

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, December 17, 2020
12:00 PM**

**Via Video Conference Call
1 (646) 749-3122; Access Code: 278-987-013
Austin, TX**

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

**TO BE HELD AT
Via Video Conference Call
1 (646) 749-3122; Access Code: 278-987-013
Austin, TX
(512.477.4488)**

**Thursday, December 17, 2020
12:00 PM**

CALL TO ORDER, ROLL CALL

CERTIFICATION OF QUORUM

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

CONSENT ITEMS

1. Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on November 19, 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 on the Independent Auditor's Report for the Fiscal Year Ending March 31, 2020
4. Presentation, Discussion, and Possible Action regarding Resolution No. 02684: Approval of Revisions to the Housing Choice Voucher Administrative Plan
5. Update on AAHC's acquisition and development programs
6. Presentation, Discussion, and Possible Action on Resolution No. 02685: Resolution authorizing the Housing Authority of the City of Austin (the "Authority") to take such actions necessary or convenient to facilitate the development of Highland Village, a multifamily housing development (the "Project")
7. Presentation, Discussion and Possible Action Regarding Resolution No. 02686: Approval to Submit the 2021 Public Housing Authority Annual Plan and Update to the Five-Year Plan to the U.S. Department of Housing and Urban Development

EXECUTIVE SESSION

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

- a. 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer;
- b. 551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real

property;

- c. 551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.
- d. 551.087, Texas Gov't Code, discuss certain economic development negotiations.

OPEN SESSION

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

REPORTS

The Board accepts the following reports:

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

- President's Report

- Chief Financial Officer's Report

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

EXECUTIVE

ITEM NO. 1.

MEETING DATE: December 17, 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 November 19, 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 November 19, 2020.

ATTACHMENTS:

- ▣ **20201119 HACA Minutes Summary**

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

November 19, 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, NOVEMBER 19, 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

Carl S. Richie, Jr., HACA Chairperson called the Board of Commissioners Regular Board Meeting of the Housing Authority of the City of Austin, of November 19, 2020, to order, at 12:07 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
Bill Walter, Coats Rose
Alexis Henderson, Rosewood Resident Council President
Donna Carter, Carter Design Associates
Holland Gary, Carleton Companies, Rosewood
Kurt Goll, Journeyman Group
Matthew Beaton, Nelson Partners, Rosewood
Nick DeLuca, Journeyman Group
Phil Crisara, Nelson Partners, Rosewood
Printice Gary, Carleton Companies
Robin Connally
Ross Hamilton, Journeyman Group
Sam, Journeyman Group
Shuronda Robertson, Adesa Communications
Steve Whichard, Rosewood Resident Council Vice President
Will Henderson, Carleton Companies

STAFF PRESENT ON THE CALL:

Andrea Galloway, Angie Towne, Ann Gass, Barbara Jackson, Catherine Crago, Diane Falcon, Jimi Teasdale, Gloria Morgan, Kelly Crawford, Leilani Lim-Villegas, Lisa Garcia, Michael Cummings, Michael Gerber, Michael Roth, Nidia Hiroms, Pilar Sanchez, Ron Kowal, Suzanne Schwertner, Sylvia Blanco, and Tiffany Middleton

CITIZENS COMMUNICATION

Zenobia Joseph, citizen, provided comments regarding Cap Metro's Project Connect and its limitations in providing transportation options for Austin families

CONSENT ITEMS

ITEM 1: Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on October 15, 2020

Commissioner Carrington moved the Approval of the Board Minutes Summary for the Board Meeting held on October 15 17, 2020. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 2: Presentation, Discussion, and Possible Action regarding Resolution No. 02675: Approval of the Board of Commissioners Meeting Schedule for 2021

Commissioner Carrington moved the Approval of Resolution No. 02675: Approval of the Board of Commissioners Meeting Schedule for 2021. **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 TAKEN OUT OF ORDER.

ITEM 7: Update on the Housing Choice Voucher and other Rental Assistance programs

Lisa Garcia, HACA Vice-President of Assisted Housing, provided an update on the Housing Choice Voucher and other Rental Assistance programs.

ITEM 13: Presentation, Discussion, and Possible Action on Resolution No. 02682 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

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 JP Morgan Chase 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.

Board approval allows 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.

Commissioner Duncan-Hall moved to approve Resolution No. 02682 by the Board of Commissioners of 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. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 12: Presentation, Discussion and Possible Action Regarding Resolution No: 02683: 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")

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 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. This item has been brought again to the board for approval because as part of closing we need to include all remaining restricted reserve funds in the transaction. Additional funds were identified and will be included in the transaction with the approval from the Board.

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.

HACA recommends that the Board approve Resolution No. 02683 in order to proceed with the development of Chalmers West. **Commissioner Carrington** moved to approve Resolution No. 02683: 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"). **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 11: Presentation, Discussion, and Possible Action on Resolution No. 02681 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to Broadstone 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

Austin Affordable Housing Corporation (AAHC), was presented with an opportunity to partner with Belveron Corporation, to purchase a 376 unit apartment complex called the Broadstone 8 One Hundred. The complex is located at 8100 Anderson Mill Road, Austin, Texas 78729, between Highway 183, MoPac Expressway and SH-45 and down the street from Apple's new 130-acre campus.

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 has invested in more than 200 properties in 32 states. AAHC is working with Managing Partner, Paul Odland, and Senior Portfolio Manager, Josh Plattner.

The Broadstone was built in 2015 and sits on 16.96 acres. Some of the property amenities include a sparkling swimming pool with lounge seating, outdoor kitchen with gas grills, bocce ball court, 24-hour athletic center, an elegant clubhouse with entertainment spaces and a big screen TV and a large dog park. All units come with full size washer and dryers. The property feeds in to one of the strongest school districts in Round Rock, where residents are assigned to Live Oak Elementary School, Deer Park Middle School and McNeil High School. The property's location provides fantastic access to many employers, retail shops, grocery stores and medical providers. Below is a breakdown of the many variations of unit sizes. The property is currently 97% occupied.

108 1-bedroom/1-bath 624 square feet
100 1-bedroom/1-bath 673 square feet
60 1-bedroom/1-bath 767 square feet
60 2 bedroom/2 bath 1,094 square feet
48 2-bedroom 2 bath 1,186 square feet

The purchase price for the Broadstone 8 One Hundred is \$73,750,000. Belveron will be investing 30% cash to the purchase (approximately \$22MM) as a down payment. In addition, Belveron will place an additional \$1,200,000.00 for future capital needs. Freddie Mac will carry the debt of approximately \$55 MM at a rate of 2.72% interest only for 10 years. Belveron has also committed to place in escrow an additional 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 currently serves all residents below 80% AMI and AAHC and Belveron have committed to not raising rents for the next 12 months and are committed to leasing to all voucher holders. AAHC and Belveron have agreed to restrict 10% of the units reserved for affordability to 60% of AMI. This will result in 38 units receiving significant rent reductions. The property will be managed by Apartment Management Professionals.

Board approval authorizes the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to Broadstone 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.

Vice-Chairperson Bailey moved to approve Resolution No. 02681 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to Broadstone 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. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 10: Presentation, Discussion, and Possible Action on Resolution No. 02680 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to

Lexington Hills 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

Lexington Hills is located at 2430 Cromwell Circle, Austin, Texas 78741. AAHC purchased this 238-unit property in September 2013. It is located South of Riverside Drive off Wickersham Lane. The area has become even more attractive due to the redevelopment of Riverside Drive and the need for affordable housing for the large amount of retail and office workers nearby. This property serves Austin ISD (Linder Elementary, Martin Middle School and Johnston High School). We currently have 23 housing choice voucher holders leasing units and will continue to accept applications.

Unit Breakdown:

167 one bedroom/one bath

71 two bedroom/two bath

Lexington Hills will be refinanced with Bellwether to take advantage of a very attractive low-interest environment. The current interest rate is 5.38% and the new interest rate is projected to be 2.75%. In addition to lowering the interest rate, exterior rehabilitation will be done on the property and \$1 million will be put aside for additional capital improvements.

Rehab scope will include:

New siding, energy efficient windows, patio railing and pickets, stairway railing, pool fence, pool update, and exterior building paint.

Board approval authorizes the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Lexington Hills 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.

Vice-Chairperson Bailey moved the Approval of Resolution No. 02680 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Lexington Hills 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. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 9: Presentation, Discussion, and Possible Action on Resolution No. 02679 by the Board of Commissioners of the Housing Authority of the City of Austin to take the following actions with regard to the Urban East Apartments Phase I (“Phase I”) and the Urban East Apartments Phase II (“Phase II” and together with Phase I, the “Developments”) in Austin, Texas: (i) acquire the sites of the Developments; (ii) lease the sites of the Developments to the owners of the Developments; and (iii) such other actions necessary or convenient to carry out this Resolution

Austin Affordable Housing Corporation was being presented with an opportunity to partner with River City Capital Partners (RCCP) and LDG Multifamily on a certain 7.34 acre tract of land located at 6400 E. Riverside Drive, Austin, TX 78741. This project (Urban East) will consist of 381 family apartment units. Fifty percent of the units will be affordable to tenants earning less than 80% median family income (MFI) and 50% will be affordable to tenants earning at or greater than 80% MFI. This will be our first time partnering with RCCP. RCCP is an Austin-based developer of innovative residential and commercial urban in-fill projects. Peter Kehle, co-founder is responsible for all aspects of the company’s development, financing, construction and acquisition activities. He brings 30 years of experience in these areas. Prior to RCCP, Peter founded Alliance Credit Corporation, a nationwide provider of commercial equipment leasing and accounts receivable factory; Cherokee Construction, a civil construction firm performing private and public works construction in Central Texas; and Kehle Management, Inc., a provider of real estate development services including site selection, market analysis, project design, securing entitlements and financial modeling. Cory Older, co-founder leads investment relations, property acquisition, sales, financial modeling, and accounting. Cory began his career as an Audit Consultant with the big-four accounting firm, Deloitte. After 4 years at Deloitte, he became Controller of Keller Williams Realty International. Cory received the distinct honor of being selected by the Keller Williams Realty executive team to attend the Acton School of Entrepreneurship’s MBA program. Upon graduating from this program, Cory returned to Keller Williams Realty International to head up their Commercial Real Estate Division. He later led the Global Property Specialist division and the Young Professionals Division.

RCCP originally purchased the site because of its Opportunity Zone status. Real estate investments within Opportunity Zones stand to provide investors with meaningful federal and state tax incentives, as a result of the Tax Cuts and Jobs Act of 2017. This parcel was attractive due to the appetite by equity firms to invest in Opportunity Zones. The land will be sold at closing to the Housing Authority of the City of Austin (HACA). Due to the fact that there is potential to develop two phases of apartment complexes, the parcel will be condominiumized into two units, HACA will then lease one unit to the Phase I partnership and the other unit to the Phase II partnership.

This will be done to separate the two phases in every aspect including debt and equity. This in no way obligates HACA or AAHC to participate in a second phase. The resolutions being presented today are only to move forward in the development of

Phase I. If Phase II is still feasible and the demand for more units is proven, then staff will bring Phase II to the board for approval at a later date.

The development will use debt financing originated by Texas Capital Bank and equity from a combination of RCCP and Battery Global Advisors (BGA) out of Boston, MA. BGA uses a wide variety of private funds to invest in projects in Opportunity Zones. A large number of their investors are family investors. The total development cost is estimated at \$96,000,000. The equity provided will be an estimated \$43,000,000 which is about 45% of the total cost. The planned development will consist of 12 studio and one bath units, 292 one bedroom and one bath units, 73 two bedroom and two bath units, and 4 three bedroom and two bath units.

The project will include 2 resort-style swimming pools, sun decks, fully equipped gym, outdoor grills, dog park, yoga-fitness studio, wi-fi coffee bar and a media conference room. The site is bordered by Montopolis Drive, Riverside Drive and Vargas Road. Upon completion of the light rail, there will be a stop at the intersection of Riverside Drive and Montopolis Drive. All units will be marketed to HACA's Housing Choice Voucher residents. This approval will allow AAHC to complete the closing transaction and start construction.

Unit Breakdown:

12 Studio/1-bath units 531 - 585 sq ft

292 1-bedroom/1-bath units 716 - 961 sq ft

73 2-bedroom/2-bath units 994–1,437 sq ft

4 3-bedroom/2-bath units 1,534 sq ft

Board approval authorizes the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to the Urban East Apartments Phase I ("Phase I") and the Urban East Apartments Phase II ("Phase II" and together with Phase I, the "Developments") in Austin, Texas: (i) acquire the sites of the Developments; (ii) lease the sites of the Developments to the owners of the Developments; and (iii) such other actions necessary or convenient to carry out this Resolution.

2nd Vice-Chairperson Apostolou moved the Approval of Resolution No. 02679 by the Board of Commissioners of the Housing Authority of the City of Austin to take the following actions with regard to the Urban East Apartments Phase I ("Phase I") and the Urban East Apartments Phase II ("Phase II" and together with Phase I, the "Developments") in Austin, Texas: (i) acquire the sites of the Developments; (ii) lease the sites of the Developments to the owners of the Developments; and (iii) such other actions necessary or convenient to carry out this Resolution. **Commissioner Duncan-Hall** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 6: Presentation, Discussion, and Possible Action regarding Resolution No. Renewal of Boys & Girls Club Contract (Chalmers and Meadowbrook) for Comprehensive Youth Development Clubs

Engaging youth in activities that build academic, social, and interpersonal skills while fostering positive relationships with caring adults is an important part of HACA's Youth Education Success (YES) strategy Program.

This is a request for the first renewal of this competitively bid contract. We are seeking renewal for the Boys & Girls Club contract only at this time. The other contractors awarded as part of this RFP, HealthStart and Creative Action, are not currently serving HACA resident youth due to the COVID-19 pandemic. We will consider their contracts for renewal if and when they can provide services to HACA youth in a format that is safe, effective, and engaging.

The number of youth served at the Boys & Girls Club was reduced due to the safety guidelines recommended by the CDC. The Clubs are serving fewer youth (20 – 25 youth per site) while the pandemic continues. As is reflected in the contract, the numbers served will increase back to previous levels (50 – 75 youth per site) if and when the CDC guidelines are updated allowing for more youth to participate per square foot.

