

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

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# PHA Plans for the Housing Authority of the County of San Mateo

5 Year Plan for Fiscal Years 2005 - 2009

Annual Plan for Fiscal Year 2008

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN  
ACCORDANCE WITH INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

## PHA Plan Agency Identification

**PHA Name: Housing Authority of the County of San Mateo**

**PHA Number: CA014**

**PHA Fiscal Year Beginning: (mm/yyyy) 07/2008**

**PHA Programs Administered:**

**Public Housing and Section 8**   
  **Section 8 Only**   
  **Public Housing Only**  
 Number of public housing units: **180**   
 Number of S8 units:   
 Number of public housing units:  
 Number of S8 units: **3723 + 300 MTW**

**PHA Consortia:** (check box if submitting a joint PHA Plan and complete table)

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

### Public Access to Information

**Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)**

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices

### Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices
- Main administrative office of the local government
- Main administrative office of the County government
- Main administrative office of the State government
- Public library
- PHA website
- Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- Main business office of the PHA
- PHA development management offices
- Other (list below)

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2005 - 2009**  
[24 CFR Part 903.5]

**A. Mission**

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

- The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- The PHA's mission is: (state mission here)

*The mission of the Housing Authority of the County of San Mateo (HACSM) is to (1) increase the availability of decent, safe and affordable housing in meeting the area housing needs; (2) ensure equal opportunity in housing for all; (3) promote self-sufficiency and asset development of families and individuals served by HACSM; and (4) improve community quality of life and economic viability. While fulfilling this mission, HACSM strives to foster openness, integrity, value individuals, promote partnerships, deliver a high level of customer service, and show effective leadership in developing housing solutions.*

**Progress Statement:** *The Housing Authority of the County of San Mateo (HACSM) was successful in meeting the following objectives:*

- *Maximizing housing choice vouchers within the allocated budget;*
- *Received renewal Shelter Plus Grant for 3 additional vouchers in 2006;*
- *Received renewal of all Shelter Plus Care and Supportive Housing Grants. Both programs are specifically designed to serve homeless disabled individuals who will receive supportive services through various county departments and other social service providers in conjunction with receiving rent subsidy;*
- *Received renewal funding of \$131,000 from HUD for two Family Self-Sufficiency Coordinator positions for the management of the HACSM's Family Self-Sufficiency and Homeownership Programs;*
- *Received HUD approval to extend the Moving-To-Work program for an additional 3 years to 2009;*
- *Reopened admission process for new Moving-To-Work applicants;*
- *Maximized public housing units by completing rehabilitation of all off-line units except one;*
- *Improved vacant unit turnaround time;*
- *Improved work order turnaround time;*
- *Revised Public Housing Maintenance Plan;*
- *Revised Public Housing Security Policy; and*
- *Updated Public Housing Flat Rent Schedule.*

## **B. Goals**

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

### **HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.**

- PHA Goal: Expand the supply of assisted housing
- Objectives:
- Apply for additional rental vouchers: *Respond to appropriate NOFA's*
  - Reduce public housing vacancies: *Maintain at least 97% occupancy of on-line units.*
  - Leverage private or other public funds to create additional housing opportunities: *Explore other funding options or operating models for public housing and PHA owned properties to result in more units, greater diversity of household income, and greater diversity of housing types including ownership housing and supportive housing.*
  - Acquire or build units or developments: *Explore opportunities to redevelop public housing and PHA owned properties to increase affordable housing units.*
  - Other (list below)

**Progress Statement:** *The HACSM was successful in meeting the following objectives:*

- *Project plans are being developed to explore disposition of El Camino Village and redevelopment of Midway Village.*
- *Achieved close to 97% occupancy rate for Midway Village and El Camino Village.*

- PHA Goal: Improve the quality of assisted housing
- Objectives:
- Improve public housing management: (PHAS score) 83 *Strive for high-performer status while maintaining standard performance level as measured by PHAS, given appropriate funding from HUD.*
  - Improve voucher management: (SEMAP score) 66
  - Increase customer satisfaction: *Conduct Customer Satisfaction Survey. Achieve "good" or better rating on at least 90% of survey returned.*
  - Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
    - *Upgrade computer system to provide project-based accounting, cost allocation planning, and voucher case management.*

- *Update the HCV Administrative Plan and related policies and procedures as required by regulatory and market needs.*
- *Update the Public Housing Admissions and Continued Occupancy Policy and related policies and procedures as required by regulatory and market needs.*
- Renovate or modernize public housing units: *Investigate opportunities to redevelop Midway Village with a new mixed use development.*
- Demolish or dispose of obsolete public housing: *Dispose of El Camino Village from public housing status in order to improve operating efficiency and pay off current indebtedness. Possible disposition of Midway Village as part of its eventual redevelopment.*
- Provide replacement public housing:
- Provide replacement vouchers: *Replacement vouchers will be sought as part of the disposition application of El Camino Village, and if pursued, the disposition of Midway Village.*
- Other: (list below)

**Progress Statement:** *The HACSM was successful in meeting the following objectives:*

- *Successful passed the REAC inspection with 87 points.*
  - *Completed rehab of recently renovated units.*
  - *Received more than 90% good or excellent rating on customer satisfaction survey.*
  - *Updated Public Housing and Section 8 utility allowance schedules.*
  - *Update and received Board approval for Public Housing Admissions and Continued Occupancy Policy.*
  - *Updated and received Board approval for Section 8 Administrative Plan.*
- PHA Goal: Increase assisted housing choices
- Objectives:
- Provide voucher mobility counseling: *Provide mobility counseling at tenant briefing.*
  - Conduct outreach efforts to potential voucher landlords: *Distribute program information through publication and HACSM's website.*
  - Increase voucher payment standards
  - Implement voucher homeownership program: *Through HACSM's FSS Program.*
  - Implement public housing or other homeownership programs: *Offer referrals to homeownership related services.*
  - Implement public housing site-based waiting lists:
  - Convert public housing to vouchers: *Replacement vouchers will be sought as part of the disposition application of El Camino Village, and possibly Midway Village.*
  - Other: (list below)
    - *Maintain close relationships with communities surrounding the public housing developments.*

**Progress Statement:** *The HACSM was successful in meeting the following objectives:*

- *Information regarding the portability features of the Voucher Program is part of the tenant briefing.*
- *Program information is made available at the HACSM's lobby as well as on the HACSM web site.*
- *Implemented Voucher Homeownership program with 4 successful homebuyers using Section 8 subsidy.*

**HUD Strategic Goal: Improve community quality of life and economic vitality**

- PHA Goal: Provide an improved living environment
- Objectives:
- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
  - Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
  - Implement public housing security improvements: *Continue to update, revise, and improve security policy. Monitor on-going security needs.*
  - Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
  - Other: (list below)
    - *Implement measures to assist victims of domestic violence in avoiding their abusers and continuing occupancy in public housing.*

**Progress Statement:** *The HACSM was successful in meeting the following objectives:*

- *Installed new key system at El Camino Village.*
- *Installed new video surveillance system at El Camino Village.*
- *Developed a close partnership with the local police department.*
- *Improved police response time when called by residents.*
- *Updated ACOP and lease agreement to include security concerns.*

**HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals**

- PHA Goal: Promote self-sufficiency and asset development of assisted households
- Objectives:
- Increase the number and percentage of employed persons in assisted families:
  - Provide or attract supportive services to improve assistance recipients' employability:
  - Provide or attract supportive services to increase independence for the elderly or families with disabilities.

- Other: (list below)
  - *Collaborate with community partners to identify and implement programs that can promote self-sufficiency.*
  - *Increase number of Section 8 Family Self-Sufficiency participants.*
  - *Partnership with CalHFA in offering below-market financing and subordinate loans to qualified Section 8 Homeownership participants.*
  - *Partnering with San Mateo County's Housing and Community Development office in providing down-payment assistance and below-market secondary loans.*
  - *Partnership with local agencies to provide or attract supportive services to assist victims of domestic violence move out of abusive situations and begin again.*

**Progress Statement:** *The HACSM was successful in meeting the following objectives:*

- *Four (4) successful closings under the Voucher Homeownership Program.*
- *Thirteen (13) successful FSS graduations in 2007.*
- *Eighteen (18) families joined the FSS program in 2007*
- *89% of FSS participants have employment income.*

**HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans**

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing Objectives:
  - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability: *Collaborate with agencies that provide fair housing services.*
  - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability: *Collaborate with agencies that offer supportive services or site improvement services.*
  - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required: *Identify accessible units in vacancy listing.*
  - Other: (list below)

**Progress Statement:** *The HACSM was successful in meeting the following objectives:*

- *Referred program participants to Project Sentinel or Legal Aid Society for fair housing services.*
- *Worked with other county departments and non-profit agencies to provide assistance in unit modifications.*
- *Maintain available unit listing with easy public access.*

**Other PHA Goals and Objectives: (list below)**

*The Housing Authority of the County of San Mateo (HACSM) applied to participate in the MTW program in May 1997. In May 2000, HUD approved HACSM's application and an agreement was signed that granted the HACSM its MTW status. A total of 300 vouchers were designated as MTW vouchers with certain self-sufficiency features and time-limited assistance requirements built into the program. The current MTW agreement with HUD is due to expire on June 30, 2009.*

*On January 8, 2008, the HACSM received an invitation from HUD to execute an Amended and Restated Moving-To-Work Agreement (Restated Agreement). Under the Restated Agreement, HACSM may retain its current initiatives, or develop new initiatives, as long as they comply with the agreement and applicable federal law. The new agreement will also extend HACSM's MTW status to 2018.*

*HACSM intends to execute the Restated Agreement with HUD after the required public hearing and Broad resolution process. Using the flexibility offered by the Restated Agreement, HACSM plans to develop a new limited-term transitional/conditional housing program within the current MTW allocation. The program will target chronically homeless individuals and families. The program combines housing assistance and supportive services provided by homeless service agencies. Examples of services are: counseling and case management, housing search assistance, and landlord outreach and negotiation. The program will have a time limit of three years and is designed to prepare families to transition to Public Housing, Housing Choice Voucher, or other permanent housing programs.*

*In addition, with the new Restated Agreement, the HACSM will seek to expand its MTW status to include the entire Section 8 Housing Choice Voucher program and may also include the Public Housing programs. HACSM will review and evaluate all available provisions under the Restated Agreement with HUD, and develop a local housing program that serves the following goals:*

- 1. Increase incentives for families to achieve economic self-sufficiency*
- 2. Increase housing choices for low-income families*
- 3. Increase efficiency in administration of housing programs*
- 4. Achieve greater cost effectiveness*
- 5. Achieve maximum program utilization*
- 6. Address local housing needs*
- 7. Encourage private investment in quality affordable housing*
- 8. Contribute to research of new "best practices"*

*Expanding its MTW status will allow the HACSM to change its Public Housing management and policies in such areas as asset management, development and redevelopment processes, rent policies, annual and interim review processes, occupancy policies, self-sufficiency requirements and waiting list management.*

*Expanding its MTW status will allow the HACSM to change its Section 8 Housing Choice Voucher Program management and policies in such areas as project-basing processes, annual and interim review processes, inspection protocols, rent and occupancy policies, self-sufficiency requirements, payment standards and waiting list management.*

*Expanding its MTW status will allow the HACSM to change the general administration of its programs in such areas as contracting and procurement processes.*

*Expanding its MTW status will allow the HACSM to change its funding as HACSM may seek a single fund budget (block grant) for its Section 8 and Public Housing programs with full flexibility for the purpose of improving resident quality of life and maintaining the financial health of HACSM.*

**Annual PHA Plan**  
**PHA Fiscal Year 2008**  
[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

- Standard Plan**
- Troubled Agency Plan**

**ii. Executive Summary of the Annual PHA Plan**

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

*The Housing Authority of the County of San Mateo (HACSM) has prepared the following Agency Plan in compliance with the Quality Housing and Work Responsibility Act of 1998 and ensuing HUD requirements.*

*The purpose of the Annual Plan is to provide a framework for local accountability and an easily identifiable source by which public housing residents, participants in the tenant-based assistance program and other members of the public may locate basic PHA policies, rules and regulations, and outlines of its programs and services.*

*The Mission Statement and the Goals and Objectives are based on information contained in our jurisdiction's Consolidated Plan and will assure that our residents receive the best customer service.*

*Excellent customer service and fulfillment of the Mission Statement and Goals and Objectives is ensured by implementation of a series of policies that are on display with this Plan. The Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan are the two primary policies on display. These important documents cover the public housing tenant selection and assignment plan, outreach services, PHA's responsibility to Section 8 owners/landlords, grievance procedures, etc.*

*As part of the planning process, the HACSM appointed a Resident Advisory Board that reviewed the Plan. Members of this Board included Section 8 participants, public housing residents.*

*The most important challenges to be met by the Housing Authority of the County of San Mateo during FY2008 include:*

- *Administering programs efficiently while experiencing restricted budgets in an area of very high labor cost.*
- *Striving to close findings from an OIG audit and the consolidated review.*
- *Updating information technology systems.*
- *Maximizing community benefits by utilizing provisions of the Moving To Work agreement.*
- *Preservation and improvement of the public housing stock through the Capital Funds Program.*
- *Training of staff and commissioners in order to fully understand and take advantage of opportunities in new laws and regulations, to better serve our residents and the community; and*
- *Identification, development, and leveraging of services and programs to enable low-income families to become self-sufficient and to become homeowners.*
- *Achieving the disposition of El Camino Village from public housing status and sale of the complex to a non-profit housing organization which will continue to operate the complex as affordable for low-income families.*
- *Engage in planning for the eventual redevelopment of Midway Village, including its disposition from public housing status.*

*This Annual PHA Plan exemplifies the commitment of the Housing Authority of the County of San Mateo to meet the housing needs of the broad range of low-income residents. The Housing Authority in partnership with agencies from all levels of government, the business community, non-profit community groups, and residents will use this plan as a road map to reach the “higher quality of life” destination for the County of San Mateo.*

### **iii. Annual Plan Table of Contents**

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

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#### **Attachments**

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

#### **Required Attachments:**

- Admissions Policy for Deconcentration (*ca014a01*)
- FY 2008 Capital Fund Program Annual Statement (*ca014b01*)
- Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)
- List of Resident Advisory Board Members (*ca014c01*)
- List of Resident Board Member (*ca014d01*)
- Community Service Description of Implementation (*ca014e01*)
- Information on Pet Policy (*ca014f01*)
- Section 8 Homeownership Capacity Statement, if applicable (*ca014g01*)
- Description of Homeownership Programs, if applicable

- Other (List below, providing each attachment name)
- *Deconcentration and Income Mixing Analysis Results (ca014h01)*
  - *Progress in Meeting 5 Year Plan Goals (ca014i01)*
  - *Criteria for Substantial Deviation and Significant Amendment (ca014j01)*
  - *VAWA Support and Assistance Statement (ca014k01)*
  - *Project-Based Voucher Program (ca014l01)*

Optional Attachments:

- PHA Management Organizational Chart (*ca014m01*)
- FY 2008 Capital Fund Program 5 Year Action Plan (*ca014n01*)
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) (*ca014s01*)
- Other (List below, providing each attachment name)
  - *2007 Performance and Evaluation Report (ca014o01)*
  - *2006 Performance and Evaluation Report (ca014p01)*
  - *2005 Performance and Evaluation Report (ca014q01)*
  - *2003 Performance and Evaluation Report (ca014r01)*
  - *Supplemental MTW Annual Plan (ca014t01)*
  - *Public Hearing Comments (ca014u01)*

**Supporting Documents Available for Review**

Indicate which documents are available for public review by placing a mark in the “Applicable & On Display” column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
N/A	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
N/A	Approved HOPE VI applications or, if more recent,	Annual Plan: Capital Needs

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	
N/A	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
N/A	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
N/A	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
X	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
X	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
N/A	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
X	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
N/A	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

# 1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

## A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford- ability	Supply	Quality	Access- ibility	Size	Loca- tion
Income <= 30% of AMI	9084	5	5	3	2	3	4
Income >30% but <=50% of AMI	8281	5	5	3	2	3	3
Income >50% but <80% of AMI	7863	5	5	3	2	3	2
Elderly	8768	5	5	4	1	3	3
Families with Disabilities	1600	5	5	5	5	2	4
White/Non-Hispanic	57.4%	4	3	2	1	1	1
White/Hispanic	17.3%	5	3	3	3	3	2
Black/African American	5.9%	5	5	4	4	4	4
American Indian/Alaska Native							
Asian	18.3%	5	4	3	2	3	2
Native Hawaiian/Other Pacific Islander							
Other							

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- Consolidated Plan of the Jurisdiction/s  
Indicate year: 1998-1999, 2000-2003 Housing Needs Section  
Tables and Analysis
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year:
- Other sources: (list and indicate year of information)

## B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input checked="" type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	1429		14
Extremely low income <=30% AMI	1072	75%	
Very low income (>30% but <=50% AMI)	257	18%	
Low income (>50% but <80% AMI)	100	7%	
Families with children	668	46.7%	
Elderly families	184	12.9%	
Families with Disabilities	335	23.4%	
White/Non Hispanic	255	17.8%	
White/Hispanic	369	25.8%	
Black/African American	365	25.5%	
American Indian/Alaska Native	40	2.8%	
Asian	304	21.3%	
Native Hawaiian/Other Pacific Islander	86	6%	
Other	10	7%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	725	50.7%	5
2 BR	617	43.2%	5
3 BR	78	5.5%	3
4 BR	9	0.6%	1
5 BR	0	0	
5+ BR	0	0	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input type="checkbox"/> No <input type="checkbox"/> Yes			

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	663		300
Extremely low income <=30% AMI	497	75%	
Very low income (>30% but <=50% AMI)	162	24.5%	
Low income (>50% but <80% AMI)	4	0.5%	
Families with children	481	72.5%	
Elderly families	186	28.1%	
Families with Disabilities	142	21.4%	
White/Non-Hispanic	181	27.3%	
White/Hispanic	26	3.9%	
Black/African American	192	29%	
American Indian/Alaska Native	6	0.9%	
Asian	174	26.2%	
Native Hawaiian/Other Pacific Islander	13	2%	
Other	71	10.7%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	N/A	N/A	
2 BR	N/A	N/A	
3 BR	N/A	N/A	
4 BR	N/A	N/A	
5 BR	N/A	N/A	
5+ BR	N/A	N/A	
Is the waiting list closed (select one)? <input type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

### C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

#### (1) Strategies

**Need: Shortage of affordable housing for all eligible populations**

#### **Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:**

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

#### **Strategy 2: Increase the number of affordable housing units by:**

Select all that apply

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- Other: (list below)

**Need: Specific Family Types: Families at or below 30% of median**

**Strategy 1: Target available assistance to families at or below 30 % of AMI**

Select all that apply

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work
- Other: (list below)

**Need: Specific Family Types: Families at or below 50% of median**

**Strategy 1: Target available assistance to families at or below 50% of AMI**

Select all that apply

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work
- Other: (list below)

**Need: Specific Family Types: The Elderly**

**Strategy 1: Target available assistance to the elderly:**

Select all that apply

- Seek designation of public housing for the elderly
- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Other: (list below)

**Need: Specific Family Types: Families with Disabilities**

**Strategy 1: Target available assistance to Families with Disabilities:**

Select all that apply

- Seek designation of public housing for families with disabilities
- Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- Affirmatively market to local non-profit agencies that assist families with disabilities
- Other: (list below)

**Need: Specific Family Types: Races or ethnicities with disproportionate housing needs**

**Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:**

Select if applicable

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- Other: (list below)

**Strategy 2: Conduct activities to affirmatively further fair housing**

Select all that apply

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the section 8 program to owners outside of areas of poverty /minority concentrations
- Other: (list below)

**Other Housing Needs & Strategies: (list needs and strategies below)**

**(2) Reasons for Selecting Strategies**

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other: (list below)

## 2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
<b>1. Federal Grants (FY 2008 grants)</b>		
a) Public Housing Operating Fund	306,706.00	
b) Public Housing Capital Fund ( <i>estimated for 2008</i> )	282,824.00	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 HCV Tenant-Based Assistance MTW	54,850,234.00 4,767,295.00	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
<i>Moderate Rehabilitation</i>	1,047,690.00	Section 8 - Other
<i>Shelter Plus Care CA01C41-2001</i>	132,000.00	Section 8 - Other
<i>Shelter Plus Care CA01C51-2001</i>	41,424.00	Section 8 - Other
<i>Shelter Plus Care CA01C61-2001</i>	41,832.00	Section 8 - Other
<i>Shelter Plus Care CA01C61-2018</i>	884,916.00	Section 8 - Other
<i>Shelter Plus Care CA01C61-2020</i>	1,290,204.00	Section 8 - Other
<i>Supportive Housing CA01B61-2002</i>	745,013.00	Section 8 - Other
<i>Family Self-Sufficiency Coordinator</i>	131,000.00	Section 8 supportive services
<b>2. Prior Year Federal Grants (unobligated funds only) (list below) as of 12/31/07</b>		
<i>2007 Capital funds grant</i>	282,824.00	Public housing capital improvements
<i>2006 Capital funds grant</i>	227,706.00	Public housing capital improvements
<i>2005 Capital funds grant</i>	13,714.00	Public housing capital improvements
<b>3. Public Housing Dwelling Rental Income</b>		
	1,146,000.00	Public housing operations
<b>4. Other income (list below)</b>		
<i>Interest on Investments</i>	161,247.00	Public housing operations
<i>Other income: Legal fees, maintenance charges to tenants, late fees, NSF check charges, etc.</i>	87,605.00	Public housing operations
<i>Rental income from Housing Authority owned units</i>	664,417.00	Public housing operations
<b>5. Non-federal sources (list below)</b>		
<b>Total resources</b>	<b>67,104,651.00</b>	

### **3. PHA Policies Governing Eligibility, Selection, and Admissions**

[24 CFR Part 903.7 9 (c)]

#### **A. Public Housing**

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

##### **(1) Eligibility**

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time) *60-120 days*
- Other: (describe)

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- Criminal or Drug-related activity
- Rental history
- Housekeeping
- Other (describe)
  - *Credit Check*
  - *The PHA will attempt to ascertain whether domestic violence was a factor in the poor rental and tenancy history and exercise discretion in determining suitability for tenancy, taking into consideration the circumstances that may have contributed to the negative reporting.*

c.  Yes  No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d.  Yes  No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e.  Yes  No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

- *The HA has contracted a national credit reporting agency to provide a criminal history check by county of last residency of applicant.*
- *Use the Megan's Law web site to screen registered sex offender.*

**(2)Waiting List Organization**

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists
- Other (describe)

b. Where may interested persons apply for admission to public housing?

- PHA main administrative office
- PHA development site management office
- Other (list below)
  - *Through special phone lines set up by the Housing Authority.*

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**  
***Not Applicable – The PHA does not plan to operate site-based waiting lists.***

1. How many site-based waiting lists will the PHA operate in the coming year?

*N/A*

2.  Yes  No: Are any or all of the PHA’s site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)? *N/A*  
If yes, how many lists?

