

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 16, 2021
12:00 PM**

**HACA Central Office, 1124 S. Interstate Highway 35
Austin, TX**

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

**TO BE HELD AT
HACA Central Office, 1124 S. Interstate Highway 35, Austin, TX**

(512.477.4488)

**Thursday, December 16, 2021
12:00 PM**

CALL TO ORDER, ROLL CALL

CERTIFICATION OF QUORUM

Pledge of Allegiance

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

CONSENT AGENDA

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

CONSENT ITEMS

1. Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on November 18, 2021

ACTION ITEMS

2. Presentation, Discussion, and Possible Action regarding Resolution No.02732: Approval of Revisions to the Housing Choice Voucher Administrative Plan
3. Presentation, Discussion and Possible Action Regarding Resolution No. 02733: Approval to Submit the 2022 Public Housing Authority Annual Plan and Update to the Five-Year Plan to the U.S. Department of Housing and Urban Development
4. Presentation, Discussion, and Possible Action regarding Resolution No. 02731: Approval to Renew In-Schools Case Management and Property- Based Tutoring Services

EXECUTIVE SESSION

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

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

property;

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

OPEN SESSION

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

REPORTS

The Board accepts the following reports:

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

ADJOURNMENT

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

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

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

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

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

The Housing Authority of the City of Austin is committed to compliance with the Americans with Disability Act. Reasonable modifications and equal access to the communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Please call 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 16, 2021

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 18, 2021

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 18, 2021.

ATTACHMENTS:

- ▣ **20211118 HACA Board Minutes Summary**

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

November 18, 2021

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 18, 2021, AND WAS HELD AT THE HACA CENTRAL OFFICE, 1124 S. IH 35, AUSTIN, TX

CALL TO ORDER, ROLL CALL, CERTIFICATION OF QUORUM

Carl S. Richie, Jr., HACA Commissioner called the Board of Commissioners Regular Board Meeting of the Housing Authority of the City of Austin, of November 18, 2021, to order at 12:14 p.m. The meeting was held at 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
Chuck Bailey, Vice-Chairperson (joined via Zoom)
Mary Apostolou, 2nd Vice-Chairperson
Edwina Carrington, Commissioner
Dr. Tyra Duncan-Hall, Commissioner

MEMBER(S) ABSENT:

ALSO IN ATTENDANCE:

Wilson Stoker, Cokinos
Bill Walter, Coats Rose (via Zoom)
Nick Walsh, NRP Group

STAFF PRESENT ON THE CALL:

Andrea Galloway, Barbara Chen, Gloria Morgan, Kelly Crawford, Leilani Lim-Villegas, Michael Cummings, Michael Roth, Nidia Hiroms, Pilar Sanchez, Ron Kowal, Suzanne Schwertner, and Sylvia Blanco

CITIZENS COMMUNICATION

Citizen communication was also opened up during each item on the agenda. No one provided any communication before or during any of the items.

Public Hearing on the proposed El Prado at Estancia development

No one provided any public comment.

CONSENT ITEMS

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS

ITEM 1: Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on October 21, 2021

Commissioner Carrington moved the Approval of the Board Minutes Summary for the Board Meeting held on October 21, 2021. **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. 02724: Approval of the Board of Commissioners Meeting Schedule for 2022

Per the HACA Bylaws, each year the Board of Commissioners is to adopt by resolution a meeting schedule for the following year. This schedule is to be posted and given to the City Clerk's office and posted on the HACA's website and all public housing management community bulletin boards.

A comprehensive list was created to show all future conference dates of state, regional and national associations. This list also includes the dates for the Austin Independent School District's Spring Break for 2022. Based on these dates, the 2022 HACA Board of Commissioners Meeting Schedule has been created.

The dates are as follows:

Thursday, January 20 (Optional)	Regular Meeting	HACA Central Office
Thursday, February 17	Regular Meeting	HACA Central Office
Thursday, March 24	Annual Meeting	HACA Central Office
Thursday, April 21	Regular Meeting	HACA Central Office
Thursday, May 19	Regular Meeting	HACA Central Office
Thursday, June 16 (Optional)	Regular Meeting	HACA Central Office
Thursday, July 21	Regular Meeting	HACA Central Office
Thursday, August 18	Regular Meeting	HACA Central Office
Thursday, September 15	Regular Meeting	HACA Central Office
Thursday, October 20 (Optional)	Regular Meeting	HACA Central Office
Thursday, November 17	Regular Meeting	HACA Central Office
Thursday, December 15	Regular Meeting	HACA Central Office

Commissioner Carrington moved the Approval **Resolution No. 02724: Approval of the Board of Commissioners Meeting Schedule for 2022.** **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEMS WERE PRESENTED OUT OF ORDER.

ACTION ITEMS

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS

ITEM 8: Presentation, Discussion, and Possible Action regarding Resolution No. 02730 Renewal of the Boys and Girls Club contract (Chalmers and Meadowbrook) for Comprehensive Youth Development

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 Educational Success (YES) strategy. Programs such as youth development clubs for students who are residents of HACA PBRA communities are an essential part improve the education and economic well-being of its residents.

Leilani Lim-Villegas, HACA Senior Director of Community Development - Austin Pathways, reported that this is a request for the second-year renewal of this competitively bid contract. HACA is seeking renewal for the Boys and 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. HACA 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 and Girls Club was reduced due to the safety guidelines recommended by the CDC. The Clubs are serving fewer youth (25-30 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 per square foot. This contract allows for up to a 10% increase in the amount paid to the Boys and Girls Club for the 2020-21 contract. The increase is included to recognize the increased cost of operation during a pandemic due to the need for masks, safety equipment, and increased cleaning supplies. The increase also acknowledges the increase costs of operating a full day program if/when AISD classes are only offered remotely.

Austin Pathways staff recommended that the Comprehensive Youth Development Program Contract be renewed to the Boys and Girls Club to serve Chalmers and Meadowbrook for \$114,030 annually. This will be a second year renewal under HACA's option to extend for a total of five years under the RFP.

Commissioner Duncan-Hall moved the Resolution No. 02730 Renewal of the Boys and Girls Club contract (Chalmers and Meadowbrook) for Comprehensive Youth Development Program Contract be renewed to the Boys and Girls Club to serve Chalmers and Meadowbrook for \$114,030 annually. This will be a second year renewal under HACA's option to extend for a total of five years under the RFP. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 3: Presentation, Discussion and Possible Action regarding Resolution No. 02725: Approval of the Low Income Housing (LIH) Department Property Budgets for Calendar Year 2022

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 folio, 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 ongoing impact on 2022 budgets. In particular, staff attempted to anticipate potential supply-chain

issues and increased costs of materials. 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 \$548,583. However, historically we are below 1.6% revenue loss for vacancy which is only \$250,781. This would increase our revenue by \$297,802.
2. The overall portfolio is budgeted to have a \$569,161 cash flow after all expenses and debt payments.
3. The total debt payments for the properties (principal and interest) is \$3,204,730.
4. The debt service coverage ratio for the portfolio is 1.18 and each property meets the requirements of our lenders and investors.
5. With the anticipated redevelopment beginning during 2022, the Rosewood Courts budget only reflects 9 months of revenue and expenses.
6. Key increases this year include the following:
 - a. Insurance – 20%
 - b. Maintenance Contracts 21% (Largest increases were for Trash Removal, Pest Control, Grounds and Make Ready Cleaning)
 - c. Maintenance Materials
 - d. Security 34%

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.

2nd Vice-Chairperson Apostolou moved the Approval of Resolution No. 02725: Approval of the Low Income Housing (LIH) Department Property Budgets for Calendar Year 2022. **Commissioner Carrington** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 4: Presentation, Discussion, and Possible Action regarding Resolution 02726: Operating Budget Revision for Fiscal Year April 2021 to March 2022

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

Finance worked with Department managers to update the budget based on actual usage and forecast revenues and expenses through March 2022.

2nd Vice-Chairperson Apostolou moved the Approval of Resolution 02726: Operating Budget Revision for Fiscal Year April 2021 to March 2022. **Commissioner Carrington** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

ITEM 5: Presentation, Discussion and Possible Action Regarding Resolution No. 02727: Approval of the adoption of the revised Housing Choice Voucher Program's Payment Standards

Housing Authorities are required to adopt Payment Standards for the Housing Choice Voucher Program between 90 and 110 percent of the currently published fair market rents (FMRs). In April 2021, the Board approved the payment standards at 105% of the published Fair Market Rents with a July 1, 2021 effective date. On October 1, 2021, HUD issued new Fair Market Rents for the Austin-Round Rock, TX metropolitan statistical area (MSA).

The rising Austin rental rates continue to make it difficult for housing choice voucher families to locate affordable homes in the Austin area. In analyzing the factors outlined below, staff recommends adjusting the payment standards to 105% of the recently published fair market rents for all bedroom sizes. Staff will continue to exercise the flexibility to approve payment standards up to 120% of the published fair market rents as a reasonable accommodation for persons with disabilities. Compared to the current approved payment standards, this represents an approximate 3% increase for 1br, 2br and 3br units, and zero increase for 4 and 5 bedroom units.

Staff's recommendation to increase payment standards to 105% of published FMRs considered the following information:

Increasing the payment standards to 105% of published FMRs will help families secure homes in Austin's competitive rental market.

An analysis of the HUD payment standard tool indicates that increasing payment standards to 105% of published FMRs will reduce the percentage of housing choice voucher households with rent burdens greater than thirty-one (31) percent from 35% to 14%.

The increased payment standards will allow HACA to continue to issue approximately 20 vouchers a month and stay within the HUD approved annual 2022-budget.

Staff reviewed the 3rd quarter Austin Multi-Family Trend Report, which reflects a 95.7 % occupancy rate with 2021 rents up 24.2% from the beginning of the year. Overall, the average rental rate in Austin is \$1,575/mo or \$1.82 psf.

The New Payment Standards will go into effect February 1, 2022.

Commissioner Carrington moved the Approval of Resolution No. 02727: Approval of the adoption of the revised Housing Choice Voucher Program's Payment Standards. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

Commissioner Duncan-Hall left the room at 1:16 p.m.

ITEM 6: Presentation, Discussion, and Possible Action on Resolution No. 02728 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to the Agave at South Congress Apartments (the "Development") in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Develop and (iii) such other actions necessary or convenient to carry out this Resolution

Austin Affordable Housing Corporation (AAHC) has been presented an opportunity to partner with Belveron Corporation, to purchase a 195 unit apartment complex called the Agave at South Congress. The complex is located at 625 E. Stassney Lane, Austin, Texas 78745, just off of South Congress. AAHC has several assets within this area, including Bridge at Turtle Creek, Bridge at South Point and Bridge at Sterling Springs. The complex is currently 96% leased and already has more affordable rental rates as compared to the area.

AAHC's proposed partner, Belveron Corporation, prides itself on long term preservation of workforce housing. Located out of San Francisco, Belveron, is a privately held investment firm with a current portfolio of more than 25,000 units across the United States. Founded in 2006, Belveron have invested in more than 200 properties in 32 states. AAHC is working with Managing partner, Paul Odland, and Senior Portfolio Manager, Josh Plattner. This would be AAHC's seventh acquisition with the Belveron team.

The Agave was built in 2009 and sits on 8.65 acres. Some of the property amenities include a sparkling resort style swimming pool with lounge seating, a poolside cabana, outdoor kitchenette with smoking and grilling stations, 24-hour athletic center, an elegant clubhouse with modern resident lounge and entertaining kitchenette and game room with a Café and a coffee bar. All units come with full size washer and dryers and detached garages or covered parking. The Agave also provides private pet yards and balconies. The property feeds into Pleasant Hill Elementary School, Bedichek Middle School and Crockett High School. The property's location provides fantastic access to many tech job employers, retail shops, grocery stores and medical providers. Below is a breakdown of the many variations of unit sizes. The property is currently 96% occupied and rents currently range from \$1,245 for a 1 bedroom to \$2,084 for a 3 bedroom.

The purchase price for the Agave Apartments is \$53,500,000. Belveron will be investing approximately \$11MM as a down payment. In addition, Belveron will place an additional \$1,200,000.00 for future capital needs. Bellwether will provide a Freddie Mac loan in an amount not to exceed \$45,000,000 at a rate of 3.20%. 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. A current lease audit is underway to determine the initial number of units already qualified under 80% AMI and AAHC and Belveron has committed to not raising rents for the next 12 months and are committed to leasing to housing choice voucher holders. The property will be managed by Apartment Management Professionals. Belveron has agreed to use the name "Bridge at" for naming the property once closed.

Commissioner Carrington moved the Resolution No. 02728 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to the Agave at South Congress Apartments (the "Development") in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Develop and (iii) such other actions necessary or convenient to carry out this Resolution. **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

Commissioner Duncan-Hall returned to the room at 1:22 p.m.

ITEM 7: Presentation, Discussion, and Possible Action on Resolution No. 02729 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 (El Prado at Estancia Apartments) Series 2021A and Taxable Multifamily Housing Revenue Bonds (El Prado at Estancia Apartments) Taxable Series 2021B; approving the form and substance of and authorizing the execution and delivery of documents and instruments necessary to carry out the financing of such multifamily residential development; and containing other provisions relating to the subject

Austin Affordable Housing Corporation was presented with an opportunity to partner with The NRP Group LLC on a 15.3 acre tract of land located within the Austin limited purpose annexation at the corner of Estancia Parkway and Avenida Mercado,

Austin, TX 78748. The project (El Prado at Estancia) will consist of 318 family apartment units serving tenants at or below 60% of median family income. The proposed development is located in the *Estancia Hill Country* master development which includes multifamily luxury apartments, single-family homes, and a future branch of Texas Children's Hospital. The community features walking trails, parkland, and close proximity to Onion Creek. This property will serve the following schools: Menchaca Elementary, Paredes Middle School, and Akin High property in AAHC's current portfolio is Bridge at Asher Apartments located just north.

The development will use a mixture of 4% tax credits and bonds to finance the development with a total project cost of approximately \$62,000,000. The planned development will consist of 30 one bedroom and one bath units, 127 two bedroom and two bath units, 129 three bedroom and two bath units, and 32 four bedroom and two bath units. All units will be marketed to HACA's Housing Choice Voucher residents. HACA, through its Public Facility Corporation is requesting the approval of an issuance of tax-exempt bonds in an amount not to exceed \$48,000,000. The Board saw this property for the first time in January 2021.

