue to be eligible for FSS benefits; 8.) current residents who are receiving the Earned Income Disregard (EID) exclusion will continue to receive the exclusion; and 9.) current residents can continue to have pets. Other protections will also apply.

Tenant Protections Under Section 1.7.B (PBRA)

1. No re-screening of tenants upon conversion

Pursuant to RAD Statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

2. Under-Occupied Unit

If at the time of conversion, an eligible family assisted under the HAP contract is occupying a unit that is larger than appropriate because of the family's composition, the family will be permitted to continue to occupy the unit until such a time as an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized within a reasonable period of time. In order to allow the family to remain in the under-occupied unit until an appropriate sized unit becomes available in the Covered Project, HUD is waiving the portion of 24 CFR § 880.605 that assumes the unit has become under-occupied as the result of a change in family size.

3. Phase-in of tenant rent increased

If resident's monthly rent increases by the greater of 10 percent or \$25.00 purely as a result of conversion, the rent increase will be phased in over 3 years, which a PHA may extend to 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Consolidated and Further Continuing Appropriations Act of 2012 (the Act), as well as 24 CFR § 880.201 (definition of "total tenant payment"), to allow for the phase-in of tenant rent increases. A PHA must set the length of the phase-in period to be three years, five years or a combination depending on circumstances. HACA has set the length of the phase in period to three years.

4. FSS program

Public Housing residents that were Family Self-Sufficiency (FSS) participants continue to be eligible for FSS once their housing converted under RAD. All Project Owners are required to administer the FSS program in accordance with the requirements of 24 CFR 984, the participants' contracts of participation, and future guidance published by HUD. Project Owners are allowed to use any funds already granted FSS coordinator salaries until such funds are expended. All Project Owners are required to provide both service coordinators and payments to the escrow until the end of the Contract Participation for each resident. Upon conversion, already escrowed funds for FSS Participants shall be transferred into the PBRA escrow account and be considered PBRA funds, thus reverting to PBRA if forfeited by the FSS participant. Through waiver in PIH Notice 2012-32 (HA), REV-2, FSS funds awarded in FY14 and prior FSS funds may be used to continue to serve FSS participants living in the units converted under RAD to PBRA. Pursuant to FY 2015 Appropriations Act any FSS funds awarded in FY 2015 (and forward if the provision is extended), may be used to also serve any other PBRA resident, affected by RAD or not. The FSS Proposed Rule "Streamlining and Implementation of Economic Growth, Regulatory Relief, and Consumer Protection Act Changes to Family Self-Sufficiency (FSS) Program" primarily implements statutory changes signed into law in 2018. However, other proposed changes to help reduce burden and streamline the program will be reviewed and implemented as the final rule is released.

5. Resident Participation and Funding

Residents of Covered Projects with assistance converted to PBRA have the right to establish and operate a resident organization in accordance with 24CFR Part 245 (Tenant participation in Multifamily Housing Projects). In addition, residents are eligible for resident participation funding.

6. Termination Notification

Pursuant to RAD Statute, HUD is incorporating additional termination notification requirements to comply with Section 6 of the Act for public housing projects converting assistance under RAD, that supplement notification requirements in regulations at 24 CFR § 880.607 and the Multifamily HUD Model Lease.

a. Termination of Tenancy and Assistance

The termination procedure for RAD conversions to PBRA additionally requires that Project Owners provide adequate written notice of termination of the lease which shall not be less than:

- i. A reasonable period of time, but not to exceed 30 days:
 - o If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - o In the event of any drug-related or violent criminal activity or any felony conviction; or
- ii. 14 days in the case of nonpayment of rent.

b. Termination of Assistance

In all other cases, the requirement at 24 CFR § 880.603, the Multifamily HUD Model Lease, and any other HUD multifamily administrative guidance shall apply.

7. Grievance Process

Due to the requirements in the RAD statute, HUD is incorporating resident procedural rights to comply with the requirements of Section 6 of the Act. In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project paid-utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances), HUD requires that:

- a. Residents be provided with notice of the specific grounds of the Project Owner's proposed adverse action, as well as their right to an informal hearing with the Project Owner;
- b. Residents have the opportunity for an informal hearing with an impartial member of the Project Owner's staff within a reasonable period of time;
- c. Residents have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the Project Owner as the basis for the adverse action. With reasonable notice to the Project Owner, prior to the hearing and at the resident's own cost, residents may copy any documents or records related to the proposed adverse action; and
- d. Project Owners provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action and the evidence the Project Owner relied on as the basis for the adverse action.

The Project Owner will be bound by decisions from these hearings, except if the:

- a. Hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing.
- b. Decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

If the Project Owner determines that it is not bound by a hearing decision, the Project Owner must promptly notify the resident of this determination, and of the reasons for the determination.

8. Earned Income Disregard

Tenants who are employed and are currently receiving the EID exclusion at the time of the conversion will continue to receive the EID exclusion after conversion, in accordance with the regulations at 24 CFR § 960.255. After conversion, no other tenants will be eligible to receive the EID. If a tenant receiving the EID exclusion undergoes a break in employment, ceases to use the EID exclusion, or the EID exclusion expires in accordance with 24 CFR § 960.255, the tenant will no longer receive the EID exclusion and the Owner will no longer be subject to the provisions of 24 CFR § 960.255. Furthermore, tenants whose EID ceases or expires after conversion shall not be subject to the rent phase-in provision, as described in Section 1.7.B3; instead, the rent will automatically be adjusted to the appropriate rent level based upon tenant income at that time.

9. Jobs Plus (HACA was awarded a Jobs Plus Grant in 2016 with an ending date of 2020.)

Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target project(s) under RAD will be able to finish out their Jobs Plus grant at that site unless significant relocation and/or change in the building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at HUD's discretion, choose to end the Jobs Plus program at the project. If the program is continued, the Project Owner must agree to continue to implement the program according to HUD's program requirements.

10. When Total Tenant Payment Exceeds Gross Rent

Under the PBRA program, assisted families are responsible for paying 30% of adjusted gross income towards rent and utilities, referred to as Total Tenant Payment (TTP). Under normal PBRA rules, a Project Owner must process a termination of assistance pursuant to section 8-5C of Housing Handbook 4530.3, REV-1 when the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e. Gross Rent). In addition, section 8-6A.1 provides that, when terminating a tenant's assistance, the owner is to increase the tenant rent to the contract rent (assuming that the tenant does not receive the benefits of any other type of subsidy).

For residents in place at the time of conversion to PBRA, as well as for new admissions, however, when TTP exceeds the contract rent plus any utility allowance, the Project Owner must refrain from processing a termination of assistance and must charge a tenant rent that is 30% of the household adjusted income, less the utility allowance in the contract. To this end, HUD is waiving sections 8-5 C and 8-6 A.1 of Housing Handbook 4350.3, REV-1. In such cases, the tenant will still be considered a Section 8 tenant and will still have the rights and be subject to the requirements of Section 8 tenants: Tenants will retain all the rights under the Model Lease, including the right to occupy the unit, as well as those provided through this Notice, and tenants will still be subject to the Section 8 tenants, including the requirements concerning reexamination of family income and composition found in 24 CFR § 5.657 and 880.603(c). Owners are not required use the Enterprise Income Verification (EIV) system for such families. Assistance may subsequently be reinstated if the Tenant becomes eligible for assistance. In the event that the tenant moves out, the Project Owner must select an applicant from the waiting list who meets the applicable income limits for the project.

The Project Owner is not required to process these individuals through Multifamily Housing's Tenant Rental Assistance Certification System (TRACS). All normal actions for the contract rent shall continue for these units, including application of the Operating Cost Adjustment Factor (OCAF) adjustment to the contract rent indicated in the HAP contract-since the OCAF adjusted rent will still be in effect whenever the unit is occupied by a family eligible for rental assistance.

1. Establishment of Waiting List

The Project Owner can utilize a project-specific or community waiting list. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:

- i. Transferring an existing site-based waiting list to a new site-based waiting list. If the PHA is transferring the assistance to another neighborhood, the PHA must notify applicants on the wait-list of transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.
- ii. Informing applicants on the site-based waiting list on how to apply for a community-wide waiting list.
- iii. Informing applicants on a public housing community-wide list on how to apply for a new community-wide or site-based waiting list. If using a site-based waiting list, PHAs shall establish a waiting list in accordance to 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure the applicants on the PHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. In both cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list, given the number of applicants, PHA resources, and admission requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing, advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's public housing community-wide waiting list who wish to be placed on the newly established site-based waiting list must be placed in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and the obligation to provide meaningful access for persons with limited English proficiency (LEP).

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 880.603 regarding selection and admission of assisted tenants. However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR § 880.603.

2. Choice Mobility

HUD seeks to provide all residents of Covered Projects with viable Choice-Mobility options. PHAs that are applying to convert the assistance of a project to PBRA are required to provide a Choice-Mobility option to residents of Covered Projects in accordance with the following:

- i. Resident Eligibility. Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV) the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- ii. Voucher Inventory Turnover Cap. Recognizing the limitation on the availability of turnover vouchers from year to year, a voucher agency would not be required, in any year, to provide more than one-third of its turnover vouchers to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.
- iii. Project Turnover Cap. Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interests of the property, in any year, a PHA may limit the number of Choice-Mobility moves exercised by eligible households to 15% of the assisted units in the project. While a voucher agency is not required to establish a project turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.

HUD's goal is to have all residents in the Demonstration offered a Choice-Mobility option within a reasonable time after conversion. However, as HUD recognizes that not all PHAs will have vouchers sufficient to support this effort, HUD will take the following actions:

- Provide voucher agencies that make such a commitment bonus points provided under the Section Eight Management Assessment Program (SEMAP) for deconcentration.
- Grant a good-cause exemption from the Choice-Mobility Requirement for no more than 10% of units in the Demonstration. HUD will consider requests for good-cause exemptions only from the following types of PHAs:
 - Public housing-only agencies, defined as agencies that own units under a public housing ACC, but do not administer, directly or through an affiliate, a Housing Choice Voucher program; or
 - Combined agencies that currently have more than one-third of their turnover vouchers set-aside for veterans, as defined for the purpose of HUD-VASH, or homeless populations, as defined by 24 CFR § 91.5. To be eligible for this exemption, the PHA's admission policies must have been formally approved by the PHA's board prior to time of application. See Attachment -Choice Mobility Policy

Separate from the RAD required Choice Mobility, HACA may also give a preference on the Housing Choice Voucher Program waiting list to residents at RAD properties undergoing significant renovation or redevelopment that would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.

Project-Based Vouchers

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its voucher program budget authority and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

HACA Policy

HACA may operate a project-based voucher program that utilizes up to 400 tenant base vouchers.

HACA may decide to project-base vouchers above the 400 voucher limit (but no more than 20 percent of its allocated 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].

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. 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.

PHA Policy

HACA may choose to project-base units not subject to the 20 percent cap for the final RAD conversion at Chalmers Courts West in accordance with HUD guidelines.

PBV OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(b)]

The PHA must select PBV proposals in accordance with the selection procedures in the PHA Housing Choice Voucher 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 was the construction of 86 new affordable housing units south of the existing Chalmers Courts site (Chalmers South completed in 2019). HACA relocated residents from the east side of the existing Chalmers Courts site, minimizing displacement and disruption to families. Redevelopment began on the east side of the site in 2019. HACA began the redevelopment of the west side in late 2020.

The redevelopment of Chalmers Courts will involve the construction of approximately 155 units on each side. Once fully completed, the new Chalmers Courts – south, west and east – will total almost 400 units, significantly helping address Austin's affordable housing needs.

HACA has determined that the placement of up to 180 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.

For the entire policy on project-based vouchers, please refer to the Section 8 Administrative Plan, Chapter 17, located on the HACA website: www.hacanet.org.