3.  Yes  No: May families be on more than one list simultaneously? *N/A*  
If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)? *N/A*

- PHA main administrative office
- All PHA development management offices
- Management offices at developments with site-based waiting lists
- At the development to which they would like to apply
- Other (list below)

**(3) Assignment**

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- One
- Two (*Applicants will be removed from the waiting list after 2 rejections*)
- Three or More

- b.  Yes  No: Is this policy consistent across all waiting list types?
- c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA: *N/A*

**(4) Admissions Preferences**

a. Income targeting:

- Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

- Emergencies  
 Over-housed  
 Under-housed  
 Medical justification  
 Administrative reasons determined by the PHA (e.g., to permit modernization work)  
 Resident choice: (state circumstances below)  
 Other: (list below)

c. Preferences

1.  Yes  No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If “no” is selected, skip to subsection **(5) Occupancy**)
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)  
 Victims of domestic violence  
 Substandard housing  
 Homelessness  
 High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

- Working families and those unable to work because of age or disability  
 Veterans and veterans’ families  
 Residents who live and/or work in the jurisdiction  
 Those enrolled currently in educational, training, or upward mobility programs

- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

## 2 Date and Time

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- 1 Residents who live and/or work in the jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

4. Relationship of preferences to income targeting requirements:

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

## **(5) Occupancy**

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

- The PHA-resident lease
- The PHA’s Admissions and (Continued) Occupancy policy
- PHA briefing seminars or written materials

Other source (list)

b. How often must residents notify the PHA of changes in family composition?  
(select all that apply)

- At an annual reexamination and lease renewal  
 Any time family composition changes  
 At family request for revision  
 Other (list)

**(6) Deconcentration and Income Mixing**

a.  Yes  No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b.  Yes  No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply) *N/A*

Adoption of site based waiting lists  
If selected, list targeted developments below:

Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments  
If selected, list targeted developments below:

Employing new admission preferences at targeted developments  
If selected, list targeted developments below:

Other (list policies and developments targeted below)

d.  Yes  No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- Additional affirmative marketing  
 Actions to improve the marketability of certain developments  
 Adoption or adjustment of ceiling rents for certain developments  
 Adoption of rent incentives to encourage deconcentration of poverty and income-mixing

Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

Not applicable: results of analysis did not indicate a need for such efforts

List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

Not applicable: results of analysis did not indicate a need for such efforts

List (any applicable) developments below:

## B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### (1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)

Criminal or drug-related activity only to the extent required by law or regulation

Criminal and drug-related activity, more extensively than required by law or regulation

More general screening than criminal and drug-related activity (list factors below)

- *Domestic Violence – Attempt to ascertain whether domestic violence was a factor in the poor rental and tenancy history or criminal activity and exercise discretion in determining suitability for tenancy about the circumstances that may have contributed to the negative reporting.*

Other (list below)

- *Violation of any family obligation during a previous participation in the Section 8 program for 3 years prior to final eligibility determination.*
- *Deliberate misrepresentation of information on which eligibility or tenant rent is established.*
- *Acts of fraud, bribery, or any other corrupt or criminal act committed by any family member in connection with any Federal housing program in the last 3 years of eligibility determination.*
- *Any family member engaged in or threatened abusive or violent behavior toward HA personnel within last 3 years of eligibility determination.*

b.  Yes  No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

- c.  Yes  No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- d.  Yes  No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)
- *The HA has contracted a national credit reporting agency who provides a criminal history check by county of last residency of applicant.*
  - *Use the Megan's Law web site to screen registered sex offender.*
- e. Indicate what kinds of information you share with prospective landlords? (select all that apply)
- Criminal or drug-related activity
- Other (describe below)
- *Upon written request, the HACSM will give the owner:*
    - *the family's current and prior address as shown in the HACSM's records*
    - *the name and address (if known by the HACSM) of the landlords at the family's current and prior address.*
  - *Upon written request, the HACSM will offer the owner other information in the HA's possession concerning the family, including:*
    - *information about the family's tenancy history; or*
    - *information about drug-trafficking by family members.*

**(2) Waiting List Organization**

- a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
- None
- Federal public housing
- Federal moderate rehabilitation
- Federal project-based certificate program
- Other federal or local program (list below)
- b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)
- PHA main administrative office
- Other (list below)
- *HACSM plans to open the waiting list which will accept applications on-line and by mail through a designated P. O. Box address.*

**(3) Search Time**

- a.  Yes  No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

- *The HAEM currently grants a total of 90 days search time at the time of voucher issuance.*

**(4) Admissions Preferences**

- a. Income targeting

- Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

- b. Preferences

1.  Yes  No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs

- Victims of reprisals or hate crimes
- Other preference(s) (list below)
  - *Placement order of selection from lottery*
  - *HACSM Public Housing residents who are displaced by the Demo/Dispo process*

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

3 Date and Time

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- 1 Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)
  - *Placement order of selection from lottery (2)*
  - *HACSM Public Housing residents who are displaced by the Demo/Dispo process (1)*

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

- Date and time of application
- Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for “residents who live and/or work in the jurisdiction” (select one)

- This preference has previously been reviewed and approved by HUD

The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

The PHA applies preferences within income tiers

Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

**(5) Special Purpose Section 8 Assistance Programs**

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

The Section 8 Administrative Plan

Briefing sessions and written materials

Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

Through published notices

Other (list below)

## **4. PHA Rent Determination Policies**

[24 CFR Part 903.7 9 (d)]

### **A. Public Housing**

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

#### **(1) Income Based Rent Policies**

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- \$0  
 \$1-\$25  
 \$26-\$50

2.  Yes  No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

*The minimum rent requirement may be waived under certain circumstances. Financial hardship status is to be granted immediately for ninety (90) days in the event of the following:*

- a) the family is awaiting an eligibility determination to receive federal, state, or local assistance, including legal aliens entitled to receive assistance under the Immigration and Nationality Act;*
- b) family income decreases due to changed circumstances such as separation, divorce, abandonment;*

- c) *loss of employment;*
- d) *eviction resulting from non-payment of rent;*
- e) *financial hardship exemption only applies to payment of minimum rent - not to rent based on the other branches of the formula for determining the Total Tenant Payment (TTP);*
- f) *other situations determined by the HACSM on a case by case basis, i.e. alimony, child support, etc.*

*If the family initiates a request for a hardship exemption that the HACSM determines is temporary in nature:*

- a) *The exemption for non-payment of minimum rent will not be granted during the ninety (90)-day period beginning on the day the request is made*
- b) *The family may not be evicted for non-payment of rent during this ninety (90)-day period.*
- c) *If the hardship is subsequently determined to be long-term, the HACSM will retroactively exempt residents from the minimum rent requirement for the ninety (90)-day period.*
- d) *In the case of a temporary hardship, the HACSM will allow the family to make payment of any delinquent minimum rent payments. However, the family must execute a repayment agreement.*

*A family that appeals a financial hardship determination through the HACSM's grievance procedure is exempt from any escrow deposit that may be required under regulations governing Grievance Procedures for other determinations.*

c. Rents set at less than 30% than adjusted income

1.  Yes  No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

- *PHA adopted Flat Rents*

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

- *Pursuant to adopted Flat Rent Schedule if chosen by tenant.*

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

- For the earned income of a previously unemployed household member
- For increases in earned income
- Fixed amount (other than general rent-setting policy)  
If yes, state amount/s and circumstances below:
- Fixed percentage (other than general rent-setting policy)  
If yes, state percentage/s and circumstances below:

- For household heads
- For other family members
- For transportation expenses
- For the non-reimbursed medical expenses of non-disabled or non-elderly families
- Other (describe below)
  - *Deductions and exclusions as mandated by QHWRA.*

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

- Yes for all developments
- Yes but only for some developments
- No

2. For which kinds of developments are ceiling rents in place? (select all that apply) *N/A*

- For all developments
- For all general occupancy developments (not elderly or disabled or elderly only)
- For specified general occupancy developments
- For certain parts of developments; e.g., the high-rise portion
- For certain size units; e.g., larger bedroom sizes
- Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply) *N/A*

- Market comparability study
- Fair market rents (FMR)
- 95<sup>th</sup> percentile rents
- 75 percent of operating costs
- 100 percent of operating costs for general occupancy (family) developments
- Operating costs plus debt service
- The "rental value" of the unit
- Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

- Never
- At family option

- Any time the family experiences an income increase
  - Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) \$200 per Month
  - Other (list below)
    - *Decrease in income*
    - *Change in household composition*
- g.  Yes  No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

## **(2) Flat Rents**

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)
- The section 8 rent reasonableness study of comparable housing
  - Survey of rents listed in local newspaper
  - Survey of similar unassisted units in the neighborhood
  - Other (list/describe below)

## **B. Section 8 Tenant-Based Assistance**

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### **(1) Payment Standards**

Describe the voucher payment standards and policies.

- a. What is the PHA's payment standard? (select the category that best describes your standard)
- At or above 90% but below 100% of FMR
  - 100% of FMR
  - Above 100% but at or below 110% of FMR
  - Above 110% of FMR (if HUD approved; describe circumstances below)
    - *HACSM may request waiver from HUD to set its payment standards above 110% of FMR.*
- b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply) *N/A*
- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
  - The PHA has chosen to serve additional families by lowering the payment standard

- Reflects market or submarket
- Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level?  
(select all that apply)

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- Reflects market or submarket
- To increase housing options for families
- Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

- Annually
- Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- Success rates of assisted families
- Rent burdens of assisted families
- Other (list below)

## **(2) Minimum Rent**

a. What amount best reflects the PHA's minimum rent? (select one)

- \$0
- \$1-\$25
- \$26-\$50

b.  Yes  No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

### ***FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT***

#### ***Overview***

*If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.*

*The Financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the family share is the highest of the remaining components of the family's calculated TTP.*

#### ***HUD-Defined Financial Hardship***

*Financial hardship includes the following situations:*

- (1) *The family has lost eligibility for or is awaiting determination for a federal, state, or local assistance program. This includes*

*a family member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.*

*HACSM Policy*

*A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.*

*For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the allowable hardship circumstances.*

- (2) *The family would be evicted because it is unable to pay the minimum rent.*

*HACSM Policy*

*For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent to the owner or tenant-paid utilities.*

- (3) *Family income has decreased because of changed family circumstances, including the loss of employment.*
- (4) *A death has occurred in the family.*

*HACSM Policy*

*In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).*

- (5) *The family has experienced other circumstances determined by the PHA.*

*HACSM Policy*

*The HACSM has not established any addition hardship criteria.*

***Implementation of Hardship Exemption***

***Determination of Hardship***

*When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family's request.*

*The PHA then determines whether the financial hardship exists and whether the hardship is temporary (expected to last 90 days or less) or long-term.*

*When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP.*

## **5. Operations and Management**

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

### **A. PHA Management Structure**

Describe the PHA's management structure and organization.

(select one)

- An organization chart showing the PHA's management structure and organization is attached. (*ca014m01*)
- A brief description of the management structure and organization of the PHA follows:

### **B. HUD Programs Under PHA Management**

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use "NA" to indicate that the PHA does not operate any of the programs listed below.)

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing	179	14
Section 8 Vouchers	3723	300
Section 8 Certificates	N/A	
Section 8 Mod Rehab	130	10
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	
Public Housing Drug Elimination Program (PHDEP)	N/A	
Moving To Work Vouchers	300	100
Other Federal Programs(list individually)		
Shelter Plus Care	157	10
Supportive Housing	34	3

### **C. Management and Maintenance Policies**

List the PHA's public housing management and maintenance policy documents, manuals and handbooks that contain the Agency's rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

(1) Public Housing Maintenance and Management: (list below)

- *Admissions and Continued Occupancy Policy*
- *Dwelling Lease*
- *Grievance Procedures*
- *Termination and Eviction Policy*
- *Transfer and Transfer Waiting List Policy*
- *Pet Ownership Policy (Family and Elderly/Disabled)*
- *Records Retention Policy*
- *Community Service Policy*
- *Security Policy*
- *Enterprise Income Verification (EIV) Security Policy*
- *Fraud Policy*

(2) Section 8 Management: (list below)

- *Section 8 Homeownership Plan*
- *Section 8 Administrative Plan*
- *Code of Conduct Policy*

## **6. PHA Grievance Procedures**

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

### **A. Public Housing**

1.  Yes  No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- PHA main administrative office  
 PHA development management offices  
 Other (list below)

### **B. Section 8 Tenant-Based Assistance**

1.  Yes  No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

- PHA main administrative office  
 Other (list below)

## **7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

### **A. Capital Fund Activities**

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

#### **(1) Capital Fund Program Annual Statement**

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name) **ca014b01**

-or-

The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

#### **(2) Optional 5-Year Action Plan**

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

a.  Yes  No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)

b. If yes to question a, select one:

The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name) **ca014n01**

-or-

The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

## B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

- Yes  No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)  
b) Status of HOPE VI revitalization grant (complete one set of questions for each grant) *N/A*

1. Development name:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)
  - Revitalization Plan under development
  - Revitalization Plan submitted, pending approval
  - Revitalization Plan approved
  - Activities pursuant to an approved Revitalization Plan underway

- Yes  No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?  
If yes, list development name/s below:

- Yes  No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?  
If yes, list developments or activities below:

- Yes  No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?  
If yes, list developments or activities below:

## 8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1.  Yes  No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

### 2. Activity Description

- Yes  No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

<b>Demolition/Disposition Activity Description</b>
1a. Development name: <i>El Camino Village</i> 1b. Development (project) number: <i>CA39-P014-004</i>
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> <i>HACSM will apply to SAC for disposition of El Camino Village’s Public Housing status. Replacement vouchers will be sought. HACSM plans to sell the El Camino Village structure to an organization which will maintain its affordability for low income families. Project-Based Vouchers may be used as part of the affordability strategy.</i>  <i>HACSM may apply for disposition of Midway Village’s public housing status. If activated, this application would seek to continue operation of the development by HACSM as affordable housing for low income families. Replacement vouchers would be sought. Project Based Vouchers may be used as part of the affordability strategy.</i>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <i>(31/12/08)</i>
5. Number of units affected: <i>30</i>
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: <i>Application to be submitted by the end of 2008</i> b. Projected end date of activity: <i>12 months from HUD’s approval of disposition</i>

**9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities**

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1.  Yes  No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

<b>Designation of Public Housing Activity Description</b>
1a. Development name: 1b. Development (project) number:
2. Designation type: Occupancy by only the elderly <input type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>
3. Application status (select one) Approved; included in the PHA’s Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission: <u>(DD/MM/YY)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

## **10. Conversion of Public Housing to Tenant-Based Assistance**

[24 CFR Part 903.7 9 (j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

### **A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act**

1.  Yes  No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

#### 2. Activity Description

Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 11. If "No", complete the Activity Description table below.

<b>Conversion of Public Housing Activity Description</b>
1a. Development name: 1b. Development (project) number:
2. What is the status of the required assessment? <input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)
4. Status of Conversion Plan (select the statement that best describes the current status) <input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one) <input type="checkbox"/> Units addressed in a pending or approved demolition application (date

submitted or approved:

- Units addressed in a pending or approved HOPE VI demolition application  
(date submitted or approved:    )
- Units addressed in a pending or approved HOPE VI Revitalization Plan  
(date submitted or approved:    )
- Requirements no longer applicable: vacancy rates are less than 10 percent
- Requirements no longer applicable: site now has less than 300 units
- Other: (describe below)

**B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937**

**C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937**

## **11. Homeownership Programs Administered by the PHA**

[24 CFR Part 903.7 9 (k)]

### **A. Public Housing**

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

1.  Yes  No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

#### 2. Activity Description

- Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 12. If “No”, complete the Activity Description table below.)

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

## B. Section 8 Tenant Based Assistance

1.  Yes  No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If “No”, skip to component 12; if “yes”, describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:

*HACSM’s Homeownership program focuses on enrolling individuals into its FSS program, which is a requirement for the homeownership program. Besides having the families fulfilling their homeownership requirements, such as minimum income, down payment and home counseling requirements, the families and the HACSM formulate a goal plan that focuses on gaining the knowledge and habits necessary to becoming a successful homeowner. Families also earn escrow when they experience an increase in their portion of rent due to increase in earned income.*

*HACSM works closely with community partners to provide clients with classes on skills for first time home buyers, including money management, mortgage education, home maintenance skills, homeowners rights, credit report analysis, repairing credit, financing options, etc.*

a. Size of Program

- Yes  No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants  
 26 - 50 participants  
 51 to 100 participants  
 more than 100 participants

b. PHA-established eligibility criteria

- Yes  No: Will the PHA’s program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

- Higher income limit
- FSS participants

## **12. PHA Community Service and Self-sufficiency Programs**

[24 CFR Part 903.7 9 (l)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

***HACSM is exempt from this section as we have fewer than 250 PH units.***

### **A. PHA Coordination with the Welfare (TANF) Agency**

#### 1. Cooperative agreements:

- Yes  No: Has the PHA has entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? DD/MM/YY

#### 2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- Client referrals
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- Jointly administer programs
- Partner to administer a HUD Welfare-to-Work voucher program
- Joint administration of other demonstration program
- Other (describe)

### **B. Services and programs offered to residents and participants**

#### **(1) General**

##### a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- Public housing rent determination policies
- Public housing admissions policies
- Section 8 admissions policies
- Preference in admission to section 8 for certain public housing families
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation



**C. Welfare Benefit Reductions**

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

**D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937**

*Description of Community Service requirements implementation is included as attachment ca014e01.*

### **13. PHA Safety and Crime Prevention Measures**

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

***HACSM is exempt from this section as we have fewer than 250 PH units.***

#### **A. Need for measures to ensure the safety of public housing residents**

1. Describe the need for measures to ensure the safety of public housing residents  
(select all that apply)

- High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- Residents fearful for their safety and/or the safety of their children
- Observed lower-level crime, vandalism and/or graffiti
- People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- Other (describe below)

2. What information or data did the PHA use to determine the need for PHA actions to improve safety of residents (select all that apply).

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)

3. Which developments are most affected? (list below)

#### **B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year**

1. List the crime prevention activities the PHA has undertaken or plans to undertake:  
(select all that apply)

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- Crime Prevention Through Environmental Design
- Activities targeted to at-risk youth, adults, or seniors

- Volunteer Resident Patrol/Block Watchers Program
- Other (describe below)

2. Which developments are most affected? (list below)

**C. Coordination between PHA and the police**

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- Police provide crime data to housing authority staff for analysis and action
- Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- Police regularly testify in and otherwise support eviction cases
- Police regularly meet with the PHA management and residents
- Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- Other activities (list below)

2. Which developments are most affected? (list below)

**D. Additional information as required by PHDEP/PHDEP Plan *Not Applicable***

PHAs eligible for FY 2005 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes  No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes  No: Has the PHA included the PHDEP Plan for FY 2005 in this PHA Plan?
- Yes  No: This PHDEP Plan is an Attachment. (Attachment Filename: \_\_\_\_)

**14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]

*Description of Pet Policy (Family & Elderly/Handicapped is included as attachment ca014f01.*

## **15. Civil Rights Certifications**

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

## **16. Fiscal Audit**

[24 CFR Part 903.7 9 (p)]

1.  Yes  No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?  
(If no, skip to component 17.)
2.  Yes  No: Was the most recent fiscal audit submitted to HUD?
3.  Yes  No: Were there any findings as the result of that audit?
4.  Yes  No: If there were any findings, do any remain unresolved?  
If yes, how many unresolved findings remain? 5
5.  Yes  No: Have responses to any unresolved findings been submitted to HUD?  
If not, when are they due (state below)? *March 31, 2008*

## **17. PHA Asset Management**

[24 CFR Part 903.7 9 (q)]

***HACSM is exempt from this section as we have fewer than 250 PH units.***

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

1.  Yes  No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock , including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
  - Not applicable
  - Private management
  - Development-based accounting
  - Comprehensive stock assessment
  - Other: (list below)
3.  Yes  No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

### **A. Resident Advisory Board Recommendations**

1.  Yes  No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
  
2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)  
 Attached at Attachment (File name) ca014s01  
 Provided below:
  
3. In what manner did the PHA address those comments? (select all that apply)  
 Considered comments, but determined that no changes to the PHA Plan were necessary.  
 The PHA changed portions of the PHA Plan in response to comments  
List changes below:  
  
 Other: (list below)

### **B. Description of Election process for Residents on the PHA Board *Not Applicable***

*The Housing Authority's governing board is the County's board of supervisors who are elected officials.*

1.  Yes  No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
  
2.  Yes  No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)
  
3. Description of Resident Election Process
  - a. Nomination of candidates for place on the ballot: (select all that apply)  
 Candidates were nominated by resident and assisted family organizations  
 Candidates could be nominated by any adult recipient of PHA assistance  
 Self-nomination: Candidates registered with the PHA and requested a place on ballot  
 Other: (describe)
  
  - b. Eligible candidates: (select one)  
 Any recipient of PHA assistance  
 Any head of household receiving PHA assistance  
 Any adult recipient of PHA assistance  
 Any adult member of a resident or assisted family organization  
 Other (list)

c. Eligible voters: (select all that apply)

- All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other (list)

### C. Statement of Consistency with the Consolidated Plan

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: (provide name here) *San Mateo County, California*
2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)
  - The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
  - The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
  - The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
  - Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
  - Other: (list below)
3. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

*The goals and top priorities stated in the Consolidated Housing and Community Development Plan, 2003-2008, support the PHA Plan with the following commitments:*

- *Provide affordable housing opportunities for extremely low, very low and low-income individuals and households.*
- *Provide a continuum of housing opportunities and supportive housing services for the homeless.*
- *Assist non-housing community development activities that empower lower income and special needs groups.*

### D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

## Attachments

Use this section to provide any additional attachments referenced in the Plans.

<i>Admissions Policy for Deconcentration</i>	<i>ca014a01</i>
<i>FY 2008 Capital Fund Program Annual Statement</i>	<i>ca014b01</i>
<i>List of Resident Advisory Board Members</i>	<i>ca014c01</i>
<i>List of Resident Board Member</i>	<i>ca014d01</i>
<i>Community Service Description of Implementation</i>	<i>ca014e01</i>
<i>Information on Pet Policy</i>	<i>ca014f01</i>
<i>Section 8 Homeownership Capacity Statement</i>	<i>ca014g01</i>
<i>Deconcentration &amp; Income Mixing Analysis Results</i>	<i>ca014h01</i>
<i>Progress in Meeting 5 Year Plan Goals</i>	<i>ca014i01</i>
<i>Criteria for Substantial Deviation &amp; Significant Amendment</i>	<i>ca014j01</i>
<i>VAWA Support and Assistance Statement</i>	<i>ca014k01</i>
<i>Project-Based Voucher Program</i>	<i>ca014l01</i>
<i>PHA Management Organizational Chart</i>	<i>ca014m01</i>
<i>FY 2008 Capital Fund Program 5 Year Action Plan</i>	<i>ca014n01</i>
<i>2007 Performance and Evaluation Report</i>	<i>ca014o01</i>
<i>2006 Performance and Evaluation Report</i>	<i>ca014p01</i>
<i>2005 Performance and Evaluation Report</i>	<i>ca014q01</i>
<i>2003 Performance and Evaluation Report</i>	<i>ca014r01</i>
<i>Comments of Resident Advisory Board</i>	<i>ca014s01</i>
<i>Moving-To-Work Supplemental Annual Plan</i>	<i>ca014t01</i>
<i>Public Hearing Comments</i>	<i>(ca014ut01)</i>

# PHA Plan Table Library

## Component 7 Capital Fund Program Annual Statement Parts I, II, and II

### Annual Statement *(see attachment ca014b01)* Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number      FFY of Grant Approval: (MM/YYYY)

Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	
3	1408 Management Improvements	
4	1410 Administration	
5	1411 Audit	
6	1415 Liquidated Damages	
7	1430 Fees and Costs	
8	1440 Site Acquisition	
9	1450 Site Improvement	
10	1460 Dwelling Structures	
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	
20	<b>Amount of Annual Grant (Sum of lines 2-19)</b>	
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	
24	Amount of line 20 Related to Energy Conservation Measures	

**Annual Statement** (*see attachment ca014b01*)  
**Capital Fund Program (CFP) Part II: Supporting Table**

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost

**Annual Statement** (*see attachment ca014b01*)

**Capital Fund Program (CFP) Part III: Implementation Schedule**

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)

## Optional Table for 5-Year Action Plan for Capital Fund (Component 7)

Complete one table for each development in which work is planned in the next 5 PHA fiscal years. Complete a table for any PHA-wide physical or management improvements planned in the next 5 PHA fiscal year. Copy this table as many times as necessary. Note: PHAs need not include information from Year One of the 5-Year cycle, because this information is included in the Capital Fund Program Annual Statement.

Optional 5-Year Action Plan Tables				
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development	
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)
<i>(see attachment ca014n01)</i>				
<b>Total estimated cost over next 5 years</b>				



**Attachment: ca014a01**

**DE-CONCENTRATION AND INCOME TARGETING POLICY**

**FOR THE  
HOUSING AUTHORITY OF THE COUNTY OF SAN MATEO  
BELMONT, CALIFORNIA**

**Adopted by Board of Commissioners**

**Resolution No.:** \_\_\_\_\_

**Date of Adoption:** \_\_\_\_\_

**DE-CONCENTRATION AND INCOME TARGETING POLICY**  
*(of the Public Housing Admissions and Occupancy Policy)*

Sub-Title A, Section 513 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), establishes two interrelated requirements for implementation by Public Housing Authorities: (1) Economic De-concentration of public housing developments and (2) Income Targeting to assure that families in the “extremely low” income category are proportionately represented in public housing and that pockets of poverty are reduced or eliminated. In order to implement these new requirements the PHA must promote these provisions as policies and revise their Admission and Occupancy policies and procedures to comply.

Therefore, the Housing Authority of the County of San Mateo, Belmont, California (hereinafter referred to as PHA) hereby affirms its commitment to implementation of the two requirements by adopting the following policies:

A. Economic De-concentration:

Admission and Continued Occupancy Policies are revised to include the PHA’s policy of promoting economic de-concentration. Implementation of this program may require the PHA to determine the median income of residents in each development, determine the average income of residents in all developments, compute the Established Income Range (EIR), determine developments outside the EIR, and provide adequate explanations and/or policies as needed to promote economic de-concentration.

Implementation may include one or more of the following options:

- Skipping families on the waiting list based on income;
- Establishing preferences for working families;
- Establish preferences for families in job training programs;
- Establish preferences for families in education or training programs;
- Marketing campaign geared toward targeting income groups for specific developments;
- Additional supportive services;
- Additional amenities for all units;
- Flat rents for developments and unit sizes;
- Different tenant rent percentages per development;
- Different tenant rent percentages per bedroom size;
- Saturday and evening office hours;
- Security Deposit waivers;
- Revised transfer policies;
- Site-based waiting lists;
- Mass Media advertising/Public service announcements; and
- Giveaways.

B. Income Targeting

As public housing dwelling units become available for occupancy, responsible PHA employees will offer units to applicants on the waiting list. In accordance with the Quality Housing and Work Responsibility Act of 1998, the PHA encourages occupancy of its developments by a broad range of families with incomes up to eighty percent (80%) of the median income for the jurisdiction in which the PHA operates. Depending on the availability of applicants with proper demographics, at a minimum, 40% of all new admissions to public housing **on an annual basis** may be families with incomes at or below thirty percent (30%) (extremely low-income) of the area median income. The offer of assistance will be made without discrimination because of race, color, religion, sex, national origin, age, handicap or familial status.