Staff recommended that the Comprehensive Youth Development Program Contract be awarded to the Boys & Girls Club to serve Chalmers and Meadowbrook for \$114,000 annually. This contract will be reviewed annually not to exceed five years.

Commissioner Duncan-Hall moved the Approval of Resolution No. Renewal of Boys & Girls Club Contract (Chalmers and Meadowbrook) for Comprehensive Youth Development Clubs in the amount of \$114,000 annually. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 3: Presentation, Discussion, and Possible Action on Resolution No. 02678 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") approving resolution of Austin Affordable PFC, Inc. providing for the issuance of its Multifamily Housing Revenue Bonds and Refunding Note (Bridge at Turtle Creek Apartments) Series 2020 and to take such other actions necessary or convenient to facilitate the development of the Bridge at Turtle Creek Apartments

Austin Affordable Housing Corporation was presented with an opportunity to partner with JCI Residential LLC for a second time. This property is set on a 3.32 acre tract of land located at 6020 South 1st Street, Austin, TX 78745 located in the Austin city limits. The project (Bridge at Turtle Creek) will consist of 307 family apartment units serving tenants with incomes from 50%-70% Area Median Family Income (AMFI). The Board has seen this project twice before: March 2019 for the Tax Credit Application Resolution and the Bond Inducement Resolution and then again September 2020 for the public hearing. The nearest

properties in AAHC's current portfolio are: Urban Oaks located at 6725 Circle S Road and Bridge at South Point located at 6808 South IH 35 Frontage Road both to the South.

The development will use a mix of 4% tax credits and bonds to finance the construction with a total project cost of approximately \$66,000,000. The planned development will consist of 134 efficiency units, 96 one bedroom/one bath units, 40 two bedroom/one bath units and 37 two bedroom/two bath units. Income averaging will be used to enable more deeply affordable units. Sixty-two units will be affordable to tenants with incomes at 50% AMFI or below; 183 will be affordable to tenants with incomes at 60% AMFI or below; and 62 units will be affordable to tenants with incomes at 70% AMFI or below. All units averaged together will equal 60% AMFI. As with all AAHC properties, all units will be marketed to HACA's Housing Choice Voucher families.

HACA, through its Public Facility Corporation, will issue tax-exempt bonds in an amount not to exceed \$44,000,000. Financing of the project will come from the following sources: KeyBank N.A. will carry the construction phase debt; KeyBank N.A. will provide the permanent debt; Enterprise will provide equity. In the January 30, 2019 HACA Board Work Session, the Board set out affordability goals for future acquisitions and developments for AAHC. By serving families with incomes 50% to 70% AMFI and below, Bridge at Turtle Creek meets these targeted affordability goals.

Bridge at Turtle Creek will include an amenity center, enclosed courtyard, private entrance gate into parking garage, resort style pool and state of the art fitness center.

Unit Breakdown: 134 Efficiency 510- 589 sq. ft.
96 one br/one ba 630- 750 sq. ft.
40 two br/one ba 900-1010 sq. ft.
37 two br/two ba 969-1214 sq. ft.

AMI% Breakdowns: 62 Efficiency 50% AMI
72 Efficiency 60% AMI
96 one br/one ba 60% AMI
15 two br/one ba 60% AMI
25 two br/one ba 70% AMI
37 two br/two ba 70% AMI

Board approval authorizes AAHC to execute any and all documents, or take any other action, that is necessary or desirable to facilitate the development of the Bridge at Turtle Creek Apartments.

Commissioner Carrington moved the Approval of Resolution No. 02678 by the Board of Commissioners of the Housing Authority of the City of Austin approving resolution of Austin Affordable PFC, Inc. providing for the issuance of its Multifamily Housing Revenue Bonds and Refunding Note (Bridge at Turtle Creek Apartments) Series 2020 and to take such other actions necessary or convenient to facilitate the development of the Bridge at Turtle Creek Apartments. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 4: Update on HACA's actions related to the Coronavirus (COVID-19) and update on HACA's Resident and Client Support Center

Updates provided in the Board packet.

ITEM 5: Presentation, Discussion and Possible Action regarding Resolution No. 02676: Approval of the Low Income Housing (LIH) Department Property Budgets for Calendar Year 2021

Historically the property budgets have come to the Board of Commissioners in March with the entire agency budget. However, as properties converted through RAD, all properties that were layered with Low Income Housing Tax Credits (LIHTC) were required to change their budget year to the calendar year. In an effort to streamline work for LIH and Finance, this year we are aligning all 16 properties to the calendar year budget cycle, although the LIH Central Office Cost Center will remain on the agency fiscal year.

At the time of the RAD conversion, properties took on debt to establish an initial reserve for capital project replacements over the next 20 years. HACA accepted that this debt would create challenges for smaller properties to meet expenses and expected debt service ratios. However, when viewed as a portfolio, the financial position would remain strong. The proposed budgets reflect both of these realities.

During the budget process, Property Management and Maintenance staff worked with their Community Directors to review property needs, expense trends and program requirements. They also took into account the special circumstances presented by Covid-19 and its potential impact on 2021 budgets. Staff focused on creating budgets that maintain safe, decent and sanitary housing for residents, meet all program and contract requirements while also providing a great workplace for staff.

Key Points to Note:

1. Properties are required to budget for 3.5% revenue loss for vacancy (unoccupied days). Across the portfolio that would

be \$546,205. However, historically we are below 1.5% revenue loss for vacancy which is only \$234,088. This would increase our revenue by \$312,117.

2. The overall portfolio is budgeted to have a \$801,403 cash flow after all expenses and debt payments.
3. The total debt payments for the properties (principal and interest) is \$3,256,642.
4. The debt service coverage ratio for the portfolio is 1.25 and each property meets the requirements of our lenders and investors.
5. The pro-forma modeled at conversion had 2% increases in revenue and 3% increases in expenses each year. The portfolio budget matches these projections.

This budget also includes higher projected expenses for Covid-19 related items. The properties anticipate increased expenses for disinfecting supplies (\$6533 increase), personal protective equipment (\$11,175 increase), and custodial contracts (\$6,754 increase). HACA is still negotiating the final terms of our property insurance renewal.

As presented, the proposed budgets together with the existing capital reserve for replacement funds, demonstrate that the portfolio is in a strong financial position to meet operating expenses and ongoing needs. Staff recommends approval of the 2021 calendar year budgets for all 16 properties.

Commissioner Duncan-Hall moved the Approval of Resolution No. 02676: Approval of the Low Income Housing (LIH) Department Property Budgets for Calendar Year 2021. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 8: Update on AAHC's acquisition and development programs

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

REPORTS

The Board accepts the following reports from the President:

- No additional reporting.

THE BOARD RECESSED INTO EXECUTIVE SESSION AT 2:46 PM.

THE BOARD RETURNED FROM EXECUTIVE SESSION AT 3:26 PM.

During the Executive Session, the Board discussed personnel related matters and approved awarding the staff a \$1,000 bonus for the holiday season, as well as the development of a recruitment and retention fund not to exceed \$150,000. The policy surrounding the fund will be vetted out by Commissioner Carrington and Commission Duncan-Hall, as the Personnel Evaluation Committee. The policy will be brought back to the full Board for adoption.

Vice-Chairperson Bailey moved to approve. Awarding the staff one thousand dollars publish for the holiday season, as well as the development of a recruitment and retention fund not to exceed \$150,000. **Commissioner Carrington** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

Commissioner Carrington moved to adjourn the meeting. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

The meeting adjourned at 3:27 p.m

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

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

MEETING DATE: December 17, 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

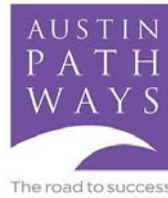
ATTACHMENTS:

- ▣ **COVID-19 Division Reports**
- ▣ **HACA At-Home Learning**
- ▣ **HRCSC**

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. 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 at Meadowbrook, Chalmers South and BTW. We held a virtual National Night Out event. About 50 people attended. 850 School supply packets were distributed. Para educator training continues for resident to assist their neighbors with Learning from Home tools for parents.
4.	AP is applying for CV-19 assistance from Workforce Solutions to fund 6 PT Community Health Workers for 6 months in order to extend the BHH program past 12/31/20. The BHH program continues to assist families with positive results with referrals, calls to isolate, medical equipment, PPE
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; \$11K from SAATVA Mattress.
COMMUNICATIONS-KEN BODDEN	
1.	Launched new Resident Forms page for Section 8 voucher residents, allowing them to access all needed forms in one easy site, with links directly to DocuSign documents.
2.	Assisted Pilar with RENT 2.0 by setting up, inviting, and monitoring four RENT 2.0 webinars with community partners.
3.	Designed flyers for Bringing Health Home, Free Flu Shots, at BTW.
4.	Added COVID-19 reminders to 2021 Resident Calendar.
FINANCE-ANN GASS	
1.	We continue to reallocate work and develop new processes and controls for use during this extended COVID period.
2.	We have adjusted the methodology for the budget 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 two (2) 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 continues to be 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.	This month the Human Resources department collaborated with the Low Income Housing Department to review our recruitment process for the Apartment Maintenance Technician, one of their hard to fill positions for the department. Together the Human Resource team and the Low Income Housing department were able to develop a recruitment plan that consisted of revising the job posting highlighting HACA benefits and training, and implementing a targeted ad campaign with Indeed.com. In order to attract viable candidates for this position HACA will also be offering a sign-on bonus for those hired in the position.
4.	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.	Due to Austin-Travis County being elevated to the stage 4 COVID-19 risk category, playgrounds at family properties were closed starting the week of November 23rd. Property management offices remain open by appointment only for a minimum of 8 hours a week. Offices are equipped with signs and safety measures, and residents are being required to wear masks and maintain six feet of social distancing.

2.	Maintenance staff continues completing all work orders. Staff is required to wear face masks at all times on property and full PPE when entering a resident unit. Since the work from home started, 7,344 work orders have been created and staff have completed 7071, or 96.3%. Internal UPCS inspections continue of the six sites pending a HUD REAC inspection (HUD REAC inspections resumed October 5, 2020). Inspections include the Site, Exterior, Systems, Common Areas, and Health & Safety. Units will not be inspected at this time.
3.	HACA submitted requests to receive supplemental payments from HUD for COVID-19 related expense totaling \$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. Resident interim and annual recertifications are being completed via a primarily virtual process. All 16 PBRA HAP vouchers are current and received through September 1.
5.	HACA submitted a first batch of Special Claims for vacancy loss to recover a portion of rent loss due to COVID related vacancies. The \$17,437 claim covers 17 units across 6 properties. A second batch covering additional properties and units is in process.
OPERATIONS & PROCUREMENT-NORA MORALES	
1.	Building staff continues to run bulk trash three times a week-Monday/Wednesday/Friday. On Tuesday and Thursday they perform preventative building maintenance, and recycling of items picked up during bulk trash pick-up. OPS had a truck driver resignation, position has been reported for replacement. Also, we continue to work with contractors to get the building in compliance with the CDC recommendations for a "return to work" plan.
2.	Procurement staff continues to work from home. Processing purchasing request and submitting invoices to Finance for payment. As of October 5, 2020 all site orders are being shipped directly to the site. One rotating Purchasing staff member will man all shipping & receiving for HACA headquarters from 8-5 PM. The availability of PPE equipment is becoming available and we are ensuring all maintenance staff has the supplies needed.
3.	OPS staff continues to maintain HACA fleet as needed.
4.	We continue to work with P/D and other departments to create a "back to work" plan as directed. Lobby project is complete and operational including glass speakers
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. We continue to operating paperless and electronically more now than ever before.
PLANNING & DEVELOPMENT-JIMI TEASDALE	
1.	COMPLETED HVAC Ion Kit retrofits ordering for IAQ improvements to Community/Mgmt Centers at Roswood/Salina, Gaston, Georgian, Northgate, Shadowbend, and Manchaca Village. Some of these sites are completed, already. Lakeside and North Loop are being quoted separately, due to different type HVAC systems. Approx. 30 days +/- to complete all, <u>harrning supply chain delays.</u>
2.	Re-Occupancy assessments/reports were received and reviewed, regarding short and long term recommendations to HACA, as well as guidance on Covid defense and health safety protocols. Agency Continuity Team members (ACT) assisting staff and departments with interpretation and applications. But the tack remains to keep working from home <u>through lastest surge, and defer any bldg. re-occupancy until later in the year, when safer.</u>
3.	Elevator renovation project at Lakeside underway, one elevator off line thru approx. Dec. 23. Contractor crew working in PPE and have isolated work space with barriers.
4.	HACA HQ ERV/Fresh air Unit Replacment equipment delayed my Mfr. Receipt now Jan 8, 2021. Install/completion now revised to Jan 31, 2021.
5.	Still implementing some selective work with work crews 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 are completing virtual interviews with residents who are relocating at Chalmers. Some in-person meetings have been necessary. All necessary protocols are being taken to ensure the safety of staff and residents.
2.	Construction is almost at Chalmers East, with social distancing in place. We expect the first units to be available within 60-90 days.
3.	HACA's final RAD conversion, Chalmers West, closed last month.
4.	Elevator work is underway at Lakeside.
5.	All staff is working from home except for the Tenant Protection Project Manager, who holds office hours at Chalmers for relocation.
SOUTHWEST HOUSING COMPLIANCE CORPORATION-MICHAEL CUMMINGS	
1.	In November, 28 MORs were scheduled and 24 were performed. 4 were cancelled due to COVID related reasons affecting property operations and/or residents. Staff continue to be equipped with masks, hand sanitizer, and disinfectant wipes for each MOR and were previously provided safety training specific to COVID-19 travel. Prior to the MOR, SHCC performs outreach to owner/agents each month to ensure the Owner/Agent can provide proper space for social distancing and will reciprocate in the use of PPE. Overall, the travel to, and performance of, MORs is going well with the safety precautions noted above and owner/agent cooperation. Staff also indicate that despite a recent surge in COVID infections nationally, they remain comfortable performing MORs with necessary precautions. We will continue to monitor state and local COVID-19 conditions to ensure a reasonably safe travel and performance environment.
2.	SHCC staff are preparing to process a 2nd round of COVID Supplemental Payments (CSP) applications for HUD. Applications are due 12/11/2020. The 1st round of CSP was completed in October and resulted in additional owner subsidy of \$1,226,229.00 and \$37,800 in additional SHCC 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.
TECHNOLOGY MANAGEMENT & INNOVATION-ANDREA GALLOWAY	
1.	Continued DocuSign implementation in HCV and LIH to assist in external document collection.
2.	Completed laptop distribution for Austin Pathways staff for added flexibility working from home and in the office.
3.	Working on an automated evaluation process with HR.
4.	Continued support of staff in their work from home needs.