B.3	<p>Progress Report.</p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan. 5-Year Plan Goals and Objectives.</p>
	<p>We are committed to Affordable Housing: We revitalized our public housing assets and converted them through RAD. We will seek additional rental assistance vouchers, and advance innovative affordable housing solutions.</p>
	<ul style="list-style-type: none"> • Obtain additional rental assistance vouchers • Increase the number of affordable housing units • Improve collaboration with community and national partners • Increase the number of HACA residents who reach homeownership <p>HACA currently administers 519 VASH tenant-based (Veterans Affairs Supportive Housing) vouchers. In addition, we have 50 project-based VASH vouchers in partnership with Integral Care at Housing First at Oak Springs which opened in the Spring of 2019 (25 VASH and 25 HCV project-based vouchers for a total of 50 permanent supportive housing units) and 25 VASH project-based vouchers at Elysium Grand which opened in late Fall 2019. In addition, HACA was awarded 65 more mainstream vouchers, bringing the total to 338 mainstream vouchers to serve persons with disabilities.</p> <p>In late 2020, HACA will execute project-based voucher Housing Assistance Payment contracts at Chalmers East, Cambrian East Riverside, and Elysium Grand, and will lease to residents at these properties. Also, we will execute an agreement to enter into a Housing Assistance Payment contract to project-base vouchers at Chalmers West.</p> <p>HACA implemented DocuSign, an electronic signature product, to increase efficiencies with obtaining landlord and tenant signatures and to receive electronic documents. The Housing Quality Standards (HQS) division has developed procedures to complete HQS inspections and began completing some HQS inspections using a virtual inspection protocol in October 2020.</p> <p>Austin Affordable Housing Corporation, a nonprofit subsidiary of HACA, currently provides over 6,100 additional affordable housing units in Austin, as well as 2,490 more units under construction, helping to meet our community's need for additional affordable housing opportunity. AAHC has another 2,000 units in its pipeline for possible future acquisition and/or development.</p> <p>HACA continues its Work Study Internship with Austin Community College; the program provides hands-on learning and experience to IT interns, who help provide basic computer classes, and helps prepare and deploy computers to HACA residents.</p> <p>Unlocking the Connection Phase II - Phase I of this program focused on basic digital literacy. Phase II aims to apply digital literacy skills and digital infrastructure to overcome the systemic barriers that keep HACA residents from achieving self-sufficiency: education, transportation and financial literacy. To expand HCV device ownership, HACA plans to maintain desktop and laptop equipment partnerships with Austin Community College, PC Community Loan Program, a local technology professional association and a major local company.</p> <p>Smart Work Learn Play - Lack of transportation, knowledge about how to use "smart city" transit, and inability to use new transportation options can keep families from being self-sufficient. Grants from Next Century Cities and the Transit Empowerment Fund help enable HACA resident Mobility Ambassadors: 1) apply digital tools and the Digital Ambassador concept to the problem of transportation, 2) advocate for meaningful transportation partnerships, and 3) share transportation data and recommendations to transportation decision makers.</p> <p>Ambassadors Programs - Resident Digital, Energy and Mobility Ambassadors provide high-quality, cost-effective program design and development, build professional skills and the community. Hundreds of HACA residents, dozens of city decision makers and public, private, philanthropic partners have benefitted from HACA Ambassadors work to solve residents' everyday problems.</p> <p>Down Payment Assistance Program – HACA has successfully assisted 109 homeowners through its \$10,000 down payment assistance program administered by Austin Affordable Housing Corporation.</p>
	<p>We are committed to Resident Self Sufficiency and Quality of Life: We will promote individual responsibility and high expectations, and foster results-based community partnerships and programs focused on workforce development, wellness, safety and education.</p>
	<p><u>Workforce Development</u></p> <ul style="list-style-type: none"> • Coordinate services for the Housing Choice Voucher residents that will lead to self-sufficiency. <p><u>Safety</u> Austin Police Department: HACA contracts with the Austin Police Department one full-time officer to serve as a community liaison for all HACA programs. HACA contracts with officers to patrol its low income housing properties and to maintain public safety.</p>

B.3	<p><u>Education</u></p> <ul style="list-style-type: none"> • Students in higher education will participate in supportive services. • Students will receive scholarships to assist with the cost of higher education. <p>Scholarships Austin Pathways, HACA’s non-profit subsidiary, with SHCC and AAHC, and many corporate and individual donors, provide HACA residents and participants with college scholarships, devices, and the opportunity to participate in periodic mentoring provided by corporate scholarship fund donors.</p> <hr/> <p>We are committed to Exceptional Service: We will ensure a resident, partner and customer focused environment where all are treated with dignity and respect.</p> <hr/> <ul style="list-style-type: none"> • Improve customer service to residents, partners and other customers. • Increase opportunities for staff to better understand the people we serve. • Improve communication and collaboration with partners. <p>Customer Survey HACA conducts a customer survey for all Section 8 clients, Section 8 landlords and agency vendors. HACA values input from our customers and clients, as well as vendors, to improve our operations and services.</p> <p>Employee Volunteer Opportunities HACA encourages all full-time employees to participate in agency-related and agency-promoted volunteer opportunities during working hours. Employees may volunteer up to eight (8) hours per month.</p> <p>Partner Communication HACA seeks the input of many partners to be successful. HACA recently sought partner input for our Strategic Planning initiative and continues to collaborate on digital inclusion and other important initiatives.</p> <hr/> <p>We are committed to Employee Engagement: We will invest in our staff, ensure accountability and effective communication, and promote an innovative, healthy and safe work environment, with training and leadership development opportunities.</p> <hr/> <ul style="list-style-type: none"> • Increase methods to communicate with employees. • Decrease the number of employee accidents. • Increase staff tenure. • Decrease health insurance utilization rate. • Increase leadership/professional growth opportunities. <p>HACA’s communication to employees has expanded from a monthly newsletter to weekly electronic updates, a “Week in Review,” and instantaneous postings on social media, i.e. Facebook, Twitter.</p> <p>Safety: Monthly safety meetings are held to address current safety issues. Annual driver safety awareness class is provided to all staff to reduce the number of HACA vehicle accidents. HACA has engaged with the Austin Police Department to provide active shooter/terroristic threat training for all employees and is currently finalizing and implementing its revised Emergency Action Plan.</p> <p>Staff Tenure: HACA currently has 245 employees. The average length of employment at HACA is 7.00 years. All HACA employees participate in a 401(a) defined contribution plan. Employees are vested at the rate of 20% per year and are fully vested after 5 years.</p> <p>Health Insurance Utilization Rate HACA holds on annual basis a Biometric screening for all employees and on-site flu shots. HACA encourages all employees to take advantage of various health programs provided on-site or through partnering vendors. HACA partners with Gold’s Gym to offer on-site health classes to all employees.</p> <p>Tuition Reimbursement/Growth HACA provides tuition reimbursement designed to help full-time employees of HACA and its subsidiaries pay for job-related or prospective job-related courses. HACA continues to fund this program to allow employees to take individual courses that are directly related to improving the knowledge and skills needed to perform the critical elements of the employee’s current job at HACA, or needed for special job assignments or prospective job duties deemed mutually beneficial to HACA and the employee.</p>
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B.3	<p>We are committed to Corporate and Environmental Sustainability: We will pursue new funding sources and entrepreneurial opportunities, ensure stewardship, maximize efficiency and promote environmentally friendly initiatives.</p> <ul style="list-style-type: none"> • Increase sustainable cash flows through Southwest Housing Compliance Corporation. • Increase sustainable cash flows through Austin Affordable Housing Corporation. • Increase number of foundation or other grant funding. • Decrease HACA's impact on the environment. • Increase efficiency through the use of technology. • Increase value of investments and reduce the interest expense. • Ensure a sustainable and competitive salary structure. <p>Southwest Housing Compliance Corporation (SHCC) SHCC was founded by HACA in 2000 to serve as the Performance Based Contract Administrator for Texas and Arkansas providing administrative oversight for HUD's Project-Based Section 8 housing portfolio.</p> <p>In this highly specialized work, SHCC has built a reputation for excellence, creativity and integrity in the multifamily industry. Further, SHCC has been widely recognized for its work with owners and agents to meet challenging HUD and other federal program requirements. Annually, SHCC administers approximately \$400 million of housing subsidy on behalf of HUD. Revenue generated from SHCC operations is used by HACA to support critical community development and self-sufficiency programming, including education, job training and health and wellness programs.</p> <p>Blueprint Housing Solutions HACA and SHCC launched Blueprint Housing Solutions, a national consulting and services company, that assists public and private sector clients to deliver exceptional affordable housing and community development programs. Blueprint provides a full range of services for public housing authorities (PHAs), owners and agents of HUD subsidized multifamily housing and other affordable housing programs. The team is comprised of highly skilled and experienced HACA and SHCC senior level administrators with decades of experience, creativity and technical know-how.</p> <p>Austin Affordable Housing Corporation Recent studies underscore that Austin is the most expensive rental market in Texas. The need for affordable rental housing far outweighs the current supply. Recognizing this critical need, HACA, through AAHC, is doing its part with a goal to increase its affordable housing inventory. AAHC currently has over 6,110 units in its portfolio and 2,490 more under construction. AAHC continues to grow, with 2,000 units in the pipeline for possible future acquisition and/or development and partnering to preserve affordable housing units throughout the Austin area. In addition to serving as the catalyst for additional affordable housing, AAHC provides another source of revenue to fund HACA self-sufficiency programs.</p> <p>Austin Pathways Foundation Funding Austin Pathways, a non-profit HACA subsidiary, provides educational and other support services in support of HACA's mission to help families become self sufficient and achieve quality of life. With generous funding from corporate, philanthropic, and other charitable organizations, Austin Pathways receives in monetary, gifts-in-kind, and equipment donations. Additionally, almost 60 percent of HACA employees participate in an annual crowd funding campaign, Amplify Austin, bringing in funds for scholarships and other supportive services.</p> <p>Recycling/Paperless Initiative HACA is a recognized Waste Smart partner with the City of Austin. HACA ensures the proper disposal of fluorescent lamps, light ballasts and batteries and has a robust recycling program at its properties. HACA continues progress in our "go paperless" by incorporating Laserfiche for the creation and retrieval of documents. Since its inception, millions of pages have been electronically filed, reducing the need for onsite storage of paper files. When completed, this initiative will eliminate the need to store thousands of files and provide quick and convenient access to the customers we serve.</p>
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B.3	<p>We are committed to Equal Opportunity for Housing: We will create an effective administration process to resolve complaints of poor customer service, discrimination and improve public relations.</p> <ul style="list-style-type: none"> • Ensure equal opportunity and affirmatively further fair housing by undertaking affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. • Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, age, familial status, disability, sexual orientation, gender identity and or marital status; • Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required; • Comply with the Violence Against Women Act (Victims of Domestic Violence) and any other federal, state or local law that provides greater protection for victims of domestic violence, dating violence sexual assault or stalking. • Continue its efforts to support and assist children and adult victims of domestic violence, dating violence, sexual assault, and stalking and will continue to establish collaborative programs with domestic violence service providers. • Provide Fair Housing training to HACA employees and community housing partners • Provide HACA clients with an opportunity to provide input and to evaluate HACA customer service. <p>HACA is committed to full compliance with federal, state and local fair housing laws and ordinances. HACA staff and the staff of our subsidiaries continue to attend fair housing training programs and workshops to deepen understanding with fair housing rules and procedures, as well as the rules and guidance related to Section 3 opportunities for rental assistance clients.</p> <p>HACA continues to work with regional partners, including the City of Austin, in a fair housing assessment work group to implement suggestions from the Central Texas Fair Housing Assessment, a Regional Analysis of Impediments report. The overall goal of this approach is to help communities improve housing and economic conditions for all residents, in a way that best fits the community.</p> <p>With our new construction of units under RAD, we have added accessibility features and doubled the number of ADA-compliant units for persons with disabilities.</p>
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B.4.	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
Other Document and/or Certification Requirements.	
C.1	<p>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</p> <p><u>Form 50077-ST-HCV-HP</u>, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.2	<p>Civil Rights Certification.</p> <p><u>Form 50077-ST-HCV-HP</u>, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.3	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan? Not Applicable, no public housing units in PHA.</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
C.4	<p>Certification by State or Local Officials.</p> <p><u>Form HUD 50077-SL</u>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
D	Statement of Capital Improvements. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).
D.1	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD.</p>
E.1	RAD Choice Mobility

Attachment C.1
Certification Listing Policies and
Programs that PHA has Revised since last Submission of its Annual Plan

Housing Authority of the City of Austin

Established in 1937

DRAFT 2021 PHA Annual Plan Executive Summary

Revisions and Additions to the DRAFT 2020 Annual Plan version

Page	Section	Changes
Pages 6	HCV Eligibility Denial of Assistance	Revision and Addition- language revision regarding the use of arrest records and criminal activity, specifically that a PHA may not use arrest records as the sole basis for denial.
Page 6	HCV Termination of Assistance	Added statement provide by Nan McKay and per regulation 24 CFR 5.903 that governs a PHA's access to and use of criminal conviction records obtained from a "law enforcement agency" such as the National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records. The regulatory permitted uses includes allowing PHAs to use records for screening of applicants for admissions to the HCV program, but excludes the use of records for lease enforcement and eviction of HCV participants or to terminate assistance for participants. The limitations, however, do not apply to criminal conviction information searches from non-federal sources.
Page 7	HCV Grounds for Owner Terminations	Added language regarding rules as it relates to foreclosures and during the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a 90-day notice.
Page 7	HCV Foreclosure	Added section that defines HCV families' protections in the event of a foreclosure as defined in PIH 2010-49 and Protection Tenants at Foreclosure ACT (PTFA).
Page 8	HCV VAWA Notifications	Added information regarding Notice PIH 2017-08, which cautions PHAS from sending information by mail, since the abuser may be monitoring the mail. HACA will consider other alternative delivery methods.

Page 12	HCV Payment Standards	Added Exception Payment Standards information and HACA's policy as it relates to the use of Small Area FMRs. HACA will not voluntarily use Small Area FMRs except to establish exception payment standards in certain zip code areas.
Page 12	HCV Informal Reviews and Hearings	Added policy regarding remote informal review and hearing procedures.
Page 37	HCV Housing Quality Standards	Added a statement for all inspections types that HACA may conduct inspections by a HUD approved virtual inspection protocol method.
Page 37	HCV Re-examinations	Added statement that we can conduct re-exams by virtual method and that we will accept documents via DocuSign.
Page 37	New Activities	Added language regarding Project Based Vouchers at Chalmers West
Page 37	Progress Report	Revision – Updated to reflect progress made under each goal in meeting HACA's mission over the last year.