In order to implement the income targeting program, the following policy is adopted:

- The PHA may select, based on date and time of application and preferences, two (2) families in the extremely low-income category and two (2) families from the lower/very low-income category alternately until the forty percent (40%) admission requirement of extremely low-income families is achieved (2 plus 2 policy).
- After the minimum level is reached, all selections may be made based solely on date, time and preferences. Any applicants passed over as a result of implementing this 2 plus 2 policy will retain their place on the waiting list and will be offered a unit in order of their placement on the waiting list.
- To the maximum extent possible, the offers will also be made to effect the PHA's policy of economic de-concentration.
- The PHA reserves the option, at any time, to reduce the targeting requirement for public housing by no more than ten percent (10%), if it increases the target figure for its Section 8 program from the required level of seventy-five percent (75%) of annual new admissions to no more than eighty-five percent (85%) of its annual new admissions. (Optional for PHAs with both Section 8 and Public Housing programs)

**CAPITAL FUND PROGRAM TABLES START HERE**

Attachment: ca014b01

**Annual Statement /Performance and Evaluation Report** 2/11/2008  
**Capital Funds Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: <p align="center"><b>Housing Authority of the County of San Mateo</b></p>	Grant Type and Number: Capital Fund Program No: <span style="float: right;"><b>CA39P01450108</b></span> Replacement Housing Factor Grant No:	Federal FY of Grant: <p align="center"><b>2008</b></p>
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Original Annual Statement   
  Reserved for Disasters/Emergencies   
  Revised Annual Statement/Revision Number \_\_\_\_\_  
 Performance and Evaluation Report for Program Year Ending \_\_\_\_\_  
 Final Performance and Evaluation Report for Program Year Ending \_\_\_\_\_

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-Capital Funds				
2	1406 Operations	56,564.00			
3	1408 Management Improvements	15,000.00			
4	1410 Administration	15,000.00			
5	1411 Audit	0.00			
6	1415 Liquidated Damages	0.00			
7	1430 Fees and Costs	20,000.00			
8	1440 Site Acquisition	0.00			
9	1450 Site Improvement	65,400.00			
10	1460 Dwelling Structures	77,360.00			
11	1465.1 Dwelling Equipment-Nonexpendable	3,500.00			
12	1470 Nondwelling Structures	12,500.00			
13	1475 Nondwelling Equipment	15,500.00			
14	1485 Demolition	0.00			
15	1490 Replacement Reserve	0.00			
16	1492 Moving to Work Demonstration	0.00			
17	1495.1 Relocation Costs	2,000.00			
18	1499 Development Activities	0.00			
19	1501 Collateralization or Debt Service	0.00			
20	1502 Contingency	0.00			
21	<b>Amount of Annual Grant (sums of lines 2-20)</b>	<b>\$282,824.00</b>			
22	Amount of line 21 Related to LBP Activities	0.00			
23	Amount of Line 21 Related to Section 504 Compliance	0.00			
24	Amount of Line 21 Related to Security - Soft Costs	0.00			
25	Amount of Line 21 Related to Security - Hard Costs	0.00			
26	Amount of Line 21 Related to Energy Conservation Measures	0.00			

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

2/11/2008

PHA Name: <b>Housing Authority of the County of San Mateo</b>		Grant Type and Number: Capital Fund Program No: <b>CA39P01450108</b> Replacement Housing Factor Grant No:				Federal FY of Grant: <b>2008</b>		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA - Wide	<b>Operations</b>	1406		56,564.00				
	<b>Management Improvements:</b>	1408		15,000.00				
	Technical & non-technical training/assistance (HUD program systems updates, tracking, etc.)							
	Policies updates/changes							
	Computer software updates, staff training							
	<b>Administration (maximum 10% of total grant)</b>	1410		15,000.00				
	Procurement-Contractors, monitoring, report, documentation functions							
	<b>Fees &amp; Costs:</b>	1430		20,000.00				
	Planning, consortium fees, update annual plan, energy audit update utility allowance							
	Mold remediation, services and repairs							
	<b>Site Improvement:</b>	1450						
	Tree trimming (continuance)			4,500.00				
	Concrete repair/replacement and fence repairs/replacement			8,000.00				
	Exterior lighting (continuance)			5,000.00				
	Landscaping improvements (to low maintenance design)			9,900.00				
	Sewer lines repairs			6,000.00				
	Waste receptacles			2,000.00				
El Camino Village	Retaining wall (erosion control)			30,000.00				Moved from 2006
HA - Wide	<b>Dwelling Structures:</b>	1460						
	<b>Comprehensive Modernization:</b>							
	Bathroom shower surround replacement			1,860.00				
	Floor covering replacement		4 units	12,000.00				
	Painting interior			2,500.00				
	Weather stripping (air sealing)			1,500.00				
	Window screens replacement & window blinds		Partial	12,000.00				
	<b>Subtotal</b>			<b>201,824.00</b>				





Attachment: ca014c01  
Housing Authority of the County of San Mateo  
List of Resident Advisory Board Members

List members of the Resident Advisory Board or Boards: (If the list would be unreasonably long, list organizations represented or otherwise provide a description,)

<i>Turier Washington, Jr.</i>	<i>Section 8 Participant</i>
<i>Elizabeth Dolmat</i>	<i>Section 8 Participant</i>
<i>Cecilia Walker</i>	<i>Section 8 Participant</i>
<i>Estella Cirilo</i>	<i>Public Housing Resident</i>
<i>Maxine Arnold</i>	<i>Public Housing Resident</i>
<i>Lesbia Duarte</i>	<i>Public Housing Resident</i>

Attachment: ca014d01  
Housing Authority of the County of San Mateo  
List of Resident Board Member

**Required Attachment: Resident Member on the PHA Governing Board**

1.  Yes  No: Does the PHA governing board include at least one member who is directly assisted by the PHA this year? (if no, skip to #2)

A. Name of resident member(s) on the governing board:

B. How was the resident board member selected: (select one)?

- Elected  
 Appointed

C. The term of appointment is (include the date term expires):

2. A. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

- the PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis
- the PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.
- Other (explain): ***The Housing Authority's governing board is the County's board of supervisors who are elected officials.***

B. Date of next term expiration of a governing board member: Each county supervisor is elected for a 4-year term. Expiration date of the terms varies.

C. Name and title of appointing official(s) for governing board (indicate appointing official for the next position):

***Not applicable; there is no appointing official for the governing board. The governing board members are elected officials.***

Attachment: ca014e01  
Housing Authority of the County of San Mateo  
Community Service Description of Implementation

**Description of the Community Service Policy**

The Housing Authority of the County of San Mateo (HACSM) Community Service Policy is simple and definitive of Section 512 of the Quality and Work Responsibility Act of 1998. HACSM believes that the community service requirement should not be received by the resident to be a punitive or demeaning activity, but rather to be a rewarding activity that will benefit both the resident and the community. Community service offers public housing residents and opportunity to contribute to the communities that support them while gaining work experience. The requirement is easy and rewarding and the HACSM provides the residents with the name of agencies, the agencies point of contact and all required paper work necessary to accomplish the monthly service.

The Community Service Policy allows the HACSM to identify those residents required to participate in the community service requirement. Participants will be required to contribute 8 hours of community service each month or to participate in a self-sufficiency program for 8 hours each month. Identified residents are responsible to determine the appropriateness of the voluntary service within guidelines provide in the policy. Allowed activities that may be included are listed in the policy. Voluntary political activities are prohibited from being considered to meet the Community Service requirement. Participation in self-sufficiency activities that may be included are listed in the policy. A list of exemptions that may be claimed from the requirement is provided in the policy. Family obligations and PHA obligations are addressed in detail. Lease requirements and documentation and non-compliance are all clearly addressed.

**Administrative Steps Taken to Implement the Requirement**

HACSM took the following administrative steps to implement the requirement:

- A Copy of Community Service Requirement is given to each new resident at time of move-in, and the policy is explained.
- At least once a year at the time of the annual review, and sometimes at interim changes (if relevant), each resident signs a Compliance Certification and/or an Exemption Certification if applicable.
- The HACSM has an agreement with the San Mateo County Human Services Agency Cal-Works Program to verify whether a resident is in compliance with the work first program requirements.

**Programmatic Aspects of the Requirements**

The programmatic aspects of the requirements include:

- Residents are able to volunteer at child care centers helping to monitor children, distribute food baskets to seniors and disabled residents through the

residents' association, serve as crossing guards for our two local schools, assist the youth of the community by volunteering at the Boys and Girls Clubs, work in nursing homes. Residents can also enroll in school to obtain their GED, or continue their education to pursue self sufficiency.

- HACSM has cooperative agreements with the Midway Village Residents' Association, Bayshore Childcare center, Bayshore Elementary and Robertson Middle schools, and the DeLue Boys and Girls Club, as well as the Bayshore Residents' Association to assist the residents in meeting the Community Service requirement. Volunteer opportunities from the local newspapers are also posted by management in the housing office.
- Notice of non-compliance is issued to residents who do not provide verification of exemption or compliance with the requirement. This notice outlines the months during which the resident is out of compliance and the exact number of deficient volunteer hours owed. A Compliance Agreement is signed, allowing the resident time to make up the deficient hours and reiterating the consequences of non-compliance.

### **Community Service Implementation Report**

Number of tenants performing community service: 22

Number of tenants granted exemptions: 284

Number of tenants in non-compliance: -0-

Number of tenants terminated/evicted due to non-compliance: 1

Attachment: ca014f01  
Housing Authority of the County of San Mateo  
Information on Pet Policy

PET POLICY

Section 526 of the Quality Housing and Work Responsibility Act of 1998 added a new Section 31 (“Pet Ownership in Public Housing”) to the United States Housing Act of 1937. Section 31 establishes pet ownership requirements for residents of public housing other than federally assisted rental housing for the elderly or persons with disabilities. In brief, this section states that: A resident of a dwelling unit in public housing may own 1 or more common household pets or have such pets present in the dwelling unit. Allowance of pets is subject to reasonable requirements of the HACSM.

The Housing Authority of the County of San Mateo (hereinafter referred to as HACSM) notifies eligible new residents of that right and provides them copies of the HACSM's Pet Ownership Rules. To obtain permission, pet owners must agree to abide by those Rules.

In consulting with residents currently living in the Authority's developments, the HACSM will notify all such residents that:

- A. All residents are permitted to own and keep common domesticated household pets, such as a cat, dog (except at El Camino Village where dogs of any size are not allowed), bird, and fish, in their dwelling units, in accordance with HACSM pet ownership rules;
- B. With the exception of animals that are used to assist the handicapped or disabled guests, no visiting pets of any kind shall be allowed on the premises.
- C. The pet deposit is intended to cover additional costs not otherwise covered (i.e., fumigation of a unit);
- D. Animals that are used to assist the handicapped are excluded from the size and weight and type requirements pertaining to ownership of service animals; however, they will be required to assure that proper licensing, inoculations, leash restraints, etc. are observed. Animals that are used to assist the handicapped must meet the ADA's definition for service animals (28 CFR 36.104).
- E. Residents may request a copy of the HACSM's pet ownership rules or proposed amendments to the rules at any time; and,
- F. if the dwelling lease of a resident prohibits pet ownership, the resident may request that the lease be amended to permit pet ownership, in accordance with the HACSM's pet ownership rules shown below;

- G. Section 31 of the Quality Housing and Work Responsibility Act does not alter, in any way, the regulations applicable to federally assisted housing for the elderly and persons with disabilities found at Section 227 of the Housing and Urban-Rural Recovery Act of 1983 and located in 24 CFR part 5, subpart C.
- H. Section 960.705 of 24 CFR clarifies that the regulations added in Section 31 do not apply to service animals that assist persons with disabilities. This exclusion applies to both service animals that reside in public housing and service animals that visit HACSM developments.

#### Pet Ownership Rules

1. Common household pet means a domesticated cat, dog, bird, gerbil, hamster, Guinea pig and fish in aquariums. With the exception of small reptiles such as turtles in a terrarium or iguanas, reptiles as well as mice and rats are prohibited. These definitions do not include any wild animal, bird or fish.
2. Each household shall have only one pet. On a case by case basis, the household may keep additional pets such as fish, birds, or small reptiles. The limit for birds is two (2). The limit for the aquariums is 20 gallon.
3. The pet owner shall have only a cat or a small dog. The animal's weight shall not exceed 35 pounds at full growth for dogs, 20 pounds at full growth for cats. Such limitations do not apply to a service animal used to assist a handicapped or disabled resident.
4. Pet owners shall license their pets yearly with the County of San Mateo or applicable City within the County, or as required. The pet owner must show the HACSM proof of rabies and distemper booster inoculations and licensing annually.
5. No pet owner shall keep a pet in violation of State or local health or humane laws or ordinances. Any failure of these pet ownership rules to contain other applicable State or local laws or ordinances does not relieve the pet owner of the responsibility for complying with such requirements.
6. The pet owner shall have his or her cat or dog spayed or neutered and shall pay the cost thereof. A veterinarian shall verify that the spaying or neutering has been accomplished.
7. The pet owner shall house the pet inside the pet owner's dwelling unit. The pet owner shall keep a cat or a dog on a leash and shall control the animal when it is taken out of the dwelling unit for any purpose. The owner of a bird(s) shall confine them to a cage at all times. No pet owner shall allow his or her pet to be unleashed or loose outside the pet owner's dwelling unit.

8. No resident shall keep, raise, train, breed or maintain any pet of any kind at any location, either inside or outside the dwelling unit, for any commercial purpose.
9. No pet owner shall keep a vicious or intimidating pet on the premises. Any animal identified in local or State law or ordinance as dangerous or vicious will be prohibited. If the pet owner declines, delays or refuses to remove such a pet from the premises, the Authority shall call the local Humane Society to remove the animal in order to safeguard the health and welfare of other residents.
10. No pet owner shall permit his or her pet to disturb, interfere or diminish the peaceful enjoyment of the pet owner's neighbors or other residents. The terms, "disturb, interfere or diminish" shall include but not be limited to barking, howling, biting, scratching, chirping and other activities of a disturbing nature. If the pet owner declines, delays or refuses to remove the pet from the premises, the HACSM shall call the local Humane Society to remove pets.
11. The pet owner shall not permit refuse from the litter box to accumulate or to become unsanitary or unsightly, and shall dispose of such droppings by placing them in the pet owner's regular garbage can.
12. The pet owner shall not permit dog droppings to accumulate or to become unsanitary or unsightly, and shall dispose of such droppings by placing them in the pet owner's regular garbage can.
13. The pet owner shall take the precautions and measures necessary to eliminate pet odors within and around the dwelling unit, and shall maintain the dwelling unit in a sanitary condition at all times, as determined by the HACSM.
14. No pet owner shall alter the dwelling unit or the surrounding premises to create a space, hole, container or enclosure for any pet.
15. HACSM staff shall enter a dwelling unit where a pet has been left untended for twenty-four (24) hours, remove the pet and transfer it to the proper local authorities, subject to any provisions of State or local law or ordinances in this regard. The HACSM shall accept no responsibility for the pet under such circumstances.
16. Each pet owner shall pay a pet deposit of \$250.00. There is no pet deposit for birds, hamsters, turtles, or aquariums that are less than 5 gallons. The pet deposit is not part of the rent payable by the pet owner, and is in addition to any other financial obligation generally imposed on residents of the development where the pet owner lives. The HACSM shall use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet in the development, including, but not limited to the cost of repairs and replacements to, and the fumigation of, the pet owner's dwelling unit. For existing residents, installment payment plan will be available for hardship cases as determined by the Public

Housing Supervisor. In no cases shall the term of the payment plan exceed five (5) months.

The HACSM will refund the unused portion to the resident within twenty one (21) days after the pet owner moves from the dwelling unit or no longer owns or keeps a pet in the dwelling unit.

17. All residents are prohibited from feeding, housing or caring for stray animals or birds. Such action shall constitute having a pet without permission of the Authority.
18. If the pet owner is ill or absent from the dwelling unit and unable to care for his or her pet, the HACSM shall reserve the right to call the proper authority to remove the pet.
19. Should any pet housed in the HACSM's facilities give birth to a litter, the residents shall remove from the premises the entire litter. No pet offspring are allowed.
20. If the pet's health is threatened because of resident's inability to care for the pet due to illness, absence from the unit, or because of mistreatment of the pet, the HACSM will notify the proper authority to have the pet removed.
21. The resident shall be responsible for burial or disposal of deceased pets. Burial of deceased pets on the Housing Authority's premises is strictly prohibited.
22. The resident agrees to assume all responsibility for injury caused by the pet to HACSM staff and any other residents. The resident also agrees to assume all responsibility for damages caused by the pet to HACSM property, or property of any other residents.
23. The family is responsible for removing the pet or assuring that a responsible family member is present to control the pet when maintenance or other housing business is scheduled. The HACSM will not be responsible for any pet which gets out of a unit when maintenance employees, HA staff, or contractors enter the unit to conduct housing authority business.
24. Non-emergency work orders will only be completed if the resident or an adult family member is home with the pet. For emergency situations, the HACSM staff will enter the unit to abate the emergency. The HACSM staff shall take reasonable measure to control the pet to allow the maintenance work to be performed. The HACSM will not be responsible for any pet that gets out of a unit.
25. Violation of the Pet Policy is considered a violation of the lease agreement and the resident will be subjected to the same termination process as with any lease violations.

Attachment: ca014g01  
Housing Authority of the County of San Mateo  
Section 8 Homeownership Capacity Statement

The Housing Authority demonstrates its capacity to administer the Section 8 Homeownership program as the following policies are adopted:

- Provide the opportunity for residents to use Section 8 Housing Choice Vouchers for homeownership;
- Require financing be provided, insured or guaranteed by the state or Federal government;
- Accept only lenders that comply with generally accepted mortgage underwriting standards consistent with those of HUD, Fannie Mae, Freddie Mac, Federal Home Loan Bank, secondary mortgage market underwriting requirements, or generally accepted private sector underwriting standards.

Attachment: ca014h01  
Housing Authority of the County of San Mateo  
Deconcentration and Income Mixing Analysis Results

**Component 3, (6) Deconcentration and Income Mixing**

- a.  Yes  No: Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.
- b.  Yes  No: Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete.

If yes, list these developments as follows:

<b>Deconcentration Policy for Covered Developments</b>			
<b>Development Name:</b>	<b>Number of Units</b>	<b>Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]</b>	<b>Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]</b>

Attachment: ca014i01  
Housing Authority of the County of San Mateo  
Progress in Meeting 5-Year Plan Goals

The Housing Authority of the County of San Mateo has been successful in achieving its mission and 5 year plan goals during the fiscal year 2007. Goals are either completed or on target for completion as scheduled.

Concerning modernization the PHA has done substantial renovation of all the off-line units at Midway Village. These units are now occupied.

Concerning self-sufficiency and crime and safety, PHA efforts reduced crime in the communities through fostering a close partnership with the local police department, improving police response time when called by residents, installing new key and video surveillance system at El Camino Village, and updating the security policy.

Concerning improving the quality of life, PHA has successfully administered the Family Self-Sufficiency and Homeownership Programs.

To ensure compliance with the HUD's latest rules and regulations, every policy was reviewed and updated as needed. Most significant was the update to the Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan.

Concerning ensuring equal opportunity outreach efforts have been made by making renewed partnerships with community groups and medical facilities.

Attachment: ca014j01  
Housing Authority of the County of San Mateo  
Criteria for Substantial Deviations and Significant Amendments

**Substantial Deviations from the 5-Year Plan**

- Additions or deletions of Strategic Goals
- Any deviation that requires reviews and input by the Resident Advisory Board as well as approval by the Board of Commissioners.

**Significant Amendments or Modification to the Annual Plan**

- Any change to rent or admissions policies or organization of the waiting list;
- Additions of non-emergency\* work items over \$25,000 (items not included in the latest approved PHA Plan Capital Fund Annual Statement or 5-Year Action Plan); and
- Any change with regard to demolition or disposition, designation of housing, homeownership programs or conversion activities.

An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements since such changes are not considered significant.

This criterion does not supersede the requirements of OMB Circular No. A-87 (Cost Principal for State, Local, and Indian Tribal Governments) and 25 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements), as well as federal, state, or local regulations or statutes.

Any future issuance of HUD guidelines or additional regulations shall take precedence over the above criterion.

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\* Emergency – means physical work items of an emergency nature, posing an immediate threat to the health and safety of residents or staff, which must be completed within one year of capital grant funding. Management improvements are not eligible as emergency work.

Attachment: ca014k01  
Housing Authority of the County of San Mateo  
VAWA Support and Assistance Statement

The Housing Authority of the County of San Mateo has incorporated in its PHA Plan goals and objectives, and its policies and procedures the applicable provisions of the Violence Against Women and Reauthorization Act of 2005 (VAWA) to support or assist victims of domestic violence, dating violence, or stalking.

The PHA goal to provide an improved living environment is being met by the PHA by its effort to implement measures to assist victims of domestic violence in avoiding their abusers and continuing occupancy in public housing.

Towards its effort to meet the PHA goal to promote self-sufficiency and asset development of assisted households the PHA is partnering with local agencies to provide referrals or attract supportive services to assist victims of domestic violence move out of abusive situations and begin again.

In addition, the PHA has amended its policies and procedures to include language and applicable provisions of the VAWA. The required notification has been provided to all tenants of public housing and to participants and landlords under the Section 8 Program. In addition the PHA is including VAWA information in its briefing package and added provisions to the Transfer Policy that will permit an affected family or individual to be transferred. It is the PHA's intent to maintain compliance with all applicable requirements imposed by VAWA.

The PHA efforts may include:

- Provide and maintain housing opportunities for victims of domestic violence, dating violence, or stalking;
- Create and maintain collaborative partnerships between PHA victim service providers, law enforcement authorities, and other supportive groups to promote the safety and well-being of victims of domestic violence, dating violence, or stalking (whether actual or imminent threat) who are assisted by PHA
- Ensure the physical safety of victims of domestic violence, dating violence, or stalking (whether actual or imminent threat) who are assisted by PHA maintain compliance with all applicable requirements imposed by VAWA.
- Take appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting families or individuals assisted by PHA.
- Train PHA staff on the confidentiality issues as required by VAWA.

Attachment: ca014101  
Housing Authority of the County of San Mateo  
Section 8 Project Based Voucher Program

Agencies utilizing the Section 8 Project Based Voucher Program, including certificate programs that were converted to vouchers or intending to utilize the Section 8 Project Based Voucher Program during the upcoming fiscal year are required to provide the following information.

Our agency is currently operating or intends to operate a Section 8 Project Based Voucher Program. Yes   X   No \_\_\_\_\_

Projected number of units: 322 units currently under Project-based Certificate Program. HACSM plans to develop and implement a Section 8 Project-based Voucher Program in the upcoming Plan year. The total number of project-based units will not exceed 20% of the tenant-based voucher funding.

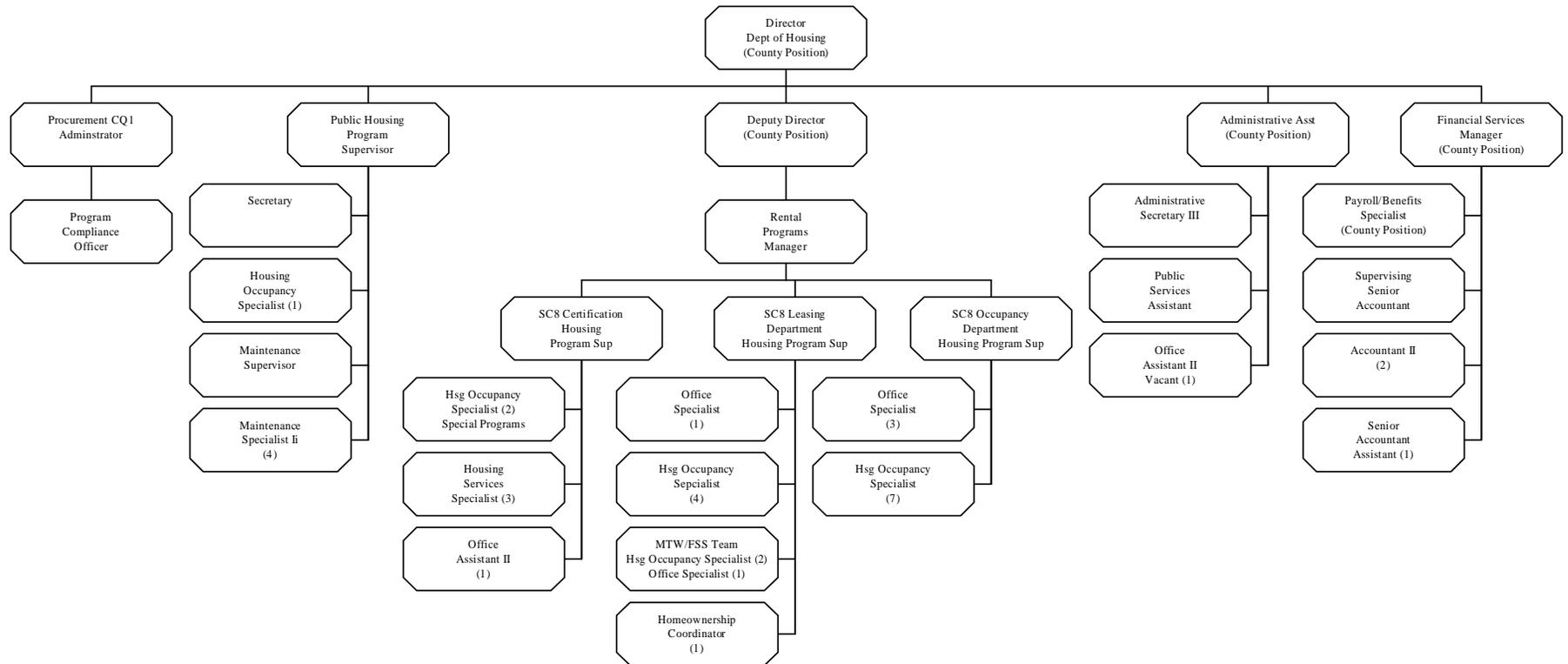
General location(s) (eligible census tracts or areas within eligible census tracts):

Throughout San Mateo County

How is this action consistent with the PHA Plan? Include the reasons why project basing instead of tenant basing the same number of units is appropriate.