Housing Authority of the City of Austin

Established in 1937

AUSTIN PATHWAYS REPORT FOR NOVEMBER 2020

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. This Fall, the AP team has been addressing these goals:

- **Support Youth After School & Prevent Academic Slide. (1)** Communities in Schools (CIS) continues to meet with youth at HACA sites in November. CIS is providing support with remote learning and learning challenges. (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 25 students. Priority is given to youth with working parents or with high needs. The Clubs were open 7:30am - 5:30pm in early November and then transitioned to after-school hours when AISD went to majority in-person learning. The Clubs opened again with full day programming November 30, after AISD moved back to remote learning only due to the COVID-19 surge.
- **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 3 residents certified as Paraeducators to provide remote support to HACA families. In October, these para-educators completed additional training on remote learning tools to better assist students and parents. 13 additional residents began the 6-week Paraeducator certification program with ACC. The resident Paraeducators will start working remotely with families in December.
- **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, we are developing a reimbursement program. Hotspot loans will be available and delivered through a partnership with Austin Public Library by end of December; (2) A total of 86 devices were deployed to AISD parents and a new cohort of HACA Paraeducators; (3) 14 ACC IT interns and Ambassadors provided technical support and assistance. To ensure Paraeducators have a “living lab” reflecting the technology in HACA student homes, we completed a Chromebook loan agreement with KLRU in November.
- **Which Hotspots Should HACA Purchase for K-12 Families?** In November, 13 IT interns completed hotspot testing at five of seven non-Google Fiber properties. Why? Hotspots from T-Mobile, Verizon, AT&T and Sprint don’t work the same way in all parts of town. Rosewood Courts is in the middle of a 10-block by 20 block “donut hole” - the red and yellow areas are “hot” while the green and blue areas where Rosewood is located have very poor wireless internet connectivity. By identifying where hotspots work well, and don’t, we’ll be able to provide the right equipment to residents and to encourage providers to do better.



Housing Authority of the City of Austin

Established in 1937

AUSTIN PATHWAYS REPORT FOR NOVEMBER 2020

HACA RESIDENT & CLIENT SUPPORT CENTER

In November, the HACA Resident & Client Support Center *inbound* calls continued to come in at a manageable rate allowing for staff to participate in training and meetings and still respond to all the calls. Calls continued to come in regarding the HACA At-Home Learning Survey and were directed to the Austin Pathways Digital Inclusion interns. If the interns determine that there is a need for additional family support, they refer the caller for assistance from the Austin Pathways Resident Services Specialists and Coaches. Additional inbound calls were generated by the Austin Pathways computer deployments to HACA resident AISD parents, FSS graduates and Para-Educators.

Inbound calls were also received in response to mailers sent out regarding the YES Incentive program and the Blue Santa program. Many residents were assisted in signing up for these opportunities. Outbound calls were made in November to families with children 14 years and younger regarding the Blue Santa Assistance for the Holidays. Our goal was to insure that over 30% of families signed up at each property. Overall, about 50% of HACA PBRA families opted into the program. HACA shares this information with Blue Santa and they enroll the families directly. Blue Santa gives priority to HACA families. This year they are planning to provide gift cards in place of toys due to the pandemic.

Resident Concerns: An increased number of calls were received in November from residents looking for resources related to rent and utility assistance. Other residents want to contact their property manager, call in a work order, or reach Section 8 caseworkers and Admissions staff. Some residents call several times each week, seeking just to talk and check in about what's happening at their property, rather than to receive a specific resource. Non-residents also call, seeking information about how to apply for housing and guidance regarding how to access wait list information.

"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.

HOUSING AUTHORITY OF THE CITY OF AUSTIN
BOARD ACTION REQUEST
FINANCE
ITEM NO. 3.

MEETING DATE: December 17, 2020

STAFF CONTACT: Ann Gass, Interim Chief Financial Officer

ITEM TITLE: Presentation on the Independent Auditor's Report for the Fiscal Year Ending March 31, 2020

BUDGETED ITEM: N/A

TOTAL COST: N/A

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02684

ASSISTED HOUSING ITEM NO. 4.

MEETING DATE: December 17, 2020

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02684: Approval of Revisions to the Housing Choice Voucher Administrative Plan

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to approve Resolution No. 02684 adopting revisions to the Housing Choice Voucher Administrative Plan. These revisions were discussed at the October 15, 2020 Board Meeting.

SUMMARY

Background:

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

The proposed changes to the HCV Administrative Plan incorporate updates regarding a number of local policy items and revised HUD regulations or requirements. All changes are summarized in Attachment 1 and reflected in Attachment 2.

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.

Added policy to allow for alternative criminal background screening for Mainstream Vouchers approved per PIH Notice 2020-22 in order to help provide housing solutions to non-elderly disabled individuals experiencing homelessness and in an effort to respond to the coronavirus.

Revised local preferences as follows:

Added reference to PBRA (Project-Based Rental Assistance) program and removed reference to Public Housing as it relates to the following PBRA relocation wait list preference and PBRA residents' ability to choose the special accommodation preference and request to be added to the HCV waiting list as a reasonable accommodation.

Added PBV Right to Move preference – PBV regulations allow PBV participants the right to request a tenant-base voucher 12 months after living in a PBV unit.

Revised Homeless Preference to remove the 100 unit annual cap. New policy states that each time vouchers are issued, 25% of vouchers issued will be dedicated to the homeless preference.

Removed 1115 Waiver priority/preference as this program has ended.

Added preference for any new Mainstream vouchers received in response to Notice PIH 2020-22 authorized by the CARES Act to prioritize new Mainstream vouchers received for non-elderly disabled persons residing in Protective Lodging facilities (ProLodges).

Briefings and Voucher Issuance - Added detailed remote briefing policy including requirements outlined in recently published PIH Notice 2020-32.

Housing Quality Standards Inspection - Added Remote Video Inspection (RVIs) definition and policy as authorized per PIH Notice 2020-31. Also added a statement for all inspections types that HACA may conduct inspections by the Remote Video Inspection method.

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 detailed policy regarding remote informal review and hearing procedures including requirements outlined in recently published PIH Notice 2020-32.

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. Also, revised policy to remove 400 unit PBV cap and added Tenant Selection Policy for Pathways at Chalmers West.

Process:

Proposed changes to the Housing Choice Voucher (HCV) Administrative Plan went out for public comment for 30 days beginning Friday, October 16, 2020 through November 16, 2020. Comment letters were received from ECHO (Ending Community Homeless Coalition) and signed by other homeless service providers, Texas Rio Grande Legal Aid, and SAFE. All comments were reviewed and considered. A summary of HACA's responses to the comment letters and revisions that were incorporated into the HCV Administrative Plan is included as Attachment 3. Comment letters are include as Attachments 4- 6.

All proposed changes to the HCV Administrative Plan incorporate updates summarized in Attachment 1 and reflected in Attachment 2.

Staff Recommendation:

Staff is asking the Board of Commissioners' approval of revisions to HACA's Housing Choice Voucher Administrative Plan. Proposed revisions will go into effect upon approval and adoption.

ATTACHMENTS:

- ❑ **Attachment 1 HCV Admin Plan Summary of Changes**
- ❑ **Attachment 2 HCV Admin Plan tracked proposed revisions**
- ❑ **Attachment 3 HACA's Responses to Comment Letters**
- ❑ **Attachment 4 ECHO and Homeless Service Provider's Comment Letter**
- ❑ **Attachment 5 Texas RioGrande Legal Aid's Comment Letter**
- ❑ **Attachment 6 SAFE's Comment Letter**

RESOLUTION NO. 02684

**REVISIONS TO THE HOUSING CHOICE VOUCHER
ADMINISTRATIVE PLAN**

WHEREAS, the Housing Authority of the City of Austin (HACA) is responsible for administering the Housing Choice Voucher Program; and

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

WHEREAS, the Housing Authority of the City of Austin posted the proposed revisions to the HCV Administrative Plan for public comment beginning on October 16, 2020 and ending at 5:00 p.m. on November 16, 2020; and

WHEREAS, the Housing Authority of the City of Austin received written comments from local organizations. All comments were reviewed and considered and several suggested changes were incorporated in the HCV Administrative Plan in response; and

WHEREAS, The Housing Authority of the City of Austin's Housing Choice Voucher Program seeks to formally adopt the revised Housing Choice Voucher Administrative Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Housing Authority of the City of Austin's Board of Commissioners approves and adopts the revised Housing Choice Voucher Administrative Plan.

PASSED, APPROVED AND ADOPTED this 17th day of December, 2020.

Carl S. Richie, Jr., Chairperson

Michael G. Gerber, Secretary

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 74	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. Revised denial of assistance for admissions based on current federal regulations per 24 CFR 982.552 (a)(2)
Chapter 3: Criminal Background Screening	75-76	Changed life-time sex offender policy for regular HCV program to: HUD requires denial of any household member subject to a lifetime sex offender registration requirement as required under federal law. Added policy to allow for alternative criminal background screening for Mainstream Vouchers approved per PIH Notice 2020-22 in order to help provide housing solutions to non-elderly disabled individuals experiencing homelessness and in an effort to respond to the coronavirus.

2

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 8 Housing Quality Standards	232, 234, 235, 237, 238, 240	Added Remote Video Inspection (RVIs) definition and policy as authorized per PIH Notice 2020-31 and a statement for all inspections types that HACA may conduct inspections by the Remote Video Inspection method.
Chapter 11 Re-examinations	282	Added statement that we can conduct re-exams by virtual method and that we will accept documents via DocuSign.
Chapter 12 Termination of Assistance	305	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	313	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	334-335	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	357-358	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	362-363 367-371 374	Added policy regarding remote informal review and hearing procedures including requirements outlined in recently published PIH Notice 2020-32.
Chapter 16 I.X.C. VAWA Notifications	398	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	417 420, 421, 423, 425, 428, 429, 430, 432, 433, 436, 437, 438, 444, 445, 455-456	Removed 400 PBV unit cap Revisions throughout chapter provided by Nan McKay's revision service. Added Pathways at Chalmers West's Tenant Selection policy

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.

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

Formatted Table

Field Code Changed

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 2001 Updated Chapters

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebookwww.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 DOJstatement.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/promotingflh/FederalRegisterpublishedguidance.pdf>

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

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

Formatted: Don't keep with next

Formatted: Don't keep with next

Formatted: Don't keep with next

[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
--

V.A.W.A. 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
--

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 or approve a lease

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)]

HUD requires HACA to deny assistance in the following cases:

Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD also permits public housing authorities to adopt a policy to deny admissions or terminate assistance if any member of the family has been evicted from federally assisted housing in the last five years (24 CFR 982.552 (c) (1) (ii). HUD also permits, but does not require, HACA to admit an otherwise-eligible family if the household member has completed HACA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

HACA Policy

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

HACA Policy

HUD requires denial of any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing. In accordance with and furtherance of HUD's requirements, HACA will deny any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing.

HACA Policy

HUD requires denial of any household member subject to a lifetime sex offender registration requirement as required under federal law.

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

Mainstream Voucher program alternative Criminal Background screening criteria

HACA Policy

As outlined in PIH Notice 2020-22, PHAs are required to apply the same criminal background screening process to all HCV participants. However, HUD encourages PHAS to use Mainstream vouchers to prevent, prepare for, and respond to coronavirus. In Austin, there is a critical need to find long-term solutions for those transitioning out of institutional settings, rapid rehousing or emergency temporary housing into permanent supportive housing. PIH Notice 2020-22, allows PHAs to establish, as an alternative screening requirement for applicants for Mainstream vouchers, which are distinct from those in place for the HCV program. HACA must still comply with the statutory requirements to determine if applicants

Formatted: Normal, No bullets or numbering

are subject to lifetime sex offender registration requirements and comply with the other mandatory screening and denial requirements outlined in 42 U.S.C. 13661 and 982.553 (a).

In order to help provide housing solutions to non-elderly disabled individuals and families experiencing homelessness and in an effort to respond to the coronavirus, HACA will apply an alternative criminal screening requirements for Mainstream Voucher wait list applicants, as defined below, as long as the waiver is approved by HUD. At the time the HUD waiver expires, HACA will follow the regular HCV criminal screening criteria for Mainstream Voucher applicants.

This alternative Mainstream Voucher screening criteria includes denials for applicants for the following reasons:

- 1) Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.
- 2) Denial of any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- 3) Denial of Any household member is subject to a lifetime sex offender registration requirement as required under federal law.
~~Also, if any household member is currently registered as a sex offender under any State registration requirement, regardless of whether it is for lifetime or not, the family will be denied admission.~~
- 4) HACA determines that a household member is currently illegally using a controlled substance or such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, is determined by HACA to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Formatted: Font:

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font:

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: List Paragraph, Indent: Left: 0.75"

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

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

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.