**PHA Certifications of Compliance with the PHA Plan
and Related Regulations including Required Civil Rights Certifications**

**Resolution from Board for Approval to Submit Plans to HUD
December 2020 Board Meeting**

Attachment C.2

Fair Housing

THE HOUSING AUTHORITY OF THE CITY OF AUSTIN FAIR HOUSING PLAN



REASONABLE STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING



**Housing Authority of the City of Austin
1124 S. IH 35
Austin, TX 78704
512-477-4488**

REASONABLE STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING

Background

The Housing Authority of the City of Austin is aware that Federal and State fair housing laws make it illegal to discriminate in the rent or sale of housing based on race, color, national origin, religion, familial status, disability and sex. HACA is committed to full compliance with federal, state and local fair housing laws and ordinances. HACA understands and is committed to its obligation to affirmatively further fair housing in our community.

HACA joined a committee working with the City of Austin and Travis County in their development of a regional Analysis of Impediments (AI). Through this joint effort, HACA seeks to ensure fair housing compliance, equal access and equal opportunity throughout our community. Through future efforts to implement the results of the AI, HACA commits to the goal of ensuring a policy framework that creates meaningful choice and opportunity for “all types of housing for all types of people in all parts of Austin.”

To comply with fair housing laws and to promote fair housing rights in all of its housing programs, the Housing Authority of the City of Austin and its subsidiaries, Southwest Housing Compliance Corporation and Austin Affordable Housing Corporation, abide by all Federal, state and local non-discrimination laws, as well as the regulations governing Fair Housing and Equal Opportunity in housing and employment.

The Housing Authority of the City of Austin (HACA) fully complies with the Fair Housing Act of 1968 and is obliged and dedicated to affirmatively furthering fair housing. Through implementation of its Housing Choice Voucher (Section 8) Administrative Plan, Public Housing Authority (PHA) Annual Plan, Admissions Policy, Family Self-Sufficiency Plan, and Southwest Housing Compliance and Austin Affordable Housing Corporation Policies, HACA is committed to:

- Overcoming the effects of impediments to fair housing choice that were identified in the Central Texas Fair Housing Assessment (2019);
- Remedying discrimination in housing; and
- Promoting fair housing rights and fair housing choice.

What follows is information on the actions that the Housing Authority of the City of Austin takes to affirmatively further fair housing.

OVERCOMING THE EFFECTS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Fair housing is based on the belief that everyone, regardless of race, color, national origin, religion, familial status, disability and sex should have the opportunity to choose where they want to live unfettered by discrimination. To make this goal a reality, Congress enacted fair housing legislation. The primary federal Fair Housing laws and mandates to which the Housing Authority of the City of Austin complies are: Fair Housing Act of 1968; Fair Housing Amendments Act of 1988; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; Executive Order 11063; and the Violence Against Women Reauthorization Act of 2013.

In 2019, the Central Texas Fair Housing Assessment was published. This report outlined impediments to fair housing experienced by constituents living in the City of Austin, Travis County, Williamson County, the cities of Round Rock and Pflugerville, and the housing authorities of the City of Austin, Travis County, Georgetown, Round Rock, and Taylor. Each year, the City of Austin’s Annual Action Plan sets forth the City’s recommended strategies to address impediments to Fair Housing, and the Consolidated Annual Performance and Evaluation Report (CAPER) evaluates the implementation of those targeted actions and strategies. Currently, HACA participates in a regional Analysis of Impediments (AI) work group with our partners in the Fair Housing Assessment, to plan for and address the impediments identified in the report.

The Housing Authority of the City of Austin works in close collaboration with the City of Austin’s Neighborhood Housing and Community Development Department (COA NHCD) to ensure that ongoing efforts are undertaken to remove impediments to fair housing and fair housing choice. As separate housing entities, with similar overarching goals, HACA and COA NHCD continually support one another in the implementation of fair housing initiatives. The following table outlines the City of Austin’s identified impediments to fair housing, recommended actions to remove those impediments, COA NHCD’s efforts to address impediments and HACA’s parallel efforts to address impediments.

Through performance audits by the Quality Control Department, HACA examines its programs to ensure compliance with Federal and State fair housing requirements, local ordinances and internal fair housing policies and procedures. The agency also assesses the steps to be taken to assure fair housing rights and fair housing choice in new and proposed programs.

FAIR HOUSING PLAN

FAIR HOUSING ACTIONS	FAIR HOUSING ISSUES/IMPEDIMENTS	RESPONSIBLE PARTY	METRICS AND MILESTONES	HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) ACTIONS
REGIONAL ACTION ITEMS				
<p>1 Establish a Central Texas Regional Fair Housing Working Group (Working Group) made up of staff from each of the 10 entities to collaborate and coordinate on implementation of regional fair housing goals and affordable housing interests. The Group will consult with area experts on housing equity and economic opportunity, K-12 educational leaders, local and regional transit providers, and public works staff. This Group will be facilitated by a Travis County Health and Human Services employee team. The group will meet quarterly, and be governed by a group charter and 5 year work plan that will be established to guide the work of the Group. They will produce a progress report annually (that can be folded into Jurisdiction CAPERS) that will have a 30-day public comment and review.</p>	<p>Capacity limitations to implement fair housing action items that are impactful and long-lasting.</p>	<p>Lead: Travis County HHS. Membership from all Central Texas Regional AI participating partners</p>	<p>First quarter of 2020: Identify members and initial workplan; 3-6 months: hold first meeting and develop a group charter; 1-5 years: establish workplan and achieve short term goals outlined in this Fair Housing Plan.</p>	<p>HACA will participate as part of the Central Texas Regional Fair Housing Working Group</p>
<p>2 Explore the feasibility to create a regional resource network for downpayment assistance programs that are affirmatively marketed to under-represented homeowners.</p>	<p>Past government actions that denied equal access to homeownership. Existing disparities in ownership by race and ethnicity. Existing disparities in mortgage loan approvals. Gaps in information about housing opportunities.</p>	<p>Part of Working Group workplan</p>	<p>As part of Working Group work plan, explore the improvement of an active marketing and uniformity of downpayment assistance program information. Explore possible funding sources to determine the development of an affirmative marketing plan and plan to provide homeowner assistance with forms/applications targeting under-represented residents. If implemented, have a pilot program in operation within the next five years.</p>	<p>HACA will participate as part of the Central Texas Regional Fair Housing Working Group.</p> <p>Also, through our subsidiary AAHC, HACA offers homeownership programs through our Down Payment Assistance Program as well as an Equity CLT to provide permanent and sustainable opportunities for very-low income persons.</p>
<p>3 Working with foundations and private partners, explore and possibly create a regional multifamily rehabilitation and accessibility improvement program to provide an incentive for landlords to rent to persons with disabilities, refugees and others with similar limited rental histories or unearned sources of income, voucher holders, and/or residents with criminal history.</p>	<p>Disparities in housing cost burden, displacement, increasingly limited neighborhoods in which to use Housing Choice Vouchers, and availability of rental housing to accommodate needs associated with disability, language access, national origin, and rental history. Lack of Source of Income protection (prohibited by the State) and disparate impact of 3x rent rule on certain households.</p>	<p>Part of Working Group workplan</p>	<p>As part of Working Group work plan, convene focus groups with small landlords to explore an incentive package. Determine interest and level of funding required. Explore possible funding sources to determine feasibility of acquiring funds to achieve goal. Depending on results of feasibility study, develop a proposal to funders.</p>	<p>HACA will participate as part of the Central Texas Regional Fair Housing Working Group</p>

HACA, as one of the 10 Regional Partners on this Analysis of Impediments, will participate in the Working Group
HACA aligns with the City of Austin to address impediments where able/applicable

	FAIR HOUSING ACTIONS	FAIR HOUSING ISSUES/IMPEDIMENTS	RESPONSIBLE PARTY	METRICS AND MILESTONES	HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) ACTIONS
REGIONAL ACTION ITEMS					
4	Collaborate to explore the feasibility to fund fair housing testing to better understand the prevalence and impact of "3x rent" eligibility policies in rental housing and the intersection of those policies and refusal to accept unearned income such as child support and disability payments.	Disparities in housing cost burden, displacement, increasingly limited neighborhoods in which to use Housing Choice Vouchers, and availability of rental housing to accommodate needs associated with disability, language access, national origin, and rental history.	Part of Working Group workplan	As part of Working Group work plan, explore possible funding sources to determine feasibility of acquiring funds to achieve goal. Depending on results of feasibility study, develop a proposal to funders to fund testing in 3x rent policies that examine the potential of a disparate impact on persons with disabilities and families with children.	HACA will participate as part of the Central Texas Regional Fair Housing Working Group
5	Explore the feasibility and funding options, through a public-private partnership with area marketing firms, to establish a replicable affirmative marketing program and guiding principles for developers of rental housing, leasing agents and property managers, homebuilders, and real estate agents. This may include a marketing strategy to address Not-In-My-Backyard Syndrome (NIMBYism) in the region. Require that these plans be used in developments receiving public funds and/or development incentives.	Disparities in housing cost burden, increasingly limited neighborhoods in which to use Housing Choice Vouchers.	Part of Working Group workplan	As part of Working Group work plan, explore possible funding sources to determine feasibility of acquiring funds to achieve goal. Depending on results of feasibility study, develop a proposal to funders to establish a replicable marketing affirmative marketing program and guiding principles for developers of rental housing, leasing agents and property managers, homebuilders, and real estate agents.	HACA will participate as part of the Central Texas Regional Fair Housing Working Group

HACA, as one of the 10 Regional Partners on this Analysis of Impediments, will participate in the Working Group HACA aligns with the City of Austin to address impediments where able/applicable

FAIR HOUSING ACTIONS	FAIR HOUSING ISSUES/IMPEDIMENTS	RESPONSIBLE PARTY	METRICS AND MILESTONES	HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) ACTIONS
CITY OF AUSTIN ACTION ITEMS				
1 Raise awareness at the state level about the negative impacts of 3x rent (ability to pay) rules on persons reliant on unearned income that is not counted toward this rule by landlords. Monitor growing support for source of income protections at the federal level and among like-minded states.	Disparities in housing cost burden, displacement, increasingly limited neighborhoods in which to use Housing Choice Vouchers, and availability of rental housing to accommodate needs associated with disability, language access, national origin, and rental history.	City of Austin	Ongoing; raise awareness through the City Intergovernmental Relations Office, city leadership and city advocacy groups, and communication with receptive leaders at the state level.	HACA will provide statistics and demographics as it relates to lease-up time upon voucher issuance, voucher turn-back rates, and GIS maps showing HCV landlord locations across the City
2 Implement Displacement Mitigation Strategies and Housing Blueprint action items that are related to Disproportionate Housing Needs Identified in this AI. Continue to direct resources to addressing disproportionate needs.	Displacement which disproportionately affects: African Americans, persons of Hispanic descent, Native Americans, persons with disabilities, large families.	City of Austin	Metrics and milestones will align with the City's Strategic Housing Blueprint and displacement mitigation strategies. Specific strategies will include: 1) Prioritize City-subsidized affordable units that are appropriately sized for households or are at risk or experiencing displacement; 2) Increase participation of communities of color in funding investment recommendations and include cultural displacement in decision making; 3) Incorporate robust tenant protections in City-supported housing; 4) Expand density bonus programs to serve < 60% AMI households; 5) Affirmatively market NHCD-subsidized properties to people of color in gentrifying areas; 6) Pilot a neighborhood-based process to mitigate displacement by better connecting people of color with resources to mitigate displacement which could include: an affordable unit database, connecting eligible homeowners with property tax exemptions, connecting tenants facing displacement with assistance, expanding home repair programs in gentrifying areas, supporting assistance to tenants facing eviction, land banking in gentrifying areas, increasing fair housing enforcement and education.	HACA is currently redeveloping several properties on the East side of Austin, where displacement is of concern. Those properties will not only provide updated facilities and amenities; HACA is increasing the number of units to allow for more affordable units to help keep more of the impacted populations in place. HACA has created a Resident Protection Team that ensures residents faced with relocation are supported and protected, and to minimize disruption and harm during the relocation period.
3 Through the Working Group, provide leadership and technical assistance to regional partners as they explore similar approaches. This will include the effectiveness of the equity and inclusion framework currently being implemented within City of Austin departments.	Capacity limitations to implement fair housing action items that are impactful and long-lasting.	City of Austin	To be determined.	Not applicable
4 Encourage developers and landlords who benefit from public funding and development incentives to adopt reasonable policies on tenant criminal history, accept legal unearned income in consideration of the ability to pay rent, and not discriminate based on source of income.	Disproportionate effect of 3x rent income requirements and criminal history policies on persons with disabilities, single parents, persons in recovery (considered by the Federal Fair Housing Act as having a disability).	All jurisdictions as part of funding allocations	Developers' policies should align with the best practices in the Reentry Roundtable guide.	HACA will continue to educate prospective landlords in the Housing Choice Voucher programs regarding the benefits of participating in providing housing to our voucher holders. Additionally, our subsidiary, AAHC's properties accept voucher holders at all of their developed and/or acquired properties. This provides greater choice for voucher holders who may otherwise not qualify based on the 3x rent income requirements.