- Secure long-term affordable housing units
- Access to neighborhoods outside of high poverty areas
- Increase feasibility of construction of new affordable housing

**Attachment: ca014m01**  
**Housing Authority of the County of San Mateo**  
**Organization Chart 10/2007**





**Capital Funds Program Five Year Action Plan**  
**Part II: Supporting Pages--Work Activities**

4/17/2008

Activities for Year 1	Activities for Year: 2 FFY Grant: 2009 PHA FY: 2009		
2008	Development Name/Number	Major Work Categories	Estimated Cost
See	HA - Wide	<b>Operations</b>	25,000.00
		<b>Management Improvements:</b>	20,000.00
Annual		Technical & non-technical training/assistance (HUD program systems updates, tracking, etc.)	
		Policies updates/changes	
		Computer software updates, staff training	
Statement		<b>Administration:</b>	30,000.00
		Procurement-Contractors, monitoring, report, documentation functions	
		<b>Fees &amp; Costs:</b>	25,000.00
		Planning, consortium fees, update annual agency plan, Update utility allowance,	
		<b>Site improvements:</b>	
		Landscaping/tree trimming	20,000.00
		Roofing /Gutter repair replacement	48,000.00
		Concrete/asphalt repair, replacement	20,000.00
		<b>Dwelling Structures:</b>	
		Window replacement (for energy conservation)	8,000.00
		Dry rot repair	12,000.00
		Painting interior	10,000.00
		Interior light fixtures	5,000.00
		Tub enclosure replacement	10,000.00
		Exterior painting (partial)	28,824.00
		Water heaters	3,500.00
		<b>Dwelling equipment :</b>	
		Appliances	3,500.00
		<b>Non-Dwelling equipment:</b>	
		Generator for emergency purposes	4,000.00
		Office/Maintenance equipment, furniture	10,000.00
		<b>Total Estimated Capital Funds - 2009</b>	<b>\$282,824.00</b>

**Capital Funds Program Five Year Action Plan**

4/17/2008

**Part II: Supporting Pages--Work Activities**

Activities for Year 1	Activities for Year: 3 FFY Grant: 2010 PHA FY: 2010		
2008	Development Name/Number	Major Work Categories	Estimated Cost
See	HA - Wide	<b>Operations</b>	25,000.00
		Management Improvements:	25,000.00
Annual		Technical & non-technical training/assistance	
		(HUD program systems updates, tracking, etc.)	
		Policies updates/changes	
		Computer software updates, training	
Statement		<b>Administration:</b>	20,000.00
		Procurement-Contractors, monitoring, report,	
		documentation functions	
		<b>Fees &amp; Costs:</b>	
		Planning, consortium fees, update annual	25,000.00
		agency plan, Update utility allowance,	
		<b>Site improvements:</b>	
		Landscaping improvements	20,000.00
		Concrete walkways, patios repair/replacement	38,824.00
		Re-Seal Asphalt Paving	35,000.00
		<b>Dwelling Structures:</b>	
		Windows replacement	10,000.00
		Roofing /Gutters repair, replacement	30,000.00
		Water heater closet door replacement (exterior)	14,000.00
		Termite Inspections/Repairs	15,000.00
		Water heaters	3,000.00
		Patio Doors	3,000.00
		Tub enclosure replacement	5,000.00
		<b>Dwelling Equipment</b>	
		Stoves-Refrigerators	4,000.00
		<b>Non- Dwelling equipment:</b>	
		Plumbing equipment /snake/video camera for sewer lines	10,000.00
		<b>Total Estimated Capital Funds - 2010</b>	<b>\$282,824.00</b>







**CAPITAL FUND PROGRAM TABLES START HERE**

Attachment: ca014o01

<b>Annual Statement /Performance and Evaluation Report</b>					2/8/2008
<b>Capital Funds Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary</b>					
PHA Name: <b>Housing Authority of the County of San Mateo</b>		Grant Type and Number: Capital Fund Program No: <b>CA39P01450107</b> Replacement Housing Factor Grant No:		Federal FY of Grant: <b>2007</b>	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserved for Disasters/Emergencies		<input checked="" type="checkbox"/> Revised Annual Statement/Revision Number <u>  1  </u>			
<input checked="" type="checkbox"/> Performance and Evaluation Report for Program Year Ending <b>12/31/07</b>		<input type="checkbox"/> Final Performance and Evaluation Report for Program Year Ending _____			
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-Capital Funds				
2	1406 Operations	34,252.00	56,824.00	0.00	0.00
3	1408 Management Improvements	20,000.00	8,000.00	0.00	0.00
4	1410 Administration	20,000.00	20,000.00	0.00	0.00
5	1411 Audit	0.00	0.00	0.00	0.00
6	1415 Liquidated Damages	0.00	0.00	0.00	0.00
7	1430 Fees and Costs	25,000.00	15,000.00	0.00	0.00
8	1440 Site Acquisition	0.00	0.00	0.00	0.00
9	1450 Site Improvement	33,000.00	83,000.00	0.00	0.00
10	1460 Dwelling Structures	130,572.00	83,000.00	0.00	0.00
11	1465.1 Dwelling Equipment-Nonexpendable	0.00	0.00	0.00	0.00
12	1470 Nondwelling Structures	2,000.00	2,000.00	0.00	0.00
13	1475 Nondwelling Equipment	18,000.00	15,000.00	0.00	0.00
14	1485 Demolition	0.00	0.00	0.00	0.00
15	1490 Replacement Reserve	0.00	0.00	0.00	0.00
16	1492 Moving to Work Demonstration	0.00	0.00	0.00	0.00
17	1495.1 Relocation Costs	0.00	0.00	0.00	0.00
18	1499 Development Activities	0.00	0.00	0.00	0.00
19	1501 Collateralization or Debt Service	0.00	0.00	0.00	0.00
20	1502 Contingency	0.00	0.00	0.00	0.00
21	<b>Amount of Annual Grant (sums of lines 2-20)</b>	<b>\$282,824.00</b>	<b>\$282,824.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
22	Amount of line 21 Related to LBP Activities	0.00	0.00	0.00	0.00
23	Amount of Line 21 Related to Section 504 Compliance	5,000.00	5,000.00	0.00	0.00
24	Amount of Line 21 Related to Security - Soft Costs	0.00	0.00	0.00	0.00
25	Amount of Line 21 Related to Security - Hard Costs	0.00	0.00	0.00	0.00
26	Amount of Line 21 Related to Energy Conservation Measures	10,000.00	7,000.00	0.00	0.00
Signature of Executive Director		Date		Signature of Public Housing Director	
				Date	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

2/8/2008

PHA Name:		Grant Type and Number:				Federal FY of Grant:		
<b>Housing Authority of the County of San Mateo</b>		<b>CA39P01450107</b>				<b>2007</b>		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA - Wide	<b>Operations</b>	1406		34,252.00	56,824.00	0.00	0.00	
	<b>Management Improvements:</b>	1408		20,000.00	8,000.00	0.00	0.00	
	Technical & non-technical training/assistance (HUD program systems updates, tracking, etc.)							
	Policies updates/changes							
	Computer software updates, staff training							
	<b>Administration (maximum 10% of total grant)</b>	1410		20,000.00	20,000.00	0.00	0.00	
	Procurement-Contractors, monitoring, reporting, documentation functions							
	<b>Fees &amp; Costs:</b>	1430		25,000.00	15,000.00	0.00	0.00	
	Planning, consortium fees, update annual agency plan, update utility allowance, physical needs assessment, Disposition technical assistance as needed							
	<b>Site Improvement:</b>	1450						
	Resurface asphalt parking lot/stripping (partial)			20,000.00	70,000.00	0.00	0.00	Continued from 2006
	Accessibility improvements			5,000.00	5,000.00	0.00	0.00	
	Retaining wall (erosion control)			0.00	0.00	0.00	0.00	Postponed
	Exterior lighting (common areas)			1,000.00	1,000.00	0.00	0.00	
	Tree trimming and removal			5,000.00	5,000.00	0.00	0.00	
	Trip hazard removal/concrete grinding/replacement			1,000.00	1,000.00	0.00	0.00	
	Irrigation and landscaping improvements			1,000.00	1,000.00	0.00	0.00	
	<b>Dwelling Structures:</b>	1460						
	Air duct cleaning (partial) (energy savings measures)			0.00	5,000.00	0.00	0.00	
	Gutter and downspout (repair and replacement)			50,000.00	5,000.00	0.00	0.00	
	Mold remediation services			10,000.00	5,000.00	0.00	0.00	
	Pest control and remediation			1,000.00	1,000.00	0.00	0.00	
	Bathroom/plumbing fixtures replacement			2,000.00	2,000.00	0.00	0.00	
	Energy conservation upgrades/improvements (flourescent lighting)			10,000.00	2,000.00	0.00	0.00	
	Painting interior of units			10,000.00	5,000.00	0.00	0.00	
	Kitchen cabinets, countertops, sinks (continuation)			5,572.00	2,000.00	0.00	0.00	
	Dryrot repair (Utility boxes, siding)			6,000.00	1,000.00	0.00	0.00	
	Painting exterior of buildings			36,000.00	30,000.00	0.00	0.00	
	Security System			0.00	5,000.00	0.00	0.00	
	Roofing			0.00	20,000.00	0.00	0.00	
	<b>Non-Dwelling Structures:</b>	1470						
	Conversion of non-dwelling space into resident services center			2,000.00	2,000.00	0.00	0.00	Moved to 2008
	<b>Non-Dwelling Equipment:</b>	1475						
	Maintenance vehicle			18,000.00	15,000.00	0.00	0.00	
	<b>TOTAL CAPITAL FUNDS GRANT - 2007</b>			<b>\$282,824.00</b>	<b>\$282,824.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	



**CAPITAL FUND PROGRAM TABLES START HERE**

Attachment: ca014p01

<b>Annual Statement /Performance and Evaluation Report</b>					2/8/2008
<b>Capital Funds Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary</b>					
PHA Name: <b>Housing Authority of the County of San Mateo</b>		Grant Type and Number: Capital Fund Program No: <b>CA39P01450106</b> Replacement Housing Factor Grant No:		Federal FY of Grant: <b>2006</b>	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserved for Disasters/Emergencies		<input checked="" type="checkbox"/> Revised Annual Statement/Revision Number <u>  3  </u>			
<input checked="" type="checkbox"/> Performance and Evaluation Report for Program Year Ending <b>12/31/07</b>		<input type="checkbox"/> Final Performance and Evaluation Report for Program Year Ending _____			
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-Capital Funds				
2	1406 Operations	33,082.00	56,654.00	33,082.00	33,082.00
3	1408 Management Improvements	16,000.00	8,000.00	0.00	0.00
4	1410 Administration	20,000.00	20,000.00	0.00	0.00
5	1411 Audit	0.00	0.00	0.00	0.00
6	1415 Liquidated Damages	0.00	0.00	0.00	0.00
7	1430 Fees and Costs	25,000.00	25,000.00	0.00	0.00
8	1440 Site Acquisition	0.00	0.00	0.00	0.00
9	1450 Site Improvement	118,000.00	147,000.00	14,672.81	14,672.81
10	1460 Dwelling Structures	62,572.00	19,000.00	3,875.00	3,875.00
11	1465.1 Dwelling Equipment-Nonexpendable	0.00	0.00	0.00	0.00
12	1470 Nondwelling Structures	6,000.00	5,000.00	1,615.00	1,615.00
13	1475 Nondwelling Equipment	1,000.00	1,000.00	703.52	703.52
14	1485 Demolition	0.00	0.00	0.00	0.00
15	1490 Replacement Reserve	0.00	0.00	0.00	0.00
16	1492 Moving to Work Demonstration	0.00	0.00	0.00	0.00
17	1495.1 Relocation Costs	0.00	0.00	0.00	0.00
18	1499 Development Activities	0.00	0.00	0.00	0.00
19	1501 Collateralization or Debt Service	0.00	0.00	0.00	0.00
20	1502 Contingency	0.00	0.00	0.00	0.00
21	<b>Amount of Annual Grant (sums of lines 2-20)</b>	<b>\$281,654.00</b>	<b>\$281,654.00</b>	<b>\$53,948.33</b>	<b>\$53,948.33</b>
22	Amount of line 21 Related to LBP Activities	0.00	0.00	0.00	0.00
23	Amount of Line 21 Related to Section 504 Compliance	15,000.00	5,000.00	0.00	0.00
24	Amount of Line 21 Related to Security - Soft Costs	0.00	0.00	0.00	0.00
25	Amount of Line 21 Related to Security - Hard Costs	0.00	0.00	0.00	0.00
26	Amount of Line 21 Related to Energy Conservation Measures	12,000.00	2,000.00	0.00	0.00
Signature of Executive Director		Date		Signature of Public Housing Director	
				Date	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

2/8/2008

PHA Name:		Grant Type and Number:		Federal FY of Grant:				
Housing Authority of the County of San Mateo		Capital Fund Program No: CA39P01450106		2006				
Replacement Housing Factor Grant No:								
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA - Wide	<b>Operations</b>	1406		33,082.00	56,654.00	33,082.00	33,082.00	58% Completed
	<b>Management Improvements:</b>	1408		16,000.00	8,000.00	0.00	0.00	
	Technical & non-technical training/assistance (HUD program systems updates, tracking, etc.)							
	Policies updates/changes							
	Computer software updates, staff training							
	<b>Administration (maximum 10% of total grant)</b>	1410		20,000.00	20,000.00	0.00	0.00	
	Procurement-Contractors, monitoring, reporting, documentation functions							
	<b>Fees &amp; Costs:</b>	1430		25,000.00	25,000.00	0.00	0.00	
	Planning, consortium fees, update annual agency plan, update utility allowance, physical needs assessment, Disposition application technical assistance, property appraisal							
	<b>Site Improvement:</b>	1450						
	Resurface asphalt parking lot/stripping (partial)			20,000.00	103,000.00	13,002.00	13,002.00	Continued in 2007
	Accessibility improvements			5,000.00	5,000.00	0.00	0.00	
	Retaining wall (erosion control)			20,000.00	0.00	0.00	0.00	Postponed
	Exterior lighting (common areas)			1,000.00	7,000.00	0.00	0.00	
	Tree trimming and removal			30,000.00	30,000.00	0.00	0.00	
	Trip hazard removal/concrete grinding/replacement			1,000.00	1,000.00	670.81	670.81	67% Completed
	Irrigation and landscaping improvements			1,000.00	1,000.00	1,000.00	1,000.00	100% Completed
	Resurface podium			40,000.00	0.00	0.00	0.00	
	<b>Dwelling Structures:</b>	1460						
	Gutter and downspout (repair and replacement)			30,000.00	2,000.00	0.00	0.00	
	Mold remediation services			5,000.00	1,000.00	0.00	0.00	
	Pest control and remediation			6,000.00	5,000.00	0.00	0.00	
	Bathroom/plumbing fixtures replacement			1,000.00	1,000.00	0.00	0.00	
	Energy conservation upgrades/improvements (flourescent lighting)			2,000.00	1,000.00	0.00	0.00	
	Painting interior of units			5,000.00	5,000.00	2,400.00	2,400.00	48% Completed
	Kitchen cabinets, countertops, sinks (continuation)			5,572.00	2,000.00	1,475.00	1,475.00	74% Completed
	Dryrot repair (Utility boxes, siding)			6,000.00	1,000.00	0.00	0.00	
	Painting exterior of buildings			2,000.00	1,000.00	0.00	0.00	
	<b>Non-Dwelling Structures:</b>	1470						
	Conversion of non-dwelling space into resident services center			2,000.00	0.00	0.00	0.00	Moved to 2008
	Carpeting and floor replacement (office)			4,000.00	5,000.00	1,615.00	1,615.00	32% Completed
	<b>Non-Dwelling Equipment:</b>	1475						
	Maintenance vehicle			0.00	0.00	0.00	0.00	
	Tools/toolbox for vehicle			1,000.00	1,000.00	703.52	703.52	70% Completed
<b>TOTAL CAPITAL FUNDS GRANT - 2006</b>				<b>\$281,654.00</b>	<b>\$281,654.00</b>	<b>\$53,948.33</b>	<b>\$53,948.33</b>	<b>19% Completed</b>



**CAPITAL FUND PROGRAM TABLES START HERE**

Attachment: ca014q01

**Annual Statement /Performance and Evaluation Report** 2/1/2008  
**Capital Funds Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

<b>PHA Name:</b> Housing Authority of the County of San Mateo	<b>Grant Type and Number:</b> Capital Fund Program No: CA39P01450105 Replacement Housing Factor Grant No:	<b>Federal FY of Grant:</b> 2005
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Original Annual Statement     
  Reserved for Disasters/Emergencies     
  Revised Annual Statement/Revision Number   2       
  Performance and Evaluation Report for Program Year Ending **12/31/07**     
  Final Performance and Evaluation Report for Program Year Ending \_\_\_\_\_

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-Capital Funds				
2	1406 Operations	5,000.00	5,000.00	5,000.00	5,000.00
3	1408 Management Improvements	20,000.00	15,000.00	10,043.52	10,043.52
4	1410 Administration	29,000.00	13,500.00	13,500.00	9,819.31
5	1411 Audit	0.00	0.00	0.00	0.00
6	1415 Liquidated Damages	0.00	0.00	0.00	0.00
7	1430 Fees and Costs	30,000.00	10,000.00	8,148.52	8,148.52
8	1440 Site Acquisition	0.00	0.00	0.00	0.00
9	1450 Site Improvement	104,000.00	134,000.00	134,000.00	134,000.00
10	1460 Dwelling Structures	76,500.00	114,000.00	107,094.04	107,094.04
11	1465.1 Dwelling Equipment-Nonexpendable	1,538.00	3,538.00	3,538.00	3,538.00
12	1470 Nondwelling Structures	0.00	0.00	0.00	0.00
13	1475 Nondwelling Equipment	27,500.00	1,500.00	1,500.00	1,500.00
14	1485 Demolition	0.00	0.00	0.00	0.00
15	1490 Replacement Reserve	0.00	0.00	0.00	0.00
16	1492 Moving to Work Demonstration	0.00	0.00	0.00	0.00
17	1495.1 Relocation Costs	3,000.00	0.00	0.00	0.00
18	1499 Development Activities	0.00	0.00	0.00	0.00
19	1501 Collateralization or Debt Service	0.00	0.00	0.00	0.00
20	1502 Contingency	0.00	0.00	0.00	0.00
21	<b>Amount of Annual Grant (sums of lines 2-20)</b>	<b>\$296,538.00</b>	<b>\$296,538.00</b>	<b>\$282,824.08</b>	<b>\$279,143.39</b>
22	Amount of line 21 Related to LBP Activities	0.00	0.00	0.00	0.00
23	Amount of Line 21 Related to Section 504 Compliance	0.00	0.00	0.00	0.00
24	Amount of Line 21 Related to Security - Soft Costs	0.00	0.00	0.00	0.00
25	Amount of Line 21 Related to Security - Hard Costs	0.00	0.00	0.00	0.00
26	Amount of Line 21 Related to Energy Conservation Measures	0.00	0.00	0.00	0.00

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

2/1/2008

PHA Name: <b>Housing Authority of the County of San Mateo</b>		Grant Type and Number: Capital Fund Program No: <b>CA39P01450105</b> Replacement Housing Factor Grant No:					Federal FY of Grant: <b>2005</b>	
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA - Wide	<b>Operations</b>	1406		5,000.00	5,000.00	5,000.00	5,000.00	100.00% Completed
	<b>Management Improvements:</b>	1408		20,000.00	15,000.00	10,043.52	10,043.52	66.96% Completed
	Technical & non-technical training/assistance							
	(HUD program systems updates, tracking, etc.)							
	Policies updates/changes							
	Computer software updates, staff training							
	<b>Administration (maximum 10% of total grant)</b>	1410		29,000.00	13,500.00	13,500.00	9,819.31	72.74% Completed
	Procurement-Contractors, monitoring, report,							
	documentation functions							
	<b>Fees &amp; Costs:</b>	1430		30,000.00	10,000.00	8,148.52	8,148.52	81.49% Completed
	Planning, consortium fees, update annual							
	agency plan, Update utility allowance,							
	<b>Site Improvement:</b>							
	Resurface podium	1450		30,000.00	0.00	0.00	0.00	Moved to 2007
	Sewer line repair/replacement (Martin Court)			14,000.00	104,000.00	104,000.00	104,000.00	100.00% Completed
	Retaining wall (erosion control)			30,000.00	0.00	0.00	0.00	Moved to 2007
	Resurfacing and restriping of parking - partial (Midway Village)			30,000.00	30,000.00	30,000.00	30,000.00	100.00% Completed
	<b>Dwelling Structures:</b>							
	<b>Comprehensive interior modernization to include:</b>	1460	8 units	0.00	114,000.00	107,094.04	107,094.04	93.94% Completed
	Kitchen cabinets, countertops, sinks (continuation)	1460	8 units	20,000.00	0.00	0.00	0.00	Moved to 2007
	Bathroom and plumbing fixtures replacement			12,000.00	0.00	0.00	0.00	continue in 2007
	Energy conservation improvements (fluorescent lighting)		8	6,000.00	0.00	0.00	0.00	continue in 2007
	Window coverings/blinds		4	2,000.00	0.00	0.00	0.00	continue in 2007
	Water heaters		2	1,500.00	0.00	0.00	0.00	continue in 2007
	Dryrot repair (utility boxes, ext. siding, ext. trim)			10,000.00	0.00	0.00	0.00	Moved to 2007
	Windows replacement			10,000.00	0.00	0.00	0.00	Moved to 2007
	Mold remediation services and repairs		1	15,000.00	0.00	0.00	0.00	Moved to 2007





**CAPITAL FUND PROGRAM TABLES START HERE**

Attachment: ca014r01

**Annual Statement /Performance and Evaluation Report** 2/1/2008  
**Capital Funds Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

<b>PHA Name:</b> Housing Authority of the County of San Mateo	<b>Grant Type and Number:</b> Capital Fund Program No: CA39P01450103 Replacement Housing Factor Grant No:	<b>Federal FY of Grant:</b> 2003
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Original Annual Statement     
  Reserved for Disasters/Emergencies     
  Revised Annual Statement/Revision Number   2    
 Performance and Evaluation Report for Program Year Ending **12/31/07**     
  Final Performance and Evaluation Report for Program Year Ending \_\_\_\_\_

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-Capital Funds				
2	1406 Operations	5,000.00	5,000.00	5,000.00	5,000.00
3	1408 Management Improvements	30,000.00	41,759.04	41,759.04	41,759.04
4	1410 Administration	25,000.00	25,393.99	25,393.99	25,393.99
5	1411 Audit	0.00	0.00	0.00	0.00
6	1415 Liquidated Damages	0.00	0.00	0.00	0.00
7	1430 Fees and Costs	20,000.00	129,620.00	129,620.00	129,620.00
8	1440 Site Acquisition	0.00	0.00	0.00	0.00
9	1450 Site Improvement	35,000.00	10,741.00	10,741.00	10,741.00
10	1460 Dwelling Structures	133,147.00	38,889.92	38,889.92	38,889.92
11	1465.1 Dwelling Equipment-Nonexpendable	3,000.00	3,278.00	3,278.00	3,278.00
12	1470 Nondwelling Structures	0.00	0.00	0.00	0.00
13	1475 Nondwelling Equipment	5,000.00	1,465.05	1,465.05	1,465.05
14	1485 Demolition	0.00	0.00	0.00	0.00
15	1490 Replacement Reserve	0.00	0.00	0.00	0.00
16	1492 Moving to Work Demonstration	0.00	0.00	0.00	0.00
17	1495.1 Relocation Costs	0.00	0.00	0.00	0.00
18	1499 Development Activities	0.00	0.00	0.00	0.00
19	1501 Collateralization or Debt Service	0.00	0.00	0.00	0.00
20	1502 Contingency	0.00	0.00	0.00	0.00
21	<b>Amount of Annual Grant (sums of lines 2-20)</b>	<b>\$256,147.00</b>	<b>\$256,147.00</b>	<b>\$256,147.00</b>	<b>\$256,147.00</b>
22	Amount of line 21 Related to LBP Activities	0.00	0.00	0.00	0.00
23	Amount of Line 21 Related to Section 504 Compliance	0.00	0.00	0.00	0.00
24	Amount of Line 21 Related to Security - Soft Costs	0.00	0.00	0.00	0.00
25	Amount of Line 21 Related to Security - Hard Costs	0.00	13,014.00	13,014.00	13,014.00
26	Amount of Line 21 Related to Energy Conservation Measures	3,784.00	2,875.92	2,875.92	2,875.92

**Annual Statement/Performance and Evaluation Report**

**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**

2/1/2008

**Part II: Supporting Pages**

PHA Name: <b>Housing Authority of the County of San Mateo</b>		Grant Type and Number: Capital Fund Program No: <b>CA39P01450103</b> Replacement Housing Factor Grant No:						Federal FY of Grant: <b>2003</b>	
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		
HA - Wide	Operations	1406		5,000.00	5,000.00	5,000.00	5,000.00	Completed	
	Management Improvements - technical & non-technical assistance/staff training, software & HUD program systems (RDD, waiting list, tracking, etc., policy updates/changes, orientation)	1408		30,000.00	41,759.04	41,759.04	41,759.04	Completed	
	Computer software updates, staff training								
	Resident Coordinator/benefits (for safety, house-keeping training, Neighborhood Watch)								
	Administration - Procurement-Contractors, monitoring, report, documentation functions	1410		25,000.00	25,393.99	25,393.99	25,393.99	Completed	
	Hire pt-time data clerk for Inventory record input, etc.								
	Fees & Costs - Architect Planning, consortium fees, Update Annual Agency Plan/Five Year Plan	1430		20,000.00	129,620.00	129,620.00	129,620.00	Completed	
	Review/update Annual Utility Allowances								
	Replace wooden retaining walls (El Camino Village)	1450	8	35,000.00	0.00	0.00	0.00		
	Sewer line replacement (4 units)	1450	4	0.00	10,741.00	10,741.00	10,741.00	Completed	
	Dwelling Structures -Replace gutters all units (Phase I)	1460	22	74,991.00	0.00	0.00	0.00		
	Energy Star Water Heater	1460	9	3,784.00	2,875.92	2,875.92	2,875.92	Completed	
	Blinds/shades	1460	18 units	1,500.00	1,500.00	1,500.00	1,500.00	Completed	
	Upgrade/improve existing lighting/light poles	1460		10,000.00	0.00	0.00	0.00		
	Replace kitchen cabinets (Partial)	1460	10	42,872.00	0.00	0.00	0.00		
	Security camera system upgrade	1460	11	0.00	13,014.00	13,014.00	13,014.00	Completed	
	Mold remediation	1460		0.00	21,500.00	21,500.00	21,500.00	Completed	
	Dwelling Equipment - kitchen appliances	1465	8	3,000.00	3,278.00	3,278.00	3,278.00	Completed	
	Non-Dwelling Structures (expand maintenance fac.)	1470		0.00	0.00	0.00	0.00		
	Non-Dwelling Equipment - Purchase	1475		5,000.00	1,465.05	1,465.05	1,465.05	Completed	
	landscaping/maintenance equipment, (drain cleaning machine)								
<b>TOTAL CAPITAL FUNDS 2003</b>					<b>\$256,147.00</b>	<b>\$256,147.00</b>	<b>\$256,147.00</b>	<b>\$256,147.00</b>	<b>100% Completed</b>



Attachment: ca014s01  
Housing Authority of the County of San Mateo (HACSM)  
Comments of Resident Advisory Board or Boards  
FY 2008 PHA Plan

**Housing Authority of the County of San Mateo (HACSM)  
Resident Advisory Board Meeting  
Comments and Questions**

The following comments were received during the Resident Advisory Board Meeting held on March 13, 2008.

**Comment:**

Midway Village residents would like to see some redevelopment at Midway that will include some retail space. How feasible is this and what is the time frame?

**HACSM Response:**

The redevelopment of Midway Village is a long term project that may involve various entities and stakeholders. Discussions to date have been very preliminary and no plan exists. Any redevelopment could take from 5 to 10 years or more. We acknowledge the comment that retail space as part of the redevelopment would be a benefit to the community.

**Comment:**

There are residents that have lived in Midway Village for a long time and they say that when they moved in, they were unaware of the prior contamination in the soil. These residents continually have expressed their desire to move out of Midway Village. Can the Housing Authority create a preference in a future Section-8 wait list for Midway Village residents?

**HACSM Response:**

The HACSM will explore the possibility of Section 8 benefits for residents that were living at Midway Village prior to the completion of remediation. This issue is complicated by HUD regulations and prior issuance of vouchers to these same residents.

**Comment:**

Can Capital Funds be used to replace kitchen cabinets, windows, window coverings and improve exterior lighting?

**HACSM Response:**

- The HACSM concurs that replacing kitchen cabinets is an improvement to the units. Our goal is to continue replacing the cabinets in 4 to 6 kitchens per year.

- The HACSM sees the benefit in replacing its aging windows and will explore this further.
- The HACSM is developing plans to replace all mini blinds with a more durable alternative such as shutters. This process will be gradually done over 1 – 2 years.
- The HACSM has allocated funds for the improvement of the exterior lighting and will explore various options.

**Comments:**

What can be done to improve the security of the patio doors and windows?

**HACSM Response:**

We will contact a window company to get ideas on what kind of device we are able to install to provide additional security on windows and patio doors.

**Comments:**

Several years back the Housing Authority stopped replacing window screens. Can we get screens for all of our windows?

**HACSM Response:**

We will explore the cost to replace all window screens and will inform residents of the process.

Attachment: ca014t01  
Housing Authority of the County of San Mateo  
Moving-To-Work Supplemental Annual Plan

# Supplemental MTW Annual Plan

For Plan Year 2008  
July 1, 2008 to June 30, 2009

## **A. Introduction**

The Housing Authority of the County of San Mateo (HACSM) applied to HUD to participate in the MTW program in May 1997. In May 2000, HUD approved HACSM's application and an agreement was signed that granted the HACSM its MTW status. A total of 300 vouchers were designated as MTW vouchers with certain self-sufficiency features and time-limited assistance requirements built into the program design.