HACA Policy

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

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

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

Weights for each preference are as follows:

Elderly	= 2
Disabled	= 2
Involuntarily Displaced	= 2
Homeless	= 3
Families with Minor Children	= 2
Residency	= 1
RAD Choice Mobility	= 3
PH Special Accommodation	= 3
FUP Youth	= 3
NED+Homeless/Institutionalized	= 2
RAD or PBRA Relocation	= 4
<u>PBV Right to Move</u>	<u>= 4</u>
HACA VAWA Emergency	= 5

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

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

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

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

(D) **Homeless Preference:** HACA will give preference to homeless applicants. Each time vouchers are issued, 25% of vouchers issued will be dedicated to the homeless preference. Applicants given the homeless preference must meet all of the following criteria:

Formatted: Font: (Default) Times New Roman, 12 pt, Not Bold, Not Italic

~~fiscal calendar year HACA will give a preference to no more than 100 applicants or 25% of all applicants drawn (whichever is less) meeting all of the following criteria:~~

- a) Meet the HUD definition of homeless. See definitions section at the end of the Administrative Plan.
- b) Are referred to HACA by a coalition of homeless service providers with whom HACA has executed a Memorandum of Understanding (MOU) outlining the provider's responsibilities with respect to the provision of housing search assistance and supportive services for the referred household.
- c) Have received a written commitment from the referring homeless service provider for housing search / location assistance.
- d) Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and
- e) Have received a written commitment from the homeless service provider to offer supportive services to help the household maintain housing and comply with HCV rules.

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

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

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

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

if the applicant was on the HCV waiting list through the regular application

process, the applicant will return to their lottery position on the waiting list without the homeless preference.

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

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

Individuals and families transitioning, or "moving up," from Permanent Supportive Housing (PSH) units will ~~also~~ be included as a priority group as part of this homeless preference. These are persons that were previously homeless prior to entry into a PSH program but who no longer require that level of supportive services. Referrals could also include individuals and families participating in a Continuum of Care homeless rental assistance program, which is not renewed. This would require a referral from the current case manager or PSH provider as well as documentation that the family was homeless prior to entering into the PSH unit. This documentation must be provided as part of the referral.

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

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

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

- (F) **Residency Preference:** HACA will give preference to persons who reside in the following Texas Counties: Travis, Hays, Bastrop, Caldwell and Williamson counties. The residency status will be determined at the time of the eligibility interview. This preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, sexual orientation, religion, disability, or age of any member of an applicant family.

Applicants who are working or who have been notified that they are hired to work in a residency preference area will be treated as residents of the residency preference area with documented proof of employment in the residency preference area. Applicants who are graduates of, or active participants in, education and

training programs in a residency preference area are eligible for this preference if the education or training program is designed to prepare individuals for the job market.

- (G) **Rental Assistance Demonstration (RAD) Choice Mobility Preference:** As required by HUD and in accordance with all HUD RAD guidelines, if HACA participates in RAD, HACA will provide a Choice-Mobility option to residents of covered RAD projects in accordance with policies outlined in Chapter 18 of this HCV Administrative Plan.
- (H) **Public Housing Special Accommodation Preference:** HACA will give preference to families that are currently housed in ~~Public Housing or~~ Project-Based Rental Assistance developments (PBRA) and waiting on the transfer list for a unit with an accessible accommodation as well as to families that have been certified eligible off the ~~Public Housing or~~ PBRA waiting list and are waiting for a unit with an accessible accommodation. To qualify for this preference, the family must meet all of the following criteria:

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

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

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

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

For families drawn off the ~~Public Housing or~~ PBRA waiting list and waiting for their first housing offer, they must:

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

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

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

(I) **FUP Youth Preference:** HACA will give preference to FUP youth whose 36

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

- J) **RAD or PBRA Relocation Preference:** HACA may give preference to families currently housed in Public Housing properties that are undergoing significant renovation or redevelopment through RAD or redevelopment of a PBRA property and would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.
- (K) **HACA VAWA Emergency Preference:** HACA will give preference to families living in a HACA owned Public Housing property or Project Based Rental Assistance (PBRA) property, who are victims of domestic violence, dating violence, sexual assault or stalking and meet the eligibility requirements outlined in HACA's VAWA Emergency Transfer Move Plan. Due to the potentially life-threatening nature of a VAWA emergency, this preference is the most heavily weighted preference.
- (L) **Non-Elderly Disabled Preference for those transitioning from institutions or are homeless:** HACA will provide a preference in its administrative plan for non-elderly persons with disabilities transitioning out of institutional and other congregate settings, or who are non-elderly persons with disabilities who are homeless.
- (M) PBV Right to Move (24 CFR 983.261): HACA will give preference to families living in a project-based voucher unit who request comparable tenant-based rental assistance and give the owner advance written notice of intent to vacate (with a copy to the PHA) in accordance with the lease. Residents living in a PBV unit may request a tenant-base voucher 12 months after living in a PBV unit.

Formatted: Indent: Left: 1", First line: 0"

Formatted: Indent: Left: 0.5"

2. Specified category vouchers waiting list selection criteria.
- A. **Family Unification Program Vouchers** (targeted funding) Waiting list policy:

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

The waiting list will remain open for FUP eligible referrals. Eligibility for the FUP vouchers will be based on the respective HUD Notice of Funding Availability and may be limited to referrals from the Texas DFPS. When HACA receives a

be an eligible application for a Mainstream NED voucher, HACA will have to receive both (1) a completed application and (2) a completed referral from ECHO, Integral Care, ARCIL, or verification of age, verification of disability, and verification of homelessness or verification of residence in an eligible institution or eligible segregated setting. Until both are received, the application will not be considered an eligible application. The applicant will only be placed on the waiting list once both documents have been received.

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

In response to PIH Notice 2020-22, HACA applied for additional Mainstream Vouchers available for coronavirus response efforts. Any new Mainstream vouchers received in response to PIH Notice 2020-22 authorized by the CARES Act, will be prioritized for non-elderly disabled persons residing in Protective Lodging (ProLodge). The Protective Lodging Facilities (ProLodges) consist of 5 motels used by the City of Austin to temporarily shelter vulnerable individuals at high risk of COVID-19 infection, hospitalization, and/or severely negative outcomes (based on CDC guidance) who cannot self-isolate, including persons experiencing homelessness. Individuals experiencing homelessness who are discharged from the Isolation Facility and meet CDC high risk criteria are transferred to the ProLodges, for continued protective sheltering, until exits to safe housing options are identified. The overall community-housing plan is prioritizing funding to serve ProLodge guests who will be referred through the local Coordinated Entry System for program entry and enrollment. Mainstream NED eligible applicants, referred by ECHO who are residing at the ProLodges will receive a preference to receive a Mainstream Voucher over other Mainstream voucher applicants in an effort to prevent, prepare and respond to the coronavirus' impact on individuals and families.

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

Those eligible applicants on the current waiting list will have priority over families

Formatted: Indent: First line: 0"

5-I.B. BRIEFING [24 CFR 982.301 and PIH Notice: 2020-32]

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 or in groups either in-person or remotely via webcast, video call, by phone, by mail or by another 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. If additional assistance is needed due to a disability or LEP need, staff will coordinate services to ensure information is communicated appropriately to meet the needs of the applicant.

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).

Remote Briefings

HACA will provide an opportunity for remote briefing participants to ask questions.

After the remote briefing, HACA staff will reach out directly to tenants by phone to make sure their questions have been answered.

Identify and Resolve Technology Barriers Prior to Conducting the Remote Remote Briefing. The lack of technology or inability to use technology for a remote briefing can impose a disadvantage for individuals or families that may not be apparent to HACA. Thus, HACA will determine if barriers exist prior to scheduling the remote briefing. If the participant does not have proper technology access which will allow the individual to fully participate, then the remote briefing will be postponed, or an in-person alternative must be provided

Accessible Platform – For remote briefings, steps for an accessible platform will be taken to include ensuring any information, websites, emails, digital notifications, and

Formatted: Font:

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 1.06" + Indent at: 1.31"

Formatted: Font:

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 1.06" + Indent at: 1.31"

Formatted: Font:

Formatted: Font:

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 1.06" + Indent at: 1.31"

Formatted: Font: 14 pt, Bold

Formatted: Indent: Left: 0.81", Right: 0.29", Space After: 0 pt, Line spacing: Multiple 0.99 li, No bullets or numbering, No widow/orphan control

Formatted: Font: Not Bold

Formatted: Font: Underline

Formatted: Font: Underline

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.81", Right: 0.29", Space After: 0 pt, Line spacing: Multiple 0.99 li, No bullets or numbering, No widow/orphan control

Formatted: Font: Bold

platforms are accessible for persons with vision, hearing, and other disabilities. Helpful guidelines for ensuring the accessibility of webbased and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>.

Individualized auxiliary aids or services. To provide effective communication in a digital context, individualized AA/S may include audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Examples of AA/S that may be necessary when conducting a remote briefing can be found at 28 CFR 35.104.

Under Section 504 and the ADA, the type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. Important information is conveyed during the remote briefing. HACA will give primary consideration to the auxiliary aid or service requested by the individual with a disability. In order to be effective, auxiliary aids or services as this term is defined in 28 CFR 35.104 and 24 CFR 8.3 must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability as this term is defined in 28 CFR 35.108 (see also 28 CFR 35.160(b)(2); 24 CFR 8.6).

HACA will never require that an individual with disabilities provide their own auxiliary aids or services, including for remote hearings or remote briefings. HACA will not rely on an adult or minor child accompanying a person with a disability to interpret or facilitate communication for such person, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on the adult for such assistance is appropriate under the circumstances. . (28 CFR 35.160-164; 24 CFR 8.6).

Reasonable Accommodations. HACA is required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the remote briefing. This obligation is in addition to the obligation to ensure effective communication under Section 504 and the ADA.

Formatted: Indent: Left: 0.81", Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, No widow/orphan control

Formatted: Font: Font color: Black

Formatted: Font: Not Bold

If no method of conducting a remote briefing is available that appropriately accommodates an individual's disability, HACA will not hold the remote briefing. HACA will consider whether postponing the remote briefing to a later date is appropriate or whether there is a suitable alternative to meet the participant's satisfaction more expeditiously.

Requirement for persons with limited English proficiency (LEP). HACA must take reasonable steps to ensure full and meaningful access to the remote briefing for LEP persons consistent with its obligations under Title VI of the Civil Rights Act of 1964¹. The obligation to provide meaningful access for LEP persons, regarding remote briefings, is particularly important meaning that HACA will generally need to coordinate with a remote language interpretation service prior to the remote briefing. Further, conferencing technology may provide for remote interpretation; if video technology is available, remote interpretation using video is generally preferred over voice-only because of the additional visual cues. HACA will not rely on minors to interpret.

For written materials, HACA will engage with a language translation service. All written materials related to the remote briefing, whether paper or electronic, and whether provided before, during, or after the remote hearing, if needed, will be provided in a translated format.

Presenting Documents Prior to a Remote Briefing. If video or telephone conference is used for the remote briefing, all materials being presented, whether paper or electronic, will be provided to the individual or family prior to the remote briefing. Individuals or families may prefer paper printouts over electronic documents, due to lack of access to printers, difficulty viewing detailed documents on a cell phone, or difficulty viewing screen sharing on an app. Any materials made available to the individual or family must meet the requirements for accessibility for persons with disabilities and persons with LEP.

Establish Procedures. HACA will establish written procedures of all aspects of how the remote briefing will be conducted and the procedures will be readily available to the public. The procedures will explain how documents will be presented prior to the remote briefing. Note that when making procedures readily available to the public, HACA will meet the obligations under Section 504 and the ADA to effectively communicate to persons with disabilities, and under Title VI of the Civil Rights Act of 1964 to provide meaningful access to individuals with LEP.

Formatted: Indent: Left: 0"

Personally Identifiable Information (PII). For documents that contain PII and are provided prior to a remote briefing, HACA will minimizing the risk of exposure or misuse of the data collected, used, and shared. PII is information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information directly linked or linkable to a specific individual. Examples of PII include name, social security number, biometric records, date and place of birth, and mother's maiden name. When considering how remote briefing information is shared, HACA shall ensure that electronic information stored or transmitted is secure per Notice PIH-2015-06.

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 automatically. HACA will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without HACA approval, will be denied assistance (see Chapter 3).

Oral Briefing [24 CFR 982.301(a)]

Each briefing must provide information on the following subjects:

How the Housing Choice Voucher program works;

Family and owner responsibilities;

Where the family can lease a unit, including renting a unit inside or outside HACA's jurisdiction;

- An explanation of how portability works. HACA may not discourage the family from choosing to live anywhere in the PHA jurisdiction or outside the PHA jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;
- HACA must inform the family of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance

Formatted: Indent: Left: 0"

Remote Video Inspections (RVIs). HQS inspector performs an HQS inspection from a remote location using video streaming technology via a person at the inspection site who serves as a proxy. The proxy follows the direction of the HQS inspector throughout the entire inspection process.

Formatted: Font:

Inspection of PHA-owned Units [24 CFR 982.352(b)]

HACA must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in a HACA-owned unit. A HACA-owned unit is defined as a unit that is owned by HACA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by HACA). The independent agency must communicate the results of each inspection to the family and HACA. The independent agency must be approved by HUD, and may be the unit of general local government for HACA jurisdiction (unless HACA is itself the unit of general local government or an agency of such government).

Inspection Costs[Notice PIH 2016-05]

HACA may not charge the family for unit inspections [24 CFR 982.405(e)]. In the case of inspections of PHA-owned units, HACA may compensate the independent agency from ongoing administrative fee for inspections performed. HACA and the independent agency may not charge the family any fee or charge for the inspection [24 CFR.982.352(b)].

The PHA may not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. However, the PHA may charge a reasonable fee to owners for reinspections in two situations: when the owner notifies the PHA that a repair has been made but the deficiency has not been corrected and when the time for repairs has elapsed and the deficiency has not been corrected. Fees may not be imposed for tenant-caused damages, for cases in which the inspector could not gain access to the unit, or for new deficiencies discovered during a reinspection.

The owner may not pass the cost of a reinspection fee to the family. Reinspection fees must be added to the PHA's administrative fee reserves and may only be used for activities related to the provision of tenant-based assistance.

HACA Policy

HACA may charge a fee for failed reinspections when the owner notifies HACA that a repair has been made but the deficiency has not been corrected.

Notice and Scheduling

The family must allow HACA to inspect the unit at reasonable times with reasonable notice [24 CFR 982.551(d)].

HACA Policy

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m. Generally inspections will be conducted on business days only. In the case of a life threatening emergency, HACA will give as much notice as possible, given the nature of the

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.

Remote Video Inspections (RVIs)

PIH Notice 2020-31 provides guidance on conducting Housing Quality Standards (HQS) inspections using Remote Video Inspections (RVIs). In RVIs, an HQS inspector performs an HQS inspection from a remote location using video streaming technology via a person at the inspection site who serves as a proxy. The proxy follows the direction of the HQS inspector throughout the entire inspection process.