HACA, as one of the 10 Regional Partners on this Analysis of Impediments, will participate in the Working Group
HACA aligns with the City of Austin to address impediments where able/applicable

FAIR HOUSING ACTIONS	FAIR HOUSING ISSUES/IMPEDIMENTS	RESPONSIBLE PARTY	METRICS AND MILESTONES	HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) ACTIONS
CITY OF AUSTIN ACTION ITEMS				
5 Bring forward the recommendation that incentives for the development of affordable housing for households below 50%, 60% and 80% MFI be included in Land Development Code revisions.	Lack of affordable housing disproportionately impacting protected classes with lower incomes and higher poverty rates. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.	City of Austin	Staff will monitor and modify the Density Bonus program to ensure it will create a quantifiable increase in long-term, on-site affordable units, of which a minimum of 10% are accessible. As part of that monitoring, staff will collect data on protected classes and families with children residing in units created through the City's density bonus and other incentive programs.	HACA supports the geographic dispersion of affordable housing and the deconcentration of poverty. HACA aims to achieve these goals through the solicitation of Section 8 landlords in neighborhoods all across Austin, and the purchase of properties in areas where additional affordable housing is needed through our subsidiary, AAHC. HACA supports the development for affordable housing in neighborhoods that have not housed low to moderate income individuals in the past. HACA staff attends City public hearings to provide input on affordable housing development and affordable housing initiatives.
6 Bring forward recommendations to modify land use and regulatory requirements that could expand housing choice and reduce housing access barriers through Land Development Code process.	Overly complex land use regulations limit housing choice and create impediments to housing affordability. These include: minimum site area requirements for multifamily housing, limits on accessory dwelling units, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.	City of Austin	TBD; part of Land Development Code revisions.	Not applicable
7 Bring forward recommendations to modify VMU and PUD ordinances to require 60% MFI rental and 80% owner throughout Austin when on-site affordable units are required.	Lack of affordable housing disproportionately impacting protected classes with lower incomes and higher poverty rates. Lack of affordable housing citywide exacerbates segregation created through historical policies and practices. The city is limited in its ability by state law to use inclusionary zoning as a tool to broaden housing choice.	City of Austin	Staff will collect data on protected classes and families with children residing in units created through VMU and PUD programs.	As previously stated, HACA supports the geographic dispersion of affordable housing and the deconcentration of poverty. HACA aims to achieve these goals through the solicitation of Section 8 landlords in neighborhoods all across Austin, and the purchase of properties in areas where additional affordable housing is needed through our subsidiary, AAHC. HACA supports the development for affordable housing in neighborhoods that have not housed low or moderate income individuals in the past.
8 Conduct an analysis and calibration of S.M.A.R.T. Housing Incentives to function in high opportunity areas.	Difference in access to opportunity for protected classes.	City of Austin	To be determined.	Not applicable
9 Increase transparency of monitoring of existing accessible units to ensure consistency.	The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods disproportionately impacts protected classes, influences housing preferences and restricts access to opportunities.	City of Austin	To be determined.	HACA's housing units are held to strict monitoring of accessibility features, especially for the redeveloped properties. HACA also adheres to 504 Reasonable Accommodation requirements where applicable to retrofit or provide other accommodations that make units more accessible to persons with disabilities.

HACA, as one of the 10 Regional Partners on this Analysis of Impediments, will participate in the Working Group HACA aligns with the City of Austin to address impediments where able/applicable

FAIR HOUSING ACTIONS	FAIR HOUSING ISSUES/IMPEDIMENTS	RESPONSIBLE PARTY	METRICS AND MILESTONES	HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) ACTIONS
CITY OF AUSTIN ACTION ITEMS				
10 The City's efforts to institute cross-departmental planning will include a focus on improvement of infrastructure and housing development in areas of minority/low-income concentration and integration of housing for different incomes in these areas.	The City's historical lack of enforcement of city codes governing the maintenance of housing stock in different neighborhoods disproportionately impacts protected classes, influences housing preferences and restricts access to opportunities.	City of Austin	To be determined; may be integrated into regional work plan.	Not applicable
11 Collaborate with partners and disseminate data to develop an online list and map of units created through city incentives and developer agreement programs to increase information available to members of protected classes.	Information on housing choice is not widely available in languages other than English and/or in accessible formats. No information is available to people who are members of protected classes about possibilities to live in housing that was created in higher opportunity areas through city incentive and developer agreement programs.	City of Austin	To be determined.	<p>HACA and AAHC properties are required to develop individualized marketing plans to market to protected classes and to those populations that are least likely to apply to each property, thus working to decrease segregation in housing. This includes marketing to protected classes about our housing vacancies in higher opportunity areas.</p> <p>HACA is working with stakeholders to create a search app that includes a full inventory of almost 3,000 affordable housing properties. This app will be launched at the end of 2019 which enables users to search for landlords that take Section 8 vouchers as well as identifying areas of higher opportunity.</p>
12 Improve connections between low income populations and employment opportunities	Disparities in access to opportunity (access to healthy food, quality schools, transit, sidewalks, safe neighborhoods) that affect African Americans, persons of Hispanic descent, Native Americans, persons with disabilities, large families and families with children. Disproportionate housing needs in general.	City of Austin	Staff will bring this barrier and its impacts to the attention of the City of Austin representatives on the Capital Metro board of directors.	HACA's Initiative, Bringing Health Home, is piloting at one of our properties to bring health and wellness education to those residents. Also, HACA maintains a Workforce Development team as well as working with community partners to provide tools to residents, helping them to work their way to long-term self-sufficiency. HACA also is in the final year of a HUD-funded Jobs Plus program which has resulted in higher numbers of residents starting new employment as well as increasing the average income of those families by \$6,254 per year. HACA also offers other self-sufficiency programs that assist with education, job training, job readiness, financial management, and preparing for homeownership.

HACA, as one of the 10 Regional Partners on this Analysis of Impediments, will participate in the Working Group HACA aligns with the City of Austin to address impediments where able/applicable

REMEDYING DISCRIMINATION IN HOUSING

It is the policy of the Housing Authority of the City of Austin to comply fully with all Federal, State, and local laws and regulations governing Fair Housing and Equal Opportunity. HACA does not and shall not discriminate based on race, religion, color, sex, disability, family status, age, sexual preference or national origin in providing a family or individual the opportunity to apply for or receive assistance under any program administered by the agency or its subsidiaries. HACA periodically reviews all of its policies and procedures to assure compliance with all housing and civil rights requirements including, but not limited to: the Fair Housing Act of 1968; Fair Housing Amendments Act of 1988; Title VI of the Civil Rights Act of 1964; American's with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; Architectural Barriers Act of 1968; Age Discrimination Act of 1975; Title IX of the Education Amendments Act of 1972; and Executive Orders 11063 and 13166. Staff of the Housing Authority of the City of Austin is educated on the content of fair housing and civil rights laws and is trained on the prevention of housing discrimination through ongoing professional training. In recent years, HACA has provided annual fair housing training for all Housing Choice Voucher Eligibility Specialists and Low Income Housing Property Managers, in cooperation with the City of Austin Fair Housing Office, Legal Aid and the Austin Tenant's Council. This training is open to both HACA staff and the staff of other housing and social services agencies. HACA will strive to provide similar training on an annual basis.

HACA prominently posts Fair Housing and Equal Opportunity Posters and the toll-free Fair Housing Complaint Hotline number (1-800-669-9777) at each of its low income housing properties and in multiple areas at its Central Office, with particular attention to its reception and admissions areas. Applicants with hearing or speech impairments are informed that they may access the Fair Housing hotline via TTY by calling the Federal Information Relay Service at 1-800-887-8339. HACA assists any family that claims illegal discrimination has prevented them from leasing a suitable unit administered by the Housing Authority of the City of Austin, by giving the family information on how to file a housing discrimination complaint. Additionally, HACA ensures that all families applying for its programs receive HUD's handout "Fair Housing Is Your Right!". Individuals deemed ineligible for HACA services or terminated from HACA's low income housing programs for non-compliance, has a right to an informal review hearing with HACA's dedicated Hearing Officer prior to filing a formal fair housing/discrimination claim, unless terminated for drug-related or violent criminal activity. Section 8 participants terminated for drug-related or violent criminal activity are entitled to a hearing.

The Housing Authority of the City of Austin provides reasonable accommodations to housing applicants and its residents, upon request. Accommodations include but are not limited to access to alternative communications such as sign language and foreign language interpretation, and assistance with completing application paperwork. For individuals with disabilities, HACA has made provisions to conduct annual eligibility and re-examination appointments in residents' homes under extenuating circumstances, should a resident not have access to Special Transportation Services through Capital Metro. Individuals with disabilities may also be eligible for upgrades in unit size based on specific medical and accessibility needs. Additionally, all of HACA's low income housing Property Managers and Housing Choice Voucher Housing Eligibility Specialists maintain specific information on accessible units and their unique accommodations. Finally, low income housing residents with disabilities may request that accessibility modifications be made to their assigned unit, should those accommodations be deemed necessary and reasonable.

The Housing Authority of the City of Austin also provides referral to other local programs and organizations that address fair housing discrimination, and who receive support from the City of Austin to provide these services. These organizations include the following:

City of Austin Equal Employment and Fair Housing Office: The City of Austin Equal Employment & Fair Housing Office (EE/FHO) is empowered to enforce four City Ordinances and the following federal statutes: Title VII and Title VIII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination in Employment Act of 1967 (ADEA). The City's [Housing Ordinance](#) and the [Fair Housing Act](#) protect an individual in the area of housing (terms and conditions, rental, leasing, buying or selling) based on race, sex, religion, national origin, familial status, and physical or mental disability. The ordinance also protects an individual from discrimination based on age (18 years or older), status as a student, sexual orientation, gender identity and marital status. Persons who believe that they have been treated differently because of their protected class in their pursuit to acquire housing, may file a charge of discrimination with City of Austin Equal Employment/Fair Housing Office at 974-3251. The charge will be assigned to an Investigator who will gather and review information. The Investigator may interview witnesses, conduct on-site visits and use other means to make certain that a complete investigation is made. Within 10 working days from the date of filing the charge, the Respondent will be served a notice that a charge of discrimination has been filed against them. The Respondent will be given 15 working days from the date they received the charge to respond. The investigation continues until both parties (Charging Party and Respondent) agree to a settlement (No Fault Settlement) or until a determination has been reached by the Administrator (Cause or No Cause)

Austin Tenants' Council: The Austin Tenants' Council provides counseling, mediation, advocacy and educational services related to housing discrimination, landlord/tenant disputes, housing repair and rehabilitation, and affordable housing. The Council publishes a guide to affordable housing, provides telephone and in-house bilingual counseling to tenants (with a particular focus on low-income tenants), and provides mediation services. A HUD recognized Fair Housing Initiative Program, the Austin Tenants' Council helps anyone in the Austin Metro area who has been discriminated against in the rental, sale, financing, appraisal or insurance of housing.

Austin Human Rights Commission: Appointed by the City Council, this Commission is composed of 11 volunteer commissioners representing the various racial and ethnic groups of Austin. The Commission investigates complaints of discriminatory employment practices as well as fair housing. As a HUD-certified Fair Housing Assistance Program agency, they act as an advisory body on non-discrimination policies, conduct education programs, and investigate complaints of prejudice and discrimination.

ADAPT OF TEXAS: ADAPT IS AN ACTION-ORIENTED GROUP THAT ADVOCATES AND DEMONSTRATES FOR ACCESSIBLE PUBLIC ACCOMMODATIONS, ATTENDANT PROGRAMS, TRANSPORTATION, AND DISABILITY RIGHTS.

Advocacy, Inc.: This agency provides legal assistance to developmentally disabled persons who have been discriminated against due to their handicap.

Promoting Fair Housing Rights and Fair Housing Choice

The City of Austin maintains a Fair Housing Ordinance that is substantially equivalent to federal fair housing statutes. The Ordinance is administered by the City's Human Rights Commission and provides similar protection and relief from discrimination as its federal counterpart. The Commission investigates alleged discriminatory housing practices and seeks conciliation. After hearing complaints, the Commission determines if discrimination has or is going to occur and refers cases to the judicial system if violations fall under the Ordinance. Civil penalties range from \$10,000 to \$50,000 plus reasonable legal fees, court costs and other equitable relief. The City goes beyond federal law, including protected classes. As part of the 1981 Ordinance, amended in 1994, the City extended equal housing protection regardless of age, creed, status as a student, marital status or sexual orientation. Thus, a broader constituency enjoys the right of equal housing opportunity in Austin as opposed to the country at large (excerpted from the 2005-2010 City of Austin Consolidated Plan).

Through the efforts of HACA staff, Housing Choice Voucher, Low Income Housing, and AAHC's affordable housing applicants and recipients are advised of their rights under the local and federal laws, as described above. Applicants and recipients will receive assistance in resolving any issues relating to potential fair housing impediments through a referral process. As many agencies within the local community have demonstrated expertise in the areas of fair housing rights and fair housing choice, referring participants to these agencies is the most productive and unbiased way to ensure appropriate measures are taken to resolve any impediment issues that arise in the provision of services by the Housing Authority of the City of Austin.

In addition to working with the aforementioned community-based agencies that address fair housing discrimination, HACA also works closely with a number of additional local agencies that serve or focus on protected classes of individuals. These agencies include Texas Rio Grande Legal Aid, ADAPT, Austin Resource Center for Independent Living (ARCIL), Texas Commission for the Blind, Family Eldercare, Austin Resource Center for the Homeless (ARCH), AIDS Services of Austin (ASA), Austin Travis County MHMR, Safe Place (Domestic Violence services), LifeWorks (homeless and at-risk youth services), and Texas School for the Deaf. Through partnerships with the highlighted agencies and other agencies, HACA shares information regarding housing opportunities and each agency educates HACA staff on circumstances that affect the families they serve.

Through ongoing quality control audits and program evaluation efforts, the Housing Authority of the City of Austin assesses the implementation of its fair housing strategies and refines and enhances its actions as needed.