HACSM's MTW program is designed to give rental assistance to families who are working toward achieving self-sufficiency. Many of the current MTW participants were referred to the MTW program by the San Mateo County's Human Services Agency, Shelter Network, and other local service providers. The current MTW agreement with HUD is due to expire on June 30, 2009.

On January 8, 2008, the HACSM received an invitation from HUD to execute an Amended and Restated Moving To Work Agreement (Restated Agreement). Under the Restated Agreement, HACSM may retain its current initiatives, or develop new initiatives, as long as they comply with the agreement and applicable federal law. The new agreement will also extend HACSM's MTW status to 2018. HACSM intends to execute the Restated Agreement with HUD.

Because HACSM has less than ten percent of its housing vouchers in MTW, it will continue to complete the regular Section 8 Housing Choice Voucher Five-Year and Annual Plans as required. HACSM is completing this Supplemental Annual MTW Plan (Annual MTW Plan) to include information not included in either the Five-Year Plan or the Annual Plan. This MTW Annual Plan corresponds to the HACSM fiscal year beginning July 1, 2008.

## **B. Goals and Objectives**

The goals and objectives of HACSM in developing its MTW Program are the same as that of the Department of Housing and Urban Development:

- Provide incentives and assistance to families to become economically self-sufficient
- Reduce program costs and achieve greater cost effectiveness
- Increase housing choice for low-income families

To promote incentives to families to become economically self-sufficient, HACSM provides case management services to MTW participants to obtain employment, secure reliable child care, complete educational goals, improve credit ratings, establish savings, and participate in homeownership counseling. HACSM's rent policy for the MTW participants includes various income exclusions that promote working, savings, and family unifications. Furthermore, HACSM gives financial incentives in the form of

escrow credit to families whose portion of rent increases due to increases in employment income. The vouchers have a six-year time limit and successful graduates receive the escrow fund balance at the end of their six-year term.

To increase housing choice for low-income families, HACSM eliminates the cap on the percentage of income MTW families may pay toward their portion of rent, as long as their rent portion is deemed reasonable in proportion to their income. HACSM also allows up to 180 days search time for MTW voucher holders. This is particularly important in a high rent area such as San Mateo County.

### **FY 2009 new initiatives**

To reduce program costs and achieve greater cost effectiveness, HACSM plans to implement simplified rent and occupancy policies for its current and new MTW participants. The simplifications will lessen the administrative burden and program costs and thereby enable HACSM to serve the maximum number of families within HUD's allocated budget. Program participants will also experience a less burdensome inspection and recertification process.

HACSM plans to request approval from HUD to expand its MTW status to the entire Housing Choice Voucher (HCV) Program. Prior to the formal request, HACSM will engage in an extensive planning process with multiple opportunities for public input. While the time-limited feature of the current MTW Program may not extend to the entire HCV Program, HACSM does seek to streamline administrative practices, and rent and occupancy policies to reduce costs and increase efficiency.

## **C. Program Updates**

At the beginning of the current plan year, there were 166 families participating in the MTW program. Because the majority of the program participants were admitted in 2001, HACSM has experienced a large number of graduations during the plan year. These voucher turnovers created openings for new families to apply for the program.

The majority of the participants will graduate in 2008. Among recent graduates, more than 50 families so far, 99% of them received escrow fund balance with the average escrow pay out of approximately \$10,000.

HACSM has executed MOUs with four agencies that serve the target population and have the commitment and the resources to collaborate with HACSM in delivery of affordable housing and on-going supportive services. These agencies are:

- San Mateo County Human Services Agency
- Housing Investment Project
- Shelter Network
- El Concilio of San Mateo County

As of January 31, 2008, HACSM received a total of 218 referrals from these agencies. Of this group, 103 had been issued vouchers and 46 had leased a unit.

#### **D. MTW Waiting List**

HACSM keeps a separate waiting list for its MTW program. Interested persons may be referred to HACSM by a recognized referring agency that has executed a Memorandum of Understanding with HACSM. The waiting list for the MTW program is currently open.

HACSM continues to meet the federal targeting requirement that more than 75% of all new admissions to the Section 8 program are families with incomes at or below 30% of median area income.

#### **Admissions Preferences**

HACSM has established a system of preferences as follows:

- Families participating in the SUCCESS program as determined by HACSM
- Very low-income working families who are ineligible for SUCCESS, but who may be eligible for other assistance
- Persons with disabilities who, as a result of their disabilities, are unable to participate in SUCCESS

#### **FY 2009 new initiatives**

Due to welfare reforms and changes in the programs that serve the target population, the PHA plans to employ the following preferences. These preferences are prioritized by a numbering system with “1” being the highest priority.

- Applicants who are referred by a HACSM-recognized referring agency and who are a first time MTW participant. (1)
- Applicants who are enrolled currently in an educational, training, or self-sufficiency program (2)
- Applicants who live and/or work in San Mateo County (3)

Among applicants on the waiting list with equal preference status, applicants will be selected based on date and time of the application.

## **E. Rent and Occupancy Policies**

HACSM's current rent and occupancy policies are as follows:

- MTW households are limited to six years of housing assistance, unless the family qualifies for hardship exemptions
- FSS participation is mandatory
- Non-compliance with the SUCCESS program is cause for termination of MTW eligibility
- Non-working families will be required to report to the employment program of the SUCCESS' "Work First" program. The "Work First" plan will be incorporated into the FSS contract executed with HACSM.
- Noncompliance with the FSS contract will result in forfeiture of escrow amounts and the loss of housing assistance.
- Search time for MTW vouchers may extend up to 180 days
- HACSM may provide security deposit guarantees up to a maximum of 50% of deposit requirements
- Rent must be reasonable in relation to rents charged for comparable unassisted units. Rent must be approved by HACSM

### **FY 2009 New Initiative – Rent Simplification**

HACSM plans to develop a rent policy where a flat subsidy amount is calculated based on the unit size the family qualifies for, or the actual unit size rented, whichever is smaller. Factors affecting the subsidy amount for each bedroom category will be the historical subsidy amount data in the HCV and MTW programs, the payment standards, the family's gross annual income, and the availability of funding. HACSM will monitor program costs closely to ensure the maximum number of families is assisted under the budget approved by HUD.

With the exception of the MTW Housing Readiness Program participants, families may receive subsidy for a maximum of 6 years, or when their income reaches 80 percent of the area median, at which time assistance will be terminated 6 months after their annual recertification. Incomes will be verified annually for statistical and continued eligibility purposes only, but will not affect subsidy amounts.

The flat subsidy policy and escrow credit give the program participants the opportunity to save as their incomes rise, thus providing an incentive to seek out employment or higher paying jobs.

### **FY 2009 New Initiative – Escrow Calculation**

MTW participants may qualify for an escrow credit at each annual recertification. Escrow credit will be a set amount determined by HACSM for families that meet the annual earned income threshold requirement determined by HACSM. The pre-set escrow amount will be adjusted annually base on availability of funding. Successful MTW graduates will receive the escrow fund balance at the end of their program participation.

**FY 2009 New Initiative –Bi-annual Inspection**

After the initial move-in inspection, units will be inspected on a bi-annual basis HACSM will continue to conduct complaint inspections at any time upon request.

MTW Housing Readiness Program participants will be subject to the same rent policy and inspection schedule. However, they may continue in the program for a maximum of 3 years as part of their readiness preparation for movement to another housing assistance program or self-sufficiency.

**F. MTW Housing Readiness Program, a new initiative**

HACSM plans to partner with the County’s Center on Homelessness and other providers of homeless services to develop and implement a pilot housing program to serve up to 60 homeless individuals and families. Program participants may receive rent subsidy under the MTW program for up to three years. Once their housing needs are met (“Housing First”), these families are given the opportunity to achieve greater self-determination through various support programs. FSS participation is not required. At the end of the three-year term, successful graduates may be transferred as necessary to another affordable housing program. This program responds to critical needs identified in San Mateo County’s comprehensive 10-year plan to end homelessness. The program will be designed to include formal research components.

The set-aside vouchers for the Housing Readiness Program will come from the MTW voucher allocation.

**G. Expanding MTW Demonstration**

HACSM will work closely with the Office of Public Housing Investments in FY 2009 to restructure and unify the HASCMS traditional HCV program within the overall MTW Program. HACSM may also include its public housing in a block-grant formula. While the time-limited feature and self-sufficiency requirements of the current MTW Program may not extend to the entire HCV Program, HACSM does seek a single block-grant funding formula for its HCV and MTW programs, totaling 4,023 vouchers. HACSM firmly believes that the financial and programmatic unification will allow the agency to streamline administrative practices, simplify rent and occupancy policies, and maximize financial resources. With reduction in program costs and increase in efficiency, HACSM may assist the maximum number of qualified households intended by HUD’s allocation.

**H. Exemption From Project-Based Voucher Per Building Limits**

HACSM will expand the use of project-based vouchers at Housing Authority developments undergoing the process of disposition from public housing status. HACSM may project-base up to 100% of the units for developments that meet the following criteria:

- Developments that have gone through the demo/dispo process and continue to be maintained as affordable units after demo/dispo;
- Developments that possess high quality amenities and community features for residents.

**Attachment: ca014u01**  
**Housing Authority of the County of San Mateo**  
**Public Hearing Comments**



VIA FAX AND MAIL

March 24, 2008

William Lowell  
Deputy Director  
Housing Authority of San Mateo  
264 Harbor Boulevard  
Belmont, CA 94002  
(650) 802-3373 (fax)

**RE: Proposed Annual Plan for Fiscal Year 2008-2009**

Dear Mr. Lowell:

Bay Area Legal Aid and the National Housing Law Project submit the following comments in connection with the Housing Authority of the County of San Mateo's (HACSM) proposed Annual Plan for Fiscal Year 2008-2009, including comments on the Section 8 Administrative Plan and the Admissions and Continued Occupancy Policy (ACOP).

Bay Area Legal Aid provides free legal services to low-income residents of the Bay Area, including San Mateo County. The National Housing Law Project (NHLP) is a national housing law and advocacy center that provides legal assistance, advocacy advice and housing expertise to legal services and other attorneys, low-income housing advocacy groups, and others who serve the poor. We submit these comments in the hope that they will facilitate a continued dialogue with HACSM and assist the agency in administering its housing programs in a manner consistent with its mission of promoting adequate and affordable housing.

Our comments on the Annual Plan focus on the following areas: 1) the proposed disposition of El Camino Village; 2) SEMAP and PHAS scores; 3) voucher utilization; 4) resident board members; 5) limited English proficiency (LEP) policies; and 6) requirements under the Violence Against Women and Department of Justice Reauthorization Act of 2005 to address the needs of domestic violence survivors.<sup>1</sup> We welcome meeting with HACSM to respond to any questions or concerns that the agency may have with regard to our comments.

**I. HACSM Proposed Disposition of El Camino Village**

**Five Year Plan and Annual Plan**

Five Year Plan, Page 2, 5 and Annual Plan, Page 35

By the end of 2008, HACSM anticipates that it will submit an application to HUD to dispose of 30 units at El Camino. The reason given for the disposition is to improve operating efficiency

<sup>1</sup> While federal law has separate categories for "domestic violence" and "dating violence" in Section 3 of the United States Housing Act of 1937 (42 U.S.C. § 13925), the definition of "domestic violence" in section 6211 of the California Family Code encompasses both federal categories. For simplicity, we use the term "victims of domestic violence" throughout our comments to refer to victims of domestic violence, dating violence, and stalking.

and to pay off the existing debt. HACSM states that it would seek replacement vouchers as part of the disposition application, to sell the development to a non profit and perhaps use project-based vouchers for the disposition.

We have the following concerns regarding the proposed disposition:

- Does the proposed disposition meet the statutory requirements to qualify for a disposition? 42 U.S.C. § 1437p(a)(2)
- For a disposition, residents must be informed that they or an entity acting on their behalf may purchase the development. 42 U.S.C. § 1437p(c); 24 C.F.R. § 970.9(b). Residents should be informed of this option, as soon as possible to make such a purchase feasible. (Has HACSM explained and informed residents of this opportunity?)
- Residents of the development and the Resident Advisory Board (RAB) must be consulted and involved in the development of any plan for disposition. 42 U.S.C. § 1437p(b); 24 C.F.R. § 970.9(a). (Has HACSM begun this process?)
- No disposition should occur without full assurances that the units will remain affordable to very low-income and extremely-low income families. Affordability should be clearly defined to mean affordable to very-low and extremely-low income families at a rent of 30% of income.
- Any disposition should ensure the long term affordability of the development. Long term affordability may be achieved in a variety of fashions including: a ground lease, first right of refusal in the event of a sale, covenants and deed restrictions and contracts that are enforceable by third parties. Sale to a nonprofit, without specific commitments, does not alone guarantee long term affordability.
- In the event that the disposition involves relocation of any families, a relocation plan must be developed. (How does HACSM propose to ensure long-term affordability?)
- Pending disposition, the building should be maintained at full occupancy. (We recognize and support the goal of 97% occupancy (Five Year Plan, page 2). However, we believe that the goal must be 100%, as noted below.) Failure to maintain full occupancy may result in the loss of replacement voucher units. For example, if the building has two vacancies, it is entirely possible that replacement vouchers would be limited to 28. The loss of two vouchers is significant for a development of 30 units. Over time the loss of two vouchers would cumulate to hundreds of thousands of dollars. It is our understanding that the average cost of a voucher in San Mateo is approximately \$13,500. That amount multiplied over several years is a significant amount. Loss of even a few vouchers would also negatively impact the greater community.

## II. SEMAP and PHAS Scores

### **Five Year Plan and Annual Plan**

#### Five Year Plan, Page 2

HUD annually assesses public housing agencies under the Public Housing Assessment System (PHAS) and the Section Eight Assessment Program (SEMAP). HACSM does not list its PHAS or SEMAP scores in the Plans, although there is a space in the Five Year Plan to provide such information. The Plan does state that HACSM has a REAC score of 87 and that the agency no longer has a troubled status.

HUD posts the PHAS scores for public housing agencies. The PHAS score for HACSM, as of February 2, 2006 was 83. Can you tell us what the current PHAS and SEMAP scores are? Making these scores available annually would be helpful to the public and other interested parties.

### III. Voucher Utilization

#### **Five Year Plan and Annual Plan**

HACSM does not include any information in its annual plan regarding the utilization rate for vouchers. We are very interested in the voucher utilization rate (i.e., how many vouchers are used on average over a 12-month period), and what HACSM anticipates will be the utilization rate in 2008. The key 12-month period for 2008 funding is the Federal Fiscal Year ending September 30, 2007.

We believe that HACSM received a few days ago a letter from HUD announcing its funding levels for 2008. Please let us know what that funding level is and the numbers that it was based upon, which include the utilization rate for the Federal Fiscal Year ending September 30, 2007, the average costs per voucher for that period plus an inflation factor.

In addition, it is our understanding that HACSM has voucher reserves that it could use to obtain full utilization in 2008. According to information that was compiled by the Center on Budget and Policy Priorities (CBPP) in March 2008, HACSM's estimated reserves at the end of calendar year 2007 were approximately \$10.98 million. (See attached Chart). Of course, HACSM may have more up-to-date information.

We are interested in whether HACSM will use all authorized vouchers in 2008. Information compiled by CBPP indicates that HACSM had a voucher utilization rate of 95% in 2007. What steps will HACSM take in 2008 to achieve 100% utilization? It would also be very helpful if these figures, utilization rate and average cost per voucher for a set 12-month period, could be routinely provided in the PHA Annual Plan.

### IV. Resident Board Members

#### **Annual Plan**

Attachment: ca014d01

HACSM has stated that it does not need a process to elect resident members to the PHA Board because the Board is the elected body of the County. Under 42 U.S.C. § 1437(b)(2), a housing authority with less than 300 public housing units does not have to have at least one resident on the board, but only if "(i) the agency has provided reasonable notice to the resident advisory board of the opportunity of not less than 1 resident described in paragraph (1) to serve on the board of directors or similar governing body of the public housing agency pursuant to such paragraph; and (ii) within a reasonable time after receipt by the resident advisory board established by the agency pursuant to section 1437c-1 (e) of this title of notice under clause (i),

the public housing agency has not been notified of the intention of any resident to participate on the board of directors.” We recommend that if HACSM falls under one of the exceptions to mandatory resident board members it should commit to issuing an annual notice to residents about their opportunity to serve on the board of directors.

Furthermore, state law requires more resident participation than federal law. California Health and Safety Code Section 34270 requires that there be two tenant commissioners, one who is over 62 years of age. HACSM should be in compliance with state law.

## **V. Reasonable Accommodation**

### **Annual Plan**

#### Page 11

HACSM has listed a number of ways in which it will target people with disabilities for participation in its program. This is commendable and we believe that the HACSM’s Administrative Plan and ACOP should reflect these efforts as well.

#### Waiting List: Page 15 of Annual Plan, 25 of PDF

The waiting list says that people may apply for Section 8 vouchers either by going into the office or by special phone lines. In order to make the process more accessible to the elderly and disabled, the housing authority should also provide for mail-in applications.

Furthermore, the housing authority gives applicants two rejections of a unit before they are dropped from the wait list. The housing authority should include a provision that says that this policy will be reconsidered as a reasonable accommodation, especially if the unit was rejected because of its inaccessibility (i.e. actual problems with the unit, or lack of proximity to medical care, etc.).

#### Attachment: ca014f01 Information on Pet Policy

We are pleased to see that HACSM has noted that service animals are exempt from this pet policy. It is important to also note that companion animals for people with disabilities are also exempt and do not require training. *See Majors v. Hous. Auth. of the County of DeKalb*, 652 F.2d 454 (5th Cir. 1981). For either type of support animal, the owner may not charge an additional security deposit. *See Occupancy Requirements of Subsidized Multifamily Housing Programs*, HUD, No. 4350.3, 6-10.; *HUD v. Purkett*, FH-FL 19,372 (HUDALJ July 31, 1990).

### **Administrative Plan**

#### Definitions: Page 2-13/ Page 3-30

Under individual with handicaps, we suggest adding, where it says, “(1) Physical or mental impairment includes:”, the clause “but is not limited to” in order to avoid any confusion about the scope of the definition of an individual with disabilities for the purposes of reasonable accommodations.

Approval/Denial Of A Requested Accommodation, Page 2-7

While a housing authority may ask for more information regarding a requested accommodation, the housing authority should note that this information should be limited to whether or not the requested accommodation addresses the disability and not into the nature of the disability itself.

Live-in Aides, 3-10

The Administrative Plan also requires that if "the family receives payments from Social Services through the In-Home Support Services (IHSS) program, the live-in aide must be the person on record with IHSS (unless an exception is granted by the Executive Director)." There is no reason that a live-in-aide should be required to be the person IHSS pays to assist the resident. Indeed, IHSS routinely pays for only a portion of the care that a person with a disability needs, and a live-in-aide is often the only way for that person to receive the extended, overnight care they require. This provision is extremely burdensome and contrary to the stated purpose of allowing necessary live-in-aides.

Briefing Packet, Page 5-1

The briefing packet is an excellent place for HACSM to provide information regarding how to request a reasonable accommodation. We suggest that reasonable accommodation information be included in the supplemental information HACSM includes in the packet.

Security Deposit Page 9-6

This section should insert that an owner may not charge an additional security deposit for a reasonable accommodation, such as a change in the pet policy.

Payment Standards: Unit-by-Unit Exceptions: Page 16-5

This section on unit-by-unit exceptions is directly affected by HUD's recent Notice PIH 2008-13, issued on March 10, 2008, entitled "Requests for Exception Payment Standards for Persons with Disabilities as a Reasonable Accommodation." The notice details the process for making this type of accommodation request. As before, the housing authority may approve any increase in payment standard up to 110% without requesting a waiver. However, the notice also provides that the HUD Field Office Public Housing Director can approve an increase in the payment standard that falls between 110-120%. For increases above 120%, the housing authority must request a waiver from HUD headquarters.

Because of confusion regarding the extent of documentation required for an exception to the payment standard, the HUD notice provides detailed guidance. The PHA should include "A.) a statement from a health care provider regarding the nature of the disabled person's disability/ies and the features of the unit (which may include its location) which meet that persons needs; B.) the contract rent and utility allowance for the unit; C.) a statement from the PHA that it has determined the rent for the unit is reasonable, and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider; D.) the household's monthly adjusted income; E.) the FMR for the unit size for which the family is eligible; F.) proposed effective date of the new lease or actual effective date of the lease renewal." This documentation does not require a probing analysis of the nature of the person's disability, but rather the nexus between the disability and the necessity of the features of the unit. We urge that HACSM incorporate the new HUD notice into this section of the plan.

## **Admissions and Continued Occupancy Policy (ACOP)**

The most recent version of the ACOP available for review on HACSM's website appeared to be dated September 29, 2006. That version requires a number of updates to reasonable accommodation policies.

### Service Policy/Reasonable Accommodations, Page 5

#### *Consideration of Requests*

The policy states that HACSM will consider reasonable accommodation only upon third party verification of the disability related need of the accommodation. However, a verbal request is enough to trigger the reasonable accommodation process. If a participant makes an oral request for reasonable accommodation, "The provider must consider the reasonable accommodation request even though the tenant would not use provider's designated form." The HUD/DOJ Joint Statement on "Reasonable Accommodations under the Fair Housing Act," p. 10, May 17, 2004; *see also* PIH Notice 2006-13 (cross-referencing PIH Notice 2003-31).

#### *Verifications*

The policy also states that all accommodation requests must be verified by a reliable professional. HUD's guidance is actually much broader than that. First, verification is only necessary if the participant's disability is not apparent. The HUD/DOJ statement also states that "a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability" may provide verification. HUD/DOJ Joint Statement on "Reasonable Accommodations under the Fair Housing Act," p. 10, May 17, 2004; *see also* PIH Notice 2006-13 (cross-referencing PIH Notice 2003-31).

#### Generally

HACSM should update the ACOP to include a comprehensive reasonable accommodation policy throughout the rest of the ACOP. For example, reasonable accommodation policies should be included with respect to admissions, voucher search times, pet policies, terminations, unit-size exceptions, payment standard exceptions, moves, live-in aide policies, etc. To obtain sample language that can be incorporated into the ACOP, contact Navneet Grewal of the National Housing Law Project at 510-251-9400 x. 102.

## **VI. Limited English Proficiency**

### **Fair Housing and Equal Opportunity: Improving Access To Services For Persons With Limited English Proficiency (LEP)**

#### **Administrative Plan**

##### Overview, Page 2-10

The overview of HACSM's LEP policy says that "For the purposes of this administrative plan, LEP persons are HCV applicants and participants, and parents and family members of applicants and participants." While these are all important populations to target, the housing authority should also determine if there are LEP populations in their service area which are currently

“underserved because of existing language barriers.” HUD’s final LEP guidance suggests that data such as census data, data from school systems, community organizations, state and local governments could be culled to determine what population needs to be served. See “Final Guidance to Federal Financial Assistance Recipient Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (HUD Final LEP Guidance). 72 F.R. 2732 (Jan. 22, 2007).

#### Oral Interpretation, Page 2-10

It is important that LEP persons be allowed to use family and friends as interpreters if they prefer. However, HACSM should also ensure that staff members are aware that there may be problems when family or friends are used as interpreters, as there may be confidentiality, conflict-of-interest or privacy issues. For example, the translator might be the perpetrator of domestic violence, or the LEP person might simply be unwilling to share personal information through the friend or family member. Minor children should never be used as interpreters except in emergency situations.

#### Written Translation, Page 2-11

We are pleased that HACSM has set a plan for written translation. The plan should include the documents that will be or have already been translated. As HACSM notes, all vital documents should be translated. On March 1, 2007, HUD held a public meeting to discuss the Guidance and identify documents it considered to be vital.<sup>2</sup> The Office of Public and Indian Housing has identified the following documents as “vital”: the tenancy addendum for the Section 9 voucher program, Housing Assistance Payment contract, Request for Tenancy Approval, Authorization for Release of Information, Family Self Sufficiency (FSS) Escrow Account worksheet, Voucher, Statement of Homeownership Obligations, FSS contract of participation and the document entitled “A Good Place to Live.”<sup>3</sup> HUD has already translated the “How Your Rent is Determined” fact sheet. This is not an exhaustive list, but rather a guide and HACSM should assess which documents are vital and list them here.

#### Implementation Plan Page 2-12

HACSM has identified that over 5% of its LEP population served speaks Spanish as its primary language. Is this the only language that over 5% of HACSM’s population speaks primarily or is it the only identified language? We would appreciate this clarification. Also, what method does HACSM use to determine what non-English languages program participants speak?

#### **Admissions and Continued Occupancy Policy (ACOP)**

The most recent version of the ACOP available for review on HACSM’s website appeared to be dated September 29, 2006. The only reference to LEP it contains is a list of documents that will be translated. Using HUD’s four-factor test, HACSM should develop a LEP policy that describes in detail the populations that need to be served and how HACSM will ensure accessibility for these populations.

<sup>2</sup> Video available at < <http://www.hud.gov/webcasts/schedule/index.cfm> >.

<sup>3</sup> Available at < <http://www.hud.gov/office/pih/programs/ph/rhiip/factsheet/cfm> >.

## VII. Implementation of the Violence Against Women Act (VAWA)

We appreciate HACSM's efforts in incorporating the provisions of the Violence Against Women Act (VAWA) into the Annual Plan, Administrative Plan, and ACOP. HACSM has gone beyond the bare minimum for complying with VAWA and has taken some innovative steps in implementing the statute. For example, HACSM is to be commended for permitting program applicants to mitigate negative rental history that has resulted from the applicant's status as a victim of domestic violence. We do have a few areas of concern regarding HACSM's implementation of VAWA, particularly HACSM's certification policies and its handling of cases where a victim may pose an actual and imminent threat to other tenants. These concerns are discussed in detail below.

### **Annual Plan**

#### Information Shared With Prospective Landlords, Page 20

The Annual Plan states that HACSM will provide prospective Section 8 landlords with the names and addresses of the landlords at the applicant's current and former address. A policy requiring tenants to disclose prior landlords' contact information or mandating that the information be shared if available may cause serious problems for victims of domestic violence. If the prospective owner contacts a victim's current or former landlord, the abuser may be able to track the victim's location.

We suggest that HACSM tell applicants which parties will be contacted so that safety risks can be identified. As noted by HUD, "PHAs should also be cognizant of a victim's need to feel safe and as a result, she/he may be apprehensive about providing certain requested information such as current and previous address. In such cases, PHA staff should consider alternatives to verifying suitability." HUD, Public Housing Occupancy Guidebook Ch. 19, p. 218 (June 2003). We encourage HACSM to work with victims of domestic violence to identify alternative means of verification for critically needed information where primary means may place the applicant's safety at risk.