2nd Vice-Chairperson Apostolou moved the Resolution No. 02729 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 (El Prado at Estancia Apartments) Series 2021A and Taxable Multifamily Housing Revenue Bonds (El Prado at Estancia Apartments) Taxable Series 2021B; approving the form and substance of and authorizing the execution and delivery of documents and instruments necessary to carry out the financing of such multifamily residential development; and containing other provisions relating to the subject, in an amount not to exceed \$48,000,000. **Commissioner Carrington** seconded the motion. The motion Passed (5-Ayes and 0-Nays).

EXECUTIVE SESSION

The Board did not recess into Executive Session.

REPORTS

The Board accepts the following reports from the President:

Mike Gerber, HACA President & CEO was not in attendance at the meeting.

Carl S. Richie, Jr., HACA Board Chairperson reported:

- That **Mike Gerber** will continue to serve as the Interim Executive Director of NAHRO until March 2022. The Executive Director selection process will start over with a new search firm assisting due to the lack of viable candidates to fill the position.

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 2:29 p.m.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02732

ASSISTED HOUSING ITEM NO. 2.

MEETING DATE: December 16, 2021

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No.02732:
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. 02732 adopting revisions to the Housing Choice Voucher Administrative Plan. These revisions were discussed at the October 21, 2021 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 following summarizes the proposed changes to the HCV Administrative Plan:

EIV (Enterprise Income Verification) - Language added to comply with the Sept 2020 HUD EIV System training that requires each adult household member to sign a HUD-52675. In addition, the requirement for PHAs to search for debts owed to PHAs to determine if it warrants denial of assistance.

Criminal Screening Criteria - Revised criminal screening policy to reduce barriers to housing based on a person's criminal history.

Transfer from PBRA properties with debt owed – Revised the policy regarding applicants transferring from HACA's Project Based Rental Assistance programs when they owe a debt or are under eviction status.

Foster Youth to Independence program and revisions to Mainstream program - Added Foster Youth to Independence preference and referral process and revised the policy so all Mainstream vouchers are referred through ECHO, Integral Care or Austin Resource for Independent Living (ARCIL).

Briefings and Voucher Issuance - Added references and more details regarding the briefing policy including accessibility requirements and notification policies.

Documentation and Verification of identity - Added identification card with picture as acceptable document for verifying a child's legal identity and added government-issued photo ID, DD-214 form, or other document from a government entity that displays the family member's name and date of birth as an acceptable document to verify age.

Verification of citizenship or eligible immigration status - HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member

18 or older and by a guardian for minors. The HACA may request verification of the U.S. citizenship or eligible immigration status. Revised policy to not require the verification of the declaration of family members who claim to be U.S. citizens or nationals. Note all individuals need to provide documents to verify their legal identity as described in 7.II.A of the HCV Admin Plan.

Housing Quality Standards Inspection - Revised statement regarding quality control inspections to state: The selected sample should be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors.

Payment Standards - Added lease-up time and success rate as information to review for payment standard adjustment consideration.

Informal Reviews and Hearings - Revised policy regarding remote informal review and hearing procedures including requirements outlined in PIH Notice 2020-32. Also, revised hearsay evidence definition based on Nan McKay's recommendation.

Project-based vouchers – Revised statement per Nan McKay's recommended language to allow flexibility to project-base up to an additional 10 percent of HACA's authorized housing choice voucher units in accordance with HUD regulations and requirements.

Revised PBV policy to state that HACA will consider adding units to the PBV contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps.

Added new Project-base voucher selection criteria for the following developments:

- Pathways at Rosewood Courts
- Waterloo Terrace
- Capital Studios
- Texas Bungalows
- Espero at Rutland

Process:

Proposed changes to the Housing Choice Voucher (HCV) Administrative Plan went out for public comment for 30 days beginning on October 26, 2021 until November 26, 2021. Additionally, HACA held a public hearing on November 9, 2021 and invited the family self-sufficiency resident advisory board to attend,

with four attending via video conference and two attending in person. Comments received from the FSS participants expressed an appreciation for the HCV and FSS program. In addition, one resident expressed support for the revised criminal screening criteria. The Reentry Round Table sent a comment letter included as Attachment 3. All comments were reviewed and considered. The Reentry Round Table asked for page 78 of the HCV Admin Plan and this page was provided to them. However, please note there were no changes to page 78 so it was not included in the public comment documents.

The 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 Plan proposed revisions**
- ▣ **Attachment 3: Reentry Round Table Comment letter**

RESOLUTION NO. 02732

**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 26, 2021 and ending at 5:00 p.m. on November 26, 2021; and

WHEREAS, the Housing Authority of the City of Austin received written comments from the Reentry Round Table. All comments were reviewed and considered; 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 16th day of December 2021.

Carl S. Richie, Jr., Chairperson

Michael G. Gerber, Secretary

Section	Page Numbers	Summary of Changes Made in Admin Plan
3-II.F. EIV (Enterprise Income Verification) SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training 9/30/20]	70-71	Added language to comply with the Sept 2020 HUD EIV System training that requires each adult household member to sign a HUD-52675. Also, the requirement for PHAs to search for debts owed to PHAs to determine if it warrants denial of assistance.
3-III.B. Mandatory denial of assistance 3-III.C. Other Permitted Reasons for Denial of Assistance Criminal Screening Criteria revisions	73, 75-77	Revised Criminal Screening Criteria policy
3-III.C. Other Permitted Reasons for Denial of Assistance	79-80	Revised policy regarding applicants transferring from HACA's Project Based Rental Assistance programs when they owe a debt or are under eviction status.
Chapter 4.III B Selection and HCV Funding Sources	108, 116, 118	Added Foster Youth to Independence preference and referral process and revised the policy so all Mainstream vouchers are referred through ECHO, Integral Care or Austin Resource for Independent Living (ARCIL).
Chapter 5 Briefings and Voucher Issuance	123 – 125 & 127	Added references and more details regarding the briefing policy including accessibility requirements and notification policies.
7.II.C. Documentation	200 203	Added identification card with picture as acceptable document for verifying a child's legal identity. Added government-issued photo ID, DD-214 form, or other document from a government entity that displays the family member's name and date of birth as an acceptable document to verify age.

Section	Page Numbers	Summary of Changes Made in Admin Plan
7.II.G. Citizenship or Eligible Immigration Status	207	Revised policy - The HACA may request verification of U.S. citizenship or eligible immigration status. Revised policy to not require the verification of the declaration of family members who claim to be U.S. citizens or nationals. Note all individuals need to provide documents to verify their legal identity as described in 7.II.A.(page 200)
8 II.E. Quality Control Inspections Housing Quality Standards	235	Revised statement regarding quality control inspections to state: The selected sample should be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors.

Chapter 16.II.B. Payment Standards	353	Added lease-up time and success rate as information to review for payment standard adjustment consideration.
Chapter 16 III.A. Informal Reviews and Hearings	359-361 364-366 371	Revised policy regarding remote informal review and hearing procedures including requirements outlined in PIH Notice 2020-32.
Chapter 17: Project-Based Voucher	416-417 421	Revised statement per Nan McKay's recommended language to allow for future flexibility to for HACA to project-base up to an additional 10 percent of its authorized units in accordance with HUD regulations and requirements. Added statement that advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.
17.V.C. Amendments to the HAP Contract	441	Revised PBV policy to state that HACA will consider adding units to the PBV contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps.

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 17L New project-base voucher selection criteria	451- 457	Added new Project-base voucher selection criteria for the following developments: <ul style="list-style-type: none">• Pathways at Rosewood Courts• Waterloo Terrace• Capital Studios• Texas Bungalows• Espero at Rutland

If the student's parents are divorced or separated, HACA will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact 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.

3-II.F. EIV SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training 9/30/20]

Existing Tenant Search

Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module. The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

HACA Policy

HACA will contact the PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. HACA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, the PHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

HACA Policy

HACA will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

HACA will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, HACA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and IVT Reports

For each new admission, the PHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. The PHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates.

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

Mandatory denials for criminal activity is described below under Criminal Activity Screening Criteria.

Criminal Activity Screening Criteria [24 CFR 982.553]

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

HACA Policy

If any household member has been convicted of 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.

MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HACA Policy

Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity or evicted from federally-assisted housing for other reasons in the past 3 years.

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.

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

OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE FOR CRIMINAL ACTIVITY

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 aggravated sexual assault ~~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 a **felony ~~been conviction~~** for any ~~convicted is~~ of the following criminal activities, the family will be denied admission:

- ~~Manslaughter~~
- ~~Kidnapping, abduction, trafficking, smuggling~~

~~Three~~Four year review (look back) period

If any household member has a **felony conviction** for any ~~been convicted~~ of the following criminal activities, the family will be denied admission:

- ~~Assault, aggravated assault~~
- ~~Use of Firearm Against a Person~~
- ~~Terroristic threat~~
- ~~Crimes involving explosives~~
- ~~Robbery-related offenses—felony conviction~~
- ~~Burglary of a habitation—felony conviction~~
- ~~Drug-related offenses for mManufacture, distribution, or possession with intent to distribute—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~~
- ~~Unlawful Restraint —felony conviction~~

One~~Three~~ year review (look back) period

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

- Non-forcible sex offences – felony conviction
- Destruction/Damage/Vandalism of Property – felony conviction
- Theft ~~stolen~~ ~~or~~ property or fraud committed against a non-government entity – felony conviction
- Prostitution related offences – felony conviction
- Stalking – felony conviction
- Drug possession – felony conviction
- ~~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.

Mainstream Voucher program alternative Criminal Background screening criteria

HACA Policy

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 in Assisted Housing [24 CFR 982.552 c]

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

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

HACA Policy

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

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. 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.

1)

HACA will not deny admissions if the head or co-head are moving from the HACA ~~Project Based Rental Assistance (PBRA)~~ **Public Housing** program to the HACA Section 8 program (or vice versa) and are in compliance with their HACA repayment agreements. Compliance with a repayment agreement requires at least two on-time, monthly payments. ~~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 **currently under eviction status or that** has been evicted from federally-assisted housing in the last **threefive** 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.

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.

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

Foster Youth to Independence

Order of Selection – specified category vouchers

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

Regular HCV Funding

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

4-III.C. SELECTION METHOD

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

Local Preferences [24 CFR 982.207; HCV p. 4-16]

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

HACA Policy

Families can claim eligibility for any local preference any time from the date they applied up until the time their name is drawn off the waiting list. Preference claims will be verified once they have been drawn off the waiting list during the interview process. If

after all lottery applicants and in order according to the date and time when HACA first had received both documents.

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

- C. **Veterans Affairs Supportive Housing (VASH):** HACA accepts VASH applicants as referrals in the order received from the Veterans Affairs administration.
- D. ~~**Mainstream:** HACA will assist the minimum number of families defined in the original grant and will replace any vacancies with eligible disabled households from the HCV waiting list.~~
- E. **Mainstream NED for homeless or institutional transitions** (targeted funding) waiting list policy:

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

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

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

G. Foster Youth to Independence (FYI)

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

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

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

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

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

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

HACA Policy

HACA will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible

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

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

Notification of Briefing

Prior to issuance of a voucher, ~~The PHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed in individual face-to-face meetings, through individually or in-group briefing sessions, or via remote briefing sessions.-~~

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..

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

Remote Briefings

Accessibility Requirements for Persons with Disabilities and LEP Individuals

As with in-person briefings, the platform for conducting remote briefings must be accessible and the briefing conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual.

If no method of conducting a remote briefing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual his or her inability to participate in the remote briefing, and the PHA should consider whether postponing the remote briefing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances.

Limited English Proficiency (LEP) requirements also apply to remote briefings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote briefings.

HACA Policy

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 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.

If no method of conducting a remote briefing is available that appropriately

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. **The notice will also inform the family of any additional requirements for in-person or remote briefings as addressed in relevant policy elsewhere in this section.**

The notice will be sent by first class mail and will also be sent by email if the family has provided a valid email address to the PHA.

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 the PHA's jurisdiction;

When HACA was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

HACA Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the HACA.

HACA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification/tenant declaration must be made in a format acceptable to HACA and must be signed by the family member whose information or status is being verified.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

HACA Policy

HACA will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) Current U.S. passport Current government employer identification card with picture	Certificate of birth Adoption papers Custody agreement Health and Human Services ID School records School or government-issued photo ID for age 16 and over identification card with picture

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at HACA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to HACA and be signed in the presence of a HACA representative or HACA notary public.

documentation of an individual's SSN.

HACA Policy

Once an individual's status is classified as "verified" in HUD's EIV system, HACA will no longer require documentation as evidence of social security numbers, however HACA will keep documentation previously submitted by the tenant.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

HACA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, HACA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license, government-issued photo ID, DD-214 form, or other document from a government entity that displays the family member's name and date of birth) ~~if birth year is recorded~~ and to provide a self-certification.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

HACA Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

HACA Policy

Certification by the head of household is normally sufficient verification. If the HACA has reasonable doubts about a marital relationship, the HACA will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

HACA Policy

SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. The family member must provide written consent and contact information for HACA to contact the knowledgeable medical professional and send a request for written verification. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition. Based upon the knowledgeable medical professional's response, HACA will or will not grant the family a wait list preference or certain income disallowances and deductions. If HACA does not receive a response from the medical professional within 30 calendar days, the family's claim for disability status is denied. The family will receive written notification of the denial, the reason for the denial and is advised of their right to request an informal hearing.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and HACA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents

discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy. [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The HACA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

HACA Policy

~~Family members who claim U.S. citizenship or national status will be required to provide one of the following supporting documents: an original birth certificate, naturalization document, valid unexpired United States passport, an original baptism certificate or U.S. military report of separation (DD214). HACA will not require verification of the declaration of family members who claim to be U.S. citizens or nationals.~~

Eligible Immigrants

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).

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

HUD requires a HACA supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding ~~three 3~~ months. ~~The selected sample should be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors~~ ~~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).

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

Notification of Corrective Actions

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

HACA Policy

amounts for each FMR area within HACA's jurisdiction, and for each unit size within each of the FMR areas. For each unit size, HACA may establish a single payment standard amount for the whole FMR area, or may set different payment standards for different parts of the FMR area. Unless HUD grants an exception, HACA is required to establish a 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.