Additional Steps to Affirmatively Further Fair Housing in HACA's Housing Choice Voucher, Low Income Housing and Other Affordable Housing and Special Programs

The Housing Authority of the City of Austin (HACA) is dedicated and committed to taking reasonable steps to affirmatively further fair housing in all of its programs and to maintain records of those steps and their impacts. In addition to its Housing Choice Voucher and Low Income Housing Programs, and their respective Family Self-Sufficiency programs, HACA implements steps to affirmatively further fair housing in a variety of special housing programs. These programs are primarily Housing Choice Voucher programs and include HUD's: Tenant Based Rental Assistance (TBRA) Program; Section 8 Mod Rehab Program; Disaster Voucher Program; Disaster Housing Assistance Program; Housing Choice Voucher Mainstream Program; Shelter Plus Care Program; Veterans Affairs Supportive Housing Program; Family Unification Program; and Non-Elderly with Disabilities Voucher Program. Moreover, Austin Affordable Housing Corporation, HACA's non-profit subsidiary, works with the management companies that oversee its tax credit and other affordable housing properties to ensure that steps are being taken to affirmatively further fair housing at those properties.

The steps that HACA takes to further fair housing in its Housing Choice Voucher, Low Income Housing and special housing programs include:

Marketing all housing programs to all eligible persons, including persons with disabilities and persons with Limited English Proficiency (LEP)

The Housing Authority of the City of Austin markets its Housing Choice Voucher, Low Income Housing and special housing programs to individuals and families throughout the Austin area, through a variety of different means, including online marketing, print marketing and word of mouth. Additionally, a great deal of HACA's marketing is achieved through referral of applicants to HACA from other community-based social service agencies serving similar population of low-income and high need individuals and families. Most of HACA's special housing choice voucher programs serve specific populations of individuals including veterans, those with disabilities, those experiencing homelessness, substance abuse, HIV/AIDS, involvement with the child welfare and foster care system, and those who have relocated after natural disasters. Thus, HACA works in close partnership with local social services agencies that serve each of these specific populations to market its housing programs and establish appropriate referral networks and protocols.

Applicants that are deemed eligible for the HACA's Housing Choice Voucher, Low Income Housing or special voucher programs, and who have been informed that a voucher or unit is readily available to them, are invited to and required to attend a resident orientation which provides a comprehensive overview of the rules and regulations of participating in the respective housing program. Housing orientations are held weekly for the Housing Choice Voucher and Low Income Housing Programs, and as needed or on a small group basis for special housing programs. HACA's special voucher program orientations provide a detailed overview of the particular eligibility criteria and limitations that govern these specific programs and that differ from the general Housing Choice Voucher Program. When there are not enough eligible individuals on HACA's waitlist to fill the vacancies in special housing choice voucher programs, the agency may open up the waitlist to individuals who meet the specific eligibility criteria for the program(s) that has openings. When this is the case, HACA works with its partner agencies and special projects coordinators to market these openings to potentially eligible applicants.

As part of the Housing Choice Voucher, Low Income Housing and special housing program orientations, HACA's Family Self-Sufficiency Coordinators provide an overview of the Family Self-Sufficiency program to incoming residents. HACA's Housing Choice Voucher and Low Income Housing Family Self-Sufficiency programs currently serve approximately 233 participants, and maintain a waitlist of approximately 47 potential participants (2019). The Family Self-Sufficiency waitlist is opened approximately once a year, to replenish the pool of potential candidates that are interested in the program, and a 30-day notice regarding the waitlist opening is posted at HACA's central office and is provided to all eligible participants. The Housing Choice Voucher Program's Housing Eligibility Specialists and the Low Income Housing program's Family Self-Sufficiency Specialists and Property Managers also market the Family Self-Sufficiency Program to eligible participants during annual and interim recertification appointments. Information on the Family Self-Sufficiency program is provided to current residents in monthly newsletters. Participants in HACA's special housing choice voucher programs are eligible to participate in the Housing Choice Voucher Family Self-Sufficiency Program, unless the special program they are participating in precludes it, or the special housing program is time limited and conflicts with the requirements of the Family Self-Sufficiency Program.

The Housing Authority of the City of Austin provides reasonable accommodations to individuals applying to all of its programs, upon request. Accommodations include but are not limited to access to alternative communications such as sign language and foreign language interpretation, assistance with completing application paperwork, and alternative technology. HACA's housing operations and admissions staff continues to monitor and assess the language needs of current and potential residents to determine which vital documents need to be translated in order to make the agency's programs accessible to all participants.

Making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities

As noted, the Housing Authority of the City of Austin provides notices of availability regarding all of its housing programs and its Family Self-Sufficiency Programs to eligible residents through means including written materials such as newsletter and flyers (currently in English and Spanish); website postings; and face-to-face communication through HACA's Admissions Department and at housing orientations held at HACA's central office. HACA provides reasonable accommodation and furnishes assistance such as alternative communication systems to individuals with disabilities, upon request, so that these individuals have equal opportunity to apply for and participate in all of the agency's programs and services. Moreover, HACA provides information to housing residents on partner agencies and other community-based organizations that also provide accessible services and facilities.

The Housing Authority of the City of Austin's central office building and low income housing sites, which are the primary spaces where services are provided and appointments are conducted with housing program applicants Family Self-Sufficiency participants, are accessible to individuals with physical disabilities. For individuals with disabilities, HACA has made also provisions to conduct annual eligibility re-examination appointments and Family Self-Sufficiency Program appointments in residents' homes under

extenuating circumstances, should a resident not have access to Special Transportation Services through Capital Metro or require individually prescribed accessibility devices that cannot be made readily available at HACA's offices. HACA provides local housing preferences for disabled and elderly individuals, and will provide a preference for disabled individuals transitioning out of community health institutions, including nursing homes and particular psychiatric facilities, that are eligible for the Non-Elderly with Disabilities Housing Choice Voucher Program if the program is funded. Individuals with disabilities may also be eligible for upgrades in unit size based on specific medical and accessibility needs.

All of HACA's Housing Choice Voucher Housing Eligibility Specialists and low income housing Property Managers maintain specific information on accessible units and their unique accommodations. HACA also grants reasonable accommodations to low income housing residents who request accessibility features to be added to existing units or units offered, or offers unit transfers if the requested modifications to the existing units are not feasible. Finally, HACA's Housing Choice Voucher Landlord Outreach Specialist solicits landlords/owners who have accessible housing units to participate in the Housing Choice Voucher Program. A descriptive list of accessible units is available to voucher holders who are seeking such a unit.

The Housing Authority of the City of Austin takes all reasonable steps necessary to ensure that all housing applicants and residents with disabilities, who are interested in participating in any of the agency's housing programs or the Family Self-Sufficiency program, are not excluded from participation or discriminated against in any way.

Providing fair housing counseling services or referrals to fair housing agencies

Please refer to the Promoting Fair Housing Rights and Fair Housing Choice and Remedying Discrimination in Housing portions of the general section of this Addendum for extensive information on how the Housing Authority of the City of Austin provides fair housing counseling and referral to fair housing agencies.

Informing participants on how to file a fair housing complaint

HACA prominently posts Fair Housing and Equal Opportunity Posters and the toll-free Fair Housing/Discrimination Complaint Hotline number (1-800-669-9777) in multiple areas at its Central Office where Austin residents apply for the agency's low income Housing and Housing Choice Voucher programs, with particular attention to its reception, admissions and Family Self-Sufficiency Conference Room areas. HACA also posts these posters and numbers at each low income housing property's administrative office. Applicants with hearing or speech impairments are informed that they may access the Fair Housing hotline via TTY by calling the Federal Information Relay Service at 1-800-887-8339. The same posters and informational flyers are also posted at all of HACA's low income housing properties. HACA assists any family that claims illegal discrimination has prevented them from leasing a suitable unit administered by the Housing Authority of the City of Austin, by giving the family information on how to file a housing discrimination complaint with Legal Aid, Austin Tenants' Council or the City of Austin Equal Employment and Fair Housing Office. Additionally, HACA ensures that all families applying for its programs receive HUD's handout "Fair Housing Is Your Right!" Individuals deemed ineligible for HACA services or terminated from HACA's low income housing programs for non-compliance, has a right to an informal review hearing with HACA's dedicated Hearing Officer prior to filing a formal fair housing/discrimination claim, unless terminated for drug-related or violent criminal activity. Section 8 participants terminated for drug-related or violent criminal activity are entitled to a hearing.

Recruiting landlords and service providers in areas that expand housing choice to program participants, and supporting homeownership across the Austin community

The Housing Choice Voucher program employs a dedicated Landlord Outreach Specialist to enroll landlords of properties in census tracts with limited affordable housing, as providers of affordable housing through the Housing Choice Voucher program. HACA utilizes the U.S. Census and yearly American Community Survey (ACS) updates to determine and review in which areas of Austin there is little affordable housing, and low minority and socioeconomic status distribution. HACA's Landlord Outreach Specialist then seeks landlords in these areas to participate in the Housing Choice Voucher program in an effort to de-concentrate poverty, diversify areas of the city, and ensure that affordable housing is available across the community and is accessible to areas of high job concentration and high performing schools. Additionally, HACA's Family Self-Sufficiency Coordinators maintain extensive information on local social service providers, child care providers, and transportation routes that FSS participants are likely to utilize, so that FSS participants can make informed housing choices.

HACA's subsidiary, Austin Affordable Housing Corporation, operates a continuum of homeownership preparation and assistance programs. AAHC's Down Payment Assistance Program, Equity CLT, and Six-Star programs encourage HACA residents who are prepared to transition to homeownership to explore affordable housing opportunities throughout the city of Austin, nearby unincorporated areas, and in surrounding counties – in an effort to find housing that will best meet their needs. AAHC currently has over 5,400 units in its portfolio and 700 more under construction. AAHC's properties accept vouchers and serve over 442 voucher holders with over 70 families in high opportunity areas.

Record-keeping of affirmatively furthering fair steps and their impacts

The Housing Authority of the City of Austin maintains a database on all reasonable accommodations requests that are made, whether those requests are granted or denied. This includes information on both communication and accessibility requests.

HACA also maintains extensive demographic information on both program applicants and residents, including information on language preferences. This information allows HACA to assess the needs of its constituents and to make critical decisions regarding and changes necessary in its approach to serving clients.

HACA also maintains files on individuals and families that are denied acceptance to or terminated from HACA's housing programs, and who file for an informal hearing with HACA's Hearings Officer. The individual or family's request for hearing is filed with notes from the hearing, any back-up documentation provided, and the final hearing decision rendered by the Informal Hearing's Officer. Any appeals or open fair housing complaints made by the plaintiff are also filed.

Helping program applicants and participants gain access to supportive community service

The Housing Authority of the City of Austin staff has extensive knowledge of community based services that can support the needs of program applicants and participants. HACA's Admissions Specialists, Housing Choice Voucher Eligibility Specialists, Family Self-Sufficiency Specialists, Family Self-Sufficiency Coordinators, Resident Outreach Specialists, Youth Educational Success Coordinator and Outreach Specialist, Special Programs Coordinators, Property Managers and Community Directors all provide information and referral to supportive community services at various levels of program participation.

Admissions staff provides basic resource information to housing program applicants before they are accepted into HACA's Housing Choice Voucher or Low Income Housing Programs, and may refer housing applicants to other interim housing programs and programs that provide basic needs assistance. Housing Choice Voucher Eligibility Specialists provide basic information and referral to social services to Housing Choice Voucher participants, once they are enrolled in the program. Family Self-Sufficiency Specialists and Coordinators provide participants in HACA's Family Self-Sufficiency Programs with case management, assistance in developing Individual Training and Service Plans, and referral and advocacy for workforce development, education, family support and child care services. HACA's Family Self-Sufficiency Coordinators also educate other HACA staff on social services available in the community. HACA's Resident Outreach Specialists work specifically at HACA's Elderly/Disabled designated low income housing properties and have a wealth of knowledge on programs that provide services to meet the unique needs of these populations. Moreover, HACA has been fortunate enough to partner with Family Eldercare on an Administration on Aging Grant focused on community innovations in aging in place. Each of HACA's Elderly/Disabled designated low income housing properties now has a Service Coordinator, who is a licensed social worker, and provides intensive case management and service coordination services for seniors. The Service Coordinators develop and coordinate health and wellness programs, recreation programs, volunteer programs, caregiver support and benefits counseling and advocacy for seniors in low income housing in order to help these individuals age in place in their communities with wraparound services.

Special Programs Coordinators oversee the agency's special housing choice voucher programs, and have specialized knowledge in serving the populations who receive special vouchers (i.e. individuals who are disabled, veterans, child welfare involved, substance abusers, etc.). Special Program Coordinators have established deep relationships with the partner agencies that provide supportive services to special housing program participants and they maintain open communication with the staff at these community-based organizations to best assist the individuals and families participating in these programs.

HACA's Family Opportunity Project Director coordinates development programs for HACA youth, focused on academic achievement and social enrichment. With the assistance of seven Family Opportunity Specialists and Coaches, HACA supports approximately fifteen partnerships with youth-serving agencies that serve over 1,000 HACA youth each year, and maintain close relationships with each of the elementary, middle and high schools that serve HACA's low income housing properties.

Finally, HACA's Low Income Housing Property managers work closely with the property's Resident Outreach Specialists or Family Self-Sufficiency Specialists to provide residents with referrals to appropriate community resources. HACA's Community Directors, all of who have extensive experience working with social service agencies in Austin, develop and coordinate property and community wide events that highlight social service providers and community-based organizations that benefit residents.