#### Admissions Preferences, Pages 16, 21

HACSM does not currently have an admissions preference for victims of domestic violence in its Section 8 or public housing programs. We encourage HACSM to adopt such a preference. As recognized by Congress in VAWA, "Victims of domestic violence often return to abusive partners because they cannot find long-term housing." 42 U.S.C. § 14043e. HUD has also recognized the need for a domestic violence preference in its Public Housing Occupancy Guidebook, which states,

In most instances victims of domestic violence are made powerless by the abuse. As such, the inability of victims to access and maintain housing that is decent and safe becomes a consequence of the abuse. Allowing preferences for victims of domestic violence creates alternatives for assisting those who may otherwise remain in an abusive situation or become homeless because of the need to flee the abuse.

HUD, Public Housing Occupancy Guidebook Ch. 19, p. 217 (June 2003). Modifying HACSM's admissions policies to include a preference for survivors of domestic violence would accord with the findings made by both Congress and HUD that survivors face substantial obstacles in securing long-term housing.

We understand that HACSM would need to verify incidents of domestic violence to determine whether an applicant qualifies for the preference. If an applicant claims the domestic violence preference, HACSM could verify the preference by requesting the applicant to provide one of the three forms of documentation listed in VAWA. As discussed in further detail below, VAWA permits an individual to verify incidents of domestic violence by providing a HUD-approved certification form, a signed statement from a qualified third party, or a police or court record. *See* 42 U.S.C. § 1437d(u)(1)(A), (C); 42 U.S.C. § 1437d(ee)(1)(A), (C).

#### VAWA Support and Assistance Statement, Attachment ca014k01

We are pleased that HACSM is partnering with local agencies to provide referrals or attract supportive services to assist victims of domestic violence. Please note that Bay Area Legal Aid is available to take referrals from HACSM to assist applicants and residents who are experiencing domestic violence. Also, we hope that HACSM is taking steps to notify applicants and residents that there are services available to help them address domestic violence.

We are also pleased that HACSM has provided notification of VAWA to Section 8 tenants, Section 8 landlords, and public housing residents, and that HACSM includes information regarding VAWA in its briefing packets. Please note that HACSM must also include VAWA's provisions in its public housing leases, the housing assistance payments contract between HACSM and participating landlords in the Section 8 voucher program, and contracts in the Project-Based Section 8 program. *See* 42 U.S.C. §§ 1437d(l)(5), (6); 1437f(o)(7)(C), (o)(7)(D), and (o)(20); 1437f(c) and (d) (2006).

#### **Section 8 Administrative Plan**

##### Victim Documentation, Pages 3-28, 12-10

The Administrative Plan states that Section 8 applicants and participants assistance who seek to assert VAWA's protections must provide two documents. First, the individual must provide a signed statement that includes the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking. Second, the individual must provide either (a) a police or court record; or (b) a signed statement from a victim service provider, an attorney, a medical professional, or another knowledgeable professional from whom the victim has sought assistance in addressing the abuse.

HACSM's policy for verifying domestic violence is inconsistent with VAWA's provisions. VAWA clearly states that a victim may satisfy the certification requirement by providing only *one* of three documents: (1) HUD-approved certification form; OR (2) signed statement from a professional; OR (3) police or court record. *See* 42 U.S.C. § 1437f(ee)(1)(A), (C). Further, HUD has made clear that a signed statement from a professional or a police or court record may be provided "[i]n lieu of a certification form." *See* Notice PIH 2006-42. It is therefore contrary to the intent of the statute to require the victim to provide both a signed certification and another

type of documentation. It is also unduly burdensome for the victim, who in some cases may be in the process of fleeing from the perpetrator. HACSM should therefore modify its current certification policy to reflect VAWA's language and to require that a victim need only supply *one* of the three types of documentation listed in the statute (again, certification form, third party statement, or police or court record).

This approach is consistent with the policies that other housing authorities in the Bay Area have implemented. As the chart below shows, only one other housing authority (Vallejo) requires victims to provide two forms of documentation:

Housing Authority	Certification Required to Assert VAWA's Protections
Alameda County	1. HUD-approved certification form; OR 2. Signed statement from service provider; OR 3. Police or court record
Berkeley	1. HUD-approved certification form; OR 2. Signed statement from service provider; OR 3. Police or court record
Contra Costa County	1. HUD-approved certification form; OR 2. Signed statement from service provider; OR 3. Police or court record
Fairfield	1. HUD-approved certification form; OR 2. Signed statement from service provider; OR 3. Police or court record
San Francisco	1. HUD-approved certification form; OR 2. Signed statement from service provider; OR 3. Police or court record
City of Alameda (revised 3/08)	1. HUD-approved certification form; OR 2. Signed statement from service provider; OR 3. Police or court record
Sonoma County	1. HUD-approved certification form and/or housing authority's certification form
Vallejo	1. HUD-approved certification form; AND EITHER: a. Signed statement from service provider; OR b. Police or court record

Additionally, the Administrative Plan makes no mention of the availability of the HUD-approved certification form. Many victims may have little to no experience in documenting the acts of violence committed against them, and may have never drafted a declaration or an affidavit outlining the incidents of abuse. The HUD-approved form is a helpful way to assist these victims in providing the information that is needed to verify incidents of violence, and should therefore be expressly noted in the Administrative Plan and included in the briefing packets for new Section 8 families.

On any occasion in which HACSM is requesting verification of domestic violence, HACSM must give the individual a copy of the HUD certification form, a list of other acceptable means of verification, and a list of agencies that can assist the individual in completing any verification

requirements. Limited English Proficient individuals must be provided materials in their native language or be provided with an HACSM supplied interpreter.

Absence of Entire Family, Page 6-5

The Administrative Plan states that if the entire family is absent from the assisted unit for more than 30 consecutive days, without the knowledge and permission of the HACSM, the unit will be considered vacated and the family's assistance will be terminated. HACSM provides an exception to this policy if the family's absence was due to disability.

We encourage HACSM to create an exception for families who flee their assisted units due to domestic violence. As you may be aware, incidents of violence often increase once the domestic violence survivor takes steps to leave the batterer. As a result, a domestic violence survivor may be forced to enter a shelter or other safe location while she develops a safety plan and/or obtains a protective order. The survivor may fear disclosing her location to any outside entity, such as housing authority staff, due to concerns that the batterer will be able to track her location. In these circumstances, HACSM should permit reinstatement of the voucher if the survivor provides verification of the domestic violence.

Information Shared With Prospective Landlords, Page 9-2

HACSM provides prospective Section 8 owners with the name and address of the landlord at the family's current and prior address. Please see our comments above on the Annual Plan regarding the problems that this policy presents for domestic violence survivors.

Actual and Imminent Threat Exception, page 12-11

The Administrative Plan states that "If the HACSM can demonstrate an actual and imminent threat to other participants or those employed at or providing service to the property if the participant's tenancy is not terminated, the HACSM will bypass the standard process and proceed with the immediate termination of the family's assistance."

We are concerned that this policy could result in unnecessary terminations of assistance for domestic violence survivors. We are unsure what HACSM means by stating that it will "bypass the standard process and proceed with the immediate termination of the family's assistance." Because neither VAWA nor HUD has defined the meaning of the term "actual or imminent threat," and this term is highly subjective, it is unacceptable for HACSM to deny an informal hearing or other "standard process" to domestic violence victims who are believed to pose an actual and imminent threat to others.

If the domestic violence victim does in fact pose an actual and imminent threat, termination of assistance alone would not ensure the victim's removal from the premises. Nor would it ensure the safety of other tenants. In fact, until the Section 8 landlord commences an eviction action against the victim, the victim is free to remain in the unit regardless of whether the Section 8 assistance is terminated. Therefore, HACSM's current policy of proceeding with the immediate termination of a domestic violence survivor who poses an "actual and imminent threat" does nothing to preserve the safety of other tenants in the building. Instead, the immediate termination policy serves only to harm the interests of domestic violence survivors who are most at risk of experiencing violence, and limits their ability to flee from their batterers.

A constructive and logical approach would be to assist the survivor in using the voucher to rent another unit in a confidential location. This way, HACSM could protect both the domestic violence survivor and the other tenants in the building. In any event, because it is highly likely that an individual would dispute whether he or she poses an actual or imminent threat to other tenants, the individual must be afforded an informal hearing before rental assistance is terminated for this reason.

### **Admissions and Continued Occupancy Policy (ACOP)**

The version of the ACOP that we reviewed was dated September 29, 2006, and did not contain any reference to VAWA's housing provisions. If HACSM has not done so already, it should update the ACOP to include VAWA's provisions. To obtain sample language that can be incorporated into the ACOP, contact Meliah Schultzman of National Housing Law Project at 510-251-9400 x. 116.

### **CONCLUSION**

Thank you for the opportunity to submit these comments. We look forward to discussing these issues with you in greater depth.

Sincerely,

Tulin Acikalin  
Minouche Kandel  
Bay Area Legal Aid  
2287 El Camino Real  
San Mateo, CA 94403  
(650) 358-0745

Catherine Bishop  
Navneet Grewal  
Meliah Schultzman  
National Housing Law Project  
614 Grand Avenue Suite 320  
Oakland, CA 94610  
(510) 251-9400

**CBPP Voucher Estimates for 2004-2008 3-25-08**  
 (see Notes for 2004-2008 Spreadsheet for an explanation of these figures)

A	B	C		D		E		F		G		H		I		J		K		L						M		N		O		P		Q
		CY 2004		CY 2005		CY 2006		CY 2007		Estimated Fund Balance (for Reserves) at end of CY 2007		All Authorized Voucher Units		Federal Eligibility		Federal Funding		Other as Per HUD		Federal Funding		Federal Funding		Federal Funding		Federal Funding		Federal Funding		Federal Funding		Estimated Per Unit Cost		
Agency Code	Agency Name	Vouchers In Use	Utilization Rate																															
AZ025	South Tucson sec. 8 voucher	87	86%	68	51%	95	72%	103	78%	\$242,770		132		\$887,233		\$0										110		22			\$8,095			
AZ028	Chandler Housing & Redevelopment Division	474	99%	476	99%	476	99%	485	101%	\$100,828		480		\$4,309,009		\$0									479		1			\$8,994				
AZ031	Tempe HA	1,043	96%	1,019	94%	1,015	94%	1,092	101%	\$2,111,835		1,082		\$8,076,907		\$1,558,158									1,082		0			\$7,268				
AZ032	Scottsdale	659	98%	654	93%	641	91%	660	93%	\$762,513		707		\$4,802,599		\$91,880									670		37			\$7,173				
AZ033	Pima Co.	731	97%	655	87%	682	91%	717	95%	\$821,312		752		\$4,377,011		\$340,991									752		0			\$5,801				
AZ034	Cochise Co. sec. 8 voucher	374	93%	360	89%	318	71%	372	76%	\$0		493		\$1,753,851		\$0									365		0			\$4,806				
AZ035	Yuma, City	1,120	100%	1,089	97%	1,147	102%	1,060	95%	\$1,029,614		1,122		\$6,748,288		\$173,745									1,090		32			\$6,193				
AZ037	Douglas HA	192	99%	177	92%	161	83%	187	87%	\$51,969		193		\$768,442		\$0									170		11			\$4,528				
AZ038	Peoria HA	71	86%	68	83%	63	77%	70	85%	\$70,816		82		\$541,886		\$0									69		9			\$7,812				
AZ041	Williams HA	44	94%	40	84%	34	73%	39	83%	\$39,382		47		\$243,729		\$0									36		6			\$6,757				
AZ043	Mohave Co HA	224	79%	223	95%	226	96%	234	100%	\$84,548		234		\$1,293,435		\$0									232		2			\$5,579				
AZ045	Gila Co. HA	53	100%	51	96%	47	89%	47	89%	\$36,561		53		\$263,587		\$0									48		5			\$5,489				
AZ901	Arizona State HA	51	87%	49	83%	47	84%	57	84%	\$0		89		\$264,646		\$0									49		0			\$5,385				
	Arizona Total	19,461		18,966	94%	18,544	91%	18,788	92%	\$22,212,321		20,441		\$126,527,053		\$5,323,307									18,853		1,343							
CA001	San Francisco HA	7,256	100%	7,207	98%	7,183	96%	7,062	95%	\$25,557,730		7,410		\$103,434,916		\$12,801,437									7,213		197			\$14,340				
CA002	Los Angeles Co. HA	20,256	100%	19,626	96%	17,891	87%	18,278	89%	\$43,797,401		20,747		\$179,108,639		\$8,427,933									17,627		3,120			\$10,161				
CA003*	Oakland HA	10,527	98%	10,258	96%	10,163	94%	10,833	99%	N/A		11,033		\$151,374,387		N/A								11,033		0			\$11,269					
CA004	Los Angeles, City	47,716	108%	43,863	99%	41,661	94%	42,310	95%	\$76,039,964		44,537		\$372,853,866		\$30,845,650								41,280		3,257			\$9,032					
CA006	Fresno, City	6,221	100%	6,124	99%	6,401	101%	6,699	102%	\$209,993		6,723		\$39,043,767		\$0								6,719		4			\$5,811					
CA007	Sacramento County	11,214	103%	10,838	97%	10,124	90%	10,884	98%	\$19,121,367		11,290		\$94,298,405		\$9,459,256								10,833		457			\$8,705					
CA008	Kern Co.	3,072	95%	3,033	93%	2,891	88%	3,021	91%	\$0		3,375		\$14,802,025		\$0								2,963		0			\$4,995					
CA009	Upland HA	616	99%	602	96%	589	94%	578	93%	\$359,435		624		\$4,192,347		\$0								573		49			\$7,317					
CA010	Richmond HA	1,653	94%	1,577	90%	1,498	86%	1,383	79%	\$5,051,095		1,750		\$14,993,891		\$119,817								1,408		342			\$10,650					
CA011	Contra Costa Co.	6,756	100%	6,391	94%	6,268	92%	6,344	94%	\$10,905,206		6,781		\$73,873,957		\$733,779								6,549		232			\$11,280					
CA014	San Mateo Co.	4,090	102%	3,994	99%	3,876	96%	3,803	95%	\$10,980,287		4,023		\$51,148,857		\$4,288,985								3,837		86			\$12,990					
CA019	San Bernardino Co.	8,254	99%	8,146	99%	8,061	98%	7,820	95%	\$6,645,503		8,244		\$59,189,724		\$0								8,025		219			\$7,373					
CA021	Santa Barbara Co.	3,268	96%	3,333	98%	3,298	97%	3,371	99%	\$4,210,614		3,396		\$29,352,950		\$1,877,427								3,370		26			\$8,709					
CA022	Needles	19	95%	19	95%	19	95%	19	95%	\$22,870		20		\$81,332		\$13,484								20		0			\$4,157					
CA023	Merced	2,599	96%	2,609	96%	2,655	98%	2,485	91%	\$1,768,110		2,705		\$15,371,275		\$0								2,688		119			\$5,944					
CA024	San Joaquin Co.	4,985	103%	4,425	91%	4,394	90%	4,568	94%	\$6,350,577		4,871		\$32,232,474		\$2,206,703								4,540		331			\$7,100					
CA026	Stanislaus Co.	3,816	96%	3,894	98%	3,817	96%	3,904	98%	\$6,691,397		3,995		\$19,572,408		\$4,938,402								3,911		84			\$5,005					



# Department of Housing

264 Harbor Boulevard, Building A • Belmont, CA 94002

Housing & Community Development  
Tel: (650) 802-5050 Fax: (650) 802-5049

Housing Authority  
Tel: (650) 802-3300 Fax: (650) 802-3373

Board of Supervisors  
Mark Church  
Jerry Hill  
Richard S. Gordon  
Rose Jacobs Gibson  
Adrienne J. Tissier  
Director: Duane Bay

March 31, 2008

Bay Area Legal Aid  
Tulin Acikalin and Minouche Kandel  
2287 El Camino Real  
San Mateo, CA 94403

National Housing Law Project  
Catherine Bishop, Navneet Grewal,  
and Meliah Schultzman  
614 Grand Avenue, Suite 320  
Oakland, CA 94610

RE: Annual Plan Comments

Dear Bay Area Legal Aid and National Housing Law Project:

Thank you for your comments in response to the Housing Authority of the County of San Mateo Annual Plan.

We are interested in scheduling a meeting with you to discuss your comments within the next 60 days. We will call to schedule a specific date and time. Our agency frequently submits changes in the Administrative Plan and ACOP to the Board and the comments will be seriously considered for any future submissions.

We look forward to meeting with you.

Sincerely,

William Lowell  
Deputy Director

## Comments for April 1, 2008 Public Hearing

Submitted to: Housing Authority of the County of San Mateo

Prepared by: Mark Finucane, Kelly Lowenberg, and Jessica Steinberg, Esq., Stanford Community Law Clinic

### Comments Regarding 2007 Administrative Plan

Stanford Community Law Clinic provides low-income people in and around East Palo Alto with legal assistance in housing issues and criminal-record-clearance matters. Many of our clients receive Section 8, and through our work with them, we have had the opportunity to observe the benefits of Section 8 assistance and also some areas where HA policy should be amended. We hope to continue collaborating with the Housing Authority to address the County's need for sustainable affordable housing and to serve our shared client population.

#### **Denial and Termination of Assistance because of a Criminal Act**

\_\_\_\_\_ was on the waiting list for Section 8 assistance for several years. Last year, he was invited to HA for an eligibility interview. Per HA's request, he brought with him his criminal background report from the San Mateo County Sheriff's Office (Exhibit A). Shortly after his interview with HA, \_\_\_\_\_ received a letter from the Housing Authority notifying him that his Section 8 application had been denied (Exhibit B). Attached to the denial was his arrest record from the Office of the Sheriff. The notice explained that \_\_\_\_\_ was denied because "A preponderance of the evidence indicates that a family member has engaged in drug-related or violent criminal activity as defined by 24 CFR § 982.552/982.553." According to the Sheriff's report, \_\_\_\_\_ had been arrested for a serious and violent felony. However, unbeknownst to HA, he was never convicted. \_\_\_\_\_ only vaguely understood what had ultimately resulted from his involvement in the criminal justice system, and was unsure what his record contained.

Furthermore, he had no idea upon what information HA had based its determination: Did HA know he had not been convicted, and reasoned that his arrest alone was sufficient evidence to deny him? Or had HA assumed that his arrest meant that he was convicted? Did HA already know about the ultimate disposition of his case or would this information novel?

The notice of denial was not sufficient for \_\_\_\_\_ to prepare for an informal review. Based on our experiences with clients like \_\_\_\_\_ we offer the following comments on HA's policy to deny or terminate assistance based on a criminal act.

1. HA Should Obtain an Applicant's Conviction Records Prior to Denying an Applicant Assistance Based on a Criminal History

In order to check an applicant's criminal background, HA requires each family member over 18 to submit a criminal record from the Sheriff's Department in the most current county of residence. In San Mateo County, where the majority of HA applicants reside, the Sheriff's Department typically issues a report that contains information about an individual's arrest history **only**. As shown in Exhibit A, the Sheriff's Department does not report whether a particular arrest led to a charge or a conviction.

HA is also required to obtain a background check, pursuant to Section 3-III.D of the Admin Plan (Exhibit C). The Admin Plan does not state whether this background check goes beyond the information provided by the Sheriff's Department. It is not clear from the Admin Plan or from \_\_\_\_\_ experience that this background check includes conviction information.

It is good policy to request that applicants first obtain a Sheriff's Department report for HA's review. If the applicant's history reflects no arrests, the inquiry may end there. However, should the Sheriff's Department report disclose an arrest, HA should then exercise its authority under 24 CFR 5.903(a) "to obtain [the applicant's] criminal **conviction** records from a law enforcement agency" (Exhibit D).

HA should not make a decision to deny an applicant assistance before determining whether an arrest on a Sheriff's Department report led to a criminal charge and whether that charge led to a conviction. The disposition of an applicant's criminal case can be easily checked by contacting the San Mateo County superior court.

A policy that looks at more than an applicant's arrest history will result in more accurate determinations of whether an applicant has, in fact, engaged in criminal activity. If HA uses only arrest records, it might deny assistance to someone who has an arrest record because a police officer arrested the wrong person, or based an arrest on information that was later found to be false. Using conviction records in addition to arrest records will give HA insight into whether the applicant actually committed a criminal act or was arrested in error.

HA should use conviction records when reviewing past criminal acts, and the procedure for obtaining conviction records should be stated in accordance with 24 CFR 5.903(c). The arrest record required with the Section 8 application is a good first step, but should be followed up with a more detailed investigation into any arrest HA is concerned about.

Therefore, we recommend section 3-III.D. of the Admin Plan be changed to read (amendments in italics):

*"HA will obtain a criminal background check through local law enforcement or National Credit Reporting (NCR) for every adult household member. HA will require all adult household members to submit a criminal record from the Sheriff's Department, or a letter stating that the household member has no criminal record. If HACSM determines that information on the criminal record*

*may lead to a denial, HACSM will obtain court information regarding the current disposition of the charge and resulting convictions.” (Exhibit E)*

## 2. HA Should Include More Information in the Notice of Denial Regarding the Criminal Activity that is the Basis for Denying Assistance

Prior to denying an applicant assistance, HA’s current policy is to provide the applicant with a notice of proposed denial in writing. If the proposed denial is based on a criminal record, HA notifies the family in writing of the proposed denial and provides a copy of the record to the applicant and to the subject of the record. The family is given 10 business days to dispute the accuracy and relevance of the information before HA proceeds with its denial of assistance. 3.III.F, (Exhibit F).

HACSM should augment this policy to provide applicants with more information on which the proposed denial is based. Because the HA is required to provide the applicant with “an opportunity to dispute the accuracy and relevance of the information...before a denial of admission.” 24 CFR 5.903f, 3.III.F. The HA should amend its Admin Plan to provide that, with a notice of proposed denial, the applicant is also advised of (1) the item in the criminal record upon which the denial is based (2) all other documents on which the denial is based and (3) all mitigating factors HA considers relevant in deciding whether to deny assistance based on a criminal record. HA’s current standards for what to include in the notice of proposed denial are too vague to ensure the applicant can properly respond to the proposed denial.

### a. HA Should State the Item in the Criminal Record Upon Which the Proposed Denial is based.

Like the applicant may have only a vague understanding or recollection of what happened when he came into contact with the criminal justice system and may not be familiar with his own criminal record. As a result, HA should be specific about the basis for its proposed denial of assistance.

denial notice, show in Exhibit B, provides no information other than that he is denied because of a past criminal act. could not prepare to dispute HA’s finding because the notice did not specify what criminal act or information he needed to dispute. If the denial is based on an arrest or a conviction, the notice should specify which one. Therefore, if there are arrests or convictions that are not the basis for HA’s proposed denial of assistance, the applicant will know this in advance. This explanation will ensure that HA provides the applicant with a meaningful “opportunity to dispute the accuracy and relevance of the information...before a denial of admission.” 24 CFR 5.903f, 3.III.F.

Applicants will be entitled to a statement of “the reasons for which assistance has been denied” when HA issues a final notice of denial (Exhibit G). If HA requires the reasons be stated and explained in the notice prior to denial, it will save administrative resources by providing applicants with an early opportunity to contest HA’s analysis of their

criminal records, thereby obviating the need for many informal reviews. In order for HA to fulfill its charge to provide sufficient notice to applicants of the proposed denial, and to ensure that applicants have the opportunity to respond to the information HA deems relevant, it must take reasonable steps to ensure applicants understand the basis for their denial.

b. HA Should Provide All Documents upon which the Denial is Based.

Pursuant to Section 3.III.F of the Admin Plan, HA sends the applicant her criminal record attached to any notice of proposed denial. However, under the Admin Plan, the applicant is not entitled to receive her background check or any of the other documents necessary to have “an opportunity to dispute the accuracy and relevance of the information.” This section does not fulfill HA’s duty to provide full information to the applicant regarding HA’s investigation of her criminal background and the precise reason for her proposed denial. Under 24 CFR 5.903f, “If a PHA obtains criminal record information from a State or local agency...the PHA must notify the household of the proposed action to be based on the information and *must provide the subject of the record and the applicant or tenant a copy of such information*, and an opportunity to dispute the accuracy and relevance of the information. This opportunity must be provided before a denial of admission (emphasis added)” (Exhibit H). An applicant cannot request this information because she has no discovery rights granted by federal law or HA Admin Plan during the pre-denial process (unlike the discovery rights during an informal hearing for tenants facing termination pursuant to 24 CFR 982.555(e) (3)). Therefore, HA should send with the notice of proposed denial both the record as required under 3.III.F, and also the background check or any other information on which the decision is based as required by 24 CFR 5.903(f).

c. List the Mitigating Factors HA Considers Relevant to its Determination Whether to Deny Assistance Based on a Criminal Record

HA does not deny assistance to every applicant with a criminal history. In fact, HA considers the following factors relevant in deciding whether to deny or accept an applicant with a criminal history into the Section 8 program:

1. The seriousness of the case, especially with respect to how it would affect other residents;
2. The effects that denial of assistance may have on other family who were not involved in the action or failure;
3. The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, or stalking;
4. The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future;
5. In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

### 3-III.E, (Exhibit I)

In order to “dispute the ... relevance of the information,” applicants must know what extenuating circumstances HA considers relevant when deciding whether prior criminal activity should preclude participation in the Section 8 program. HA should provide applicants with the list of circumstances so the applicant can identify for HA relevant, mitigating information that might persuade HA to change its proposed decision to deny assistance. Determining the existence of a past criminal act is not the end of the analysis, HA requires itself to consider other circumstances listed in Section 3-III.E of the Admin Plan. “Upon consideration of such factors, HA may, on a case-by-case basis, decide not to deny assistance.” 3-III-C. HA should also provide notice of the relevancy of these circumstances.

Therefore, we recommend section 3-III.F. of the Admin Plan be changed to read (amendments in italics):

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination. *The written notice of the proposed denial must contain:*

*(1) A brief, clear statement of the reasons for the PHA decision. If an arrest or conviction is the basis for the proposed denial, the notice must indicate which arrest or conviction is at issue.*

*(2) A list of other circumstances HA considers relevant to its decision, as listed in 3-III.E.*

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, HA will notify the family in writing of the proposed denial and provide a copy of *any information upon which the proposed denial is based* to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. (Exhibit J)

### 3. HA Should Include More Information in the Notice of Termination Regarding the Criminal Activity that is the Basis for Terminating Assistance

This analysis also applies to a notice of termination. The Admin Plan states that if a family’s assistance is to be terminated the PHA must give the family notice that specifies the reasons for which assistance has been terminated, the effective date of the termination, and the family’s right to an Informal Hearing. If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record also must be provided to the subject of the record. 12-II.F, (Exhibit K). A participant who wants to challenge the basis of her termination can request information through the informal hearing discovery process. 16-III.C.

HA policy for notice of termination should be augmented to require more information be contained in the notice. Pursuant to 24 CFR 982.553(d)(2), when HA terminates assistance to a participant because of criminal activity as shown by a criminal record, HA must provide the participant with “an opportunity to dispute the accuracy and relevance

of that record.” A termination notice does not need to include the same documents as a notice of proposed denial, because a participant can get these through the discovery process. The termination notice, however, must give the participant enough information about the basis for termination such that the participant can make an informed decision about whether or not she should pursue an informal hearing.

HA should amend its Admin Plan to provide that, with a notice of termination, the applicant is also advised of (1) the item in the criminal record upon which the termination is based and (2) all mitigating factors HA considers relevant in deciding whether to terminate assistance based on a criminal record.

- a. HA Should State the Item in the Criminal Record Upon Which the Proposed Denial is based.

Participants also may only have a vague understanding of their participation in the criminal justice system, and may not be familiar with their own criminal records. HA already requires the termination notice specify “the reasons for which assistance has been terminated.” 12-II.F. These reasons should be clear and sufficiently explain what part of the criminal record is at issue, in order to provide “an opportunity to dispute the accuracy and relevance of that record.” 24 CFR 982.553(d)(2). If termination notices do not already explain which arrest, conviction, or other information is the basis for termination, the HA policy should be changed to require this level of specificity.

- b. List the Mitigating Factors HA Considers Relevant to its Determination Whether to Terminate Assistance Based on a Criminal Record

HA does not terminate assistance to every applicant with a criminal history. In fact, HA considers the same factors relevant in deciding whether to deny an applicant with a criminal history into the Section 8 program (Exhibit L). “Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.” 12-I.E. HACSM should notify participants that these circumstances are relevant, so the participant can decide whether or not to request an informal hearing.

Therefore, we recommend section 12-II.F of the Admin Plan be changed to read (amendments in italics):

If a family’s assistance is to be terminated, whether voluntarily or involuntarily, the PHA must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated. *If an arrest or conviction is the basis for the proposed denial, the notice must indicate which arrest or conviction is at issue,*
- *The list of other circumstances HA considers relevant to its decision, as listed in 12-II.D.*
- The effective date of the termination,
- The family’s right to an Informal Hearing as described in Chapter 16

*If a criminal act is the basis of the termination, a copy of the record or any other information upon which the determination of the criminal act was based,*

must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)]. (Exhibit M)

#### 4. HA Should Establish a Policy that an Arrest Alone is Never Sufficient to Make a Factual Determination by a Preponderance of the Evidence that an Applicant or Participant has Committed a Crime

The Admin Plan states that HA will terminate or deny assistance if a *preponderance of the evidence* indicates that a household member has engaged in criminal activity, regardless of whether the household member has been arrested or convicted. 12-II.D, 3-III.E, See also 16-III.C, 3-III.C, 12-I.E. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence is determined by the greater weight of all evidence. 12-II.D, (Exhibit N). 3-III.E, (Exhibit O).

A police officer can make an arrest if he has *probable cause*. Probable cause exists where a reasonable person might look at the facts and believe a crime has been committed. *Brinegar v. United States*, 338 U.S. 160 (1949), at 175-176.

Probable cause is a different and lower standard than preponderance of the evidence. While preponderance of the evidence requires more than 50% of the weight of the evidence to support a conclusion, probable cause is not held to a quantitative cut off point. Probable cause is more than a bare suspicion, but much less than would justify conviction. *Brinegar*, at 175. It is not a finely tuned standard requiring the weighing of evidence from multiple sources. The probable cause standard is appropriate for officers who must make quick decisions and do not have access to all of the relevant evidence. An arrest does not reflect any conclusion by law enforcement that it is more likely than not that the person arrested actually committed a crime. In contrast, preponderance of the evidence is a technical standard that requires weighing of the evidence, which is appropriately more stringent and suited for an entity with time to evaluate evidence and deliberate.

The manner in which HACSM evaluates arrests when deciding, by a preponderance of the evidence, that an applicant committed a criminal act is not clear. The Admin Plan states that an arrest is not necessary to determine criminal act. 12-II.D. HA is separate from the criminal justice system and can make its own determination whether a criminal act was committed by a preponderance of the evidence. HA, however, should also never treat an arrest **alone** as sufficient to either deny or terminate assistance.

A person arrested for a crime is not always charged with or convicted of that crime. Often charges are not brought, or convictions not obtained, because the evidence did not rise above probable cause. It is a violation of its duties for HA to claim such an arrest satisfies HA's evidentiary burden. HA cannot substitute the criminal justice system's judgment that an arrest was appropriate under the less stringent standard of probable cause for its duty to make a determination by preponderance of the evidence that a crime

was actually committed and can serve as the basis for a denial or termination of housing assistance.

Therefore, we recommend section 12-II.D of the Admin Plan be changed to read (amendments in italics):

For criminal activity, HUD permits the PHA to terminate assistance if a preponderance of the evidence indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)]. *An arrest alone, however, will never be sufficient to meet the preponderance of the evidence standard.* (Exhibit P)

We also recommend that the above, proposed paragraph be inserted into section 3-III.E of the Admin Plan.

# **EXHIBIT A**



COUNTY OF SAN MATEO

Office of the Sheriff
Criminal Records Bureau

GREG MUNKS
SHERIFF

CARLOS G. BOLANOS
UNDER SHERIFF

400 COUNTY CENTER REDWOOD CITY CALIFORNIA 94063-1662 TELEPHONE (650) 353-4525 www.smcsheriff.com

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

Date: \_\_\_\_\_

To Whom It May Concern:

A thorough search by name only has been conducted on the below listed applicant for criminal record information in San Mateo County:

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

AKA/S: \_\_\_\_\_

SHERIFF'S ID#: \_\_\_\_\_

- No criminal record with the San Mateo County Sheriff's Office.
Has a criminal record in the County of San Mateo. Please see attached copy of print out for local criminal record information since 1989. Contact the appropriate court for further disposition information of arrest record on the above applicant.
Has a criminal record in the County of San Mateo. Any record prior to 1989 is not available from this office. Please contact the appropriate court for further disposition information of arrest record on the above subject.

Please be advised this search reflects local criminal records only and does not reflect any criminal history outside of San Mateo County.

Greg Munks, Sheriff

By: [Signature]

Date: \_\_\_\_\_

Name: CHRISTEL RUEGNER

[X] Criminal Records Technician I/II

[ ] Criminal Records Supervisor

# **EXHIBIT B**

# HOUSING AUTHORITY OF THE COUNTY OF SAN MATEO

264 HARBOR BOULEVARD • BUILDING A • BELMONT, CA 94002-4017 • (650) 802-3338

Subject: Denial of Application for Section 8 Rental Housing Assistance

Dear \_\_\_\_\_ ;

This letter is to inform you that the Housing Authority of the County of San Mateo has denied your application for Section 8 rental housing assistance based on the ground(s) cited on page 2 of this letter. Each ground stated provides a separate basis for denial of assistance.

If you do not agree with this decision you may request an informal review **by sending a written request to the Certification Department at 264 Harbor Blvd., #A, Belmont, CA 94002 no later than 10 working days from the postmark of this letter. Include both pages of this letter with your written request.** Please do not call our office. You must specify your objection in writing to the Housing Authority's determination and the factual basis for your objection. If you do not respond within the time allowed, our decision to deny assistance shall become final.

If your written objection is received within the time allowed, your file will be reviewed. If the statement and evidence you provide is enough to determine you still active on our waitlist, you will be notified in writing.

If an informal review is requested and/or required, you will be notified of the time and place at which the review will be conducted. During the informal review, you will have the opportunity to present evidence to support your objections to the Housing Authority's decision. Following the informal review, you will be notified in writing of the Housing Authority's final determination as to whether assistance will be denied or granted.

Sincerely,

Certification Department  
FAX (650) 802-3372

**Applicant Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

- You and/or your family members failed to respond and/or show up for an eligibility interview and/or briefing appointment. Each applicant may only reschedule once.**
- You failed to disclose or verify social security number documentation.**  
*(Identify the persons for whom the documentation was not disclosed or verified)*
- You failed to provide evidence necessary to verify citizenship or eligible immigration status.** *(Describe required information and names of family members for whom information was not provided)*
- You failed to provide required documentation and/or verification.**  
*(Describe required information and names of family members for whom information was not provided)*
- You and/or your family members failed to provide all required signatures.**  
*(Identify the persons for whom signature was required)*
- You are over the income limits for participation.**  
Income limit: \$ \_\_\_\_\_ Your reported gross income: \$ \_\_\_\_\_
- You and/or your family members owe rent or other amounts to a Housing Authority in connection with Section 8 or public housing assistance under the 1937 ACT.**  
Name of HA to whom debt is owed: \_\_\_\_\_ Amount of debt: \$ \_\_\_\_\_  
Brief description of debt (including date incurred): \_\_\_\_\_
- The family has breached an agreement to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority.**  
Name of HA with whom family had agreement: \_\_\_\_\_  
Date of agreement: \_\_\_\_\_ Balance owed: \$ \_\_\_\_\_
- A preponderance of the evidence indicates that a family member has engaged in drug-related or violent criminal activity as defined by 24 CFR §982.552/982.553.**
- Information contained in an eviction/unlawful detainer filings search**
- Other**

# **EXHIBIT C**

### **3-III.D. SCREENING**

#### **Screening for Eligibility**

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

##### HACSM Policy

The HACSM will obtain a criminal background check through local law enforcement or National Credit Reporting (NCR) for every adult household member.

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

If the PHA proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

#### **Screening for Suitability as a Tenant [24 CFR 982.307]**

The PHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. The PHA may opt to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

##### HACSM Policy

The HACSM will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. The PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires the PHA to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits the PHA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

# **EXHIBIT D**

## § 5.902

criminals to public housing and Section 8 housing and to assist in lease enforcement and eviction.

(b) *Sex offender registration records searches.* This subpart applies to PHAs that administer the Section 8 and public housing programs when they obtain sex offender registration information from State and local agencies, under the authority of 42 U.S.C. 13663, to prevent admission of dangerous sex offenders to federally assisted housing.

(c) *Excluded records searches.* The provisions of this subpart do not apply to criminal conviction information or sex offender information searches by a PHA or others of information from law enforcement agencies or other sources other than as provided under this subpart.

### § 5.902 Definitions.

(a) *Terms found elsewhere.* The following terms used in this subpart are defined in subpart A of this part: *1937 Act, drug, federally assisted housing, household, HUD, public housing, public housing agency (PHA), Section 8.*

(b) *Additional terms* used in this subpart are as follows:

*Adult.* A person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

*Covered housing.* Public housing, project-based assistance under section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under section 8.

*Law enforcement agency.* The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

*Owner.* The owner of federally assisted housing.

*Responsible entity.* For the public housing program, the Section 8 tenant-based assistance program (part 982 of this title), the Section 8 project-based certificate or project-based voucher program (part 983 of this title), and the Section 8 moderate rehabilitation program (part 882 of this title), *responsible entity* means the PHA administering the program under an Annual Contributions Contract with HUD. For all

## 24 CFR Subtitle A (4-1-07 Edition)

other Section 8 programs, responsible entity means the Section 8 owner.

### § 5.903 What special authority is there to obtain access to criminal records?

(a) *Authority.* If you are a PHA that administers the Section 8 program and/or the public housing program, this section authorizes you to obtain criminal conviction records from a law enforcement agency, as defined in § 5.902. You may use the criminal conviction records that you obtain from a law enforcement agency under the authority of this section to screen applicants for admission to covered housing programs and for lease enforcement or eviction of families residing in public housing or receiving Section 8 project-based assistance.

(b) *Consent for release of criminal conviction records.* (1) In order to obtain access to records under this section, as a responsible entity you must require every applicant family to submit a consent form signed by each adult household member.

(2) By execution of the consent form, an adult household member consents that:

(i) Any law enforcement agency may release criminal conviction records concerning the household member to a PHA in accordance with this section;

(ii) The PHA may receive the criminal conviction records from a law enforcement agency, and may use the records in accordance with this section.

(c) *Procedure for PHA.* (1) When the law enforcement agency receives your request, the law enforcement agency must promptly release to you a certified copy of any criminal conviction records concerning the household member in the possession or control of the law enforcement agency. NCIC records must be provided in accordance with NCIC procedures.

(2) The law enforcement agency may charge you a reasonable fee for releasing criminal conviction records.

(d) *Owner access to criminal records—*  
(1) *General.* (i) If an owner submits a request to the PHA for criminal records

# **EXHIBIT E**

Therefore, we recommend section 3-III.D. of the Admin Plan be changed to read (amendments in italics):

“HA will obtain a criminal background check through local law enforcement or National Credit Reporting (NCR) for every adult household member. *HA will require all adult household members to submit a criminal record from the Sheriff’s Department, or a letter stating that the household member has no criminal record. If HACSM determines that information on the criminal record may lead to a denial, HACSM will obtain court information regarding the current disposition of the charge and resulting convictions.*”

# **EXHIBIT F**

### **3-III.F. NOTICE OF ELIGIBILITY OR DENIAL**

If the family is eligible for assistance, the PHA will notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

If the PHA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe (1) the reasons for which assistance has been denied (2) the family's right to an Informal Review, and (3) the process for obtaining the Informal Review [24 CFR 982.554 (a)]. See Chapter 16, for Informal Review policies and procedures.

#### HACSM Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

#### HACSM Policy

If based on a criminal record or sex offender registration information, an applicant **family appears to be ineligible**, the HACSM will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information.

If the family does not contact the HACSM to dispute the information within that 10-day period, the HACSM will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, or stalking are contained in Section 3-III.G.

# **EXHIBIT G**

### **3-III.F. NOTICE OF ELIGIBILITY OR DENIAL**

If the family is eligible for assistance, the PHA will notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

**If the PHA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe (1) the reasons for which assistance has been denied (2) the family's right to an Informal Review, and (3) the process for obtaining the Informal Review [24 CFR 982.554 (a)]. See Chapter 16, for Informal Review policies and procedures.**

#### HACSM Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

#### HACSM Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, the HACSM will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information.

If the family does not contact the HACSM to dispute the information within that 10-day period, the HACSM will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, or stalking are contained in Section 3-III.G.

# **EXHIBIT H**

under this section, see paragraph (d) of this section.)

(ii) *Lease enforcement and eviction.* (A) PHA enforcement of public housing leases and PHA eviction of public housing residents;

(B) Enforcement of leases by a Section 8 project owner and eviction of residents by a Section 8 project owner. (However, criminal conviction records received by a PHA from a law enforcement agency under this section may not be used for lease enforcement or eviction of residents receiving Section 8 tenant-based assistance.)

(2) *PIA disclosure of records.* (i) A PHA may disclose the criminal conviction records which the PHA receives from a law enforcement agency only as follows:

(A) To officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information. For example, if the PHA is seeking to evict a public housing tenant on the basis of criminal activity as shown in criminal conviction records provided by a law enforcement agency, the records may be disclosed to PHA employees performing functions related to the eviction, or to a PHA hearing officer conducting an administrative grievance hearing concerning the proposed eviction.

(B) To the owner for use in connection with judicial eviction proceedings by the owner to the extent necessary in connection with a judicial eviction proceeding. For example, criminal conviction records may be included in pleadings or other papers filed in an eviction action, may be disclosed to parties to the action or the court, and may be filed in court or offered as evidence.

(ii) This disclosure may be made only if the following conditions are satisfied:

(A) If the PHA has determined that criminal activity by the household member as shown by such records received from a law enforcement agency may be a basis for eviction from a Section 8 unit; and

(B) If the owner certifies in writing that it will use the criminal conviction records only for the purpose and only to the extent necessary to seek eviction in a judicial proceeding of a Sec-

tion 8 tenant based on the criminal activity by the household member that is described in the criminal conviction records.

(iii) The PHA may rely on an owner's certification that the criminal record is necessary to proceed with a judicial eviction to evict the tenant based on criminal activity of the identified household member, as shown in the criminal conviction record.

(iv) Upon disclosure as necessary in connection with judicial eviction proceedings, the PHA is not responsible for controlling access to or knowledge of such records after such disclosure.

(f) *Opportunity to dispute.* If a PHA obtains criminal record information from a State or local agency under this section showing that a household member has been convicted of a crime relevant to applicant screening, lease enforcement or eviction, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant or tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information. This opportunity must be provided before a denial of admission, eviction or lease enforcement action on the basis of such information.

(g) *Records management.* Consistent with the limitations on disclosure of records in paragraph (e) of this section, the PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is:

(1) Maintained confidentially;

(2) Not misused or improperly disseminated; and

(3) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

(h) *Penalties for improper release of information—(1) Criminal penalty.* Conviction for a misdemeanor and imposition of a penalty of not more than \$5,000 is the potential for:

(i) Any person, including an officer, employee, or authorized representative

# **EXHIBIT I**

### HACSM Policy

The HACSM will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the initial HQS inspection or before. The HACSM will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The HACSM will provide documented information regarding tenancy history for the past (3) three years to prospective owners upon written request from the owner. The HACSM will provide the following information, based on documentation in its possession:

- Eviction history
- Damage to rental units
- Other aspects of tenancy history that is a matter of public record
- Drug trafficking by family members

Only the Housing Programs Supervisors or Housing Occupancy Specialists may provide this information, either orally or in writing. The HACSM policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

## **3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE**

### **Evidence [24 CFR 982.553(c)]**

#### HACSM Policy

The HACSM will use the concept of "the preponderance of the evidence" as the standard for making all admission decisions.

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

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

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated (see Section 3-III.B).

#### HACSM Policy

The HACSM will consider the following factors when making its decision:

The seriousness of the case, especially with respect to how it would affect other residents;

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure;

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.G) a victim of domestic violence, dating violence, or stalking;

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future;

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully:

The HACSM will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

### **Removal of a Family Member's Name from the Application [24 CFR 982.552(c)(2)(ii)]**

HUD permits PHA's to impose, as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which results in the denial of assistance, not reside in the unit.

#### HACSM Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon HACSM request.

### **Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

If the family includes a person with disabilities, the PHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### HACSM Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, the HACSM will determine whether the behavior is related to the disability. If so, upon the family's request, the HACSM will determine whether alternative measures are appropriate as a reasonable accommodation.

The HACSM will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. See Chapter 2 for a discussion of reasonable accommodation.

# **EXHIBIT J**

Therefore, we recommend section 3-III.F. of the Admin Plan be changed to read (amendments in italics):

“The family will be notified of a decision to deny assistance in writing within 10 business days of the determination. *The written notice of the proposed denial must contain:*

- (1) *A clear statement of the reasons for the PHA decision. If an arrest or conviction is the basis for the proposed denial, the notice must indicate which arrest or conviction is at issue.*
- (2) *A list of other circumstances HA considers relevant to its decision, as listed in 3-III.E.*

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, HA will notify the family in writing of the proposed denial and provide a copy of *any information upon which the proposed denial is based* to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information.”

# **EXHIBIT K**

# **EXHIBIT L**

## 12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

### Evidence

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

#### HACSM Policy

The HACSM will use the concept of “the preponderance of the evidence” as the standard for making termination decisions.

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

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

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family’s assistance should be terminated.

#### HACSM Policy

The HACSM will consider the following factors when making its decision to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents;

- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure;

- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, or stalking;

- The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future;

- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully;

- The HACSM will require the applicant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

# **EXHIBIT M**

Therefore, we recommend section 12-II.F of the Admin Plan be changed to read (amendments in italics):

“If a family’s assistance is to be terminated, whether voluntarily or involuntarily, the PHA must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated. *If an arrest or conviction is the basis for the proposed denial, the notice must indicate which arrest or conviction is at issue,*
- *The list of other circumstances HA considers relevant to its decision, as listed in 12-II.D.*
- The effective date of the termination,
- The family’s right to an Informal Hearing as described in Chapter 16

If a criminal act is the basis of the termination, a copy of the record *or any other information upon which the determination of the criminal act was based,* must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)].”

# **EXHIBIT N**

## 12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

### Evidence

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

#### HACSM Policy

The HACSM will use the concept of “the preponderance of the evidence” as the standard for making termination decisions.

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

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

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family’s assistance should be terminated.

#### HACSM Policy

The HACSM will consider the following factors when making its decision to terminate assistance:

The seriousness of the case, especially with respect to how it would affect other residents;

The effects that termination of assistance may have on other members of the family who were not involved in the action or failure;

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, or stalking;

The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future;

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully;

The HACSM will require the applicant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

# **EXHIBIT O**

### HACSM Policy

The HACSM will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the initial HQS inspection or before. The HACSM will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The HACSM will provide documented information regarding tenancy history for the past (3) three years to prospective owners upon written request from the owner. The HACSM will provide the following information, based on documentation in its possession:

- Eviction history
- Damage to rental units
- Other aspects of tenancy history that is a matter of public record
- Drug trafficking by family members

Only the Housing Programs Supervisors or Housing Occupancy Specialists may provide this information, either orally or in writing. The HACSM policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

## **3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE**

### **Evidence [24 CFR 982.553(c)]**

#### HACSM Policy

The HACSM will use the concept of "the preponderance of the evidence" as the standard for making all admission decisions.

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

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

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated (see Section 3-III.B).

#### HACSM Policy

The HACSM will consider the following factors when making its decision:

The seriousness of the case, especially with respect to how it would affect other residents;

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure;

# **EXHIBIT P**

Therefore, we recommend the first paragraph of section 12-II.D of the Admin Plan be changed to read (amendments in italics):

“For criminal activity, HUD permits the PHA to terminate assistance if a preponderance of the evidence indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)]. *An arrest alone, however, will never be sufficient to meet the preponderance of the evidence standard.*”

We also recommend that the above paragraph be inserted into the beginning of section 3-III.E of the Admin Plan.

## Comments for April 1, 2008 Public Hearing

Submitted to: Housing Authority of the County of San Mateo

Prepared by: Mark Finucane, Kelly Lowenberg, and Jessica Steinberg, Esq., Stanford Community Law Clinic

### Comments Regarding 2007 Administrative Plan

#### Unauthorized Side Payments

The Stanford Community Law Clinic has seen a problem in San Mateo in which landlords condition their acceptance of a Section 8 tenant on that tenant's willingness to pay an under-the-table side payment for rent. Pressured into agreeing due to a variety of circumstances, some of these tenants acquiesce to the payments, even though it is money they can hardly afford to pay.

#### I. The HACSM's policy towards unauthorized side payments is not internally clear or consistent with federal regulations

There exists a disparity among the policy statements and laws regarding side payments, which makes it difficult for tenants to ascertain their rights and also for us as advocates to advise tenants on what their rights are. The areas of ambiguity are include whether the prohibition on side payments applies just to owners or to both owners and tenants. Furthermore, it is unclear as to whether tenants can lose their Voucher for engaging in these side payments.

- Section 9-1.E of the Housing Authority's Administrative Plan contains no clear statement that tenants are in violation of their program obligations for paying side payments. This section does, however, clearly prohibit *owners* from demanding or accepting them. The closest this section comes to stating that side payments are a violation of the tenant's obligations is the highlighted passage, which is simply a general prohibition of such payments. In fact, two paragraphs below this, it even states that tenants cannot be held responsible for side payments in the context of eviction. **See Exhibit 1.**
- However, section 14-II.B of the Administrative Plan in the program integrity chapter lists payment of side payments as grounds for termination of a tenant's assistance. **See Exhibit 2.**
- This interpretation does not appear, however, in the next two documents, which are the relevant sections of the Code of Federal Regulations and the HUD Tenancy Addendum. These documents contain only a prohibition against owners for charging or accepting side payments. These documents also provide that the owner must immediately return any side payments to the tenant. **See Exhibits 3 and 4.**
- The HACSM's Tenant Handbook again contains the interpretation that side payments are grounds for termination of a tenant's assistance. **See Exhibit 5.**

**II. Considering side payments as grounds to terminate a tenant's assistance is contrary to the Housing Authority's goals and public policy**

The relevant sections of the Code of Federal Regulations and HUD's tenancy addendum provide tenants a right to collect excess side payments paid to owners. **Exhibits 3 and 4.** If asserting this right would cause tenants to lose their voucher, it is clear that no tenant would ever actually assert this right. This, in turn, has the effect of leaving landlords immune to the repayment remedy because the Housing Authority will never find out about the existence of the side payments. If reporting side payments leads to termination of a tenant's assistance, then both parties have an interest in keeping the payments secret: landlords, out of a desire to keep collecting them, and tenants, out of a fear of losing their voucher.

Of course, it would be preferable if tenants never agreed to pay the side payments in the first place. By allowing tenants access to their right to recover the payments, landlords would be disincentivized to demand side payments in the first place. Penalizing tenants who come forward about side payments merely serves to perpetuate the existence of the side payments. By allowing one party, the tenant, to come forward about these side payments, the Housing Authority will go much further towards eliminating them. Furthermore, this would also be more consistent with the text of the federal regulations.

This solution would also be more consistent with HUD's intent, which is illustrated in HUD's Housing Choice Voucher Program Guidebook. **Exhibit 6.** The highlighted section of Exhibit 6 contains language articulating HUD's suggested remedy for owner repayment of side payments to tenants, which involves repayment through the Housing Authority by deducting the amount from the HAP payments.

**III. Recommendations:**

Therefore, we recommend the following changes in order to bring HACSM's policy towards unauthorized side payments into conformity with federal regulations and sound public policy:

**1) Add** the following language to the relevant portion of Section 9-1.E. of the Administrative Plan (added language in italics):

- Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited. *If such side payments occur, the owner must repay any excess payment to the tenant. Such side payments shall not be grounds for termination of a participant's assistance under the Housing Choice Voucher Program.*

**2) Delete** the following language from Page 7 of the Tenant Handbook (deleted language in italics):

- DO NOT enter into a “side agreement” with the landlord to pay any amount above and beyond what is stated on the lease agreement. *Violation of this rule is cause for termination of your housing assistance.*

**3) Delete** the following language from section 14-II.B of the Administrative Plan (deleted language in italics):

- Any of the following will be considered evidence of family program abuse: *Payment to the owner in excess of amounts authorized by the HACSM for rent, security deposit, and additional services.*

**4) Adopt** the following language from HUD’s Housing Choice Voucher Program Guidebook and insert the language into section 14-II.C of the Administrative Plan (adopted language in italics):

- When the PHA determines that the owner has committed program abuse, the PHA may take any of the following actions: *If the owner was collecting side payments, the PHA must notify the owner to immediately cease collecting these payments and require repayment to the family through the PHA of the full amount illegally collected. The PHA must determine if the owner also collected side payments from other participants and follow-up to require payment. The amount can be repaid by offsetting the amount due against future housing assistance payments.*

# **EXHIBIT 1**

## **Security Deposit [24 CFR 982.313 (a) and (b)]**

The owner may collect a security deposit from the tenant. The PHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. However, if the PHA chooses to do so, language to this effect must be added to Part A of the HAP contract [Form HUD-52641].

### HACSM Policy

The HACSM will allow the owner to collect any security deposit amount the owner determines is appropriate within State and local law. Therefore, no modifications to the HAP contract will be necessary.

## **Separate Non-Lease Agreements between Owner and Tenant**

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner minus the PHA's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

### HACSM Policy

The HACSM permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken

into consideration when determining the reasonableness of the rent for the property.

### **PHA Review of Lease**

The PHA will review the dwelling lease for compliance with all applicable requirements.

#### HACSM Policy

If the dwelling lease is incomplete or incorrect, the HACSM will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be accepted as hard copies, in-person, by mail, or by fax. The HACSM will not accept missing and corrected information over the phone

Because the initial leasing process is time-sensitive, the HACSM will attempt to communicate with the owner and family by phone, fax, or email. The HACSM will use mail when the parties can't be reached by phone, fax, or email.

The PHA is permitted, but is not required, to review the lease to determine if the lease complies with State and local law and is permitted to decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law [24 CFR 982.308(c)]

### **9-I.F. TENANCY APPROVAL [24 CFR 982.305]**

After receiving the family's Request for Tenancy Approval, with proposed dwelling lease, the PHA must promptly notify the family and owner whether the assisted tenancy is approved.

Prior to approving the assisted tenancy and execution of a HAP contract, the PHA must ensure that all required actions and determinations, discussed in Part I of this chapter have been completed.

These actions include ensuring that the unit is eligible; the unit has been inspected by the PHA and meets the Housing Quality Standards (HQS); the lease offered by the owner is approvable and includes the required Tenancy Addendum; the rent to be charged by the owner for the unit is reasonable; where the family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]; the owner is an eligible owner, not disapproved by the PHA, with no conflicts of interest [24 CFR 982.306]; the family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information [24 CFR 982.305(b)].

#### HACSM Policy

The HACSM will complete its determination within 15 business days of receiving all required information.

If the terms of the RTA/proposed lease are changed for any reason, including but not limited to negotiation with the HACSM, the HACSM will obtain corrected copies of the RTA and proposed lease, signed by the family and the owner.

## **EXHIBIT 2**

## **PHA Reimbursement to Family [HCV GB p. 22-12]**

### HACSM Policy

The HACSM will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

### **Prohibited Actions**

An applicant or participant in the HCV program must not knowingly:

- Make a false statement to the PHA [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.552(c)(iv)].

### HACSM Policy

Any of the following will be considered evidence of family program abuse:

Payment to the owner in excess of amounts authorized by the HACSM for rent, security deposit, and additional services;

Offering bribes or illegal gratuities to the HACSM Board of Commissioners, employees, contractors, or other HACSM representatives;

Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to the HACSM on the family's behalf;

Use of a false name, falsified, forged, or altered documents;

Intentional misreporting of family information or circumstances (e.g. income, family composition);

Omitted facts that were obviously known by a family member (e.g. not reporting employment income);

Admission of program abuse by an adult family member.

The HACSM may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

### **Penalties for Program Abuse**

In the case of program abuse caused by a family the PHA may, at its discretion, impose any of the following remedies.

- The PHA may require the family to repay excess subsidy amounts paid by the PHA, as described earlier in this section.
- The PHA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 12 (for participants).
- The PHA may deny or terminate the family's assistance following the policies set forth in Chapter 3 and Chapter 12 respectively.

- The PHA may refer the family for state or federal criminal prosecution as described in section 14-II.E.

#### **14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE**

Owner requirements that are part of the regular process of offering, leasing, and maintaining a unit (e.g., HQS compliance, fair housing) are addressed in the appropriate chapters of this plan. This section focuses on errors and program abuse by owners.

An incorrect subsidy determination caused by an owner generally would be the result of an incorrect owner statement about the characteristics of the assisted unit (e.g., the number of bedrooms, which utilities are paid by the family). It also includes accepting duplicate housing assistance payments for the same unit in the same month, or after a family no longer resides in the unit.

##### **Owner Reimbursement to the PHA**

In all cases of overpayment of subsidy caused by the owner, the owner must repay to the PHA any excess subsidy received. The PHA may recover overpaid amounts by withholding housing assistance payments due for subsequent months, or if the debt is large, the PHA may allow the owner to pay in installments over a period of time [HCV GB p. 22-13].

##### HACSM Policy

In cases where the owner has received excess subsidy, the HACSM will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

##### **Prohibited Owner Actions**

An owner participating in the HCV program must not:

- Make any false statement to the PHA [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.453(a)(3)] including:

##### HACSM Policy

Any of the following will be considered evidence of owner program abuse:

Charging the family rent above or below the amount specified by the HACSM;

Charging a security deposit other than that specified in the family's lease;

Charging the family for services that are provided to unassisted tenants at no extra charge;

Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit;

Knowingly accepting incorrect or excess housing assistance payments;

Offering bribes or illegal gratuities to the HACSM Board of Commissioners, employees, contractors, or other HACSM representatives;

Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the HACSM;  
Residing in the unit with an assisted family.

### **Remedies and Penalties**

When the PHA determines that the owner has committed program abuse, the PHA may take any of the following actions:

- Require the owner to repay excess housing assistance payments, as discussed earlier in this section and in accordance with the policies in Chapter 16.
- Terminate the HAP contract (See Chapter 13).
- Bar the owner from future participation in any PHA programs.
- Refer the case to state or federal officials for criminal prosecution as described in section 14-II.E.

### **14-II.D. PHA-CAUSED ERRORS OR PROGRAM ABUSE**

The responsibilities and expectations of PHA staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of a PHA staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in the PHA personnel policy.

PHA-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, and (3) errors in calculation.

#### **Repayment to the PHA**

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by PHA staff [HCV GB. 22-12].

#### **PHA Reimbursement to Family or Owner**

The PHA must reimburse a family for any underpayment of subsidy, regardless of whether the underpayment was the result of staff-caused error or staff or owner program abuse. Funds for this reimbursement must come from the PHA's administrative fee reserves [HCV GB p. 22-12].

#### **Prohibited Activities**

##### HACSM Policy

Any of the following will be considered evidence of program abuse by HACSM staff:

Failing to comply with any HCV program requirements for personal gain;

Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner;

Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to the HACSM;

# **EXHIBIT 3**

Westlaw.

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24 C.F.R. § 982.451

**C****Effective: [See Text Amendments]**

Code of Federal Regulations Currentness  
 Title 24. Housing and Urban Development  
 Subtitle B. Regulations Relating to Housing  
 and Urban Development

Chapter IX. Office of Assistant Secretary for  
 Public and Indian Housing, Department of  
 Housing and Urban Development (Refs &  
 Annos)

Part 982. Section 8 Tenant Based As-  
 sistance: Housing Choice Voucher Pro-  
 gram (Refs & Annos)

Subpart J. Housing Assistance Pay-  
 ments Contract and Owner Responsibil-  
 ity (Refs & Annos)

**→ § 982.451 Housing assistance pay-  
 ments contract.**

(a)(1) The HAP contract must be in the form re-  
 quired by HUD.

(2) The term of the HAP contract is the same as  
 the term of the lease.

(b)(1) The amount of the monthly housing assist-  
 ance payment by the PHA to the owner is deter-  
 mined by the PHA in accordance with HUD regula-  
 tions and other requirements. The amount of the  
 housing assistance payment is subject to change  
 during the HAP contract term.

(2) The monthly housing assistance payment by  
 the PHA is credited toward the monthly rent to  
 owner under the family's lease.

(3) The total of rent paid by the tenant plus the  
 PHA housing assistance payment to the owner  
 may not be more than the rent to owner. The  
 owner must immediately return any excess pay-  
 ment to the PHA.

(4)(i) The part of the rent to owner which is

paid by the tenant may not be more than:

(A) The rent to owner; minus

(B) The PHA housing assistance payment  
 to the owner.

(ii) The owner may not demand or accept any  
 rent payment from the tenant in excess of this  
 maximum, and must immediately return any  
 excess rent payment to the tenant.

(iii) The family is not responsible for payment  
 of the portion of rent to owner covered by the  
 housing assistance payment under the HAP  
 contract between the owner and the PHA. See §  
 982.310(b).

(5)(i) The PHA must pay the housing assist-  
 ance payment promptly when due to the owner  
 in accordance with the HAP contract.

(ii)(A) The HAP contract shall provide for pen-  
 alties against the PHA for late payment of  
 housing assistance payments due to the owner  
 if all the following circumstances apply:

(1) Such penalties are in accordance  
 with generally accepted practices and  
 law, as applicable in the local housing  
 market, governing penalties for late  
 payment of rent by a tenant;

(2) It is the owner's practice to charge  
 such penalties for assisted and unas-  
 sisted tenants; and

(3) The owner also charges such pen-  
 alties against the tenant for late pay-  
 ment of family rent to owner.

(B) The PHA is not obligated to pay any  
 late payment penalty if HUD determines  
 that late payment by the PHA is due to  
 factors beyond the PHA's control. The

## FOR EDUCATIONAL USE ONLY

Page 2

24 C.F.R. § 982.451

PHA may add HAP contract provisions which define when the housing assistance payment by the PHA is deemed received by the owner (e.g., upon mailing by the PHA or actual receipt by the owner).

(iii) The PHA may only use the following sources to pay a late payment penalty from program receipts under the consolidated ACC: administrative fee income for the program; or the administrative fee reserve for the program. The PHA may not use other program receipts for this purpose.

[61 FR 27163, May 30, 1996; 63 FR 23861, April 30, 1998; 64 FR 26647, May 14, 1999; 64 FR 43613, Aug. 11, 1999; 64 FR 56911, 56914, Oct. 21, 1999]

SOURCE: 59 FR 36682, July 18, 1994; 60 FR 34695, July 3, 1995; 60 FR 45661, Sept. 1, 1995; 61 FR 11119, March 18, 1996; 63 FR 23857, April 30, 1998, unless otherwise noted.

AUTHORITY: 42 U.S.C. 1437f and 3535(d).

24 C. F. R. § 982.451, **24 CFR § 982.451**

Current through March 20, 2008; 73 FR 15049

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END OF DOCUMENT

# **EXHIBIT 4**

**Tenancy Addendum**  
**Section 8 Tenant-Based Assistance**  
**Housing Choice Voucher Program**  
(To be attached to Tenant Lease)

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

OMB Approval No. 2577-0169  
(exp.9/30/2010)

**1. Section 8 Voucher Program**

- a. The owner is leasing the contract unit to the tenant for occupancy by the tenant's family with assistance for a tenancy under the Section 8 housing choice voucher program (voucher program) of the United States Department of Housing and Urban Development (HUD).
- b. The owner has entered into a Housing Assistance Payments Contract (HAP contract) with the PHA under the voucher program. Under the HAP contract, the PHA will make housing assistance payments to the owner to assist the tenant in leasing the unit from the owner.

**2. Lease**

- a. The owner has given the PHA a copy of the lease, including any revisions agreed by the owner and the tenant. The owner certifies that the terms of the lease are in accordance with all provisions of the HAP contract and that the lease includes the tenancy addendum.
- b. The tenant shall have the right to enforce the tenancy addendum against the owner. If there is any conflict between the tenancy addendum and any other provisions of the lease, the language of the tenancy addendum shall control.

**3. Use of Contract Unit**

- a. During the lease term, the family will reside in the contract unit with assistance under the voucher program.
- b. The composition of the household must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. Other persons may not be added to the household without prior written approval of the owner and the PHA.
- c. The contract unit may only be used for residence by the PHA-approved household members. The unit must be the family's only residence. Members of the household may engage in legal profit making activities incidental to primary use of the unit for residence by members of the family.
- d. The tenant may not sublease or let the unit.
- e. The tenant may not assign the lease or transfer the unit.

**4. Rent to Owner**

- a. The initial rent to owner may not exceed the amount approved by the PHA in accordance with HUD requirements.
- b. Changes in the rent to owner shall be determined by the provisions of the lease. However, the owner may not raise the rent during the initial term of the lease.

- c. During the term of the lease (including the initial term of the lease and any extension term), the rent to owner may at no time exceed:

- (1) The reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements, or
- (2) Rent charged by the owner for comparable unassisted units in the premises.

**5. Family Payment to Owner**

- a. The family is responsible for paying the owner any portion of the rent to owner that is not covered by the PHA housing assistance payment.
- b. Each month, the PHA will make a housing assistance payment to the owner on behalf of the family in accordance with the HAP contract. The amount of the monthly housing assistance payment will be determined by the PHA in accordance with HUD requirements for a tenancy under the Section 8 voucher program.
- c. The monthly housing assistance payment shall be credited against the monthly rent to owner for the contract unit.
- d. The tenant is not responsible for paying the portion of rent to owner covered by the PHA housing assistance payment under the HAP contract between the owner and the PHA. A PHA failure to pay the housing assistance payment to the owner is not a violation of the lease. The owner may not terminate the tenancy for nonpayment of the PHA housing assistance payment.
- e. The owner may not charge or accept, from the family or from any other source, any payment for rent of the unit in addition to the rent to owner. Rent to owner includes all housing services, maintenance, utilities and appliances to be provided and paid by the owner in accordance with the lease.
- f. The owner must immediately return any excess rent payment to the tenant.

**6. Other Fees and Charges**

- a. Rent to owner does not include cost of any meals or supportive services or furniture which may be provided by the owner.
- b. The owner may not require the tenant or family members to pay charges for any meals or supportive services or furniture which may be provided by the owner. Nonpayment of any such charges is not grounds for termination of tenancy.
- c. The owner may not charge the tenant extra amounts for items customarily included in rent to owner in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

7. **Maintenance, Utilities, and Other Services**

a. **Maintenance**

- (1) The owner must maintain the unit and premises in accordance with the HQS.
- (2) Maintenance and replacement (including redecoration) must be in accordance with the standard practice for the building concerned as established by the owner.

b. **Utilities and appliances**

- (1) The owner must provide all utilities needed to comply with the HQS.
- (2) The owner is not responsible for a breach of the HQS caused by the tenant's failure to:
  - (a) Pay for any utilities that are to be paid by the tenant.
  - (b) Provide and maintain any appliances that are to be provided by the tenant.

c. **Family damage.** The owner is not responsible for a breach of the HQS because of damages beyond normal wear and tear caused by any member of the household or by a guest.

d. **Housing services.** The owner must provide all housing services as agreed to in the lease.

8. **Termination of Tenancy by Owner**

a. **Requirements.** The owner may only terminate the tenancy in accordance with the lease and HUD requirements.

b. **Grounds.** During the term of the lease (the initial term of the lease or any extension term), the owner may only terminate the tenancy because of:

- (1) Serious or repeated violation of the lease;
- (2) Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
- (3) Criminal activity or alcohol abuse (as provided in paragraph c); or
- (4) Other good cause (as provided in paragraph d).

c. **Criminal activity or alcohol abuse.**

- (1) The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:
  - (a) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including

property management staff residing on the premises);

- (b) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;

- (c) Any violent criminal activity on or near the premises; or

- (d) Any drug-related criminal activity on or near the premises.

(2) The owner may terminate the tenancy during the term of the lease if any member of the household is:

- (a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- (b) Violating a condition of probation or parole under Federal or State law.

(3) The owner may terminate the tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

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

d. **Other good cause for termination of tenancy**

(1) During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.

(2) During the initial lease term or during any extension term, other good cause includes:

- (a) Disturbance of neighbors,
- (b) Destruction of property, or
- (c) Living or housekeeping habits that cause damage to the unit or premises.

(3) After the initial lease term, such good cause includes:

- (a) The tenant's failure to accept the owner's offer of a new lease or revision;

- (b) The owner's desire to use the unit for personal or family use or for a purpose other than use as a residential rental unit; or
- (c) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, the owner's desire to rent the unit for a higher rent).

local law for the termination of leases or assistance under the housing choice voucher program.

**e. Protections for Victims of Abuse.**

- (1) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for termination of the assistance, tenancy, or occupancy rights of such a victim.
- (2) Criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of domestic violence, dating violence or stalking.
- (3) Notwithstanding any restrictions on admission, occupancy, or terminations of occupancy or assistance, or any Federal, State or local law to the contrary, a PHA, owner or manager may "bifurcate" a lease, or otherwise remove a household member from a lease, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others. This action may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and

- (4) Nothing in this section may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.
- (5) Nothing in this section limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.
- (6) Nothing in this section may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant is not evicted or terminated from assistance.
- (7) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

- f. **Eviction by court action.** The owner may only evict the tenant by a court action.

**g. Owner notice of grounds**

- (1) At or before the beginning of a court action to evict the tenant, the owner must give the tenant a notice that specifies the grounds for termination of tenancy. The notice may be included in or combined with any owner eviction notice.
- (2) The owner must give the PHA a copy of any owner eviction notice at the same time the owner notifies the tenant.
- (3) Eviction notice means a notice to vacate, or a complaint or other initial pleading used to begin an eviction action under State or local law.

**9. Lease: Relation to HAP Contract**

If the HAP contract terminates for any reason, the lease terminates automatically.

**10. PHA Termination of Assistance**

The PHA may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If the PHA terminates program assistance for the family, the lease terminates automatically.

**11. Family Move Out**

The tenant must notify the PHA and the owner before the family moves out of the unit.

**12. Security Deposit**

- a. The owner may collect a security deposit from the tenant. (However, the PHA may prohibit the owner from collecting a security deposit in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Any such PHA-required restriction must be specified in the HAP contract.)
- b. When the family moves out of the contract unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, as reimbursement for any unpaid rent payable by the tenant, any damages to the unit or any other amounts that the tenant owes under the lease.
- c. The owner must give the tenant a list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant.
- d. If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may collect the balance from the tenant.

**13. Prohibition of Discrimination**

In accordance with applicable equal opportunity statutes, Executive Orders, and regulations, the owner must not discriminate against any person because of race, color,

religion, sex, national origin, age, familial status or disability in connection with the lease.

**14. Conflict with Other Provisions of Lease**

- a. The terms of the tenancy addendum are prescribed by HUD in accordance with Federal law and regulation, as a condition for Federal assistance to the tenant and tenant's family under the Section 8 voucher program.
- b. In case of any conflict between the provisions of the tenancy addendum as required by HUD, and any other provisions of the lease or any other agreement between the owner and the tenant, the requirements of the HUD-required tenancy addendum shall control.

**15. Changes in Lease or Rent**

- a. The tenant and the owner may not make any change in the tenancy addendum. However, if the tenant and the owner agree to any other changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must be in accordance with the requirements of the tenancy addendum.
- b. In the following cases, tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:
  - (1) If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
  - (2) If there are any changes in lease provisions governing the term of the lease;
  - (3) If the family moves to a new unit, even if the unit is in the same building or complex.
- c. PHA approval of the tenancy, and execution of a new HAP contract, are not required for agreed changes in the lease other than as specified in paragraph b.
- d. The owner must notify the PHA of any changes in the amount of the rent to owner at least sixty days before any such changes go into effect, and the amount of the rent to owner following any such agreed change may not exceed the reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements.

**16. Notices**

Any notice under the lease by the tenant to the owner or by the owner to the tenant must be in writing.

**17. Definitions**

**Contract unit.** The housing unit rented by the tenant with assistance under the program.

**Family.** The persons who may reside in the unit with assistance under the program.

**HAP contract.** The housing assistance payments contract between the PHA and the owner. The PHA pays housing assistance payments to the owner in accordance with the HAP contract.

**Household.** The persons who may reside in the contract unit. The household consists of the family and any PHA-approved live-in aide. (A live-in aide is a person who resides in the unit to provide necessary supportive services for a member of the family who is a person with disabilities.)

**Housing quality standards (HQS).** The HUD minimum quality standards for housing assisted under the Section 8 tenant-based programs.

**HUD.** The U.S. Department of Housing and Urban Development.

**HUD requirements.** HUD requirements for the Section 8 program. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

**Lease.** The written agreement between the owner and the tenant for the lease of the contract unit to the tenant. The lease includes the tenancy addendum prescribed by HUD.

**PHA.** Public Housing Agency.

**Premises.** The building or complex in which the contract unit is located, including common areas and grounds.

**Program.** The Section 8 housing choice voucher program.

**Rent to owner.** The total monthly rent payable to the owner for the contract unit. The rent to owner is the sum of the portion of rent payable by the tenant plus the PHA housing assistance payment to the owner.

**Section 8.** Section 8 of the United States Housing Act of 1937 (42 United States Code 1437f).

**Tenant.** The family member (or members) who leases the unit from the owner.

**Voucher program.** The Section 8 housing choice voucher program. Under this program, HUD provides funds to an PHA for rent subsidy on behalf of eligible families. The tenancy under the lease will be assisted with rent subsidy for a tenancy under the voucher program

# **EXHIBIT 5**

# Tenant Handbook

A Guide for Section 8  
Housing Choice Voucher Participants



Housing Authority  
Of the County of San Mateo  
Administrative Office  
264 Harbor Boulevard, Bldg. A  
Belmont, CA 94002

## Inspecting the Unit

The Housing Authority is required by HUD to conduct a Housing Quality Standards (HQS) inspection prior to beginning a lease. The Housing Authority staff will inspect both the interior and exterior of the unit to ensure that the unit is in decent, safe and sanitary condition. **All utility services must be operable at the time of inspection.**

When the unit passes inspection, the Housing Authority staff may negotiate the Rent to Owner, based on the overall condition of the property, rents for comparable units, and whether the total tenant contribution exceeds 40% of your monthly-adjusted income.

Do not move into the unit until the Housing Authority staff advises you of the effective date of the lease and your share of the rent to the landlord. **You are responsible for 100% of the contract rent if you move in prior to the effective date of the lease.**

If the unit fails the move-in (initial) inspection, the landlord will be informed of the failed items and be given time to make the repairs. You may not move in until the unit passes inspection. If you are leasing in place, the lease cannot start until the unit passes the inspection. The Housing Authority will conduct one follow-up inspection. If the unit fails again, you will be informed of the decision and advised to find another suitable unit, **if you have time left on your Housing Choice Voucher when you submitted your last RTA.** For example, your Housing Choice Voucher has 14 days left on the day you submitted your last RTA. 30 days has passed and now the Housing Authority informs you that the RTA is denied because the unit failed inspection. Your voucher expired. You will be given back 14 days to look for alternate housing.

Although the Housing Authority will make every attempt to negotiate rent with the landlord, there are limitations with the Section 8 program and we must comply with HUD's requirements. **DO NOT** enter into a "side agreement" with the landlord to pay any amount above and beyond what is stated on the lease agreement. Violation of this rule is cause for termination of your housing assistance.

## Lead-Based Paint Information

A copy of the brochure entitled *Protect Your Family From Lead in Your Home* is included in the briefing packet. Please read this brochure about the health hazards of lead-based paint. This is especially important if you have children under the age of six and find a unit to rent which was built before 1978.

## Equal Housing Opportunity Laws

There are Federal, State and Local laws that apply to the prohibition of discrimination under certain circumstances when renting a unit. It is illegal to deny housing to any individual based on race, religion, national origin, immigration status, sex, presence of children, marital status, sexual orientation or disability.

We have included in this briefing packet information on the local Fair Housing Agencies and a booklet titled *Fair Housing, It's Your Right.*

# **EXHIBIT 6**

### *Possible Remedies for Abuse by Owners*

The PHA may immediately abate payment and subsequently terminate the HAP contract. When this occurs, the PHA must issue the family a new housing choice voucher and assist the family to locate another unit.

If the owner was collecting side payments, the PHA must notify the owner to immediately cease collecting these payments and require repayment to the family through the PHA of the full amount illegally collected. The PHA must determine if the owner also collected side payments from other participants and follow-up to require payment. The amount can be repaid by offsetting the amount due against future housing assistance payments. The PHA may, at its discretion, terminate the affected HAP contract immediately, even if the owner has repaid amounts due the family; but it must cancel the HAP contract if the owner fails to repay the family.

If the owner's unit contains HQS violations and the owner fails to correct the deficiencies cited by the PHA within the time allotted, the PHA must immediately abate payment and subsequently terminate the contract. However, the PHA should not terminate the HAP contract until the family moves or has been given reasonable time to find another unit. See Chapter 10.

If the owner has allegedly discriminated against the housing choice voucher family, the PHA must provide assistance to the family, as follows:

- The PHA must inform the family of its rights under federal, state, and local law, including the right to file a formal complaint under one or more of these laws.
- If the family wishes to file a complaint under Title VIII of the Civil Rights Act of 1968, the PHA must assist the family in completing form HUD-903, Discrimination Complaint, or refer the Family to the local fair housing organization or HUD Field Office of Fair Housing and Equal Opportunity.

If the PHA determines that the owner has committed a very serious program abuse or more than one of the offenses described above, the PHA may restrict the owner from future participation in the program for a reasonable period of time commensurate with the offense's seriousness.

### *Possible Remedies for Abuse by Employees*

If the PHA determines that any employee has abused the program, it must take whatever action is appropriate under its personnel policies and law. Actions may include putting the employee on probation, giving the employee a poor performance evaluation, requiring the employee to take leave without pay, terminating the employee, and/or filing a criminal complaint.

HUD will consider a pattern of substantial administrative deficiencies on the part of the PHA a substantial default under the ACC, and will take appropriate action against the PHA in such cases.



## Department of Housing

264 Harbor Boulevard, Building A • Belmont, CA 94002

**Housing & Community Development**  
Tel: (650) 802-5050 Fax: (650) 802-5049

**Housing Authority**  
Tel: (650) 802-3300 Fax: (650) 802-3373

**Board of Supervisors**  
Mark Church  
Jerry Hill  
Richard S. Gordon  
Rose Jacobs Gibson  
Adrienne J. Tissier

Director: Duane Bay

April 10, 2008

Stanford Community Law Clinic  
Mark Finucane, Kelly Lowenberg,  
and Jessica Steinberg, Esq.  
2117 University Avenue, Suite A  
East Palo Alto, CA 94303

RE: Annual Plan Comments

Dear Stanford Community Law Clinic:

Thank you for the recommendations submitted at the public hearing in response to the Housing Authority of the County of San Mateo Annual Plan.

The recommendations will be included as part of the Annual Plan submission. We are studying your comments and will issue specific responses in the near future. Our agency frequently submits revisions in the Administrative Plan and ACOP to the Board and any changes based on your comments will be seriously considered for future submissions.

We appreciate your assistance and look forward to meeting with you in the near future.

Sincerely,

William Lowell  
Deputy Director