Lease-up Time and Success Rate: HACA will consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

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

in person, ~~or~~ by first class mail or **emailed**, 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. **The notice will be mailed and if we have the family's email, the notice may be emailed.**

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 [Notice PIH 2020-32]

~~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.~~ There is no requirement that informal reviews be conducted in-person and, as such, HUD allows PHAs to conduct all or a portion of their informal review remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal reviews, applicants may still request an in-person informal review, as applicable.

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.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

PHAs are 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 review process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal review is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual his or her inability to participate in the remote informal review, and the PHA should consider whether postponing the remote informal review to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal reviews.

Conducting Remote Informal Reviews

The PHA must ensure that the lack of technology or inability to use technology for remote informal reviews does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to

conducting the remote informal review and, if the family does not have the proper technology to fully participate, either postpone the informal review or provide an alternative means of access.

As with in-person informal reviews, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal review. The family must also be provided with an accessible means by which to transmit their own evidence.

HACA must ensure that the applicant has the right to hear and be heard. 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 at 24 CFR 982.554 and guidance specified in Notice PIH 2020-32.

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.

Informal Review Decision [24 CFR 982.554(b)]

HACA must notify the applicant of HACA's final decision, including a brief statement of the reasons for the final decision.

HACA Policy

HACA will notify the applicant of HACA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, HACA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice to the family.

The validity of grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be

Remote Informal Hearings (PIH Notice 2020-32_

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal hearings, applicants may still request an in-person informal hearing, as applicable. ~~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.

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.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

PHAs are 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. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual his or her inability to participate in the remote informal hearing, and the PHA should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

Conducting Informal Hearings Remotely

The PHA must ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

As with in-person informal hearings, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements, and will be in compliance with HUD regulations at 24 CFR 982.555 and the guidance for conducting remote hearings specified in Notice PIH 2020-32. ~~In conducting any informal hearing remotely, the PHA shall ensure due process and that all parties are able to have full access to the hearing.~~

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

~~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 via

video conferencing. If the informal hearing will be conducted via videoconferencing, HACA will ensure that all participants, participant representatives, advocates, witnesses, HACA representatives, and the informal hearing officer can adequately access the platform.

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/>.~~

~~**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.~~

~~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 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

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

If the hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

Regarding the processes involved in a remote informal hearing;

That HACA will provide technical assistance prior to and during the informal hearing, if needed; and

That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform the HACA and HACA will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing within forty-eight (48) hours of hearing date. At its discretion, HACA may request documentation of the "good cause" prior to rescheduling the hearing. Failure to adhere to the forty-eight (48) hour notice requirement or failure to show up for the hearing will result in automatic loss of appeal.

Failure to Appear

There may be times when a participant does not appear due to unforeseen circumstances that are out of their control and are no fault of their own.

HACA Policy

If the tenant does not appear at the scheduled time of the hearing, the Hearing Officer will wait up to 15 minutes. If the tenant appears within 15 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact HACA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The Hearing Officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family.

- 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. Only units that are under a HAP contract that was first executed on or after April 18, 2017, may be covered by the 10 percent exception.

HACA Policy

HACA may project-base up to an additional 10 percent of its authorized units, up to 30 percent, in accordance with HUD regulations and requirements. ~~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 April 18, 2017.

HACA Policy

HACA may project-base units not subject to the 20 percent cap in accordance with HUD regulations and requirements.

~~HACA will not project base any units not subject to the 20 percent cap.~~

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

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

HACA Policy

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

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

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

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

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

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

The PHA must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the PHA must comply with the PHA Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

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. **Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.**

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.

HACA Policy

HACA will consider adding units to the contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps ~~HACA will consider adding contract units to the HAP contract when HACA determines that additional housing is needed to serve eligible low-income~~

~~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.

Pathways at Rosewood Courts

HACA will project-base up to 60 vouchers at Rosewood Courts. The property is located at 2001 Rosewood Ave, Austin Texas.

Tenant Selection

Up to sixty (60) regular Project-based Vouchers

HACA will use the same selection preferences that are used for the HCV tenant-base voucher program for up to 60 regular PBV units.

Applicants on the Housing Choice Voucher programs tenant-base waiting list will be added to Pathways at Rosewood Courts 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 Rosewood Courts 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 Rosewood Courts for a project-based voucher unit.

Eligible applicants must meet Pathways at Rosewood Courts tenant selection screening criteria.

If the applicant was previously on the Housing Choice Voucher waiting and decide not to lease a unit at Pathways at Rosewood Courts, 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 Rosewood Courts and refuses an offer of PBV assistance or does not meet Pathways at Rosewood Courts'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.

Waterloo Terrace

HACA will project-base 15 units at Waterloo Terrace. The property is located at 12190 North Mopac Expressway, Austin TX 78758.

Tenant Selection

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~~ ~~a~~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 PBV 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.

Capital Studios

HACA will project-base 10 units at Capital Studios. The property is located at 309 East 11th Street, Austin TX 78701.

Tenant Selection

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~~ **a**Agency as the highest priority eligible household as required by the project's funding sources.

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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 PBV 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.

Texas Bungalows

HACA will project-base 50 units at Texas Bungalows. The property is located at 13311 Burnet Road, Austin TX 78727.

Tenant Selection

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~~ **a**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 PBV 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.

Espero at Rutland

HACA will project-base 25 HCV and 25 HUD-VASH units at Espero at Rutland. The property is located at 1934 Rutland Drive, Austin TX 78758.

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~~ **a**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)).

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When notified of a vacancy in a PBV 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.

17-VLE. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

The PHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the PHA's selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

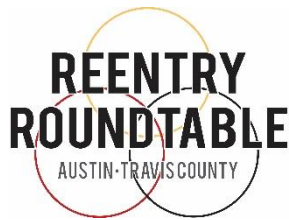
Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, the PHA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the PHA must provide a briefing packet that explains how the PHA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, the PHA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing



Austin-Travis County Reentry Roundtable

Building Successful Strategies for

Reentry and Reintegration in Austin/Travis County, Texas

www.reentryroundtable.org

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Alex Villarreal

Integral Care

Mr. Michael Gerber, President and CEO

Housing Authority of the City of Austin

1124 South IH-35

Austin, Texas 78704

Delivered to: executive@hacanet

November 26, 2021

Dear Mr. Gerber:

The Austin/Travis County Reentry Roundtable welcomes the opportunity to submit written comments on the proposed changes to HACA's Housing Choice Voucher (HCV) Administrative Plan. The Roundtable considers the use of criminal records by housing providers a top priority for improving the lives of our community members who live with criminal legal system involvement. In 2016, the Roundtable published the report, *Locked Out: Addressing Criminal History Barriers to Affordable Rental Housing in Austin & Travis County*, leading to the release of our Housing Guide and Template in April 2018, which set forth widely agreed upon community standards for fair housing compliance related to criminal background screening. The Roundtable's work in this area has continued over the past three years, including the incorporation of the Housing Guide recommendations, nearly unchanged, into the city's RHDA Resident Selection Policies and Procedures.

The Roundtable commends HACA for its continued efforts to increase access to housing for individuals who live with a criminal history and their families. The all too stark disparities that exist in terms of racial and ethnic interaction with our criminal legal system makes expanded access across the full spectrum of housing opportunity essential if we are to address the negative collateral consequences that flow from criminal justice involvement. But there is more that HACA can and should be doing to lead by example and to set the standard for how Austin residents deserve to be treated by all housing providers.

As a starting point, the Roundtable once again urges HACA to reconsider the decision to impose any criminal record eligibility requirements on the HCV Program beyond HUD's minimal mandated bans. With regard to criminal record screening, HACA has no basis to impose eligibility requirements that might, in fact, restrict a private landlord's choice as to whom to select as an applicant. If a landlord wants to accept an applicant into an HCV Program unit, notwithstanding a particular criminal history, what is HACA's rationale for creating barriers that make it impossible? The HCV Program is unique in that it is the private landlord, not HACA, who carries the risks and potential liability from renting to any particular person. These are not HACA properties and HACA shoulders no obligation beyond determining eligibility into the HUD program.

Indeed, HACA already has experience with exactly this kind of minimal screening process through its implementation of the Emergency Housing Choice Vouchers made available by HUD during the Covid-19 pandemic. The Roundtable urges HACA to expand on the significant benefits achieved with this novel program, implementing equally minimal screening criteria for all HACA residents. As these emergency vouchers have shown, HACA can successfully house individuals who would not otherwise meet HACA's criminal screening criteria, even as currently

proposed. It is critical that HACA recognize and respond to the responsibility that it bears to create safe, meaningful housing opportunities all low-income city residents, regardless of criminal legal system involvement.

Should HACA insist on continuing to impose screening restrictions that exceed HUD's minimum requirements, the Roundtable urges wholesale adoption by HACA of the recommended look-back periods set forth in the Roundtable's Texas Criminal Background Screening Guide for Rental Housing Providers (attached). These recommendations were developed after significant input from public and private housing providers, including HACA, and have been endorsed by the Austin Apartment Association for adoption by its members. Many of the Guide's recommendations are based on the Housing Authority of New Orleans' (HANO) updated screening criteria implemented in 2016. Notably, under the new screening criteria HANO reports no increase in tenant-related problems and the review panel has denied only 1 applicant in the 5 years this new screening policy has been in place. Given Austin's increasingly tight rental housing market and the ever-growing number of low-income residents living with a criminal record, it is critical that HACA follow HANO's path and take advantage of this opportunity to amend the HCV Program's screening criteria in ways that will open doors across the housing spectrum.

Beyond these overarching recommendations, the Roundtable offers the following specific recommendations for further changes to the HCV Program Administrative Plan:

1) When a member of a household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity or evicted from federally-assisted housing for other reasons in the past 3 years, HACA should exercise the discretion granted to it by HUD and permit admission to 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).

2) With respect to any of the proposed project-based properties (e.g., Pathways at Rosewood Court, Waterloo Terrace, etc), HACA should ensure that any additional tenant screening in no way imposes additional barriers or longer lookback periods than imposed by HACA's own criminal screening criteria.

Finally, the October 2021 Draft HCV Administrative Plan is missing Page 78. The Roundtable respectfully requests the opportunity to review this missing page and any proposed changes contained therein and to submit additional comments as warranted past the November 26, 2021 submission deadline.

We appreciate HACA's efforts to revise the HCV Program criminal background screening criteria and encourage HACA to eliminate any criteria that exceeds HUD mandates or, in the alternative, to adopt as originally drafted and in their entirety the standards affirmed by the local housing community, setting a precedent for other area housing providers in Austin and beyond.

Please feel free to contact me should you have any questions or need additional information.

Sincerely,

Don Tracy
Chair
exec@reentryroundtable.org

TEXAS CRIMINAL BACKGROUND **SCREENING GUIDE FOR** **RENTAL HOUSING PROVIDERS**

APRIL 2018



This document is a publication of the Austin/Travis County Reentry Roundtable, a collaborative committed to promoting safe and healthy communities through effective reentry and reintegration of formerly incarcerated persons and individuals with criminal histories. Learn more at reentryroundtable.net.

TEXAS CRIMINAL BACKGROUND SCREENING GUIDE FOR RENTAL HOUSING PROVIDERS¹

The Austin/Travis County Reentry Roundtable (“Roundtable”) envisions a community that values and supports equity for formerly incarcerated persons and individuals with criminal histories. The Roundtable’s mission is to be a robust collaborative promoting safe and healthy communities through effective reentry and reintegration of formerly incarcerated persons and individuals with criminal histories. Bringing partners and stakeholders together, the Roundtable develops plans to bring system change that ensures the safety and well-being of all.

In 2016, the Roundtable released *Locked Out: Addressing Criminal History Barriers to Affordable Rental Housing in Austin & Travis County, Texas*,² which reviewed recent fair housing and criminal record screening guidance from the U.S. Department of Housing and Urban Development (“HUD”) and assessed the screening policies of publicly funded affordable housing projects in Austin through this lens. The information was compiled to help the community better understand current criminal history barriers in accessing affordable rental housing and to inform new policies, strategies, and resources to reduce such barriers. Since its release, the Roundtable has worked to implement the report’s recommendations, including convening a working group of local stakeholders from local and state government, area housing authorities, housing providers, and organizations representing both tenants and landlords to find solutions to promote housing access for persons with criminal backgrounds (see Appendix 1 for a list of working group members and others consulted throughout the process). The working group partnered with The University of Texas School of Law’s Entrepreneurship and Community Development Clinic to develop a template that provides landlords and property managers with clear standards for criminal background screening policies. This Guide represents the outcome of that work.

Introduction

This Guide is designed to provide instruction to landlords and property managers (collectively “housing providers”) on how best to comply with fair housing law and guidelines when implementing criminal background screenings for housing applicants. This Guide focuses on compliance with the federal Fair Housing Act and recent HUD guidance on the use of criminal records.³

Housing providers are permitted to run criminal background screenings on applicants;⁴ housing providers have an obligation, however, to ensure that any admissions and occupancy requirements they impose comply with all applicable civil rights requirements. Thus, housing providers should wait to undertake criminal background screening of applicants until after all other screening procedures are completed, such as credit checks and landlord references. So, too, housing providers that ban applicants based on arrests, as opposed to convictions, will be in

violation of HUD's guidance⁵ and may be in violation of federal law.⁶ And housing providers that impose blanket prohibitions on housing applicants with any past convictions without further individualized review may also be in violation of federal law.⁷ Finally, housing providers should never consider any conviction that has been expunged (i.e., erased) when screening for criminal background.⁸

Disparate Treatment and Disparate Impact

Housing providers should institute written protocols that assure procedures and standards are applied consistently and that applicant decisions are based on accurate and pertinent information, because inconsistent application of standards or decisions can result in housing provider liability under federal civil rights laws.⁹ Housing providers who fail to implement admissions and occupancy policies that comply with the Fair Housing Act can be found liable under both a disparate treatment and a disparate impact standard.

An admissions or occupancy policy that uses criminal records as a pretext for intentional discrimination is a violation of the Fair Housing Act under a disparate treatment theory of liability.¹⁰ A disparate treatment claim is supported by evidence that the housing provider treated housing applicants differently based on a protected characteristic, including race, color, national origin, gender, familial status, disability, or religion. Disparate treatment claims can be proven by overt or direct evidence of discrimination or by indirect evidence, by establishing the following:¹¹ (i) the applicant is a member of a protected class; (ii) the applicant applied for housing; (iii) the housing provider rejected the applicant because of the applicant's criminal record; and (iv) the housing provider offered housing to a similarly-situated applicant not of the applicant's protected class, but with a comparable criminal record.