While each of the aforementioned staff provides information and referral to residents for supportive community resources, staff informs housing applicants or participants that acceptance of such supportive services is not a condition of continued participation in the program.

Identify public and private funding sources to assist participants with disabilities in covering the cost of structural alterations and other accessibility features

All of HACA's Housing Choice Voucher Housing Eligibility Specialists maintain specific information on accessible units and their unique accommodations. HACA's Housing Choice Voucher Landlord Outreach Specialist solicits landlords/owners who have accessible housing units to participate in the Housing Choice Voucher Program. A descriptive list of accessible units is available to voucher holders who are seeking such a unit.

HACA's Housing Choice Voucher Landlord Outreach Specialist maintains information on sources of funding that can support landlords in making accessibility modifications to units that they own. These include funds provided by the local area agency on aging, Texas Department of Aging and Disability Services, Texas Department of Housing and Community Affairs, the State Housing Finance Agency, the local independent living center, Neighborworks and other community organizations.

Approve higher rents to owners that provide accessible housing units with structural modifications for persons with disabilities

According to rent reasonableness requirements outlined at 24 CFR 982.507 and in the U.S. Department of Housing and Urban Development's Office of Public and Indian Housing PIH 2009-51 Notice, a PHA's HCV program may not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. In order for the rent to be reasonable, the rent may not be more than rent charged for comparable units in the private unassisted market. In addition, the rent may not be more than rent charged by the owner for comparable unassisted units on the premises. In other words, the owner is not permitted to charge the HCV program more for rent than what unassisted tenants in comparable units are paying. The owner must give the PHA information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

However, for an individual or family that requires an accessible unit with structural modifications, the accessible features may justify a higher rent. For such households, the rent reasonableness determination must take those features into account. In a community where there are few such units, or a significantly greater need than the number of accessible units available, the PHA is justified in allowing a higher rent. HACA will approve higher rents to owners that provide accessible housing units with structural modifications for persons with disabilities, based on HUD guidelines.

Provide technical assistance, through referrals to local fair housing and equal opportunity offices, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.

HACA's Housing Choice Voucher Landlord Outreach Specialist makes referrals to fair housing organizations, equal opportunity offices and local disability rights and advocacy organizations for owners interested in making reasonable accommodations or accessibility modifications. As noted, these organizations include the: City of Austin Equal Employment and Fair Housing Office, Austin Tenants' Council, Austin Human Rights Commission, ADAPT of Texas, Advocacy Inc., Austin Resource Center for Independent Living, Texas Department of Aging and Disability Services, Texas Commission for the Blind, Family Eldercare, Austin

Resource Center for the Homeless (ARCH), AIDS Services of Austin, Austin Travis County Integral Care, and the Texas School for the Deaf.

Not deny other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate

Applicants that are deemed eligible for the HACA's Housing Choice Voucher, or special voucher programs, and who have been informed that a voucher is readily available to them, are invited to and required to attend a resident orientation which provides a comprehensive overview of the rules and regulations of participating in the respective housing program. However, should a participant who has been accepted into any of HACA's housing programs ultimately choose not to participate in the program offered, HACA may not restrict access to other PHA programs in the future.

Provide housing search assistance

Housing orientations for HACA's general Housing Choice Voucher and special housing programs provide a detailed overview of the particular eligibility criteria and limitations that govern these programs. While there is not a staff person dedicated to providing 1:1 assistance to voucher recipients in finding a rental unit, HACA's Landlord Outreach Specialist provides extensive information on searching for units at each orientation. Additionally HACA maintains a bulletin board and binders at its central office that voucher recipients can reference to find landlords accepting Housing Choice Vouchers. The Housing Choice Voucher Program's Special Program Coordinators, who work closely with special service providers, are also a valuable resource for providing referrals to landlords who accept special housing vouchers.

Advertising widely in the community for positions in HACA's housing programs should positions become open and available

The Housing Authority of the City of Austin advertises the agency's vacant positions widely and equitably by marketing the available positions through many different venues. HACA advertises vacant positions on its agency website; local and regional job classified listings (both web and newspaper-based – such as Craigslist.org and the Austin American-Statesman); national job classified websites (Indeed.com, Careerbuilder.com); local university job listings; and through regional and national industry list serves and publications including NAHRO and TX NAHRO postings, and non-profit industry websites. HACA also markets its positions on property and at its central office in support of HUD's Section 3 program.

Attachment C.4
Certification by State or Local Officials

Attachment E.1 Choice Mobility

HACA Choice Mobility Policy

As part of the Rental Assistance Demonstration (RAD), HUD requires Housing Authorities to give residents the choice to request a Housing Choice Voucher after living in a Project Based Rental Assistance (PBRA) property for 24 months. HUD calls this “Choice Mobility”. When HACA transitions Public Housing properties to PBRA, the Choice Mobility policy would be followed as outlined in this Chapter.

I. Definitions:

1. *Covered Project*: Any Public Housing property that has converted to the Project Based Rental Assistance (PBRA) program through RAD.
2. *Choice Mobility*: The opportunity for families to request a Housing Choice Voucher (HCV) and move into the private rental market with voucher assistance.
3. *Turnover Caps*: The maximum number of families that can receive a voucher in a calendar year. PHAs can establish caps for the maximum number of families that can receive a voucher from each property in the calendar year. PHAs can also establish caps for the maximum number of vouchers from all properties combined that can receive a voucher in a calendar year.

II. Eligibility and Voucher Caps

HUD seeks to provide all residents of Covered Projects with viable Choice Mobility options. The Housing Choice Voucher (HCV) program provides the most options for families to choose where they want to live within that housing authority’s jurisdiction.

PHAs that are applying to convert the assistance of a project to PBRA are required to provide a Choice-Mobility option to residents of Covered Projects in accordance with the following:

- A. ***Resident Eligibility***. Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV)) the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- B. ***Voucher Inventory Turnover Cap***. Recognizing the limitation on the availability of turnover vouchers from year to year, a voucher agency would not be required, in any year, to provide more than one-third of its turnover vouchers to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received.

HACA Policy

HACA will provide all residents the opportunity to request a Housing Choice Voucher after the later of a) 24 months from the date of the execution of the HAP contract, or b) 24 months from the date of move in.

- If a family moves from one covered project to another covered project, their 24 month clock resets. These families will have to wait for 24 months from the date of move in to the new property, before they can exercise Choice Mobility.
- If a family transfers within the same covered project, their 24 month clock does not reset. They will be eligible to request a Choice Mobility voucher at the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- A family may request the choice mobility voucher at any time after completing the 24 month requirement. They remain eligible as long as they continue living at the same covered project.
- A family that receives a Choice Mobility voucher, but allows it to expire without using it, can request another Choice Mobility voucher. However, they must wait 1 year from the date of the issuance of the

expired voucher before requesting another Choice Mobility voucher. When they do request again, they will start the process from the beginning and are subject to any waiting lists in place at that time.

HACA will implement the voucher inventory cap. Each calendar year, the HCV program will only make 1/3 of its turnover vouchers available to families exercising Choice Mobility from any of its 18 covered projects transitioning into PBRA through the Rental Assistance Demonstration (RAD). HACA will establish an agency-wide Choice Mobility waiting list for times when there are more requests for vouchers than vouchers available due to the cap.

HACA will not implement the project turnover cap.

The HCV program also provides the opportunity to move to other parts of the country by exercising the portability options. Families will be required to follow the housing authority's guidelines regarding when they can exercise the portability option.

HACA Policy

In order to be eligible for the Choice Mobility option, families have to live in Austin, in a HACA owned PBRA property for at least 2 years. These families meet HACA's HCV program requirements and are eligible to exercise portability when they first receive a voucher.

III. Notification of Eligibility

In keeping with HUD's goal to provide viable Choice Mobility options to residents of all covered projects, PHAs should provide clear notification and explanation of the Choice Mobility options available to them.

HACA Policy

At the time of the initial lease signing, HACA will provide a copy of the Choice Mobility policy to the family and explain the Choice Mobility option. HACA will provide clear direction and guidance regarding how to request a Choice Mobility voucher.

In addition, HACA will provide a written notification to the residents as part of the 90 Day letter that each family 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 provided at the property (See Appendix 2).
 - The application 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.
 - 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, 1/3 of the total monthly vouchers issued 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 families will have to meet to be able to live at that property.
- ***The family's lease at their current property requires at least 30 days notice to vacate.*** The family must provide this notice to their current property management staff.

VII. Transitioning from Project Based Rental Assistance to the Housing Choice Voucher Program

When transitioning from PBRA to the HCV program with a Choice Mobility voucher, program participants are required to fulfill their obligations to the terms of the PBRA lease as well as all HCV requirements. Families are not allowed to receive assistance from both programs at the same time. To assist with the transition process and prevent duplicate assistance, PHA's should develop policies and guidelines to ensure that both program requirements are met.

HACA Policy

Residents at a HACA PBRA property will be required to complete the following when transitioning to HACA's HCV program with a choice mobility voucher:

- Remain current on all rent, fees or other balances owed to the PBRA property.
 - Families with outstanding debts who are in a repayment agreement and who are current on their payments within the agreement are considered eligible.
 - Families with active repayment agreements must continue to make all payments until the balance is paid in full or risk losing their voucher assistance.
 - Provide at least 30 days notice of their intent to vacate the unit to the property management.
 - Participate in the move out inspection.
 - Turn in their keys to the property management.
 - Pay all move out expenses that may be charged after moving to their new home with voucher assistance.
 - If necessary, repayment agreements can be established to pay any outstanding move out balances.
 - Failure to pay the move out balance or to remain current in any repayment agreements that are established is grounds for termination of the family's voucher assistance.
 - Pay all moving expenses related to the move from the PBRA property to their voucher assisted unit.
-

HACA and PBRA property staff will work to facilitate this process by doing the following:

- Communicate between departments information related to the issuance of the voucher, move out notices, voucher extensions and specific dates of move out / move in.
 - Note: Coordination of communication between departments does not remove any of the family's obligations.
- Communicate the move out date from the PBRA program to the HCV Intake Team to prevent the overlapping of assistance.
 - The move out from PBRA will not be effective until the property manager receives the keys from the resident family.
 - The family will be required to pay the full rental cost for any days that they have moved in to their new unit before returning the keys to the PBRA property management.
 - The voucher assistance will not start until the day after the family provides the keys to the PBRA property management.

For a detailed flow chart of the transition process, please see Appendix 3.

VIII. Promoting Self-Sufficiency Through Choice Mobility

The decision about where to live can have a significant impact on a family's journey toward self-sufficiency. Through the Choice Mobility voucher option, families living in the PBRA property are given the opportunity to make that decision. Therefore PHA's should strategize how to maximize the use of the Choice Mobility voucher as a self-sufficiency tool.

HACA Policy

Within available resources, HACA will intentionally strategize and leverage the utilization of specific supportive services to provide a solid foundation for the use of the Choice Mobility voucher as a self-sufficiency and resource building tool.

- HACA will explore how to efficiently and effectively use the 2 + years that families are living in PBRA to offer community development services that focus on preparing families for transition to use of a voucher in the private rental market. Such services may include, but are not limited to, financial literacy training, credit counseling and credit improvement, addressing rental history, increasing income through employment, financial coaching, and home maintenance and upkeep among others.
- HACA will explore how to use the resources available (i.e. opportunity mapping) to help direct families toward areas of higher opportunity when they are searching for neighborhoods and housing that meets their needs and where they can use the voucher. This will include helping families to understand how to use these tools to gain information on items such as schools, supportive services and transportation.

Appendix 1



HOUSING AUTHORITY OF THE CITY OF AUSTIN

1124 South IH 35, Austin, TX 78704
PH (512) 477-1314 FAX (512) 494-0686
www.hacanet.org

Date

Dear HACA Resident and Family,

It has now been close to two years since your Public Housing property underwent the Rental Assistance Demonstration (RAD) conversion process. One of the provisions of the RAD program is Choice Mobility. Choice Mobility gives families living at a RAD property the opportunity to request a Section 8 Housing Choice Voucher (HCV) and move into the private rental market with voucher assistance.

To be eligible, residents must meet 2 criteria:

1. You have lived at this *converted* property for 2 years. The time you were living at the property before the conversion date does not count toward your two years.
 - a. Everyone living at this property on December 1, 2016 will be eligible for Choice Mobility on December 1, 2018.
 - b. Everyone who moved in after December 1, 2016 will become eligible when they live here for 2 years.
2. You must be in good standing (rent paid, not pending eviction)

Residents who meet the eligibility requirements will be provided an additional notice later this year with instructions on how they can apply for a Housing Choice Voucher.

1/3 of HACA issued vouchers will be made available to RAD property residents exercising their Choice Mobility option. HACA will maintain a separate Choice Mobility HCV waiting list for these residents. Regarding the Choice Mobility HCV Waiting List, please note the following:

- The waiting list is not first come-first serve. Families will be **selected at random** from this waiting list, so that each family is provided an equal opportunity to receive a voucher. Families will remain on the waiting list, if not initially selected.
- Eligible families can request to be added to the Choice Mobility HCV waiting list at any time, as long as they continue to live at the same RAD property. There is **no expiration date** for when the family can sign up.
- If the Housing Choice Voucher wait list is open, families are eligible to apply and can be on both waiting lists.