During the RVI, HACA remains responsible for the conduct of the inspection, and any judgments made about whether a condition is a violation. There may be some circumstances where the application of technology provides insufficient information or evidence to HACA to allow it to make an appropriate determination.

Formatted: Right: 0", Space After: 18.55 pt, Line spacing: Multiple 1.15 li

Formatted: Font:

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.

Formatted: Indent: Left: 0.61", Right: 0.25", Space After: 0 pt, Line spacing: single, No bullets or numbering, No widow/orphan control

For any properties built before 1978 where a child under 6 resides or will reside, the

inspector and designated proxy must successfully complete the free online Lead based Paint Visual Assessment Training Course. Persons trained are to email the certificate of completion to the inspector who will add the certificate of completion to the inspection file.

Formatted: Font:

Performing the RVI Inspection

Formatted: Left

Formatted: Indent: Left: 1", No bullets or numbering

- HACA will ensure adequate privacy safeguards for the protection of Personally Identifiable Information (PII). HACA's HQS inspector can be at HACA's office or other remote location, using equipment that provides PII safeguards.
- The inspector will choose a proxy for the inspection. The proxy can be the landlord, property representative, tenant, or any adult associated with this tenancy. The selection of the proxy is a mutual decision between HACA, landlord, and tenant.
- If no proxy can be established to complete the RVI inspection, an in person inspection will be completed.
- Once the inspection is scheduled, the HQS inspector uses HACA's designated streaming web-based platform to contact the proxy. The HQS inspector uses the same electronic inspection form HACA currently uses to record any deficiencies.
- The proxy will be informed that the remote video inspection will be recorded and saved to the unit inspection file.
- After completion of the RVI inspection, the inspector will save to a computer video file for the specific unit. All regular notice requirements for pass or failed inspections will be followed per this HCV Administrative Plan and HQS SOPs. Specific procedures for completing the RVI inspections are outlined in a RVI Standard Operating Procedure in compliance with PIH Notice 2020-31.

8-IL.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's approved remote video inspection virtual inspection (RVIs) protocol. (PIH Notice 2020-31)

Formatted: Indent: Left: 0.5"

8-II.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 HUD's approved remote video inspection (RVIs) protocol. (PIH Notice 2020-31). a HUD approved virtual inspection protocol method.

Formatted: Indent: Left: 0.5", Right: -0.01", Line spacing: single

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.

Formatted: Font: Not Bold, Not Expanded by / Condensed by

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's approved remote video inspection (RVIs) protocol. (PIH Notice 2020-31). ~~HUD-approved virtual inspection protocol method.~~

8-ILE. 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's approved remote video inspection (RVIs) protocol (PIH Notice 2020-31). ~~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

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's approved remote video inspection (RVIs) protocol (PIH Notice 2020-31). HUD-approved virtual inspection protocol method.

8-IL.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

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 Debts

HACA 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. Non-federal agency conviction record may be used only after first giving the participant or other person who is the subject of the record a copy of the records and an opportunity to dispute it.

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 e~~

~~HACA will inform the tenant that the tenant's obligation is to pay the rent payment to the new owner within five days after receiving written notice of the name and address of the new owner requesting payment. If the tenant has already paid the prior owner during the month of the foreclosure sale before receiving notice from the new owner, the tenant's payment for that month is considered timely. The tenant should set aside rent money or deposit rent money in a savings account and not spend it if the new owner refuses to accept payment or cannot be identified. HACA will refer the tenant to Texas RioGrande Legal Aid if the new owner is refusing rent payments.~~

~~viction.~~

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"

payment standard within a “basic range” established by HUD – between 90 and 110 percent of the published FMR for each unit size.

Updating Payment Standards

When HUD updates its FMRs, HACA must update its payment standards if the standards are no longer within the basic range [24 CFR 982.503(b)]. HUD may require HACA to make 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 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

HACA Policy

HACA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on HACA waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Notice to the Applicant [24 CFR 982.554(a)]

HACA must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for HACA decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

Scheduling an Informal ReviewHACA 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 (PIH Notice 2020-32)

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 and outlined in PIH Notice 2020-32.

HACA Policy

HACA may conduct informal hearings in-person or remotely via webcast, video call, by phone, by mail or by another virtual method.

Formatted: Indent: Left: 0.5"

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.

Remote Informal Hearings Policy (Ref PIH Notice 2020-32)

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 ~~or 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 informal 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 informal hearing. HACA will also provide technical assistance, if needed, before the informal hearing.

Accessible Platform – For remote hearings, steps for an accessible platform will be taken to include ensuring any information, websites, emails, digital notifications, and platforms are accessible for persons with vision, hearing, and other disabilities. Helpful guidelines for ensuring the accessibility of webbased and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>.

Formatted: Indent: Left: 0.5"

Individualized auxiliary aids or services. To provide effective communication in a digital context, individualized AA/S may include audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Examples of AA/S that may be necessary when conducting a remote informal hearing can be found at 28 CFR 35.104.

Formatted: Indent: Left: 0.5"

Under Section 504 and the ADA, the type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. Important information is conveyed during remote informal hearing. HACA will give primary consideration to the auxiliary aid or service requested by the

Formatted: Indent: Left: 0.5"

individual with a disability. In order to be effective, auxiliary aids or services as this term is defined in 28 CFR 35.104 and 24 CFR 8.3 must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability as this term is defined in 28 CFR 35.108 (see also 28 CFR 35.160(b)(2); 24 CFR 8.6).

HACA will never require that an individual with disabilities provide their own auxiliary aids or services for remote hearings. HACA will not rely on an adult or minor child accompanying a person with a disability to interpret or facilitate communication for such person, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on the adult for such assistance is appropriate under the circumstances. (28 CFR 35.160-164; 24 CFR 8.6).

Reasonable Accommodations. HACA is required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal hearing process. This obligation is in addition to the obligation to ensure effective communication under Section 504 and the ADA.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, HACA may not hold the remote hearing. HACA should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative to meet the participant's satisfaction more expeditiously.

Requirement for persons with limited English proficiency (LEP). HACA must take reasonable steps to ensure full and meaningful access to the remote informal hearing for LEP persons consistent with its obligations under Title VI of the Civil Rights Act of 1964³. The obligation to provide meaningful access for LEP persons, regarding remote informal hearings, is particularly important meaning that HACA will generally need to coordinate with a remote language interpretation service prior to the remote informal hearing. Further, conferencing technology may provide for remote interpretation; if video technology is available, remote interpretation using video is generally preferred over voice-only because of the additional visual cues. HACA will not rely on minors to interpret.

For written materials, HACA will engage with a language translation service. All

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

written materials related to the remote informal hearing, whether paper or electronic, and whether provided before, during, or after the informal hearing, if needed, will be provided in translated format.

Identify and Resolve Technology Barriers Prior to Conducting the Remote Informal Hearing. The lack of technology or inability to use technology for a remote informal hearing can impose a disadvantage for individuals or families that may not be apparent to HACA. Thus, HACA will determine if barriers exist prior to scheduling the remote informal hearing. If the participant does not have proper technology access which will allow the individual to fully participate, then the remote informal hearing will be postponed, or an in-person alternative will be provided

Presenting Documents Prior to a Remote Informal Hearing. If video or telephone conference is used for the remote informal hearing, all materials being presented, whether paper or electronic, will be provided to the individual or family prior to the remote informal hearing. Individuals or families may prefer paper printouts over electronic documents, due to lack of access to printers, difficulty viewing detailed documents on a cell phone, or difficulty viewing screen sharing on an app. Any materials made available to the individual or family must meet the requirements for accessibility for persons with disabilities and persons with LEP.

Generally, HACA will compile a hearing packet, consisting of all documents HACA intends to produce at the informal hearing. HACA will mail copies of the informal hearing packet to the family, the family's representatives, if any, and the informal hearing officer at least five business 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 may also be shared electronically by a secured, encrypted delivery method.

Establish Procedures. HACA will establish written procedures of all aspects of how the remote informal hearing will be conducted and the procedures will be readily available to the public. The procedures will explain how documents will be presented prior to a remote informal hearing. Note that when making procedures readily available to the public, HACA will meet the obligations under Section 504 and the ADA to effectively communicate to persons with disabilities, and under Title VI of the Civil Rights Act of 1964 to provide meaningful access to individuals with LEP.

Personally Identifiable Information (PII). For documents that contain PII and are provided prior to a remote informal hearing, HACA will minimizing

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5", Right: 0.77", Space After: 0.25 pt, Line spacing: Multiple 1.12 li

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

the risk of exposure or misuse of the data collected, used, and shared. PII is information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information directly linked or linkable to a specific individual. Examples of PII include name, social security number, biometric records, date and place of birth, and mother's maiden name. When considering how the informal remote hearing will be conducted, HACA shall ensure that electronic information stored or transmitted is secure per Notice PIH-2015-06.

Due Process for Remote Informal Hearings

Conducting Discovery and Providing Evidence. HACA may request and copy any of the individual's or family's documents at HACA's own expense in accordance with the applicable regulations. Additionally, the individual or family must be given the opportunity to examine any of HACA's documents that are directly relevant to the informal hearing prior to the remote informal hearing. This may include transmitting documents electronically or by mail that would normally be exchanged at HACA's office. Under Section 504, the ADA, and the Fair Housing Act, HACA may need to make reasonable accommodations and take appropriate steps to ensure effective communication with individuals with disabilities through the provision of AA/S before, during, and after any hearing. This may require changes in how the individual or family seeks discovery of information held by HACA and the manner in which evidence is made available to persons with disabilities during remote informal hearings (while still meeting any applicable rules concerning the acceptance of evidence by the informal hearing officer). HACA will also take reasonable steps to ensure meaningful access for LEP persons before, during, and after such remote hearings (28 CFR 35.160-164; 24 CFR 8.6; 24 CFR 982.555(e)(2) and (5); 24 CFR 966.56(b)).

HACA may requests the family to provide documents directly relevant to the informal hearing prior to the informal hearing either electronically or by mail. However, if documents are not provided prior to the informal hearing, the documents relevant to the informal hearing should be provided either at the informal hearing or by the due date established by the informal hearing officier.

Formatted: Indent: Left: 0", First line: 0.5"

Formatted: Indent: Left: 0.5"

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 informal 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 informal 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 may be will be sent to HACA by mail, dropped off, or -shared electronically via a secured, encrypted electronic delivery method, 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.

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

receive under this program.

PART I: GENERAL REQUIREMENTS

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

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

HACA Policy

HACA ~~will~~ may operate a project-based voucher program as outlined in this chapter. ~~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.

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)]**

1

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 to 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.

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.~~

HACA Policy:

~~HACA may provide assistance for excepted units as described above in Section 17-H.F.~~

17-IL.G. SITE SELECTION STANDARDS**Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]**

The PHA may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an agreement to enter into a HAP contract or HAP contract for units on the site, unless the PHA has determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with the PHA Plan under 24 CFR 903 and the PHA administrative plan.

In addition, prior to selecting a proposal, the PHA must determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

HACA Policy

It is HACA's goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal, HACA will limit approval of sites for PBV housing in census tracts that have poverty concentrations of 20 percent or less.

However, HACA will grant exceptions to the 20 percent standard where HACA determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;

A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment;

A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;

A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;

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.

Formatted: Indent: Left: 0"

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

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. If more than 20% of the annual sample fails the annual inspection, HACA shall re-inspect 100 percent of the contract units in the building.

Other Inspections [24 CFR 983.103(e)]

The PHA must inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The PHA must take into account complaints and any other information coming to its attention in scheduling inspections.

The PHA must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting PHA supervisory quality control HQS inspections, the HACA will include a representative sample of both tenant-based and project-based units.

Inspecting PHA-Owned Units [24 CFR 983.103(f)]

In the case of PHA-owned units, the inspections must be performed by an independent ~~entity~~^{agency} designated by the PHA and approved by HUD. The independent entity must furnish a copy of each inspection report to the PHA and to the HUD field office where the project is located. The PHA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the PHA-owner.

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

17-IV.A. OVERVIEW [24 CFR 983.151]

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT

In order to offer PBV assistance in rehabilitated or newly constructed units, the PHA must enter into an agreement to enter into HAP contract (Agreement) with the owner of the property. The Agreement must be in the form required by HUD [24 CFR 983.152(b)]. The PHA may not enter

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.

list. If the Housing Choice Voucher waiting list doesn't provide enough referrals to fill the available project-based voucher units, referrals would come directly from Pathways at Chalmers Court East to be added to the project-based voucher waiting list. Households who meet the Housing Choice Voucher initial eligibility requirements will be referred to Pathways at Chalmers Court East for a project-based voucher unit.

Eligible applicants must meet Pathways at Chalmers Court East tenant selection screening criteria.

If the applicant was previously on the Housing Choice Voucher waiting list and decides not to lease a unit at Pathways at Chalmers Court East, the applicant will remain on the HCV tenant-base voucher waiting list.

If the applicant was not previously on the Housing Choice Voucher waiting list and was referred to apply by Pathways at Chalmers Court East and refuses an offer of PBV assistance or does not meet Pathways at Chalmers Court East's screening criteria, they will not be eligible to remain on the regular tenant-base Housing Choice Voucher waiting list.

Pathways at Chalmers Court West

HACA will project-base 50 vouchers at Chalmers Court West, eight (8) will be Project-based VASH Vouchers. The property is located at 1700 E 3rd Street, Austin Texas.

Tenant Selection

Eight (8) Project-based VASH Vouchers

For the eight PBV VASH vouchers. 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.

Forty-two (42) regular Project-based Vouchers

HACA will use the same selection preferences that are used for the HCV tenant-base voucher program for the 42 regular PBV units.

Applicants on the Housing Choice Voucher programs tenant-base waiting list will be given the opportunity to be added to Pathways at Chalmers Court West project-based voucher waiting list. If the Housing Choice Voucher waiting list doesn't provide enough referrals to fill the available project-based voucher units, referrals would come directly from Pathways at Chalmers Court West to be added to the project-based voucher waiting list. Households who meet the Housing Choice Voucher initial eligibility requirements will be referred to Pathways at Chalmers Court West for a project-based voucher unit.