An admissions or occupancy policy that uses criminal records in a manner that causes an unjustified discriminatory effect on a protected class is a violation of the Fair Housing Act under

HB 1510: LANDLORD LIABILITY

HB 1510, which went into effect on January 1, 2016, and is codified at § 92.025 of the Texas Property Code, further encourages landlords to look beyond the mere fact of a criminal record when making leasing decisions.

Specifically, the legislation limits any perceived risk of "foreseeable" negligence liability that might arise if leasing property to an individual with a criminal record who later commits a criminal act at the property. Moreover, while not creating a new risk of liability, the statute also does not preclude the possibility if a landlord leases property to someone convicted of a Texas Code of Criminal Procedure Article 62.001 or Article 42A.054 offense.

Notwithstanding any new protection offered by HB 1510, landlords can always protect against possible legal liability by creating clear, written tenant screening policies and ensuring that all applicants are provided notice of those policies as required by § 92.3515 of the Texas Property Code.

a disparate impact theory of liability.¹² Disparate impact liability results when a rule that appears, on its face, to treat everyone equally, in fact has a disadvantageous effect on people with a protected characteristic. Discriminatory intent is not a requirement for disparate impact liability; as long as the policy or rule has a disproportionate adverse impact against an otherwise protected class of persons, a housing provider can be found liable.¹³ A disparate impact claim has a three-step shifting burden of proof that includes the following:¹⁴ (i) the applicant must prove there has been an adverse disparate impact from a policy towards a protected class, even if the policy appears neutral; (ii) the burden then shifts to the housing provider to prove the policy was necessary to achieve a substantial, legitimate, and nondiscriminatory interest; and (iii) the applicant can then show that the substantial, legitimate, and nondiscriminatory interest could have been served by a less discriminatory policy. Additionally, housing providers should not implement strict look-back periods without affording applicants an Individualized Further Review. A strict look-back period policy can subject a housing provider to a disparate impact claim because strict look-back periods can have the same practical effect as a discriminatory ban of finite duration.

Criminal Activity

In many cases, arrests do not result in criminal charges. In a recent study of the 75 largest counties in the United States, one-third of all felony arrests did not result in a conviction.¹⁵ The Supreme Court has recognized, “the mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct.”¹⁶ An arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual.¹⁷ A record of conviction, as opposed to an arrest, serves as sufficient evidence to prove that an individual engaged in criminal conduct.¹⁸ When considering a record of conviction, note that only charges for which a conviction actually was returned should be considered and not any other charges that may have been filed but did not result in conviction. Similarly, in Texas, deferred adjudication does not equate to a conviction. A deferred adjudication in Texas equates closely to a probationary period, where a judge postpones adjudication of guilt after the individual pleads guilty or nolo contendere. There is no formal conviction linked to a deferred adjudication and the housing provider should not consider deferred adjudication in the criminal background screening.¹⁹

A housing provider with a tailored policy or practice that excludes individuals with certain types of convictions must still prove that its policy is necessary to serve a substantial, legitimate, and nondiscriminatory interest.²⁰ The housing provider’s policy with regard to convictions must distinguish between criminal conduct that indicates a demonstrable risk to resident and property safety, and criminal conduct that does not.²¹ Moreover, providers must be mindful of the obligation to provide reasonable accommodation for certain applicants. For example, where a disqualifying criminal record may be directly linked to a covered disability, the housing provider may be legally obligated to provide an accommodation for the disability “by mitigating its effects (*i.e.*,

disregarding the conviction).”²² Mental illness and past drug abuse are two categories of qualifying disability that disproportionately impact individuals who have a history of criminal justice involvement and may require accommodation.²³

In creating a tenant screening policy and establishing any demonstrable risk attributable to a specific offense, a housing provider should be mindful of the often considerable length of time between an individual’s arrest and any resulting conviction. The more serious the alleged conduct, the more time typically required to complete any investigation and related legal proceedings. Moreover, following conviction, the individual may also serve a term of incarceration. The suggested look-back periods listed below take this additional time into account. Thus, for example, while a particular offense may trigger a 3-year look-back period calculated from the date of conviction, the conduct leading to the conviction may have occurred many years prior.

Reasonable Look-Back Periods as a First Line of Screening

Reasonable, specific look-back periods should be the first source of screening in determining whether a housing candidate with a criminal conviction may pose an unreasonable risk to other residents or to the property.²⁴ Housing providers should use reputable and consistent background screening companies. For most criminal activity, the focus of the criminal background screening is limited to activity that occurred during a “reasonable time” before the screening process takes place.²⁵ HUD expects that “reasonable time” be defined in the housing provider’s policy.²⁶ The reasonable time should be considered from the date of the conviction.

Where the suggested look-back period accounts for multiple offenses, for example, a 1-year look-back period for felony drug possession but only if two or more convictions are involved, the look-back period should be calculated from the date of the last conviction.

CALCULATING A LOOK-BACK PERIOD

Except for the two narrow categories of criminal conduct prohibited in federally funded housing, HUD has clarified that for all other past criminal activity, the focus of the inquiry is limited to activity that occurred during a “reasonable time” before the screening process takes place, and that the relevance of a criminal record diminishes with time.

It is recommended that look-back periods run from the date of conviction. Arrest records or other legal records not resulting in a conviction (such as deferred adjudication) should not be used.

If an applicant who has been released from incarceration has already met or exceeded the look-back period during his/her confinement, he/she should be considered to have met the look-back period.

Source: Tran-Leung, Marie Claire. [*When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing.*](#) Sargent Shriver National Center on Poverty Law, Feb. 2015.

If a housing applicant has a criminal conviction on his or her record and the date of the conviction falls outside of the enumerated look-back period, then the applicant should not be denied housing based on the criminal background screening. In no discretionary situation should the enumerated look-back period extend greater than seven (7) years.²⁷ Research indicates that at seven years past the offense date, the likelihood that a person with a prior criminal record will engage in future criminal conduct decreases to where it approximates the likelihood that a person with no criminal history will engage in criminal conduct.²⁸ However, different criminal convictions yield different likelihoods of recidivism. The following chart offers suggested look-back periods for different types of crimes based on best practices from other similar policies.²⁹

Suggested Look-Back Periods Based on Type of Crime and Conviction

Type	Crime	Type of Conviction	*Suggested Look-Back Period from Date of Conviction
Crimes Against Persons	Assault and Battery Offenses	Felonies	3 years
	Domestic Violence Offenses	Felonies	3 years
		Misdemeanors	3 years
	Use of a Firearm Against a Person Offenses	Felonies	4 years
	Armed Robbery Offenses	Felonies	4 years
	Robbery Offenses (no weapon involved)	Felonies	3 years
	Intentional Homicide Offenses	Felonies	4 years
	Manslaughter Offenses	Felonies	4 years
	Kidnapping and Abduction Offenses	Felonies	4 years
	Forcible Sex Offenses ³⁰	Felonies	4 years
Crimes Against Property	Non-Forcible Sex Offenses ³¹	Felonies	3 years
	Stalking Offenses	Felonies	3 years
	Arson-Related Offenses	Felonies	4 years
	Burglary/Breaking and Entering-Related Offenses	Felonies	3 years
	Theft, Stolen Property, Fraud-Related Offenses	Felonies	3 years (only if 2+ felonies)
Crimes Against Society	Destruction/Damage/Vandalism of Property Offenses	Felonies	3 years (only if 2+ felonies)
	Drug Possession Offenses	Felonies	1 year (only if 2+ felonies)
	Drug Manufacture, Distribution, or Possession with Intent to Distribute Offenses	Felonies	3 years
	Driving Under the Influence-Related Offenses	Felonies	1 year (only if 2+ convictions)
	Driving While Intoxicated-Related Offenses	Felonies	1 year (only if 2+ convictions)

The criminal background screening template utilizes a screening criteria grid linking the type of crime to a specified look-back period in order to determine whether an applicant's application should be accepted or, alternatively, subject to Individualized Further Review. If the applicant falls outside of the specified look-back period, then no Individualized Further Review is necessary and the applicant passes the criminal background screening for that specific category of offense. For example, if the relevant look-back period is four years and the date of the conviction is six years ago, then no Individualized Further Review is needed and the applicant passes the criminal background screening. On the other hand, if the relevant look-back period is four years and the date of the conviction was only three years from the date of the criminal background screening, then an Individualized Further Review is necessary.

Individualized Further Review ³²

A housing provider 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.³³ A policy or practice that fails to take into account the nature and severity of the crime for which the applicant was convicted is unlikely to satisfy the second, legitimate, non-discriminatory justification prong under the Fair Housing Act's discriminatory impact test.³⁴

Individualized Further Review should only occur if the date of the conviction falls within the enumerated look-back period. The purpose of the Individualized Further Review is to limit a housing provider's exposure to a disparate impact claim. Thus, the Individualized Further Review does not serve to comprehend every applicant's entire background and situation, but it does serve to identify reasonable factors that qualify an applicant as someone who is not a demonstrable risk to resident and property safety. The factors³⁵ a housing provider considers in an Individualized

INDIVIDUALIZED FURTHER REVIEW: HOW & WHEN?

HUD's guidance suggests that Individualized Further Reviews may reduce the discriminatory disparate impact that comes with using broad blanket bans. Individualized Further Reviews should consider the following factors:

- age at time of offense,
- how long since offense was committed,
- community ties and support,
- references and supporting recommendations,
- rehabilitation efforts,
- further explanation of the offense, and
- requests for reasonable accommodation.

Individualized Further Reviews are subjective in nature and vulnerable to allegations of profiling or other improper considerations, it is therefore recommended that all screening policies and procedures be clear, written, and standardized.

Where an applicant presents with a criminal history that involves circumstances not considered by the policy, this Guide recommends performing an Individualized Further Review before making any decision to reject the application.

For any applicant listed on the Texas Sex Offender Registry, the individual should be granted an Individualized Further Review, regardless of the recommended look-back period.

Further Review should include: the applicant's age at time of offense, how long since the offense was committed, community ties and support, references and other supporting recommendations, rehabilitation efforts, further explanation of the offense, and requests for accommodation. The Individualized Further Review process should be set forth in specific, written detail. Examples of relevant supporting documentation include counseling records, probation and parole records, employment documentation, school and technical training records, documents evidencing work with social and nonprofit organizations, police reports, probable cause documents, charging documents, and letters from a criminal defense attorney.

The housing provider manager or owner should conduct the Individualized Further Review in a confidential setting. Additionally, the housing provider should keep the information shared by the applicant confidential. A good Individualized Further Review policy requires the housing provider to consider whether there were multiple convictions that stemmed from the same incident, or whether the multiple convictions stemmed from multiple incidences.

Notice to Applicants

The Texas Property Code requires that "at the time an applicant is provided with a rental application, the landlord shall make available to the applicant printed notice of the landlord's tenant selection criteria and the grounds for which the rental application may be denied."³⁶ It is recommended that housing providers also post their criminal background screening policy on a property's website to better facilitate the housing search process for potential applicants.

For an application denial based on criminal background, the applicant should be notified by standard notification letter and provided information identifying the specific conviction(s) forming the basis of the denial (i.e., cause number, conviction date, etc.). The letter should also include contact information for the screening company that performed the criminal record background check so the applicant can follow up to correct any possible inaccuracies in the record.

Conclusion

A housing provider that imposes a blanket prohibition on any person with any conviction record, no matter when the offense occurred, will be unable to prove that such a policy is necessary to achieve a substantial, legitimate, nondiscriminatory interest.³⁷

A housing provider with a more tailored policy or practice that excludes individuals with certain types of convictions must still prove that its policy is necessary to serve a substantial, legitimate, nondiscriminatory interest by accurately distinguishing between a demonstrable risk to resident safety and/or property.³⁸

Appendix 1: Acknowledgements

The Austin/Travis County Reentry Roundtable thanks the members of its Criminal Background Work Group for their leadership and vision to move this project forward:

- Paul Cauduro, Director of Government Relations, Austin Apartment Association
- Helen Gaebler, Senior Research Attorney, The University of Texas School of Law
- (Roundtable Co-Chair)
- Juliana Gonzales, Executive Director, Austin Tenant's Council
- Annette Price, Senior Roundtable Advocacy Fellow
- Bree Williams, Director of Community Housing, Ending Community Homelessness Coalition (Roundtable Planning Council Member and Housing Chair)

The Roundtable also thanks the members of the Stakeholder Advisory Group, for their guidance:

- Brooke Boston and Suzanne Hemphill, Texas Department of Housing and Community Affairs
- Kelly Crawford and Elvira Lathrop, Housing Authority of the City of Austin
- Patrick Howard and Naomi Ortiz-Tejero, Housing Authority of Travis County
- Cathy McLaugherty, Travis County Justice Planning
- Christy Moffett, Travis County Health and Human Services
- Ellis Morgan and David Potter, City of Austin Neighborhood Housing and Community Development Office
- Abby Tatkov, Ending Community Homelessness Coalition
- Cacki Young, Foundation Communities

Finally, the Roundtable acknowledges the following individuals and organizations for their significant contributions to this project:

- The Austin Apartment Association and its members for feedback on the draft guide.
- Keith Gibbons, Southeast Regional Account Executive at CoreLogic, for allowing the CoreLogic Safe Rent CrimSafe™ criteria to be utilized as an initial template.
- Marissa Latta, Texas Law '18, for her research on sex offense registries.
- Kelly Nichols, Woollard Nichols & Assoc., for project management and editing support.
- Professor Eliza Platts-Mills and law students Catherine Ellis, Texas Law '18, and Ryan Yergensen, Texas Law '18, The University of Texas School of Law's Entrepreneurship and Community Development Clinic, for the initial drafting of the guide and template.

Appendix 2: Sex Offender Registrants & Recidivism

Texas first established a sex offender registry in 1991, with the express purpose of “alerting law enforcement to the presence of sex offenders.”³⁹ The law was limited in scope, applying only to a few offenses: indecency with a child, sexual assault, aggravated sexual assault, and incest. Moreover, only law enforcement officials could access registry information. Upon release from probation or parole, the registration terminated and registrants could seek an exemption from the duty to register.

Since 1991, Texas’ sex offender registration program has expanded considerably and today applies to any individual with a “reportable conviction or adjudication” after September 1, 1970. The impact from this ever-widening dragnet has been dramatic both in terms of numbers and consequences. By 2011, Texas had just over 64,000 registrants. Six years later, the number of registrants in Texas had risen by more than one-third to approximately 90,000. Nationally, an estimated 800,000 individuals are now listed on federal or state registries.

The fear of recidivism and risk to public safety is the primary justification for the severe limits imposed on registrants with regard to accessing housing and employment opportunities. But recidivism is a largely misunderstood concept and, especially in the case of sex offense registrants, significantly overstates the risk to public safety. In 2003, Justice Kennedy, writing in *Smith v. Doe*, 538 U.S. 84, stated that sex offender recidivism rates were “frightening and high...as high as 80 percent.” While this language has been widely cited in the intervening 15 years, adding to the public’s misperception of risk associated with this population, the available evidence shows a recidivism rate that is, in fact, much lower than for most other types of criminal conduct. Indeed, study after study has shown that recidivism rates for sex offense registrants hovers around 3.5% after three years, which is the typical length of time used for evaluating recidivism rates. Moreover, if one were to consider recidivism rates only for those registrants who are rearrested for a new sex offense (versus a technical violation of probation or for a new offense that is not a sex offense), that recidivism rate drops even lower.⁴⁰

For anyone whose offense(s) require registration, the reentry barriers are far more severe and long lasting than for other individuals living with a criminal record. This is true regardless of the nature of the offense. In Texas, as in many jurisdictions, sex offender registries fail to distinguish between conduct that may be more or less serious in terms of risks to public safety. Thus, for example, the same lifetime restrictions might apply to a conviction for sexting, indecent exposure for urinating in public, possessing child pornography, or ongoing sexual abuse of a child. The registry operates with a blunt force that does nothing to take into account the unique circumstances of an individual’s offense, background, prior history, or recidivism risk.

It is for these reasons that the Guide recommends that any applicant listed on a sex offender registry be provided an automatic individualized review. To do otherwise is to ignore the limited recidivism risk posed by the overwhelming majority of these individuals.

NOTES

¹ This Guide is not a comprehensive description of every legal and business issue that can arise under fair housing and other civil rights laws. All law, including regulatory guidance, is subject to change and, as a result, these materials are not designed to substitute for the advice of an attorney.

² *Locked Out* available at http://www.reentryroundtable.net/wp-content/uploads/2013/10/Criminal-Background-White-Paper.final_.pdf.

³ The federal Fair Housing Act is at 42 U.S.C. § 3601, et seq. For a discussion of recent HUD guidance, see *Locked Out*, *supra* note 2, at 7. See also *Fair Housing and Reentry*, National Housing Law Project, <https://www.nhlp.org/initiatives/fair-housing-housing-for-people-with-disabilities/fair-housing-and-reentry/>.

⁴ See U.S. DEP'T OF HOUS. AND URBAN DEV., Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016) at 1, https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF.

⁵ See U.S. DEP'T OF HOUS. AND URBAN DEV., Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions (Nov. 2, 2015) (clarifying that arrest records may not be the basis for denying admissions), <https://www.hud.gov/sites/documents/PIH2015-19.PDF>.

⁶ *Use of Criminal Records*, *supra* note 4, at 5 (stating that a housing provider that excludes applicants based on prior arrests cannot satisfy its burden of showing the policy is necessary to achieve a substantial, legitimate, and nondiscriminatory interest under the disparate effects test).

⁷ *Id.* at 8. See also *Fortune Society, Inc. v. Sandcastle Towers Housing Dev. Fund Corp. et al.*, No. 14 Civ. 6410 (E.D.N.Y. Oct. 18, 2016).

⁸ Federal guidelines exclude expunctions when computing criminal history. U.S. Sentencing Comm., Guidelines Manual, § 4a1.2 (Nov. 2016).

⁹ *Allen v. Muriello*, 217 F.3d 517 (7th Cir. 2000) (African American applicant given less opportunity to contest a record of erroneous criminal activity than two similarly situated white applicants established a prima facie case of discrimination under the Fair Housing Act.).

¹⁰ 42 U.S.C. § 3604. See also *Muriello*, 217 F.3d 517 (7th Cir. 2000).

¹¹ *Use of Criminal Records*, *supra* note 4, at 8.

¹² 42 U.S.C. § 3604. See also *Texas Dept. of Housing and Comm. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507, 2549 (2015).

¹³ 24 U.S.C. § 100.500. See also *Use of Criminal Records*, *supra* note 4, at 5.

¹⁴ Robert G. Schwemm, Calvin Bradford, *Proving Disparate Impact in Fair Housing Cases After Inclusive Communities*, 19 N.Y.U. J. Legis. & Pub. Pol'y 685, 689 (2016). See also U.S. DEP'T OF HOUS. AND URBAN DEV., Implementation of the Fair Housing Act's Discriminatory Effects Standard (Feb. 15, 2013) at 2, <https://www.hud.gov/sites/documents/DISCRIMINATORYEFFECTRULE.PDF>.

¹⁵ Brian A. Reaves, Bureau of Justice Statistics, U.S. DEP'T OF JUSTICE, *Felony Defendants in Large Urban Counties*, 2009, at 24, Table 21 (2013), <https://www.bjs.gov/content/pub/pdf/fdluc09.pdf>.

¹⁶ *Schware v. Bd of Bar Examiners*, 353 U.S. 232, 241 (1957). See also *U.S. v. Berry*, 553 F.3d 273, 282 (3rd Cir. 2009); *U.S. v. Zapete-Garcia*, 447 F.3d 57, 60 (1st Cir. 2006).

¹⁷ *Use of Criminal Records*, *supra* note 4, at 5.

¹⁸ *Id.* at 6.

¹⁹ See Tex. Code of Crim. Proc. Art. 42A.101.

²⁰ 24 C.F.R. § 100.500.

²¹ *Use of Criminal Records*, *supra* note 4, at 6.

²² *Simmons v. T.M. Associates Management, Inc.*, No. 3:17-CV-00066 (W.D. Va. Feb. 14, 2018). The *Simmons* court denied motion to dismiss on the ground that plaintiff, who was arrested and convicted for conduct occurring as a direct result of mental illness, stated a claim under the Fair Housing Act based on housing provider's refusal to overlook the disability-related conviction during the background screening process.

²³ This Guide is narrowly focused on applications for admission to housing, but much of the information contained in the Guide applies equally to eviction or lease termination decisions that are based on criminal activity.

²⁴ See *Green v. Missouri Pacific R.R.*, 523 F.2d 1290, 1298 (8th Cir. 1975).

²⁵ Marie Claire Tran-Leung, *When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing*, Sargent Shriver National Center on Poverty Law (Feb. 2015) at 11, <http://povertylaw.org/wdmd>.

²⁶ *Id.* at 14.

²⁷ Megan C. Kurlychek et al., *Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?*, 5 Criminology and Pub. Pol'y 483 (2006).

²⁸ *Id.*

²⁹ See Criminal Background Screening Procedures, Housing Authority of New Orleans (HANO) (March 29, 2016), http://www.hano.org/home/agency_plans/2016%20CRIMINAL%20BACKGROUND%20PROCEDURES%20-%20FINAL.pdf.

³⁰ See Appendix 2 for more detailed information.

³¹ *Id.*

³² See generally Ensuring Fair Housing for People with Criminal Records: A Conversation with HUD, 34:30, <http://povertylaw.org/clearinghouse/webcast/HUDfairhousing> (discussing categorical versus specific circumstances, including age at time of offense and age now).

³³ *Use of Criminal Records*, *supra* note 4, at 6.

³⁴ 24 C.F.R. § 100.500.

³⁵ Richard A. Webster, *HANO approves new criminal background check policy*, The Times Picayune,

http://www.nola.com/politics/index.ssf/2016/03/hano_approves_new_criminal_bac.html. See also *Criminal Background Screening Procedures*, *supra* note 29.

³⁶ Texas Property Code § 92.3515 (Notice of Eligibility Requirements), law.onecle.com/texas/property/92.3515.html.

³⁷ *Supra* note 4, at 6. See also, *Green*, 523 F.2d at 1298; *Fortune Society*, No. 14 Civ. 6410 (E.D.N.Y. Oct. 18, 2016).

³⁸ *Supra* note 4, at 6.

³⁹ Texas House of Representatives Select Interim Committee on Sex Offender Statutes, 79th Legislature, 2004 Interim Report,

http://www.house.state.tx.us/media/pdf/committees/reports/78interim/sex_offender.pdf.

⁴⁰ See generally, Roger Przybylski, *Recidivism of Adult Sexual Offenders*, U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (July 2015) (citing studies); Jill S. Levenson et al., *Public Perceptions About Sex Offenders and Community Protection Policies*, Analyses of Social Issues and Public Policy, Vol. 7, No. 1, pp. 1-25 (2007) (citing studies and finding, among other things, that "[a]lthough it is believed that sex offenders have the highest recidivism rates ... they are

among the least likely ... to be rearrested for new crimes.”). Consistent with these studies, the Texas Department of Public Safety has concluded that more than 90 percent of all Texas registrants are not considered to be at high risk for re-offending. *See* Eric Dexheimer, *Program to corral ballooning sex offender registry failing*, Austin American-Statesman (July 15, 2016), <https://www.mystatesman.com/news/state--regional/program-corral-ballooning-sex-offender-registry-failing/z4ltoUh7g2A8KSxI64vv5I/>.

(HOUSING PROVIDER LOGO)

Housing Applicant Criminal Background Screening Template

(Effective DATE)

The following Criminal Background Screening will be applied when screening applicants for residency:

.....

- 1) Only criminal convictions (not arrests) will be considered in the criminal background screening process.
- 2) Look-back periods run from the date of conviction. Screening for any particular category of offense extends, therefore, only for as long as the number of years from the date of conviction specified below:

Type	Crime	Type of Conviction	Look-Back Period
Crimes Against Persons	Assault and Battery Offenses	Felonies	
	Domestic Violence Offenses	Felonies	
		Misdemeanors	
	Use of a Firearm Against a Person Offenses	Felonies	
	Armed Robbery Offenses	Felonies	
	Robbery Offenses (no weapon involved)	Felonies	
	Intentional Homicide Offenses	Felonies	
	Manslaughter Offenses	Felonies	
	Kidnapping and Abduction Offenses	Felonies	
	Forcible Sex Offenses*	Felonies	
	Non-Forcible Sex Offenses*	Felonies	
Crimes Against Property	Stalking Offenses	Felonies	
	Arson-Related Offenses	Felonies	
	Burglary/Breaking and Entering-Related Offenses	Felonies	
	Theft, Stolen Property, Fraud-Related Offenses	Felonies	
Crimes Against Society	Destruction/Damage/Vandalism of Property Offenses	Felonies	
	Drug Possession Offenses	Felonies	
	Drug Manufacture, Distribution, or Possession with Intent to Distribute Offenses	Felonies	
	Driving Under the Influence-Related Offenses	Felonies	
	Driving While Intoxicated-Related Offenses	Felonies	

3) Applicants are provided an opportunity for Individualized Further Review if the conviction date is within the above-enumerated look-back period. During the Individualized Further Review, we will take into account:

- applicant's age at time of offense,
- how long since the offense was committed,
- community ties and support,
- references and other supporting recommendations,
- rehabilitation efforts,
- further explanation of the offense, and
- requests for reasonable accommodation.

*4) If an applicant is listed on the Texas Sex Offender Registry, an opportunity for Individualized Further Review shall be provided, regardless of the above-enumerated look-back period.

Signing this acknowledgement indicates that you have had the opportunity to review the above Criminal Background Screening. If you do not meet the criteria set forth, or if you provide inaccurate or incomplete information, your application will be rejected. Signing this acknowledgement authorizes us to run a Criminal Background Screening check as part of your rental application.

X _____ Date: _____

Glossary

- **Arrest:** when a person's liberty of movement is restricted or restrained by a government official.¹ An arrest is only a detainment and not proof of criminal conduct.
- **Charge:** formal accusation made by a governmental authority asserting that a person has committed a crime.²
- **Conviction:** formal judgment that a person is guilty of committing a crime.³
- **Deferred Adjudication:** proceeding that is postponed (i.e., deferred) without entering an adjudication of guilt.⁴
- **Detention:** act or instance of holding a person in custody; confinement or compulsory delay.⁵
- **Disposition:** final settlement of a matter with reference to decisions announced by a court or a judge's ruling.⁶
- **Expunction:** formal removal of a conviction or arrest from a person's record.⁷ Apart from a few limited exceptions, Texas law does not allow for expunction of any convictions.
- **Felony:** an offense so designated by law, or punishable by death or confinement in a penitentiary for at least 2 years, with the exception of state jail felonies which carry a period of confinement in state jail from 6 months up to 2 years.⁸
- **Misdemeanor:** an offense designated by law or punishment by a fine up to \$4,000, confinement in county jail for up to 1 year, or both, depending on the class of misdemeanor.⁹
- **Nolo Contendere:** translates from Latin as, "I do not wish to contend." In practice, nolo contendere is when a defendant accepts a conviction as part of a plea bargain, but does not admit guilt to the offense.¹⁰
- **Parole:** conditional release of an offender from imprisonment before the full sentence has been served.¹¹
- **Probation:** release of an offender from detention, subject to a period of good behavior under supervision.¹²

¹ Tex. Code Crim. Proc. Art. 15.22. *See also Texas Dept. of Pub. Safety v. Latimer*, 939 S.W.2d 240, 244 (Tex. App.--Austin 1997); *Nottingham v. State*, 908 S.W.2d 585, 588 (Tex. App.--Austin 1995); *McCraw v. State*, 117 S.W.3d 47, 52 (Tex. App.--Fort Worth 2003).

² Tex. Code Crim. Proc. Art. 1.05. *See also CHARGE*, Black's Law Dictionary (10th ed. 2014); *U.S. v. Patterson*, 150 U.S. 65, 68, 14 S. Ct. 20, 21 (1893).

³ CONVICTION, Black's Law Dictionary (10th ed. 2014).

⁴ Tex. Code Crim. Proc. Art. 42A.101. *See also Labib v. State*, 239 S.W.3d 322, 330 (Tex. App. 2007).

⁵ DETENTION, Black's Law Dictionary (10th ed. 2014).

⁶ DISPOSITION, Black's Law Dictionary (10th ed. 2014).

⁷ EXPUNGEMENT OF RECORD, Black's Law Dictionary (10th ed. 2014).

⁸ Tex. Penal Code § 12.04; Tex. Code Crim. Proc. Art. 42A.555. *See also FELONY*, Black's Law Dictionary (10th ed. 2014).