Additional information on the Choice Mobility HCV waiting list and the HCV program can be found in the attached Choice Mobility Information Sheet and online at www.hacanet.org. The full Choice Mobility Policy is also available at your management office. You may also contact your Property Manager with questions regarding the Choice Mobility Program or the HACA Admissions Department at 512-477-4488.

Sincerely,

The Housing Authority of the City of Austin & Pathways Asset Management



Pathways Asset Management

A Subsidiary of the Housing Authority of the City of Austin

CHOICE MOBILITY VOUCHER APPLICATION PACKET

CHOICE MOBILITY PROGRAM

The Choice Mobility program provides eligible residents the opportunity to request a Housing Choice Voucher. HACA will maintain a separate Choice Mobility Voucher waiting list and will randomly select 1/3 of its total monthly voucher draw from this list. The random sort provides each family an equal opportunity.

ELIGIBILITY

To be eligible for this program, a resident must have resided at the same HACA-owned PBRA property for at least 24 months after its conversion to the PBRA program.

If a resident was a tenant at a HACA property prior to the property's conversion to the PBRA program, the 24-month eligibility clock will start at the time of PBRA conversion.

The resident must reside at the same PBRA property for the entire 24 months. If a resident moves from one PBRA property to another, the 24-month eligibility clock will start over.

APPLICATION PROCESS

If you are eligible for the program and would like to request a Housing Choice Voucher, please complete the attached page and **submit it to your property manager**. The application must be submitted by the Head or Co-Head of Household. Once your application is received and your eligibility for the program is approved, you will receive a letter from the Admissions Department confirming your placement on the Choice Mobility Voucher list.

If your name is chosen in the monthly random lottery, you will be invited to a voucher interview at the HACA Central Office. The invitation letter will be sent by mail including the interview date and time and the documents required for the eligibility process.



Pathways Asset Management

A Subsidiary of the Housing Authority of the City of Austin

CHOICE MOBILITY VOUCHER APPLICATION

APPLICATION MUST BE COMPLETED BY THE HEAD OR CO-HEAD OF HOUSEHOLD. Applications submitted by other family members will not be accepted.

If you are eligible for the Choice Mobility program and would like to request a voucher, please complete this page and **submit it to your property manager**. Incomplete applications will not be accepted.

Head of Household Full Name (print): _____

HOH Date of Birth: _____ **Last four numbers of SSN (if applicable):** _____

Present Address: _____

Primary Phone # : _____ **Alternate Phone # :** _____

Read the following statements and initial on the corresponding line:

_____ I understand that by submitting this application, I am not guaranteed a Housing Choice Voucher

_____ I understand that if I am selected in the random Choice Mobility draw, I must be determined eligible for the voucher program and comply with program requirements

_____ I understand that if I decide to move to another HACA PBRA property, my 24-month eligibility clock for this program will start over

_____ I understand that only household members listed on my PBRA lease at the time of voucher processing will be included in the voucher household

Signature (HOH or Co-HOH)

Date

DO NOT WRITE IN THIS BOX – FOR OFFICE USE ONLY!

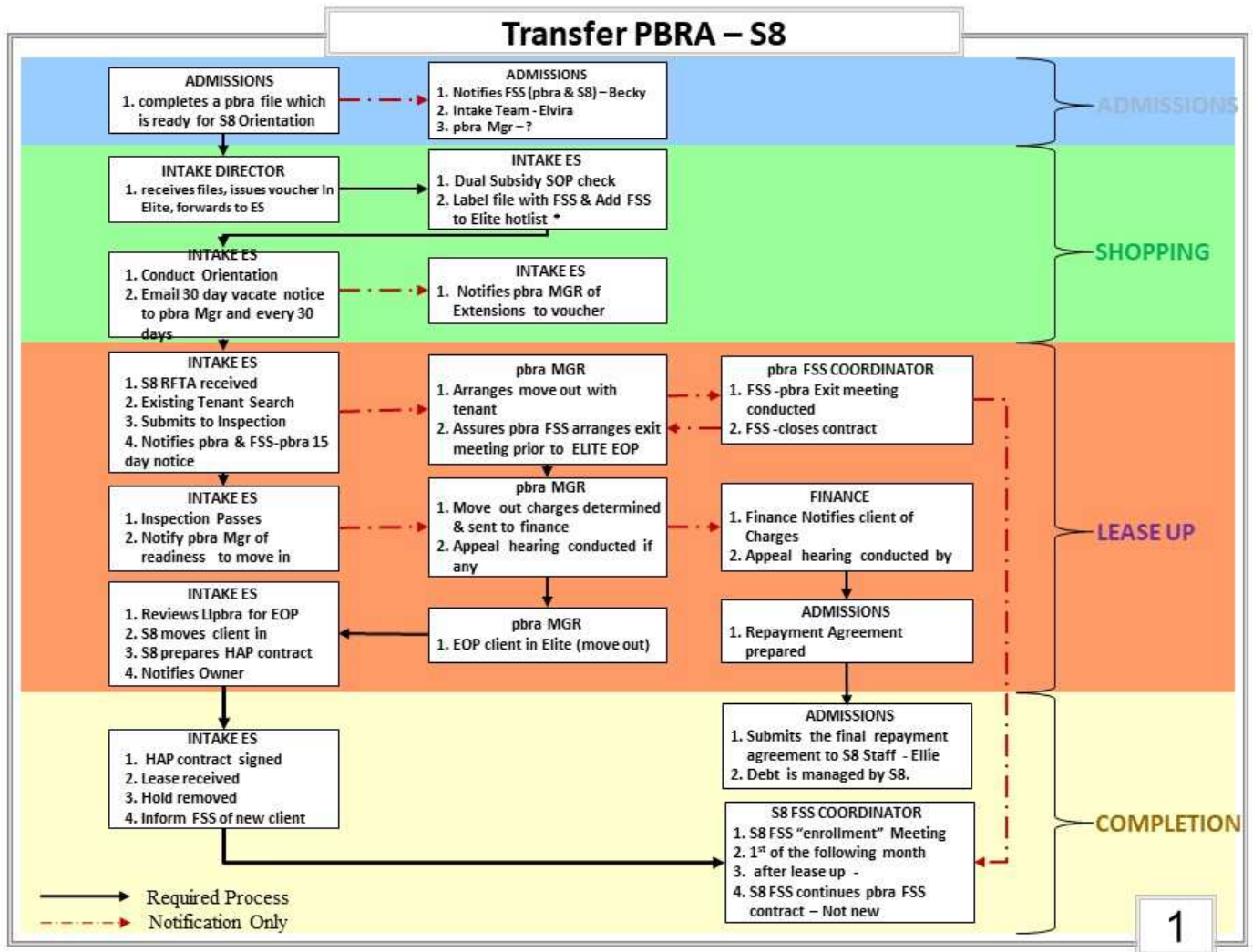
Property Name: _____ **Date of PBRA conversion:** _____

Date of move-in for above client: _____ **Eligible?** ☐ YES ☐ NO

Manager Name (printed)

Manager Signature

Appendix 3: Transfer Process from PBRA to HCV



HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02671

ASSISTED HOUSING ITEM NO. 7.

MEETING DATE: October 15, 2020

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02671: Approval of the acceptance and reallocation of 25 tenant-based Veteran Affairs Supportive Housing (VASH) Vouchers from Central Texas Council of Governments (CTCOG) to the Housing Authority of the City of Austin (HACA)

BUDGETED ITEM: N/A

TOTAL COST: n/a

ACTION

The Board is being asked to approve and accept the reallocation of 25 tenant-based VASH Vouchers from Central Texas Council of Governments (CTCOG) to the Housing Authority of the City of Austin.

SUMMARY

Background:

Central Texas Council of Governments (CTCOG) has agreed to transfer 25 tenant-based VASH Vouchers to the Housing Authority of the City of Austin (HACA) due to under utilization in the Temple, Texas area and an emergent need to provide affordable housing to homeless Veterans in the Austin area.

Process:

CTCOG's Board of Commissioners approved the transfer of 25 VASH Vouchers to HACA and HACA's Board of Commissioners needs to approve the acceptance of the 25 VASH Vouchers.

Both approved Resolutions will be submitted to the Department of Housing and Urban Development to approve the re-allocation of 25 tenant-based VASH vouchers from CTCOG to HACA.

Staff Recommendation:

Staff recommends approval to accept the transfer of 25 VASH vouchers from CTCOG. This will allow HACA to serve 25 additional homeless Veterans in need of supportive housing in the Austin area.

ATTACHMENTS:

- ▣ **CTCOG Board Resolution to transfer 25 VASH vouchers to HACA**

RESOLUTION NO. 02671

APPROVAL OF THE ACCEPTANCE AND REALLOCATION OF 25 TENANT-BASED VETERAN AFFAIRS SUPPORTIVE HOUSING (VASH) VOUCHERS FROM CENTRAL TEXAS COUNCIL OF GOVERNMENTS (CTCOG) TO THE HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA)

WHEREAS, Central Texas Council of Governments (CTCOG) has agreed to transfer 25 tenant-based VASH Vouchers to the Housing Authority of the City of Austin (HACA) due to under utilization in the Temple area and an emergent need to provide affordable housing to homeless Veterans in the Austin area;

WHEREAS, CTCOG's Board of Commissioners approved the transfer of 25 VASH Vouchers to HACA and HACA's Board of Commissioners needs to approve the acceptance of the 25 VASH Vouchers;

WHEREAS, Both approved Resolutions will be submitted to the U.S. Department of Housing and Urban Development to approve the re-allocation of 25 tenant-based VASH vouchers from CTCOG to HACA.

NOW, THEREFORE BE IT RESOLVED, upon HUD's approval to reallocate 25 VASH vouchers to HACA, the Housing Authority of the City of Austin's Board of Commissioners approves the acceptance of the reallocation of 25 tenant-based VASH Vouchers from the Central Texas Council of Governments (CTCOG).

PASSED, APPROVED, AND ADOPTED this 15th day of October, 2020.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson



Resolution Approving transfer of 25 VASH Vouchers to the Housing Authority of the City of Austin
(HACA) from Central Texas Council of Government's Housing Division
Resolution # 09-20-HAP01

WHEREAS, Central Texas Council of Governments (CTCOG) has agreed to transfer 25 tenant-based VASH Vouchers to the Housing Authority of the City of Austin (HACA) due to underutilization in the Temple area and an emergent need to provide affordable housing to homeless Veterans in the Austin area.

WHEREAS, CTCOG's Board of Commissioners need to approve the transfer of 25 VASH Vouchers to HACA and HACA's Board of Commissioners needs to approve the acceptance of the 25 VASH Vouchers.

WHEREAS, Both approved Resolutions will be submitted to the Department of Housing and Urban Development to approve the re-allocation of 25 tenant-based VASH vouchers from CTCOG to HACA.

NOW THEREFORE BE IT RESOLVED, upon approval by CTCOG's Board of Commissioners to transfer the 25 VASH vouchers and HUD's approval to reallocate 25 VASH vouchers to HACA, the Housing Authority of the City of Austin's Board of Commissioners approves the acceptance of the reallocation of 25 tenant-based VASH Vouchers from the Central Texas Council of Governments (CTCOG).

PASSED AND APPROVED this 24th day of September 2020 by the Central Texas Council of Governments Executive Committee.

DocuSigned by:

Judge Byron Theodosios

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The Honorable Byron Theodosios, President

DocuSigned by:

Mayor Jose Segarra

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The Honorable Jose Segarra, Secretary/Treasurer

HOUSING AUTHORITY OF THE CITY OF AUSTIN
BOARD ACTION REQUEST
AUSTIN AFFORDABLE HOUSING CORPORATION
ITEM NO. 8.

MEETING DATE: October 15, 2020

STAFF CONTACT: Ron Kowal, Vice President of Housing Development/Asset Mgmt

ITEM TITLE: Update on AAHC's acquisition and development programs

BUDGETED ITEM: N/A

TOTAL COST: N/A

SUMMARY

Background:

Staff will provide an update on AAHC's acquisition and development programs.

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02672

AUSTIN AFFORDABLE HOUSING CORPORATION

ITEM NO. 9.

MEETING DATE: October 15, 2020

STAFF CONTACT: Ron Kowal, Vice President of Housing Development/Asset Mgmt

ITEM TITLE: Presentation, Discussion, and Possible Action on Resolution No. 02672 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to ground lease the land and transfer the improvements located at 1124 South Interstate 35, Austin, Texas 78704 to AAHC HACA Central, LLC, a Texas limited liability company wholly owned by Austin Affordable Housing Corporation

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to approve Resolution No. 02672 which allows the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to ground lease the land and transfer the improvements located at 1124 South Interstate 35, Austin, Texas 78704 to AAHC HACA Central, LLC, a Texas limited liability company wholly owned by Austin Affordable Housing Corporation.

SUMMARY

Background:

The Housing Authority of the City of Austin purchased an office building in 2005. Located at 1124 S. IH 35, this location became the headquarters for the Housing Authority and all its subsidiaries.

In September of 2020, the Housing Authority made its last payment to Texas Capital Bank and the building is now free and clear of all liens. In order to obtain financing on the building in the future, the lender will typically require that the improvements be owned by a single purpose entity. Additionally, on advice from counsel, it’s preferable to have HACA incur debts through its affiliates, as opposed to directly.

Staff Recommendation:

Board approval will allow the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to ground lease the land and transfer the improvements located at 1124 South Interstate 35, Austin, Texas 78704 to AAHC HACA Central, LLC, a Texas limited liability company wholly owned by Austin Affordable Housing Corporation.