Eligible applicants must meet Pathways at Chalmers Court West tenant selection screening criteria.

If the applicant was previously on the Housing Choice Voucher waiting and decides not to lease a unit at Pathways at Chalmers Court West, the applicant will remain on the HCV tenant-base voucher waiting list.

If the applicant was not previously on the Housing Choice Voucher waiting list and was referred to apply by Pathways at Chalmers Court West and refuses an offer of PBV assistance or does not meet Pathways at Chalmers Court West's screening criteria, they will not be eligible to remain on the regular tenant-base Housing Choice Voucher waiting list.

Cambrian East Riverside

HACA will project-base 8 vouchers at Cambrian East Riverside located at 1806 Clubview Avenue, Austin TX 78741

HACA will use the same selection preferences that are used for the HCV tenant-base voucher program.

Applicants on the Housing Choice Voucher programs tenant-base waiting list will be given the opportunity to be added to the Cambrian East Riverside project-based voucher waiting list. If the Housing Choice Voucher waiting list does not provide enough referrals to fill the available project-based voucher units, referrals would come directly from Cambrian East Riverside to be added to the project-based voucher waiting list. Households who meet the Housing Choice Voucher initial eligibility requirements will be referred to Cambrian East Riverside for a project-base voucher unit.

Eligible applicants must meet Cambrian East Riverside's tenant selection screening criteria.

If the applicant was previously on the Housing Choice Voucher waiting and decides not to lease a unit at Cambrian East Riverside, the applicant will remain on the waiting list for HCV tenant-based voucher assistance.

If the applicant was not previously on the Housing Choice Voucher waiting list and was referred to apply by Cambrian East Riverside and refuses an offer of PBV assistance or doesn't meet Cambrian East Riverside's screening criteria, they will not be eligible to remain on the regular tenant-base Housing Choice Voucher waiting list.

17-VLE. OFFER OF PBV ASSISTANCE

Attachment 3: HACA's Responses to Comment Letters

Response summary to ECHO and Homeless Service Provider's Comment letter

Increase the Homeless Preference in the Housing Choice Voucher (HCV) program

ECHO's comment:

25% of the HCV program should be dedicated to the Homeless Preference. The 25% cap must be defined by successfully executed HAP contracts –in other words, from when they are leased.

HACA'S response:

25% of the HCV program's vouchers issued are dedicated to the Homeless Preference. The 25% cap is defined as vouchers issued in a calendar year up to 100 issued in any calendar year. HACA will remove the 100 voucher cap in a calendar year. Changed policy to: "Each time vouchers are issued, 25% of vouchers issued will be dedicated to the homeless preference."

ECHO's comment:

HACA should project-base subsidies to ensure that the Homeless Response System is able to create low-barrier, service rich housing opportunities for people experiencing homelessness. In addition, HACA should increase their PBV authority to 30% targeted to serving people experiencing homelessness in line with HR3700.

HACA'S response

Currently, HACA has 91 project-base vouchers dedicated to the homeless, 58 of these are VASH project-base voucher units and 33 are regular project-base voucher units. HACA will release a Request for Proposal to project-base an additional 200 vouchers in 2021, consisting of 100 regular PBV units and 100 VASH PBV units. In addition, HACA will remove the 400 PBV unit cap that is in the current Housing Choice Voucher Administrative Plan.

ECHO's comment:

HACA should remove all criminal screening requirements that are not mandated by HUD for all HCV applicants.

HACA'S response

HACA added a policy to allow for alternative criminal background screening for Mainstream Vouchers in order to help provide housing solutions to non-elderly disabled individuals experiencing homelessness. The new screening criteria will only include those mandated by HUD for life-time registered sex offenders and applicants convicted of drug-related criminal activity for the production or manufacturing of methamphetamine on the premises of federally assisted housing. HACA currently has 338 Mainstream vouchers and just applied for an additional 100 Mainstream vouchers.

Response summary to Texas Rio Grande Legal Aid's Comment letter

Legal Aid's comment:

Page 76 – Alternative Mainstream Voucher Screening Criteria: This change would impose a life-time ban on participation in the voucher program for individuals with any registration requirement for a sex offense. It would not be limited to those persons with a life-time registration requirement as required under federal law. Implementing a life-time bar on individuals who are not subject to a life-time registration requirement runs afoul of federal law and regulations and should not be adopted. If someone applies who is under a registration requirement for less than a life-time, that individual should be screened the same as any other applicant with a criminal conviction and not banned for life. Because Congress has not adopted such a bar, a public housing authority cannot do so.

Moreover, it is becoming increasingly obvious to many that even the life-time registration requirement is too often imposed in inappropriate cases, forever stigmatizing the individual. Given the statutory obstacle to imposing a local life-time bar on individuals without a life-time registration requirement and the ability to consider the individual on the basis of current merits, HACA should not adopt this proposed change.

HACA's response

Amended proposed policy to include only those individuals with life-time registration requirements as required under federal law.

Legal Aid's comment:

Page 300 – Use of Criminal Conviction Records After Admission: It should be clearly stated here that a non-federal agency conviction record may be used only after first giving the participant or other person who is the subject of the record a copy of the records and an opportunity to dispute it. Since this is clear under federal law and the governing regulations, it should be clearly spelled out here or the section requiring such notice should also be referenced here.

HACA's response

Amended proposed policy as suggested.

Legal Aid's comment:

Page 329 – Foreclosure: The following language should be modified:

HACA's Proposed Language: "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."

This should be modified. Section 24.005(b) of the Property Code reads in relevant part: "The tenant is considered to timely pay the rent under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord before receiving any notice that a foreclosure sale is

scheduled during the month or pays the rent of that month to the foreclosing lienholder or the purchaser at foreclosure not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests payments.

Suggested Modification: HACA should tell the tenant that the tenant's obligation is to pay the rent payment to the new owner within five days after receiving written notice of the name and address of the new owner requesting payment. In addition, the tenant should be told that if the tenant has already paid the prior owner during the month of the foreclosure sale before receiving notice from the new owner, the tenant's payment for that month is timely. Also, the tenant should not be told to pay rent into escrow but to set it aside and not spend it if the new owner refuses to accept payment or cannot be identified. Paying rent into escrow is not a realistic option. Saving the rent is an option. The tenant should also be referred to Texas RioGrande Legal Aid if the new owner is refusing payments.

HACA's response

Amended proposed policy as suggested.

Legal Aid's comment:

Page 366 - Production of Documents by Participant for Remote Hearings:

This section would require a participant to produce any documents 24 hours prior to the hearing. This requirement should be eliminated. It is a big "gotcha." If the participant relies on documents, the hearing officer should consider them regardless of whether they were produced 24 hours prior to the hearing. If HACA disputes the documents in some way and asks for additional time to rebut the documents, the hearing officer may simply continue the hearing to a new date. Our concern is that for many participants, producing documents remotely will be very difficult. Courts and lawyers are struggling with remote hearings. Requiring that participants, most of whom are not represented, produce documents 24 hours prior to the hearing is simply another barrier to justice. The goal is to ensure that the participant gets a fair hearing and is not unjustly or illegally terminated. Because the participant has so much to lose, HACA should err on the side of the family and accept documents whenever they are produced.

HACA's response

Amended proposed policy as suggested.

Response summary to SAFE's comment letter

Summary of SAFE's comment

SAFE requests that priority consideration for family units be given to victims of family violence – child abuse, exploitation/trafficking, dating and domestic violence.

HACA's response

HACA understands the crucial need to provide affordable housing for victims of family violence. HACA currently has a homeless preference and a preference for families with children. Families experiencing domestic violence will receive priority consideration through the current homeless preference or the family preference.

Attachment 4 ECHO and Homeless Service Provider's Comment letter

11/16/2020

Housing Authority of the City of Austin
Attn: Carl Richie
HCV Administrative Plan Public Comment
1124 S. IH 35
Austin, TX 78704

RE: Housing Choice Voucher Administrative Plan Comments

Mr. Richie and Board Members:

We write to you during a critical time in our community. Ending homelessness is a key priority for our city, and without a comprehensive community commitment to increase Permanent Supportive Housing, Austin will never meet this goal.

As published by Barbara Poppe and associates, *Investing for Results: Priorities and Recommendations for a Systems Approach to End Homelessness*, we estimate the unmet need for Permanent Supportive Housing (PSH) for individuals to be 2,996 units, and an unmet need of 150 PSH units for families. PSH consists of three components: intensive supportive services, a subsidy that allows for the household to not pay more than 30% of their income in rent, and access to rental unit. HACA is a key stakeholder in assisting our Homeless Response System in creating PSH, reducing barriers to PSH, and to a successful pathway out of PSH for those households who are ready.

As agencies on the front line of ending homelessness in our community, we appreciate the work that HACA does to end homelessness in our community. *However, we collectively submit these comments to urge HACA to do more to help us end homelessness in our community.* We recognize the pressure HACA is under to meet the many competing demands of our community. We believe that HACA can prioritize the needs of people experiencing homelessness through these changes, in addition to prioritizing additional vulnerable populations.

Increase the Homeless Preference in the Housing Choice Voucher (HCV) program

Access to the HCV program empowers our homeless response system to rapidly connect households with housing, while also expanding capacity of the system's PSH. Many households achieve stability during their time in PSH and only need access to deep affordability to remain successful. The homeless response system's ability to connect these households to an HCV allows us to, in turn, engage a highly vulnerable household experiencing literal homelessness in PSH.

25% of the HCV program should be dedicated to the Homeless Preference. The 25% cap must be defined by successfully executed HAP contracts –in other words, from when they are leased.

Create Project Based (PBV) Subsidies Dedicated to the Homeless Response System

Many households that receive an HCV struggle to identify a successful housing opportunity in the private rental market. This is due to high tenant screening barriers common in the Austin rental market.

Our community needs to support developers who are mission focused and are committed to serving the unique needs of those exiting homelessness. To best do that we need to pair dedicated subsidies and supportive services to create new Permanent Supportive Housing in our community. HUD has provided flexibility for PHAs to have a higher PBV cap recognizing that this tool is a priority in areas where vouchers are difficult to use due to market conditions. (HR 3700)

HACA should project base subsidies to ensure that the Homeless Response System is able to create low-barrier, service rich housing opportunities for people experiencing homelessness. In addition, HACA should increase their PBV authority to 30% targeted to serving people experiencing homelessness in line with HR3700.

Lower Screening Requirements for all People Experiencing Homelessness

Many households experiencing homelessness are disproportionately impacted by the oppression of systemic injustices. The criminal justice system is the biggest perpetrator of these injustices. In order to obtain permanent housing for households impacted by the criminal justice system, the HCV program must be more flexible with its screening criteria. When considering an HCV applicant enrolled in a supportive service program, HACA should make every effort possible to not deny, limit, or slow entry to the HCV assistance. This priority has been made clear by the Austin City Council, who unanimously co-sponsored and passed the Fair Chance Housing Ordinance in the summer of 2020.

HACA should remove all criminal screening requirements that are not mandated by HUD for all HCV applicants.

Further Considerations

Though not governed by the HCV Administrative Plan, HACA should reinstate the priority for people experiencing homelessness in Public Housing. HACA should also create a homeless preference for all Multi-Family housing that has gone through the RAD conversion process. These are clear national priorities as HUD advocates that communities align these resources to support the work to end homelessness.

HACA should prioritize assisting victims of family violence, including child abuse, exploitation/trafficking, and dating and domestic violence. All predictive evidence is that children who experience homelessness have a significantly greater likelihood to experience homelessness as an adult. Having a safe home is an absolute requirement for safety later in life, and housing is a launch pad to family self-sufficiency. By establishing a housing prioritization to people who are extremely vulnerable due to having experienced some form of family violence, HACA can exponentially improve future outcomes for our community by reducing the terrible cycle of family poverty, homelessness and abuse by introducing children to safe and stable futures.

We are grateful for the Housing Authority of the City of Austin's dedication to end homelessness and look forward to the incorporation of the submitted comments above in the HCV Administrative Plan.

Respectfully,

 **SAFE** | stop abuse for everyone

Julia Spann, Co-CEO, SAFE Alliance

  **ECHO**

Matthew Mollica, Executive Director, ECHO

Kent Herring, CEO, Family Eldercare

  **Caritas
of Austin**

Jo Kathryn Quinn, Executive Director, Caritas of Austin

  **DOING THE MOST GOOD**
AUSTIN AREA COMMAND
Serving Travis and Williamson counties since 1889

Maj. Lewis R. Reckline, Area Commander, Salvation Army Austin Metropolitan Area Command

 **FRONT STEPS** 

Amy Temperley, Executive Director, Front Steps

 **lifeworks** 

Susan McDowell, CEO, LifeWorks

  **Integral Care**

David Evans, CEO, Integral Care

Attachment 5: Texas Rio Grande Legal Aid's Comment Letter

Sent via email on Monday, November 16, 2021 at 5:52 PM to executive@hacanet.org

Lisa:

Below are some brief comments we have on the proposed changes to HACA's Housing Choice Voucher Plan:

Page 76 – Alternative Mainstream Voucher Screening Criteria: This change would impose a life-time ban on participation in the voucher program for individuals with any registration requirement for a sex offense. It would not be limited to those persons with a life-time registration requirement as required under federal law. Implementing a life-time bar on individuals who are not subject to a life-time registration requirement runs afoul of federal law and regulations and should not be adopted. If someone applies who is under a registration requirement for less than a life-time, that individual should be screened the same as any other applicant with a criminal conviction and not banned for life. Because Congress has not adopted such a bar, a public housing authority cannot do so.

Moreover, it is becoming increasingly obvious to many that even the life-time registration requirement is too often imposed in inappropriate cases, forever stigmatizing the individual. Given the statutory obstacle to imposing a local life-time bar on individuals without a life-time registration requirement and the ability to consider the individual on the basis of current merits, HACA should not adopt this proposed change.

Page 300 – Use of Criminal Conviction Records After Admission: It should be clearly stated here that a non-federal agency conviction record may be used only after first giving the participant or other person who is the subject of the record a copy of the records and an opportunity to dispute it. Since this is clear under federal law and the governing regulations, it should be clearly spelled out here or the section requiring such notice should also be referenced here.

Page 329 – Foreclosure: The following language should be modified:

HACA's Proposed Language: "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."

This should be modified. Section 24.005(b) of the Property Code reads in relevant part: "The tenant is considered to timely pay the rent under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord before receiving any notice that a foreclosure sale is scheduled during the month or pays the rent of that month to the foreclosing lienholder or the purchaser at foreclosure

not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests payments.

Suggested Modification: HACA should tell the tenant that the tenant's obligation is to pay the rent payment to the new owner within five days after receiving written notice of the name and address of the new owner requesting payment. In addition, the tenant should be told that if the tenant has already paid the prior owner during the month of the foreclosure sale before receiving notice from the new owner, the tenant's payment for that month is timely. Also, the tenant should not be told to pay rent into escrow but to set it aside and not spend it if the new owner refuses to accept payment or cannot be identified. Paying rent into escrow is no a realistic option. Saving the rent is an option. The tenant should also be referred to Texas RioGrande Legal Aid if the new owner is refusing payments.

Page 366 - Production of Documents by Participant for Remote Hearings:

This section would require a participant to produce any documents 24 hours prior to the hearing. This requirement should be eliminated. It is a big "gotcha." If the participant relies on documents, the hearing officer should consider them regardless of whether they were produced 24 hours prior to the hearing. If HACA disputes the documents in some way and asks for additional time to rebut the documents, the hearing officer may simply continue the hearing to a new date. Our concern is that for many participants, producing documents remotely will be very difficult. Courts and lawyers are struggling with remote hearings. Requiring that participants, most of whom are not represented, produce documents 24 hours prior to the hearing is simply another barrier to justice. The goal is to ensure that the participant gets a fair hearing and is not unjustly or illegally terminated. Because the participant has so much to lose, HACA should err on the side of the family and accept documents whenever they are produced.

Adding Minor Children to Household: Finally, on an issue not proposed for change, but which Kelli Howard and I mentioned to you in a recent letter, we ask that HACA modify the provision relating to adding minor children to the household:

Custody documentation for minors who are not the head of household's children to include:

1. A court order establishing custody; or
2. Proof that the adult is receiving income for the child; or
3. Records from the school or medical records which establish the unit as the child's residence; or
4. Records from a non-profit or government agency providing services to the child with establish the unit as the child's residence; or
5. A custodial affidavit or unsworn declaration from at least one of the parents authorizing the head of household to maintain custody of the minor and one of the documents from items (3), (4), or (5); or

6. Records or a letter from the Texas Department of Family and Regulatory Services indicating current placement of the child with the head of household when the child is a blood relative of the head of household.

We additionally request that, when Section 8 counselors provide a letter to voucher holders that lists what documents are required to add a child, that they use a pre-typed letter that lists this policy as reworded above, and provides boxes where the counselor can check off what the voucher holder is being asked to provide. We further ask that you provide a form custodial affidavit or unsworn declaration that the child's parent could use if they choose. This eliminates the problem of Section 8 counselors writing vague terms onto a letter (such as "custody paperwork" or "letter from CPS"), and ensures that parents know what is required of them so they do not write a letter that does not meet the legal definition of a custodial affidavit or unsworn declaration.

Finally, it needs to be clarified that if HACA denies a voucher holder's request to add additional household members on the basis of insufficient documentation and the participant requests a hearing, the hearing must be promptly scheduled.

If we need to discuss this further outside the comments to the proposed changes to the Voucher Plan, we will certainly do so.

Thank you for the opportunity to comments.

Fred Fuchs

Fred Fuchs
Attorney at Law
Texas RioGrande Legal Aid
4920 North IH-35
Austin, Texas 78751
Phone: 512-374-2720
Fax: 512-447-3940
Email: ffuchs@trla.org

Michael Gerber, President/CEO
The Housing Authority for the City of Austin
1124 S. IH-35
Austin, TX 78704
Email: executive@hacanet.org

November 13, 2020

Dear Mr. Gerber,

The SAFE Alliance is a Central Texas nonprofit dedicated to stopping abuse and violence for everyone in Austin. Because of the intimate connection between violence, abuse and homelessness, our organization has a strong investment in ensuring that proposed solutions to housing and homelessness in Austin address the needs of the women and family so often impacted.

We understand that ECHO has sent you a letter outlining our recommendations surrounding the Housing Voucher Choice Plan. We signed that letter and wholeheartedly agree that we need to increase the number of HCV units available for people experiencing homelessness.

In addition, given our mission and client-base, we also encourage you to recognize and address the connection between violence and abuse and homelessness. As Austin works to better address homelessness, the emphasis has been on people who are most visible, primarily men living on downtown streets. But the numbers tell another story. In fact, 80% of U.S. moms experiencing homelessness had previously experienced domestic violence. And 70% of people experiencing homelessness in Austin/Travis County report that past trauma or abuse caused their current homelessness.

Abuse victims tend to be women and children whose homelessness is invisible and often not considered when solutions are explored. We do not want that to be the case when you make a decision about the Housing Voucher Choice Plan.

Specifically, we request that priority consideration for family units be given to victims of family violence – child abuse, exploitation/trafficking, dating and domestic violence. All predictive evidence is that children who experience homelessness have a significantly greater likelihood to experience homelessness as an adult. Having a safe home is an absolute requirement for safety later in life, and housing is a launch pad to family self-sufficiency. By establishing a housing prioritization to people who are extremely vulnerable due to having experienced some form of family violence, HACA can exponentially improve future outcomes for our community by reducing the terrible cycle of family poverty, homelessness and abuse by introducing children to safe and stable futures. Housing is prevention.

We would be happy to provide additional information about the ECHO letter or this additional request. You can contact me anytime at jspann@safeaustin.org.

Thank you for your consideration of this issue.

Sincerely,



Julia Spann
Co-CEO, The SAFE Alliance

HOUSING AUTHORITY OF THE CITY OF AUSTIN
REPORT
AUSTIN AFFORDABLE HOUSING CORPORATION
ITEM NO. 5.

MEETING DATE: December 17, 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

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02685

AUSTIN AFFORDABLE HOUSING CORPORATION

ITEM NO. 6.

MEETING DATE: December 17, 2020

STAFF CONTACT: Ron Kowal, Vice President of Housing Development/Asset Mgmt

ITEM TITLE: Presentation, Discussion, and Possible Action on Resolution No. 02685: Resolution authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of Highland Village, a multifamily housing development (the “Project”)

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The board is being asked to approve Resolution No. 02685 authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of Highland Village, a multifamily housing development (the “Project”)

SUMMARY

Background:

Austin Affordable Housing Corporation has been presented an opportunity to partner with the NRP Group to develop a property on Highland Mall Blvd and Johnathan Drive called Highland Village, located in the Highland master plan community which is anchored by Austin Community College. AAHC and NRP have previously partnered two times, one property being SOCO II which is currently under construction and is located on South Congress Avenue and the other being Vega Multifamily located on Southwest Parkway adjacent to the St. Andrews private school. Once built, 50% of the Projects units will target individuals and families making 80% area median family income and below. Located in a high opportunity area, this property meets AAHC’s goals of providing housing in proximity to jobs, schools, grocers and transit. The property as with all AAHC’s properties will accept Housing Choice Vouchers upon completion.

The Project will provide 299 units: 213 one bedroom/one bath (640-920 sq ft), 81 two bedroom/two bath (1108-1372 sq ft) and 5 three bedroom/two bath (1416 sq ft). At a minimum, 50% of the units will be leased at 80% of Area Median Income. Additionally, employees of ACC will be given a month free rent at their lease signing. Located at 6505 West Highland Mall Blvd, Austin, TX 78752 (Southwest corner of Highland Mall Blvd and Johnathan Drive). Community amenities will include resort style pool with cabanas, 7,000+ square foot clubhouse and co-working space, state of the art fitness studio with yoga/spin rooms, dog spa, and a full parking structure.

The site is located in the Highland master plan, the redevelopment of the Highland Mall. Redleaf Properties and Austin Community College (ACC) have partnered to bring the project to life. When completed, the master plan will have 1,300,000 sf of high tech innovation space (ACC), 800,000 sf of office space, 1,200 multifamily units, 100,000 sf of retail space, and 230 hotel rooms. The Project is located one block from the light rail station, and the new transportation bond approved a high speed bus line with a dedicated lane on Middle Fiskville Rd, adjacent to Highland master plan, connecting residents to the CBD and the Domain in minutes. The masterplan will also contain three public parks, and a hike/bike trail that loops the entire 81 acre masterplan.

Process:

The PFC financing structure will facilitate a lease of both the land and the improvements to a newly formed partnership. South Congress PFC will lease the land from Redleaf Properties on a 99 year ground lease. South Congress PFC will then turn around as landlord and sublease both the land and the improvements to the partnership for 99 years. At the end of the 99 years both the land and improvements will revert back to Redleaf Properties.

The property will be developed using a combination of equity from NRP and JP Morgan Chase and conventional debt through Zions Corporation, N.A. DBA Amegy Bank. The anticipated close and construction start is July/August of 2020.

Unit Breakdown: 213 1-bedroom/1-bath 640-920 sq ft
 81 2-bedroom/2-bath 1108-1372 sq ft
 5 3-bedroom/2-bath 1416 sq ft

Staff Recommendation:

Board approval will allow the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of Highland Village, a multifamily housing development (the “Project”)

RESOLUTION NO. 02685

Resolution authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of Highland Village, a multifamily housing development (the “Project”)

WHEREAS, the Authority has created South Congress Public Facility Corporation (“PFC”) to assist in the development of multifamily housing developments such as the Project;

WHEREAS, the Authority desires for the PFC to assume a leasehold interest in and to the real property on which the Project will be constructed (the “Land”) from an affiliate of NRP Properties LLC, an Ohio limited liability company (“NRP”) pursuant to an assignment and assumption agreement between PFC and NRP (the “Assumption Agreement”), whereby PFC will assume NRP’s role as tenant under that certain Ground Lease by and between RedLeaf Highland Holdings, LLC, a Texas limited liability company (“Landlord”) and NRP (as amended, the “Ground Lease”);

WHEREAS, the PFC will enter into a sublease (the “Sublease”) with Highland Village Apartments LP, a Delaware limited partnership (the “Partnership”) granting site control of the Land to the Partnership and a regulatory agreement providing that no less than 50% of the units in the Project are made available for rental to persons of moderate income (the “Regulatory Agreement”);

WHEREAS, the PFC will serve as a limited partner of Highland Village Apt LP, a Delaware limited partnership, which is the limited partner of the Partnership and the sole member of NRP Highland Village GP LLC, a Delaware limited liability company, the general partner of the Partnership;

WHEREAS, pursuant to the terms of the Sublease and the Regulatory Agreement, the Partnership is required to develop the Project in a manner so that no less than 50% of the units are made available for rental to persons of moderate income;

WHEREAS, the Partnership will obtain a loan in an original principal amount not to exceed \$40,000,000 (“Mortgage Loan”) certain lenders (each a “Lender,” and collectively, the “Lenders”), and Zions Bancorporation, N.A. DBA Amegy Bank, as a Lender and in its capacity as administrative agent for the Lenders (in such capacity, the “Administrative Agent”) to finance the Project and, in connection with the making of the Mortgage Loan, Administrative Agent will require PFC to execute a leasehold deed of trust and to join in the execution of documents evidencing and/or securing the Mortgage Loan (collectively, the “Loan Documents”);

NOW, THEREFORE, in connection with the foregoing, the Board of Commissioners of the Authority hereby adopts the following resolutions:

BE IT RESOLVED, that the Chief Executive Officer of the Authority and/or his designee is hereby authorized to review, approve and execute all certificates, affidavits, agreements, leases, company agreements, documents and other writings, including the Loan Documents (collectively the “Agreements”) the Chief Executive Officer or his designee shall deem to be necessary or desirable in the consummation of the transactions and the formation of the entities herein contemplated;

BE IT FURTHER RESOLVED, that all acts, transactions, or agreements undertaken prior hereto by the Chief Executive Officer of the Authority or his designee, in connection with the foregoing matters are hereby

ratified and confirmed as the valid actions of the Authority, effective as of the date such actions were taken; and

BE IT FURTHER RESOLVED, that the Chief Executive Officer and his designee are 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 Chief Executive Officer or his designee shall deem to be necessary or desirable, and all acts heretofore taken by the Chief Executive Officer and his designee to such end are hereby expressly ratified and confirmed as the acts and deeds of the Authority.

This resolution shall be in full force and effect from and upon its adoption.

[Remainder of page intentionally left blank for signature]

Approved, Accepted and Adopted this 17th day of December, 2020.

Chairperson

ATTEST:

Secretary

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02686

QUALITY CONTROL

ITEM NO. 7.

MEETING DATE: December 17, 2020

STAFF CONTACT: Kelly Crawford, Director of Compliance Oversight

ITEM TITLE: Presentation, Discussion and Possible Action Regarding Resolution No. 02686: Approval to Submit the 2021 Public Housing Authority Annual Plan and Update to the Five-Year Plan to the U.S. Department of Housing and Urban Development

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to approve, adopt and submit the 2021 Public Housing Authority Annual Plan and update to the Five-Year Plan to the U.S. Department of Housing and Urban Development.

This is a presentation and discussion of the Draft 2021 Public Housing Authority (PHA) Annual Plan and update to the Five-Year Plan that went out for public comment for 45 days beginning Friday, October 16, 2020 and ended Monday, November 30, 2020.

SUMMARY

Background:

The Five-Year and Annual PHA Plans provide a ready source for interested parties to locate basic housing authority policies, rules, and requirements concerning its operations, programs, and services, and informs 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. Since HACA no longer has any public housing properties in its portfolio, the Plan only requires reporting on Housing Choice Vouchers and their related voucher programs.

The draft 2021 PHA Plan incorporates proposed changes from the Housing Choice Voucher Administrative Plan along with updates regarding the Rental Assistance Demonstration program and the agency's Five-Year Plan Goals and Objectives. The following are the updates to the Plan:

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.

Added policy to allow for alternative criminal background screening for Mainstream Vouchers approved per PIH Notice 2020-22 in order to help provide housing solutions to non-elderly disabled individuals experiencing homelessness and in an effort to respond to the coronavirus.

Revised local preferences as follows:

Added reference to PBRA (Project-Based Rental Assistance) program and removed reference to Public Housing as it relates to the following PBRA relocation wait list preference and P BRA residents' ability to choose the special accommodation preference and request to be added to the HCV waiting list as a reasonable accommodation.

Added PBV Right to Move preference – PBV regulations allow PBV participants the right to request a tenant-base voucher 12 months after living in a PBV unit.

Revised Homeless Preference to remove the 100 unit annual cap. New policy states that each time vouchers are issued, 25% of vouchers issued will be dedicated to the homeless preference.

Removed 1115 Waiver priority/preference as this program has ended.

Added preference for any new Mainstream vouchers received in response to Notice PIH 2020-22 authorized by the CARES Act to prioritize new Mainstream Vouchers received for non-elderly disabled persons residing in Protective Lodging facilities (ProLodges).

Briefings and Voucher Issuance - Added detailed remote briefing policy including requirements outlined in recently published PIH Notice 2020-32.

Housing Quality Standards Inspection - Added Remote Video Inspection (RVIs) definition and policy as authorized per PIH Notice 2020-31. Also added a statement for all inspections types that HACA may conduct inspections by the Remote Video Inspection method.

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 detailed policy regarding remote informal review and hearing procedures including requirements outlined in recently published PIH Notice 2020-32.

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. Also, revised policy to remove 400 unit PBV cap and added Tenant Selection Policy for Pathways at Chalmers West.

Process:

A 45-day public comment period commencing on October 16, 2020 and concluding on November 30, 2020 was held to solicit comments regarding the 2021 Public Housing Authority Annual Plan and the update to the Five-Year Plan. Notices regarding the announcement of the public comment period for these plans were sent to various community organizations, posted on the HACA website and each public housing resident community boards, and advertised in the Austin American Statesman, The Villager and La Prensa. A full copy of the draft 2021 Public Housing Authority Annual Plan was sent to the Austin Tenants' Council, the City of Austin Neighborhood Housing and Community Development department, ADAPT of Texas, ECHO, and Texas Rio Grande Legal Aid, along with other interested stakeholders. Additionally, three public hearings were held on November 10, 2020, November 13, 2020 and November 24, 2020.

HACA received written comments to the Housing Choice Voucher Administrative Plan, reflected in the PHA Annual Plan, from ECHO (Ending Community Homeless Organization), Texas RioGrande Legal Aid, SAFE Alliance, Family Eldercare, Caritas of Austin, Salvation Army Austin Metropolitan Area Command, Front Steps, LifeWorks, and Integral Care.

Staff Recommendation:

Staff is asking the Board of Commissioners to approve, adopt and submit the 2021 Public Housing Authority Annual Plan and Update to the Five-Year Plan to the U.S. Department of Housing and Urban Development.

ATTACHMENTS:

- ❑ **Resolution for signature**
- ❑ **Certification for Signature**
- ❑ **Draft 2021 PHA Annual Plan**

RESOLUTION NO. 02686

**APPROVAL TO SUBMIT THE 2021 PUBLIC HOUSING AUTHORITY ANNUAL PLAN TO THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, to be in compliance with the Quality Housing Work Responsibility Act of 1998, the Housing Authority of the City of Austin (HACA) has updated the 2019-2024 Five-Year Plan and completed the 2021 Public Housing Authority (PHA) Annual Plan;

WHEREAS, to meet the requirements for public notification, HACA advertised the announcement of the draft plan through the local media, sent notices of the draft plans to various community service providers, and conducted three public hearings;

WHEREAS, to meet the requirements for the public comment period, HACA made available copies of the draft plan at its Administration Building and on the agency's internet site for a forty-five day public comment period ending November 30, 2020;

WHEREAS, HACA received written comments from ECHO (Ending Community Homeless Organization), Texas RioGrande Legal Aid, SAFE Alliance, Family Eldercare, Caritas of Austin, Salvation Army Austin Metropolitan Area Command, Front Steps, LifeWorks, and Integral Care. HACA thoroughly reviewed and took all comments under careful consideration, incorporating changes that are reflected in the Housing Choice Voucher Draft Administrative Plan and summarized in this Annual Plan. These revisions reflect substantive changes that will greatly reduce barriers to housing for homeless individuals and families while striking a sensitive balance with community safety; and

WHEREAS, HACA has completed the requirements to submit the 2021 Agency Plan and updated the Five-Year Plan to the U.S. Department of Housing and Urban Development for final approval and adoption;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Housing Authority of the City of Austin Board of Commissioners approves and adopts the agency's 2021 PHA Agency Plan and the Five-Year Plan effective December 17, 2020.

PASSED, APPROVED AND ADOPTED this 17th day of December, 2020.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

RESOLUTION NO. 2686

Approval to Submit the 2021 Public Housing Authority Annual Plan to the U.S. Department of Housing and Urban Development

WHEREAS, to be in compliance with the Quality Housing Work Responsibility Act of 1998, the Housing Authority of the City of Austin (HACA) has updated the 2019-2024 Five-Year Plan and completed the 2021 Public Housing Authority (PHA) Annual Plan;

WHEREAS, to meet the requirements for public notification, HACA advertised the announcement of the draft plan through the local media, sent notices of the draft plans to various community service providers, and conducted three public hearings;

WHEREAS, to meet the requirements for the public comment period, HACA made available copies of the draft plan at its Administration Building and on the agency's internet site for a forty-five day public comment period ending November 30, 2020;

WHEREAS, HACA received written comments from ECHO (Ending Community Homeless Organization), Texas RioGrande Legal Aid, SAFE Alliance, Family Eldercare, Caritas of Austin, Salvation Army Austin Metropolitan Area Command, Front Steps, LifeWorks, and Integral Care. HACA thoroughly reviewed and took all comments under careful consideration, incorporating changes that are reflected in the Housing Choice Voucher Draft Administrative Plan and summarized in this Annual Plan. These revisions reflect substantive changes that will greatly reduce barriers to housing for homeless individuals and families while striking a sensitive balance with community safety; and

WHEREAS, HACA has completed the requirements to submit the 2021 Agency Plan and updated the Five-Year Plan to the U.S. Department of Housing and Urban Development for final approval and adoption;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Housing Authority of the City of Austin Board of Commissioners approves and adopts the agency's 2021 PHA Agency Plan and the Five-Year Plan effective December 17, 2020.

PASSED, APPROVED AND ADOPTED this 17th day of December 2020.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

**Certifications of Compliance with
PHA Plans and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including
Required Civil Rights Certifications**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning 04/01/2021, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Authority of the City of Austin
PHA Name

TX001
PHA Number/HA Code

X Annual PHA Plan for Fiscal Year 2021

_____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official

Carl S. Richie, Jr.

Title

Chairman

Signature

Date 12/17/2020

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

Mainstream Voucher program alternative Criminal Background screening criteria**HACA Policy**

As outlined in PIH Notice 2020-222, PHAs are required to apply the same criminal background screening process to all HCV participants. However, HUD encourages PHAs to use Mainstream vouchers to prevent, prepare for, and respond to coronavirus. In Austin, there is a critical need to find long-term solutions for those transitioning out of institutional settings, rapid rehousing or emergency temporary housing into permanent supportive housing. PIH Notice 2020-22, allows PHAs to establish, as an alternative screening requirement for applicants for Mainstream vouchers, which are distinct from those in place for the HCV program. HACA must still comply with the statutory requirements to determine if applicants are subject to lifetime sex offender registration requirements and comply with the other mandatory screening and denial requirements outlined in 42 U.S.C. 13661 and 982.553 (a).

In order to help provide housing solutions to non-elderly disabled individuals and families experiencing homelessness and in an effort to respond to coronavirus, HACA will apply an alternative criminal screening requirements for Mainstream Voucher wait list applicants.

This alternative Mainstream Voucher screening criteria includes denials for applicants for the following reasons:

1. Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.
2. Denial of any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
3. Denial of any household member is subject to a lifetime sex offender registration requirement as required under federal law.
4. HACA determines that a household member is currently illegally using a controlled substance or such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, is determined by HACA to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

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 eligibility:

- 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.

B.1

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.

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 to 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
PH Special Accommodation = 3
FUP Youth = 3
NED+Homeless/Institutionalized=2
RAD or PBRA Relocation = 4
PBV Right to Move = 4
HACA VAWA Emergency= 5

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

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 time vouchers are issued, 25% of vouchers issued will be dedicated to the homeless preference. Applicants given the homeless preference must meet 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 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.I.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.
-----	---

B.1

- (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 through RAD conversion or redevelopment of a PBRA property 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>(M) PBV Right to Move (24 CFR 983.261): HACA will give preference to families living in a project-based voucher unit who request comparable tenant-based rental assistance and give the owner advance written notice of intent to vacate (with a copy to the PHA) in accordance with the lease. Residents living in a PBV unit may request a tenant-based voucher 12 months after living in a PBV unit.</p> <p>2. Specified category vouchers waiting list selection criteria.</p> <p>E. Mainstream NED for homeless or institutional transitions (targeted funding) waiting list policy:</p> <p>In response to PIH Notice 2020-22, HACA applied for additional Mainstream Vouchers available for coronavirus response efforts. Any new Mainstream vouchers received in response to PIH Notice 2020-22 authorized by the CARES Act, will be prioritized for non-elderly disabled persons residing in Protective Lodging (ProLodge). The Protective Lodging Facilities (ProLodges) consist of 5 motels used by the City of Austin to temporarily shelter vulnerable individuals at high risk of COVID-19 infection, hospitalization, and/or severely negative outcomes (based on CDC guidance) who cannot self-isolate, including persons experiencing homelessness. Individuals experiencing homelessness who are discharged from the Isolation Facility and meet CDC high risk criteria are transferred to the ProLodges, for continued protective sheltering, until exits to safe housing options are identified.</p> <p>The overall community-housing plan is prioritizing funding to serve ProLodge guests who will be referred through the local Coordinated Entry System for program entry and enrollment. Mainstream NED eligible applicants, referred by ECHO who are residing at the ProLodges will receive a preference to receive a Mainstream Voucher over other Mainstream voucher applicants in an effort to prevent, prepare and respond to the coronavirus' impact on individuals and families.</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>
-----	---

17-I.A. OVERVIEW

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

HACA Policy

HACA will operate a project-based voucher program as outlined in this chapter that utilizes up to 400 tenant-based 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.

17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

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.

ELYSIUM GRAND

HACA will project-base 25 HUD-VASH vouchers at the Elysium Grand, located at 3300 Oak Creek Drive, Austin TX 78727.

Tenant Selection

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.

TERRACE AT OAK SPRINGS (previously Housing First at Oak Springs)

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.

Tenant Selection

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.

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)(1)]. 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>
------------	--

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))
-----	--

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>
-----	---

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.
-----	---

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.</p> <p>5-Year Plan Goals and Objectives.</p>
	<p>We are committed to Affordable Housing:</p> <p>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:</p> <p>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></p> <p>Austin Police Department:</p> <p>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>
-----	--

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>
-----	--

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>
-----	--

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 checked="" 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 checked="" 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	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.
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 6-7	HCV Criminal Background Screening	Changed life-time sex offender policy for regular HCV program to: HUD requires denial of any household member subject to a lifetime sex offender registration requirement as required under federal law. Added policy to allow for alternative criminal background screening for Mainstream Vouchers approved per PIH Notice 2020-22 in order to help provide housing solutions to non-elderly disabled individuals experiencing homelessness and in an effort to respond to the coronavirus.
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 19 - 21	Selection Method	Added PBV Right to Move Preference: PBV regulations allow PBV participants the right to request a tenant-based voucher 12 months after living in a PBV unit. Revised Homeless Preference to remove the 100 unit annual cap. New policy states: Each time vouchers are issued, 25% of vouchers issued will be dedicated to the homeless preference. Removed 1115 Waiver priority/preference as this program has ended.
Page 21	HCV Preference for New Mainstream Vouchers - ProLodges	Added policy to allow for a preference for any new Mainstream vouchers received in response to Notice PIH 2020-22 authorized by the CARES Act to prioritize new Mainstream vouchers received for non-elderly disabled persons residing in Protective Lodging facilities (ProLodges).
Page 21	Project-Based Voucher	Removed 400 project-based voucher cap.
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.

Attachment C.2

Certification of Compliance with PHA Plans and Related Regulations including Required Civil Rights Certification

Attachment C.3

Resident Advisory Board Comments

Not Applicable

Attachment C.4

Certification by State or Local Officials

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Rosie Truelove, the Director of Housing and Community Development

Official's Name

Official's Title

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

Housing Authority of the City of Austin

PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of Impediments (AI) to
Fair Housing Choice of the

City of Austin

Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the
AI.

**COA Consolidated Plan Priority: Homeless/Special Needs Assistance provides services to the City's most
vulnerable populations, including persons experiencing homelessness, persons living with HIV/AIDS, senior,
youth children and families.**

HACA continues to provide preferences in both the Project Based Rental Assistance and Housing Choice Voucher
programs for assistance to homelessness, persons living with HIV/AIDS, seniors, youth, children and families through
onsite programming to special assistance vouchers; Tenant Based Rental Assistance vouchers, Veteran Affairs
Supportive Housing vouchers, Mainstream vouchers, Continuum of Care vouchers and Family Unification Program
vouchers.

**COA Consolidated Plan Priority: Housing Development Assistance includes NHCD programs that offer
assistance to non-profit and for-profit developers to build affordable housing for low and moderate income
families.**

HACA through its non-profit subsidiary, Austin Affordable Housing Corporation (AAHC), has acquired/developed
over 6,500 units in its portfolio to provide affordable housing with an additional 2,580 units under construction. AAHC
continues to grow with over 2,000 more units in the pipeline for possible future acquisition and/or development to
preserve affordable housing units throughout the Austin area.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Rosie Truelove

Title

Director

Signature



Date 12.8.2020

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 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