⁹ Tex. Penal Code § 12.03. *See also MISDEMEANOR*, Black's Law Dictionary (10th ed. 2014).

¹⁰ NOLO CONTENDERE, Black's Law Dictionary (10th ed. 2014).

¹¹ PAROLE, Black's Law Dictionary (10th ed. 2014).

¹² PROBATION, Black's Law Dictionary (10th ed. 2014).

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02733

QUALITY CONTROL

ITEM NO. 3.

MEETING DATE: December 16, 2021

STAFF CONTACT: Kelly Crawford, Director of Compliance Oversight

ITEM TITLE: Presentation, Discussion and Possible Action Regarding Resolution No. 02733: Approval to Submit the 2022 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 2022 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 2022 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 22, 2021 and ended Monday, December 6, 2021.

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. PHAs who administer Housing Choice Voucher programs, without public housing units, such as HACA, utilize Form HUD-50075-HCV to submit annual changes to its PHA Plans.

The Draft 2022 PHA Plan incorporates proposed changes from the Housing Choice Voucher Administrative Plan along with updates regarding the agency's Five-Year Goals and Objectives. Due to HACA's conversion from public housing to Project-Based Rental Assistance (PBRA) through RAD, there are no longer any public housing facilities to include in the Annual Plan.

The following are the areas for proposed changes to the HCV Administrative Plan: EIV (Enterprise Income Verification), Criminal Screening Criteria, Transfer from PBRA properties with debt owed, Foster Youth to Independence program and revisions to Mainstream program, Briefings and Voucher Issuance,

Documentation and Verification of identity, Housing Quality Standards Inspection, Payment Standards, Informal Reviews and Hearings, and Project-based vouchers. Detail on these areas is located in the Housing Choice Voucher Administrative Plan.

Process:

A 45-day public comment period commencing on October 22, 2021 and concluding on December 6, 2021 was held to solicit public comments regarding the 2022 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 advertised in the Austin American Statesman, The Villager, El Mundo and La Prensa. A full copy of the draft 2022 Public Housing Authority Annual Plan was set to the Austin Tenants' Council, the City of Austin Housing and Planning Department, ECHO, and Texas Rio Grande Legal Aid, along with other interested stakeholders. Additionally, a public hearing was held on November 9, 2021.

HACA received written comments to the Housing Choice Voucher Administrative Plan, reflected in the PHA Annual Plan, from the Austin/Travis County Reentry Roundtable regarding the use of criminal records as a barrier to entry into the Housing Choice Voucher program. All comments were reviewed and considered.

Staff Recommendation:

Staff is asking the Board of Commissioners to approve, adopt and submit the 2022 Public Housing Authority Annual Plan and Update to the Five-Year Plan to the U.S. Department of Housing and Urban Development.

ATTACHMENTS:

- ▣ **Draft 2022 PHA Annual Plan**

RESOLUTION NO. 02733

Approval to Submit the 2022 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 2020-2024 Five-Year Plan and completed the 2022 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 a public hearing;

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 December 6, 2021;

WHEREAS, HACA received written comments from the Austin/Travis County Reentry Roundtable. All comments were reviewed and considered.

WHEREAS, HACA has completed the requirements to submit the 2022 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 2022 PHA Agency Plan and the Five-Year Plan effective December 16, 2021.

PASSED, APPROVED AND ADOPTED this 16th day of December 2021.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

Housing Authority of the City of Austin

DRAFT 2022 PUBLIC HOUSING AUTHORITY ANNUAL PLAN



A 45-Day Public Comment Period for the draft 2022 PHA Annual Plan and updates to the 2020-2024 Five-year Plan commenced on Friday, October 22, 2021 and concluded on Monday, December 6, 2021. A Public Hearing was held November 9, 2021 at 12:00PM to receive public input for the draft 2022 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 16, 2021 Board of Commissioners meeting.

Streamlined Annual PHA Plan (HCV Only PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, including changes to these policies, 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. The Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

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 the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 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 exceed 550, and that was designated as a standard performer in the most recent PHAS and 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 Plan for Fiscal Year Beginning: (MM/YYYY): <u>04/2022</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Housing Choice Vouchers (HCVs) <u>6,151 HCV and 438 Mainstream Vouchers. Total combined 6,589</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. </p> <p> Availability of Information. A 45-Day Public Comment Period for the draft 2022 PHA Annual Plan and updates to the 2020-2024 Five-Year Plan will commence on Friday, October 22, 2021 and conclude on Monday, December 6, 2021. A Public Hearing will be held on Tuesday, November 9, 2021 at 12:00PM to receive public input for the draft 2022 Annual Plan. The final draft will be presented to the HACA Board of Commissioners for approval at the December 16, 2021 Board of Commissioners meeting. </p> <p> Copies of the 2022 Annual Plan draft 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 Plan and complete table below) </p> <table border="1"> <thead> <tr> <th>Participating PHAs</th> <th>PHA Code</th> <th>Program(s) in the Consortia</th> <th>Program(s) not in the Consortia</th> <th>No. of Units in Each Program</th> </tr> </thead> <tbody> <tr> <td>Lead HA:</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></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><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	Lead HA:	N/A	N/A	N/A	N/A																									
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Lead HA:	N/A	N/A	N/A	N/A																																				
B.	Plan Elements.																																							

B.1 Revision of Existing PHA Plan Elements.
a) Have the following PHA Plan elements been revised by the PHA since its last Annual 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.
- ☒ ☐ Operation and Management.
- ☒ ☐ Informal Review and Hearing Procedures.
- ☐ ☒ Homeownership Programs.
- ☐ ☒ Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.
- ☐ ☒ Substantial Deviation.
- ☐ ☒ Significant Amendment/Modification.

(b) If the PHA answered yes for any element, describe the revisions for each element(s):

Statement of Housing Needs and Strategy for Addressing Housing Needs

- Project-based vouchers** – Revised language to allow flexibility to project-base up to an additional 10% of HACA’s authorized housing choice voucher units in accordance with HUD regulations and requirements.
- Revised PBV policy** to state that HACA will consider adding units to the PBV contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps.
- Added new Project-based voucher selection criteria for the following developments:** Pathways at Rosewood Courts; Waterloo Terrace; Capital Studios; Texas Bungalows; Espero at Rutland.

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

- Criminal Screening Criteria** – HACA has revised the criminal screening policy for the following reasons:
 - To allow broader access to those experiencing homelessness referred through coordinated entry for HACA’s homeless preference and for project-based vouchers;
 - To align with local strategies for ending homelessness;
 - To advance racial equity; and
 - In response to HUD’s Secretary Marica Fudge’s June 23, 2021 letter urging PHAs to reduce barriers to housing based on a person’s criminal history.
- Foster Youth to Independence program and revisions to Mainstream program** – Added Foster Youth to Independence preference and referral process and revised the policy so all Mainstream vouchers are referred through Ending Community Homelessness Coalition (ECHO), Integral Care or Austin Resource for Independent Living (ARCIL)
- Enterprise Income Verification** – Language added to comply with requirement that each adult household member sign a HUD-52675 as well as requiring PHAs to search for debts owed to PHAs to search for debts owed to PHAs to determine if a denial of assistance is warranted.
- Transfer from PBRA properties with Debt Owed** – Revised the policy regarding applicants transferring from HACA’s Project Based Rental Assistance programs when they owe a debt or are under eviction status that may warrant denial of assistance.
- Documentation and Verification of Identity** – Added identification card with picture as acceptable document for verifying a child’s legal identity and added government-issued photo ID, DD-214 form, or other document from a government entity that displays the family member’s name and date of birth as an acceptable document to verify age.
- Verification of citizenship or eligible immigration status** – HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors. The HACA may request verification of the U.S. citizenship or eligible immigration status. HACA revised the policy to not require the verification of the declaration of family members who claim to be U.S. citizens or nationals. Note, all individuals need to provide documents to verify their legal identity as described in 7.II.A of the HCV Administrative Plan.

Financial Resources:

Calendar Year 2021 Funding	HAP	Admin Fees	Preliminary Fees	Service Fees	Total
Housing Choice Voucher Program	\$ 64,093,560.00	\$ 4,659,695.00			\$ 68,753,255.00
Mainstream Voucher	\$ 2,299,562.00	\$ 153,220.00			\$ 2,452,782.00
Emergency Housing Vouchers	\$ 1,385,352.00	\$ 127,674.00	\$ 96,800.00	\$ 847,000.00	\$ 2,456,826.00
Single Room Occupancy	\$ 289,200.00	\$ 51,572.00			\$ 340,772.00
Continuum of Care Grant	\$ 704,760.00	\$ 60,726.00			\$ 765,486.00
FSS Grant		\$ 293,577.00			\$ 293,577.00
Total	\$ 68,772,434.00	\$ 5,346,464.00	\$ 96,800.00	\$ 847,000.00	\$ 75,062,698.00
Calendar Year 2022 Projected Estimate	HAP	Admin Fees	Preliminary Fees	Service Fees	Total
Housing Choice Voucher Program	\$ 65,873,321.00	\$ 4,834,196.00			\$ 70,707,517.00
Mainstream Voucher	\$ 3,823,094.00	\$ 391,218.00			\$ 4,214,312.00
Emergency Housing Vouchers	\$ 2,770,704.00	\$ 255,348.00			\$ 3,026,052.00
Single Room Occupancy	\$ 289,200.00	\$ 51,572.00			\$ 340,772.00
Continuum of Care Grant	\$ 704,760.00	\$ 60,726.00			\$ 765,486.00
FSS Grant		\$ 293,577.00			\$ 293,577.00
Total	\$ 73,461,079.00	\$ 5,886,637.00	\$	\$	\$ 79,347,716.00

	<p>Operation and Management: A high-performing public housing authority that assists more than 20,000 Austin residents daily, HACA is the largest provider of affordable housing for extremely low-income families, persons with disabilities and seniors in the Austin area. HACA manages a Housing Choice Voucher program that provides rental vouchers for more than 6,000 units of housing in Austin's private rental market. Housing Choice vouchers provided through HACA's regular voucher program and a variety of programs for special populations including homeless individuals and families, disabled individuals, veterans, and emancipating foster youth. HACA also implements a number of family self-sufficiency, workforce and youth educational success programs to help move families toward self-sufficiency and break the cycle of poverty.</p> <p>The following outlines HACA's Housing Choice Voucher Program allocation:</p> <p>6,162 Housing Choice Vouchers – Specific programs outlined below:</p> <ul style="list-style-type: none"> • 5,319 Regular Housing Choice Vouchers (all other vouchers) • 706 Veterans Affairs Supportive Housing (VASH) Vouchers • 85 Family Unification Vouchers • 36 Non-elderly disabled Vouchers • 8 Tenant Protection Vouchers • 8 DHAP to HCV Vouchers <p>438 Mainstream Vouchers 242 Emergency Housing Vouchers (new for 2021) 75 Foster Youth to Independence Vouchers (new for 2021) 50 Moderate Rehab Room Occupancy (SRO) 53 HUD Continuum of Care 250 Family Self-sufficiency participants</p> <p>Informal Review and Hearing Procedures: Revised policy regarding remote informal review and hearing procedures including accessibility requirements and notification policies outlined in PIH Notice 2020-32.</p>
B.2	New Activities. – Not Applicable
B.3	<p>Progress Report.</p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p> <ol style="list-style-type: none"> We are committed to Affordable Housing: We continue to revitalize our assets, seek additional rental assistance vouchers, and advance innovative affordable housing solutions. Through our subsidiary, Austin Affordable Housing Corporation (AAHC), additional properties that are either developed and/or acquired accept voucher holders, providing greater choice within our service area. AAHC also offers homeownership programs through our Down Payment Assistance Program. We are committed to Resident Self Sufficiency and Quality of Life: We promote individual responsibility and high expectations, and foster results-based community partnerships and programs focused on workforce development, wellness, safety and education. Scholarships are provided to eligible students to assist with the cost of higher education and to improve self-sufficiency. We are committed to Exceptional Service: We ensure a resident/participant, partner and customer focused environment where all are treated with dignity and respect. We are committed to Employee Engagement: We invest in our staff, ensure accountability and effective communication, and promote an innovative, healthy and safe work environment, with training and leadership development opportunities. We are committed to Corporate and Environmental Sustainability: We pursue new funding sources and entrepreneurial opportunities, ensure stewardship, maximize efficiency and promote environmentally friendly initiatives. HACA, through our subsidiaries Southwest Housing Compliance Corporation and Austin Affordable Housing Corporation, works to increase sustainable cash flows to further this goal. We are committed to Equal Opportunity for Housing: We create an effective administration process to resolve complaints of poor customer service, discrimination and improve public relations.
B.4	Capital Improvements. – Not Applicable

B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>				
<p>C. Other Document and/or Certification Requirements.</p>					
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) 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.2	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <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>				
C.3	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>				
C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>				
<p>D. Affirmatively Furthering Fair Housing (AFFH).</p>					
D.1	<p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <table border="1" data-bbox="121 1430 1390 1927"> <tr> <td data-bbox="121 1430 1390 1507"> <p>Fair Housing Goal: Explore the feasibility to create a regional resource network for downpayment assistance programs that are affirmatively marketed to under-represented homeowners.</p> </td></tr> <tr> <td data-bbox="121 1507 1390 1688"> <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>HACA, as one of the 10 regional partners, participated in the Central Texas Regional Housing Working group on a Regional Fair Housing Plan. HACA aligns with the City of Austin to address impediments where able/applicable. For this fair housing goal, 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> </td></tr> <tr> <td data-bbox="121 1688 1390 1745"> <p>Fair Housing Goal: Implement Displacement Mitigation Strategies that are related to Disproportionate Housing Needs.</p> </td></tr> <tr> <td data-bbox="121 1745 1390 1927"> <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>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 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.</p> </td></tr> </table>	<p>Fair Housing Goal: Explore the feasibility to create a regional resource network for downpayment assistance programs that are affirmatively marketed to under-represented homeowners.</p>	<p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>HACA, as one of the 10 regional partners, participated in the Central Texas Regional Housing Working group on a Regional Fair Housing Plan. HACA aligns with the City of Austin to address impediments where able/applicable. For this fair housing goal, 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>Fair Housing Goal: Implement Displacement Mitigation Strategies that are related to Disproportionate Housing Needs.</p>	<p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>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 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.</p>
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Fair Housing Goal: Encourage developers and landlords who benefit from public funding and development incentives to adopt reasonable policies on tenant criminal history and not discriminate based on source of income.

Describe fair housing strategies and actions to achieve the goal

HACA will continue to educate prospective landlords in the Housing Choice Voucher programs regarding the benefit of participating in providing housing to our voucher holders. 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.

Additionally, our subsidiary, AAHC's properties accept voucher holders at all 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.

Instructions for Preparation of Form HUD-50075-HCV

Annual PHA Plan for HCV-Only PHAs

A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

A.1 Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), Number of Housing Choice Vouchers (HCVs), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the public hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Plan Elements. All PHAs must complete this section. (24 CFR §903.11(c)(3))

B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.”

☐ **Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR 5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR § 903.7(a)).

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA’s reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

☐ **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. (24 CFR §903.7(b))

☐ **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c))

☐ **Rent Determination.** A statement of the policies of the PHA governing rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. (24 CFR §903.7(d))

☐ **Operation and Management.** A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. (24 CFR §903.7(e)).

☐ **Informal Review and Hearing Procedures.** A description of the informal hearing and review procedures that the PHA makes available to its applicants. (24 CFR §903.7(f))

☐ **Homeownership Programs.** A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

☐ **Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.** A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA’s partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA’s partnerships with other entities, and activities subject to Section 3 of the Housing and Community Development Act of 1968 (24 CFR Part 135) and under requirements for the Family Self-Sufficiency Program and others. Include the program’s size (including required and actual size of the FSS program) and means of allocating assistance to households. (24 CFR §903.7(l)(i)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. (24 CFR §903.7(l)(iii)).

☐ **Substantial Deviation.** PHA must provide its criteria for determining a “substantial deviation” to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

☐ **Significant Amendment/Modification.** PHA must provide its criteria for determining a “Significant Amendment or Modification” to its 5-Year and Annual Plan.

If any boxes are marked “yes”, describe the revision(s) to those element(s) in the space provided.

B.2 New Activities. This section refers to new capital activities which is **not applicable for HCV-Only PHAs.**

- B.3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.11\(c\)\(3\)](#), [24 CFR §903.7\(r\)\(1\)](#))
- B.4 Capital Improvements.** This section refers to PHAs that receive funding from the Capital Fund Program (CFP) which is **not applicable for HCV-Only PHAs**
- B.5 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. ([24 CFR §903.7\(p\)](#))

C. Other Document and/or Certification Requirements.

- C.1 Resident Advisory Board (RAB) comments.** If the RAB had comments on the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))
- C.2 Certification by State of Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#)). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.
- C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154; or 24 CFR 5.160(a)(3) as applicable (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations, impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. ([24 CFR §903.7\(o\)](#)).
- C.4 Challenged Elements.** If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

D. Affirmatively Furthering Fair Housing (AFFH).

D.1 Affirmatively Furthering Fair Housing. The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) Strategies and actions must affirmatively further fair housing" Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the Annual PHA Plan. The Annual PHA Plan provides 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 for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 6.02 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Housing Authority of the City of Austin

Established in 1937

2022 PHA Annual Plan Executive Summary

Page	Section	Changes
Page 2	Statement of Housing Needs and Strategy for Addressing Housing Needs	<ol style="list-style-type: none"> 1. Revised Project-based vouchers language to allow flexibility to project-base up to an additional 10% of HACA's authorized housing choice voucher units in accordance with HUD regulations and requirements. 2. Revised PBV policy to state that HACA will consider adding units to the PBV contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps. 3. Added new Project-based voucher selection criteria for the following developments: Pathways at Rosewood Courts; Waterloo Terrace; Capital Studios; Texas Bungalows; Espero at Rutland.
Page 2	Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions	<ol style="list-style-type: none"> 1. Revised Criminal Screening Policy to allow broader access for those experiencing homelessness, to align with local strategies to end homelessness, and to advance racial equity. 2. Added Foster Youth to Independence program preference and referral process 3. Revised Mainstream Policy so all Mainstream vouchers are referred through ECHO, Integral Care, or ARCIL 4. Added language to comply with EIV requirements for form signatures and for search for debts owed to PHAs when determining eligibility for assistance. 5. Revised policy for HCV applicants transferring from HACA's PBRA program when they owe a debt or are under eviction status that may warrant denial of assistance. 6. Added acceptable documentation for verifying a child's legal identity. 7. Revised policy to no longer require verification of the declaration of family members claiming to be U.S. citizens or nationals. Note: All must provide documents to verify their legal identity as per 7.II.A of the HCV Administrative Plan.
Page 2	Financial Resources	Added a chart of Assisted Housing's funding by Calendar Year 2021 and Projected Estimate for Calendar Year 2022.
Page 3	Operation and Management	Added allocation information regarding HACA's Housing Choice Voucher Program
Page 3	Informal Review and Hearing Procedures	Revised policy regarding conducting remote informal reviews and hearing procedures including accessibility requirements and notification policies outlined by HUD.

C.1 Resident Advisory Board (RAB) Comments

November 9, 2021
**PHA Annual Plan and HCV Admin Plan Public Hearing and Presentation to HCV Advisory Board for
Comment**

HCV Advisory Board (composed of current FSS Participants) and one member of the Public

During the presentation, several questions were asked by the participants to further their understanding of the items discussed.

One comment to the PHA Plan was expressed by a member of the Advisory Board. The participant expressed her support of the scaled-back criminal background screening proposed in the HCV Administration Plan. She feels it will help families to stay together instead of forcing the parent with criminal justice involvement to not live with the family while on the voucher program.

Since this comment was in support of the item proposed, no analysis of the recommendation was necessary. This item has been carried through to the final HCV Administrative Plan as reflected in the PHA Annual Plan.

C.2 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 3/31/2024

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

I, Rosie Truelove, the Director of the City of Austin's Housing & Planning Department,
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2020-2024 and/or Annual PHA Plan for fiscal year 2022 of the Housing Authority of the City of Austin is consistent with the Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

City of Austin
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State Consolidated Plan.

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 provides 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 such as Tenant Based Rental Assistance, Veteran Affairs Supportive Housing, Mainstream, Continuum of Care and Family Unification Vouchers

COA Consolidated Plan Priority: Housing Development Assistance includes Housing & Planning Department 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 8,135 units in its portfolio to provide affordable housing with an additional 3,671 units under construction. AAHC continues to grow with 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	Title
Rosie Truelove	Director
Signature	Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**C.3 Civil Rights Certification/Certification Listing
Policies and Programs that the PHA has Revised since
Submission of its Last Annual Plan**

Certifications of Compliance with PHA Plan 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 3/31/2024

PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations including PHA Plan Elements that Have Changed

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson 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, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 4/1/2022, 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 (24 CFR § 91.2).
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 (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
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 provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. 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.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include 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 2011-65);

- 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; and
 - 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 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. 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.
 12. 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.
 13. 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.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. 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.
 16. 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.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. 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.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. 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.
 21. 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 2022

 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 Executive Director		Name Board Chairman	
Michael G. Gerber, President and CEO		Carl S. Richie, Jr., Chairman	
Signature	Date	Signature	Date

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Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

C.4 Challenged Elements

No Elements Were Challenged

Summary of Revisions to HCV Administrative Plan To Be Adopted December 2021

Section	Page Numbers	Summary of Changes Made in Admin Plan
3-II.F. EIV (Enterprise Income Verification) SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training 9/30/20]	70-71	Added language to comply with the Sept 2020 HUD EIV System training that requires each adult household member to sign a HUD-52675. Also, the requirement for PHAs to search for debts owed to PHAs to determine if it warrants denial of assistance.
3-IIi.B. Mandatory denial of assistance 3-III.C. Other Permitted Reasons for Denial of Assistance Criminal Screening Criteria revisions	73, 75-77	Revised Criminal Screening Criteria policy for the following reasons. <ul style="list-style-type: none"> • Allow broader access to those experiencing homelessness referred through coordinated entry for HACA's homeless preference and for project-based vouchers; • Align with local strategies for ending homelessness; • Advance racial equity; and • In response to HUD Secretary Marcia Fudge's June 23, 2021 letter urging PHAs to reduce barriers to housing based on a person's criminal history. <p>The revised policy aligns with the City of Austin's Tenant Selection Policy for Rental Development Housing Assistance (RDHA) funded Single-Room Occupancy properties.</p>
3-III.C. Other Permitted Reasons for Denial of Assistance	79-80	Revised policy regarding applicants transferring from HACA's Project Based Rental Assistance programs when they owe a debt or are under eviction status.

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 4.III B Selection and HCV Funding Sources	108, 116, 118	Added Foster Youth to Independence preference and referral process and revised the policy so all Mainstream vouchers are referred through ECHO, Integral Care or Austin Resource for Independent Living (ARCIL).
Chapter 5 Briefings and Voucher Issuance	123 – 125 & 127	Added references and more details regarding the briefing policy including accessibility requirements and notification policies.
7.II.C. Documentation	200 203	Added identification card with picture as acceptable document for verifying a child's legal identity. Added government-issued photo ID, DD-214 form, or other document from a government entity that displays the family member's name and date of birth as an acceptable document to verify age.
7.II.G. Citizenship or Eligible Immigration Status	207	Revised policy - The HACA may request verification of U.S. citizenship or eligible immigration status. Revised policy to not require the verification of the declaration of family members who claim to be U.S. citizens or nationals. Note all individuals need to provide documents to verify their legal identity as described in 7.II.A.(page 200)
8 II.E. Quality Control Inspections Housing Quality Standards	235	Revised statement regarding quality control inspections to state: The selected sample should be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors.
Chapter 16.II.B. Payment Standards	353	Added lease-up time and success rate as information to review for payment standard adjustment consideration.

Section	Page Numbers	Summary of Changes Made in Admin Plan
Chapter 16 III.A. Informal Reviews and Hearings	359-361 364-366 371	Revised policy regarding remote informal review and hearing procedures including requirements outlined in PIH Notice 2020-32.
Chapter 16 III.A. Informal Reviews and Hearings	374	Revised hearsay evidence definition based on Nan McKay's recommendation.
Chapter 17: Project-Based Voucher	416-417 421	Revised statement per Nan McKay's recommended language to allow for future flexibility to for HACA to project-base up to an additional 10 percent of its authorized units in accordance with HUD regulations and requirements. Added statement that advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.
17.V.C. Amendments to the HAP Contract	441	Revised PBV policy to state that HACA will consider adding units to the PBV contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps.
Chapter 17L New project-base voucher selection criteria	451- 457	Added new Project-base voucher selection criteria for the following developments: <ul style="list-style-type: none"> • Pathways at Rosewood Courts • Waterloo Terrace • Capital Studios • Texas Bungalows • Espero at Rutland

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02731

AUSTIN PATHWAYS

ITEM NO. 4.

MEETING DATE: December 16, 2021

STAFF CONTACT: Leilani Lim-Villegas, Director of Community Development

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02731: Approval to Renew Contract for In-Schools Case Management and Property- Based Tutoring Services

BUDGETED ITEM: Yes

TOTAL COST: \$600,000

ACTION

The Board is being asked to approve a renewal contract with Communities in Schools to provide In-School Case Management and Enrichment and Tutoring Services to HAC A youth at nine (9) local schools and four (4) HAC A properties:

SCHOOLS

Oaksprings Elementary
Zavala Elementary
Becker Elementary
Dawson Elementary
Lively Middle
Kealing Middle
Martin Middle
Eastside Memorial High School
Travis High School

HAC A Properties

Meadowbrook
Santa Rita
Bouldin Oaks
Booker T. Washington

SUMMARY

Background:

HACA has contracted with Communities in Schools (CIS) since 2001. CIS has consistently met or exceeded their contract outcomes each year. Although the 2020-2021 school year was impacted by the

COVID-19 pandemic, CIS still met or exceeded the majority of the contracted outcomes. The program is one of the top evidence-based dropout prevention programs in the country, and has received ongoing support by the AIS D Board of Trustees.

2021 CIS SmartKids Outcomes	Contract Goal	Comments
336 HACA students were served by CIS Smartkids through case management and/or afterschool programs	Provide school based services to no less than 300 HACA students. Provide tutoring services to a minimum of 250 HACA students throughout the year	<i>Due to the pandemic, school based, afterschool and home based services were somewhat “blended”. Afterschool programs served less students due to safety concerns.</i>
75% of participants demonstrated academic improvement	70% of participants will demonstrate academic improvement	<i>This pertains to students who showed a need for academic improvement</i>
70% of all participants will improve or maintain academics, attendance or behavior	85% of all participants will improve or maintain performance in academics, attendance or behavior	Did not meet the contract goal in the area of attendance and/or behavior
91% (10/11) Compass to College seniors applied and were accepted to at least one college	Compass to College participants (seniors) will complete a minimum of one college application.	<i>One senior did not apply to college due to moving directly into construction work.</i>
82% (9/11) Compass to College seniors completed the FAFSA application	Compass to College participants (seniors) will complete the FAFSA application.	

The goal of the program is to support resident youth in their journey to economic self-sufficiency through school-based and property-based educational, enrichment, and case management services. CIS will provide the following services to public housing youth:

- After school programming (2-4 days a week)
- Educational enrichment
- Home visits
- Supportive guidance
- Enrichment activities
- Family engagement
- Summer transition camps

Process:

A notification and request for approval to utilize Communities in Schools (CIS) as a sole-source for providing in-school case management and tutoring services to HACA youth grades K-12 was sent to HUD on September 12, 2017. In addition to the notification request, an Independent Cost Estimate (ICE) was also submitted for HUD review.

On Tuesday, May 8, 2018, Nora Morales, Director of Operations & Procurement, was informed via email by the HUD field office in San Antonio that HACA's request for CIS to be a sole-source provider was noted in their file, and that HAC A could proceed with the contract, as long as HACA followed Procurement Policy, and verified through an Independent Cost Estimate that the price for CIS services is reasonable.

Staff Recommendation:

Austin Pathways staff recommends that Communities in Schools be awarded the contract renewal to provide in-school case management and tutoring to HACA youth grades K-12.

ATTACHMENTS:

- ▣ **CIS Contract Renewal Recommendations**
- ▣ **CIS Annual Report**

RESOLUTION NO. 02731

WHEREAS, the Housing Authority of the City of Austin (HAC A) provides programming focused on youth educational success and dropout prevention for children living at HAC A public housing developments;

WHEREAS, HACA currently contracts with Communities in Schools (CIS) to provide targeted school-based educational and case management services at seven schools and property-based tutoring services at four sites;

WHEREAS, Communities in Schools' program help support children with the journey toward economic self-sufficiency through school-based case management services and property-based educational, enrichment, and tutoring services;

WHEREAS, On May 8, 2018, HACA was informed via email by the HUD field office in San Antonio that HACA's request for CIS to be a sole-source provider was noted in their file, and that HACA could proceed with the contract, as long as HACA followed Procurement Policy, and verified through an Independent Cost Estimate that the price for CIS services is reasonable.

WHEREAS, the September 19, 2019, resolution (Resolution #02611) stipulated that funding was being provided to CIS to operate for one year, with the option for the contract to be extended up to five years through an annual renewal process;

NOW, THEREFORE, BE IT RESOLVED , that the Housing Authority of the City of Austin approves the renewal of Communities in Schools In-school case Management and Tutoring Services contract from January 1, 2022 through December 31, 2022 in the amount of \$600,000.

PASSED, APPROVED, AND ADOPTED this 16th day of December 2021.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

INTEROFFICE MEMORANDUM

TO: PILAR SANCHEZ, VICE PRESIDENT AUSTIN PATHWAYS

FROM: BARBARA JACKSON, FAMILY OPPORTUNITY PROJECT DIRECTOR

SUBJECT: BOYS AND GIRLS CLUB CONTRACT RENEWAL FOR 2021-22

DATE: 11/8/2021

CC: LEILANI LIM VILLEGAS, SENIOR DIRECTOR AUSTIN PATHWAYS

We have reviewed the contract with Communities in Schools to provide In-School Case Management and Enrichment and Tutoring Services to HACA youth at nine (9) local schools and four (4) HACA properties:

Schools

- Oaksprings Elementary
- Zavala Elementary
- Becker Elementary
- Dawson Elementary
- Lively Middle
- Kealing Middle
- Martin Middle
- Eastside Memorial High School
- Travis High School

HACA Properties:

- Booker T Washington
- Bouldin Oaks
- Meadowbrook
- Santa Rita (also serves Chalmers)

Summary

HACA has contracted with Communities in Schools (CIS) since 2001. CIS has consistently met or exceeded their contract outcomes each year. Although the 20-21 school year was impacted by the Covid19 pandemic, CIS still met or exceeded the majority of the contracted outcomes. The program is one of the top evidenced based dropout prevention programs in the country and has received ongoing support by the AISD Board of trustees as well as several other Central Texas school districts and the TEA.

2021 CIS SmartKids Outcomes	Contract Goal	Comments
336 HACA students were served by CIS Smartkids through case management and/or afterschool programs	Provide school based services to no less than 300 HACA students. Provide tutoring services to a minimum of 250 HACA students throughout the year	<i>Due to the pandemic, school based, afterschool and home based services were somewhat "blended". Afterschool programs served less students due to safety concerns.</i>
75% of participants demonstrated academic improvement	70% of participants will demonstrate academic improvement	<i>This pertains to students who showed a need for academic improvement</i>
70% of all participants will improve or maintain academics, attendance or behavior	85% of all participants will improve or maintain performance in academics, attendance or behavior	Did not meet the contract goal in the area of attendance and/or behavior
91% (10/11) Compass to College seniors applied and were accepted to at least one college	Compass to College participants (seniors) will complete a minimum of one college application.	<i>One senior did not apply to college due to moving directly into construction work.</i>
82% (9/11) Compass to College seniors completed the FAFSA application	Compass to College participants (seniors) will complete the FAFSA application.	

The goal of the program is to support resident youth in their journey to economic self-sufficiency through school-based and property-based educational, enrichment, and case management services. CIS will provide the following services to public housing youth:

Process:

A notification and request for approval to utilize Communities in Schools (CIS) as a sole-source for providing in-school case management and tutoring services to HACA youth grades K-12 was sent to HUD on September 12, 2017. In addition to the notification request, an Independent Cost Estimate (ICE) was also submitted for HUD review.

On Tuesday, May 8, 2018, Nora Morales, Director of Operations & Procurement, was informed via e-mail by the HUD field office in San Antonio that HACA's request for CIS to be a sole-source provider was noted in their file, and that HACA could proceed with the contract, as long as HACA followed

Procurement Policy, and verified through an Independent Cost Estimate that the price for CIS services is reasonable.

Staff Recommendation:

Staff recommend that Communities in Schools be awarded the contract to provide in-school case management and tutoring to HACA youth grades K-12 for \$600,000 annually.

ATTACHMENTS:

- Communities in Schools 20-21 Outcomes Report
- Communities in Schools Contract Renewal - Sole Source
- Communities in Schools DRAFT Negotiated terms for Renewal



IMPACT REPORT

SMARTKIDS PROGRAM

IN THE 2020-2021 SCHOOL YEAR, THE COMMUNITIES IN SCHOOLS SMARTKIDS PROGRAM SERVED 336 STUDENTS

Campuses and sites served: Becker, Dawson, Oak Springs, and Zavala Elementary Schools, Lively, Martin, and Kealing Middle Schools, Eastside Memorial and Travis High School, and Bouldin Oaks, Meadowbrook, Santa Rita, and Booker T. Washington housing communities.



- **89%** of HACA students received school wide, basic needs or crisis support



- CIS provided **\$29,000 in direct financial assistance** to HACA families in the form of technology, gift cards, transportation, supplies and food



- CIS made **699 community resource referrals** for HACA families

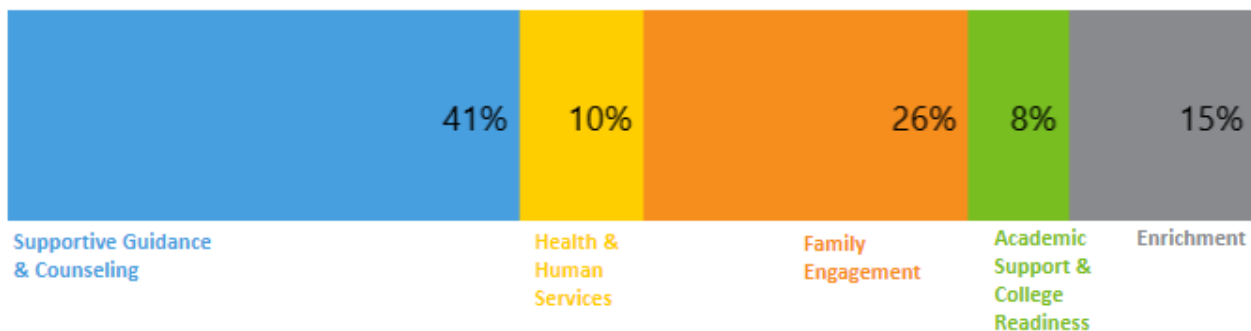


- CIS completed **2,257 home visits**



- **218** HACA students participated in CIS Summer Programming

Over **10,924 hours** of service across five service areas



CHARACTERISTICS OF STUDENTS SERVED BY THE SMARTKIDS PROGRAM



100% qualify for free or reduced lunch



6% failing two or more core classes



10% emergent bilingual (ELL/LEP)



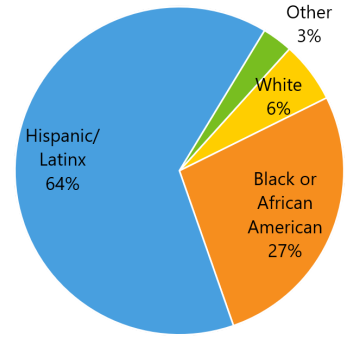
3% have an incarcerated guardian



5% previously retained

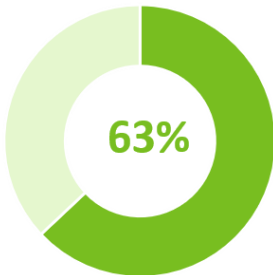


17% enrolled in special education program

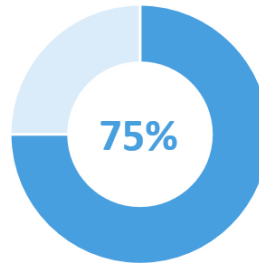


OUTCOMES

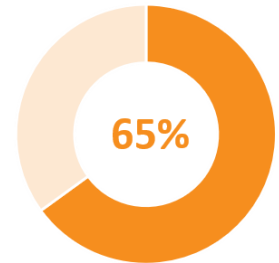
Students with an **attendance** need who showed improvement



Students with an **academic** need who showed improvement



Students with a **behavior** need who showed improvement



Winter Storm Emergency Response



\$6,700 emergency financial assistance to 30 families



Over 400 meals provided to families at 6 HACA properties 2/18-2/19



212 families contacted between 2/15 & 2/26 for Wellness Check



CIS SmartKids Partnerships

- CIS partners with the Mexican American Cultural Center (MACC) to provide HACA students with enrichment activities, and to increase student awareness of Mexican culture through art and music.
- The CIS partnership with Meals on Wheels (MOW) continues. While operating virtually, CIS SmartKids Coordinators picked up nutritious snacks from MOW twice a week for distribution to students and families.
- In partnership with Cook's Nooks, CIS provided HACA students and their families with prepped, ready to cook meals.
- CIS partnered with Foundation Communities to present the "Compass to Life" family event in the spring semester. HACA students and families received information about maintaining overall financial wellness, tax prep, and health insurance assistance.

“CIS is an asset to our campus. Their staff members are knowledgeable on working with at-risk students and meet their unique needs regularly. They make a positive impact on teachers, staff and most importantly our students' lives & wellbeing.” - Lively MS Administrator

“They have always been there for me and my daughters. I don't know what I would have done without this program.” - Dawson ES Parent

“CIS helps me when I have problems and they will listen to me and help me with finding a solution.” - Zavala ES student

Meadowbrook Highlights


- A CIS microgrant allowed Mx. Ky to develop a Book Club for Meadowbrook students who received a book of their choice each month in March, April, and May.
- Mx. Ky, Ms. Itza, and Dawson parents met to talk about LGBTQ+ diversity in the media during a Pride parent workshop in April.
- CIS created the Dolphin Defenders Program at Dawson Elementary to help increase student attendance and engagement in school. Students and teachers received incentives for participating, and the principal said that overall campus attendance did improve.



Compass to College

C2C served 24 students, 11 were seniors


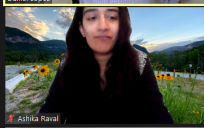
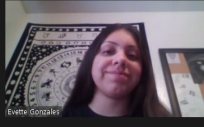
Name	School	Grade	Site	FAFSA	Applied to Schools	One+ Acceptances	Status	Post-Secondary Plans
Evette Gonzales	Travis	12	MB	Yes	Yes	Yes	GRADUATED	Capital Idea/ACC- Nursing
Sha'Diamond McC	Travis	12	MB	Yes	Yes	Yes	GRADUATED	ACC
Maria De Leon Per	Travis	12	MB	Yes	Yes	Yes	GRADUATED	ACC - Pre-Veterinary Science
Aaliyah Fabian	Travis	12	BO	Yes	Yes	Yes	GRADUATED	ACC
Brayan Macedo	Travis	12	MB	Yes	Yes	Yes	GRADUATED	ACC
Daniel Vasquez	Travis	12	BTW	No	No	N/A	GRADUATED	Construction Position
Gabriela Pinto	Travis	12	MB	Yes	Yes	Yes	GRADUATED	Goodwill/ACC- Business
Alan Baez	Travis	12	BTW	No	Yes	Yes	GRADUATED	Capitol Idea/UTI - Automotive
Gabriella Paz	Travis	12	MB	Yes	Yes	Yes	GRADUATED	Goodwill/ACC - Cosmetology
Max Forde	Eastside	12	BTW	Yes	Yes	Yes	GRADUATED	Goodwill/ACC
Belen Beltran	Eastside	12	BTW	Yes	Yes	Yes	GRADUATED	ACC



What We Do

YOUR SUPPORT ON THE EXPRESSWAY

- MONEY FOR SCHOOL**
Your tuition bill is paid directly to your college.
- FUNDING FOR BOOKS**
Book vouchers are provided to cover the cost of textbooks.
- HELP WITH CHILDCARE**
Childcare assistance covers a substantial portion of childcare costs.
- A TEAM OF NAVIGATORS**
Career Navigators will walk you through your academic journey and offer sessions in study and life management skills in order to prepare you for your future career.
- CAREER PLACEMENT SERVICES**
Upon graduation, we'll continue to guide you through your employment search, ensuring you find an opportunity that offers growth.


Compass to College Presents:

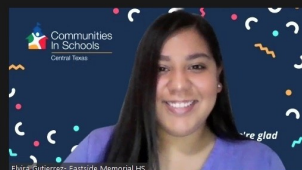

COMPASS TO LIFE

WELCOME!! BIENVENIDOS!!!!

SCHEDULE/HORARIO:

- 5:30-5:40p- Intro/Purpose of program
- 5:40-5:55p- Ivis' story/Historia de Ivis
- 5:55p-6:15p- Self exploration activity/actividad de autoexploracion
- 6:15-6:30- Open Q&A/Raffle/ Closing/ Desarrar/Rifa/Preguntas



Santa Rita Courts Highlights

- As HACA students returned to Zavala Elementary during the second semester, Ms. Jordan and Ms. Ida helped students focus on social emotional learning, self-regulation, and self-esteem. HACA students were invited to do their school work in the CIS office on campus in order to focus in a more quiet setting.
- During the winter storm emergency, Ms. Jordan began dropping off diapers, meals, and cases of water to HACA families as soon as she was able to get on the roads. Ms. Ida put together snack packs and dropped off blankets to families at Santa Rita Courts and Chalmers Courts.
- The summer was full of fun activities and field trips. Santa Rita students went to the Austin Zoo, Inner Space Caverns, the Thinkery, and the Austin Public Library.



"The physical and emotional needs of our students are often daunting, and the high-impact work of CIS helps our most vulnerable students access the education provided by classroom teachers." - Dawson ES Administrator

“ CIS has done so much for me and my children, that we feel like family! Even during the winter storm they stopped by to help me get my son's medication, and financially assisted with gift cards. ”
- Zavala ES Parent

Summer Programming Highlights

Some of the many fun activities the CIS SmartKids Coordinators led for HACA students over the summer included:

- Water field day summer kickoff event
- Arts & crafts
- "Nailed It!" baking competition
- Spa day
- Virtual Pet Café
- Colin's Hope water safety event
- Baby goat petting time
- Field trips to visit colleges and museums
- Park visits, Blazer Tag, disc golf, Inner Space Caverns & more!