RESOLUTION NO. 02672

Resolution authorizing the Housing Authority of the City of Austin to take such actions necessary or convenient to ground lease the land and transfer the improvements located at 1124 South Interstate 35, Austin, Texas 78704 to AAHC HACA Central, LLC, A Texas Limited Liability Company wholly owned by Austin Affordable Housing Corporation

WHEREAS, the Housing Authority of the City of Austin (“**HACA**”) owns certain real property (the “**Land**”) and improvements situated thereon (the “**Buildings**”) located at 1124 South Interstate 35, Austin, Texas 78704;

WHEREAS, HACA has agreed to lease the Land to AAHC HACA Central, LLC (the “**Owner**”), a Texas limited liability company the sole member of which is Austin Affordable Housing Corporation, a Texas nonprofit corporation (“**AAHC**”), under a long-term ground lease (the “**Ground Lease**”);

WHEREAS, HACA has also agreed to convey the Buildings to the Owner pursuant to a bill of sale, various assignments and other conveyance documents (collectively, the “**Conveyance Documents**”);

NOW, THEREFORE, the Board of Commissioners of HACA hereby approves and adopts the following resolutions, and hereby authorizes its Chief Executive Officer (or the Chief Executive Officer’s designee) to do the following:

1. Ground lease the Land to the Owner and enter into the Ground Lease with the Owner.
2. Convey the Buildings to the Owner and enter into the Conveyance Documents.
3. Review, execute and approve the Ground Lease, the Conveyance Documents, and all such other documents necessary to effectuate the execution of the Ground Lease and the Conveyance Documents and Owner’s acquisition of the Buildings, all on such terms and containing such provisions as the Chief Executive Officer (or his designee) shall deem appropriate, and the approval of the terms of each such instrument shall be conclusively evidenced by his execution and delivery thereof.

This resolution shall be in full force and effect from and upon its adoption.

[End of Resolution]

PASSED, APPROVED, AND ADOPTED this 15th day of October, 2020.

CHAIRPERSON

ATTEST:

SECRETARY

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02673

AUSTIN AFFORDABLE HOUSING CORPORATION

ITEM NO. 10.

MEETING DATE: October 15, 2020

STAFF CONTACT: Ron Kowal, Vice President of Housing Development/Asset Mgmt

ITEM TITLE: Presentation, Discussion, and Possible Action on Resolution No. 02673 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Melrose Trail Apartments (the “Development”) in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and (iii) such other actions necessary or convenient to carry out this Resolution

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to approve Resolution No. 02673 authorizing the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Melrose Trail Apartments (the “Development”) in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and (iii) such other actions necessary or convenient to carry out this Resolution.

SUMMARY

Background:

Austin Affordable Housing Corporation (AAHC), has been presented an opportunity to partner with Veritas Family Partners, to joint venture a 183-unit apartment complex called the Melrose Trail Apartments. The complex is located at 13005 Heinemann Dr, Austin, Texas 78727, in the ever changing Milwood market.

Veritas Family Partners, Ltd and the Austin Housing Conservancy Fund will be partnering with AAHC on Melrose Trail. An affiliated entity of Veritas Family Partners is the current owner of the property and will remain as part of the ownership structure allowing them to defer capital gains taxes. Veritas is wholly owned by the Brock Family with over 1,875 multifamily units owned during their existence with an additional 100 acres of land they plan to develop with an affordable housing component. The Austin Housing Conservancy Fund is already partners with AAHC on the Preserve at Wells Branch Parkway, The Bridge at Terracina and The Bridge at Northwest Hills. Melrose Trail will be their fourth acquisition.

Melrose Trail was built in 1986 and sits on 6.53 acres. About 80% of the units have gone through renovation/improvement and the current ownership has spent more than \$2,200,000 on renovations. The

property has a newly installed dog park, along with a swimming pool and a completely renovated clubhouse. The property is one mile away from the current and new Apple campus at McNeil Dr and Parmer Lane. The location provides great access to retail shops, grocery stores and tech job providers. Below is a breakdown of the many variations of unit sizes.

44 1-bedroom/1-bath	550 square feet
25 1-bedroom/1-bath	650 square feet
42 1-bedroom/1-bath	650 square feet
46 2-bedroom/2 bath	810 square feet
26 2-bedroom/2 bath	900 square feet

Process:

The purchase price/market value for the Melrose Trail is \$26,108,000. Veritas will be investing 25% cash to the purchase (approximately \$6.4 MM) as a down payment/legacy equity. In addition, Austin Housing Conservancy will place up to an additional \$1,000,000.00 for future capital needs. The property will serve residents at 80% median family income and below. The property will be managed by Apartment Management Professionals. The property is currently 96% occupied, and 100% of the residents are under 80% of the area median income.

Staff Recommendation:

Board approval will allow the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Melrose Trail Apartments (the “Development”) in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and (iii) such other actions necessary or convenient to carry out this Resolution.

RESOLUTION NO. 02673

Resolution authorizing the Housing Authority of the City of Austin to take the following actions with regard to Melrose Trail 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

WHEREAS, the Housing Authority of the City of Austin (the “Authority”) plans to acquire the site on which the Development is located (the “Land”); and

WHEREAS, the Authority and LR Apartments, LLC, a Texas limited liability company (the “Company”), desire to enter into a ground lease (the "Ground Lease") granting site control of the Land to the Company;

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted;

NOW, THEREFORE, in connection with the development of the Development, the Board of Commissioners of the Housing Authority of the City of Austin hereby adopts the following resolutions:

BE IT RESOLVED, that any officer of the Authority (the “Executing Officer”), acting alone, is hereby authorized to review, approve and execute all certificates, affidavits, agreements, documents and other writings, including without limitation, the Ground Lease, any and all documents contemplated in connection with the Authority’s acquisition of the Land, and any documents contemplated in connection with any Development financing that require the Authority’s signature in order to subordinate the Authority’s interest in the Ground Lease and/or for purposes of securing the Lender’s liens against the Land (collectively, the “Agreements”), the Executing Officer shall deem to be necessary or desirable in the consummation of the transactions herein contemplated.

BE IT FURTHER RESOLVED, that all acts, transactions, or agreements undertaken prior hereto by the Executing Officer of the Authority, in connection with the foregoing matters are hereby ratified and confirmed as the valid actions of the Authority, effective as of the date such actions were taken; and

BE IT FURTHER RESOLVED, that the Executing Officer is hereby authorized and directed for and on behalf of, and as the act and deed of the Authority, to take such further action in the consummation of the transactions herein contemplated and to do any and all other acts and things necessary or proper in furtherance thereof, as the Executing Officer shall deem to be necessary or desirable, and all acts heretofore taken by the designee of the Executing Officer to such end are hereby expressly ratified and confirmed as the acts and deeds of the Authority.

This Resolution shall be in full force and effect from and upon its adoption.

[End of Resolution]

PASSED, APPROVED and ADOPTED this 15th day of October, 2020.

ATTEST:

Chairperson

Secretary

HOUSING AUTHORITY OF THE CITY OF AUSTIN
REPORT
RENTAL ASSISTANCE DEMONSTRATION
ITEM NO. 11.

MEETING DATE: October 15, 2020

STAFF CONTACT: Ann Gass, Interim Chief Financial Officer

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.

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02674

RENTAL ASSISTANCE DEMONSTRATION

ITEM NO. 12.

MEETING DATE: October 15, 2020

STAFF CONTACT: Ann Gass, Interim Chief Financial Officer

ITEM TITLE: Presentation, Discussion and Possible Action Regarding Resolution No: 02674: Resolution authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of the Pathways at Chalmers Courts West (the “Project”)

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to approve Resolution No. 02674, authorizing HACA to take actions necessary or convenient to develop Pathways at Chalmers Courts West.

SUMMARY

Background:

Pathways at Chalmers Courts West (Chalmers West) is the final phase of the three-phase redevelopment of Chalmers Courts. Chalmers West will be a 156-unit property, developed in partnership with Carleton Companies and financed using 9% Low Income Housing Tax Credits (LIHTC) through the Texas Department of Housing and Community Affairs. In addition to the 78 Project Based Rental Assistance (PBRA) and Project Based Vouchers (PBV) units that will replace the current 78 public housing units, HACA will project-base an additional 50 Housing Choice Vouchers at Chalmers West. Eight of those will be VASH vouchers that will serve homeless veterans.

The redevelopment of Chalmers Courts marks a milestone for HACA, as this is one of the three original public housing developments built in 1939. To honor this rich history, staff is also working with residents and the design team to incorporate Chalmers’ history into the new property through exploration of the use of photos and reclaimed building materials. Chalmers West is the final project in HACA's conversion to the Rental Assistance Demonstration (RAD) Program. The Rental Assistance Demonstration (RAD) Program was authorized by the Consolidated and Further Continuing Appropriations Act of 2012. RAD is a tool that enables Public Housing Authorities to convert public housing subsidies into long-term, Section 8 rental assistance subsidy. This is beneficial to PHAs because historically public housing subsidies and funding for capital projects have been unpredictable and fluctuate annually due to federal budget cuts. The project based rental assistance program provides a much more stable and predictable annual subsidy, benefitting PHAs and

their residents. More importantly, the RAD program provides PHAs an opportunity to make substantial physical improvements to its properties, resulting in a higher quality of life for residents. Additionally, provisions with RAD ensure that existing residents are protected and enjoy more choices on where they wish to reside. The Housing Authority of the City of Austin (HACA) has successfully converted seventeen properties through RAD. Chalmers West is the last project to convert.

Process:

The families who currently live at Chalmers West will be relocated using Housing Choice Vouchers or to another HACA subsidized property. Most of the families have chosen to relocate to the new Chalmers East, adjacent to the current site of Chalmers Courts. All families will have the right to return to the newly redeveloped Chalmers West. HACA staff has worked closely with the residents to ensure that all residents understand their right to return. Staff will continue to meet with the residents regularly in an effort to maintain the sense of community that has developed as the residents prepared for the redevelopment of Chalmers.

Staff Recommendation:

HACA recommends that the Board approve Resolution No. 02674 in order to proceed with the development of Chalmers West.

RESOLUTION NO. 02674

RESOLUTION AUTHORIZING THE HOUSING AUTHORITY OF THE CITY OF AUSTIN (THE “AUTHORITY”) TO TAKE SUCH ACTIONS NECESSARY OR CONVENIENT TO FACILITATE THE DEVELOPMENT OF THE PATHWAYS AT CHALMERS COURTS WEST (THE “PROJECT”)

WHEREAS, the Authority owns the site on which the Project will be constructed and/or rehabilitated (the “Land”);

WHEREAS, the Authority and Pathways at Chalmers Courts West, LP, a Texas limited partnership (the “Partnership”), desire to enter into a ground lease (the "Ground Lease") granting site control of the Land to the Partnership;

WHEREAS, pursuant to the terms of the Ground Lease, the Partnership is required to develop and rehabilitate the Project as a development dedicated for low-income persons in compliance with the laws and regulations applicable to eligible tenants under the federal low income housing tax credit program as established at 26 U.S.C. §42 and regulations promulgated pursuant thereto;

WHEREAS, the Authority desires to convey title to the existing improvements located on the Land to the Partnership via a bill of sale;

WHEREAS, the Authority has submitted an application with the United States Department of Housing and Urban Development (“HUD”) for approval under the Rental Assistance Demonstration (“RAD”) Program to designate certain units within the Development as RAD units, and upon receipt of HUD approval, the Authority desires to implement the RAD units pursuant to certain documents (the “RAD Documents”) by and among the Authority, HUD and the Partnership;

WHEREAS, the Authority has submitted a proposal with HUD for approval of the placement of certain project-based voucher (“PBV”) assistance in certain of the units within the Project, and with the receipt of HUD approval, the Authority desires to implement the PBV units pursuant to certain documents including an agreement to enter into housing assistance payments contract and, upon completion of the Project, a housing assistance payments contract (“PBV Documents”) by and among the Authority, HUD and the Partnership;

WHEREAS, the Authority may grant or loan demolition, relocation, capital and/or other financing funds in an amount not to exceed \$7,000,000 to the Austin Affordable Housing Corporation to facilitate the development of the Project;

NOW, THEREFORE, in connection with the development, construction, rehabilitation and equipping of the Project, the Board of Commissioners hereby adopt the following resolutions:

BE IT RESOLVED, that any officer of the Authority (the “Executing Officer”), acting alone, is hereby authorized to review, approve and execute all certificates, affidavits, agreements, documents and other writings including without limitation the Ground Lease, RAD Documents and PBV Documents (collectively the "Agreements") the Executing Officer shall deem to be necessary or desirable in the consummation of the transactions herein contemplated;

BE IT FURTHER RESOLVED, that all acts, transactions, or agreements undertaken prior hereto by the

Executing Officer of the Authority, in connection with the foregoing matters are hereby ratified and confirmed as the valid actions of the Authority, effective as of the date such actions were taken; and

BE IT FURTHER RESOLVED, that the Executing Officer is hereby authorized and directed for and on behalf of, and as the act and deed of the Authority, to take such further action in the consummation of the transactions herein contemplated and to do any and all other acts and things necessary or proper in furtherance thereof, as the Executing Officer shall deem to be necessary or desirable, and all acts heretofore taken by the designee of the Executing Officer to such end are hereby expressly ratified and confirmed as the acts and deeds of the Authority.

This resolution shall be in full force and effect from and upon its adoption.

PASSED, APPROVED, and ADOPTED this 15th day of October, 2020.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson