

**PHA 5-Year and Annual Plan**

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

**OMB No. 2577-0226  
Expires 4/30/2011**

1.0	<b>PHA Information</b> PHA Name: <u>BERKELEY HOUSING AUTHORITY</u> PHA Code: <u>CA058</u> PHA Type: <input checked="" type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2010</u>				
2.0	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>61</u> Number of HCV units: <u>1841</u>				
3.0	<b>Submission Type</b> <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
4.0	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)				
	Participating PHAs PHA 1: PHA 2: PHA 3:	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program PH      HCV
5.0	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	<b>Mission.</b> 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 for the next five years:  The mission of the Berkeley Housing Authority (BHA) is to deliver housing, housing assistance and related services to low-income families and elderly persons and persons with verifiable disabilities, in order to enable them to live as independently as possible within their economic resources, and to other low-income persons ("other singles") who are not elderly or do not have verifiable disabilities, for as limited a time as necessary in order to enable them to become self-sufficient and economically independent.  During the period of their assistance by BHA, these tenants are expected to avail themselves, as necessary, of those supportive family services, education, training, and job development activities needed for them to achieve self-sufficiency and economic independence.  BHA will adopt discretionary policies and administer assistance in a manner that provides the lowest level of assistance necessary to adequately house each family so that the maximum number of families may be assisted.				
5.2	<b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. <ol style="list-style-type: none"> <li>1. Expand the supply of assisted housing by reducing public housing vacancies and leveraging private or other public funds to create additional housing opportunities.</li> <li>2. Improve the quality of assisted housing:                         <ol style="list-style-type: none"> <li>a. Improving public housing management</li> <li>b. Improving voucher management. BHA certified to Standard Performer in the last SEMAP review (for period ending June 30, 2009)</li> <li>c. Increase customer satisfaction</li> <li>d. Concentrate on efforts to improve specific management functions</li> <li>e. Renovate, rehabilitate or modernize public housing (a disposition application has been submitted to SAC)</li> </ol> </li> <li>3. Continue efforts for conversion of public housing to Project Based Section 8</li> <li>4. Provide an improved living environment                         <ol style="list-style-type: none"> <li>a. Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments</li> <li>b. Implement public housing security improvements</li> </ol> </li> <li>5. Promote self-sufficiency and asset development of assisted households                         <ol style="list-style-type: none"> <li>a. Increase the number and percentage of employed persons in assisted families</li> <li>b. Provide or attract supportive services to increase independence for the elderly or families with disabilities</li> </ol> </li> <li>6. Ensure equal opportunity and affirmatively further fair housing:                         <ol style="list-style-type: none"> <li>a. Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability</li> <li>b. 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</li> <li>c. Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required</li> </ol> </li> </ol>				

6.0	<p><b>PHA Plan Update</b></p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.</p> <p>a. Section 10.b of the FY2009 Plan was amended to include the definition of "significant amendment" and "substantial deviation/modification"</p> <p>b. Copies of the 5-Year and Annual PHA Plan are available at the BHA's Administration Office located at 1901 Fairview St., Berkeley, CA 94703 and online at <a href="http://www.cityofberkeley.info/BHA">www.cityofberkeley.info/BHA</a></p>
7.0	<p><b>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</b> <i>Include statements related to these programs as applicable.</i></p> <p>The Berkeley Housing Authority (BHA) submitted a disposition application of the 61 public housing units in December 2009. A copy of the application is available for review at the BHA office located at 1901 Fairview St., Berkeley, CA 94703</p>
8.0	<p><b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p><b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>Attached is the Capital Fund Program Annual Statement/Performance and Evaluation Report form HUD-50075.1 for the grants received for Fiscal Years 2006-2010 as well as the report for a grant that may be received in FY2010-2011.</p>
8.2	<p><b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>The updated Capital Fund Program Five-Year Action Plan, form HUD-50075.2, is attached.</p>
8.3	<p><b>Capital Fund Financing Program (CFFP).</b></p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>

**Housing Needs.** Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

**Information below regarding the BHA March 2010 Waitlist Opening, including demographic data of all Waitlist applicants.**

**Berkeley Housing Authority**

Applications collected online at WaitListCheck.com as of June 24, 2010

**Totals**

Applications submitted	37,368	
One person households	17,973	48.10%
Family applications	19,395	51.90%
Head of household elderly	2,437	6.52%
Households requesting reasonable accommodations	7,536	20.17%
Non-duplicated applications	29,485	78.90%

**Head of Household**

Male	11,081	29.65%
Female	26,287	70.35%

**Average Household Size**

1.92

**Average Household Income**

21,208.89

**Totals by Race**

American Indian/Alaska Native	1,049	2.81%
Asian	1,902	5.09%
Black/African American	27,949	74.79%
Native Hawaiian/Pacific Islander	827	2.21%
White	4,500	12.04%

9.0

**Totals by Ethnicity**

Hispanic	3,251	8.70%
Non-Hispanic	27,252	72.93%

**Information below Regarding BHA's Current LIPH Waitlist Demographics**

- 76.2% identified as African American
- .9% identified as American Indian/Alaskan Native
- .3% Not assigned
- 14.6% identified as White
- 6.1% identified as Asian
- 1.6% identified as Native Hawaiian/Pacific Islander
- 90.5% identified as Not Hispanic or Latino
- 9.1% identified as Hispanic or Latino
- 78% qualify as Extremely Low Income
- 20% qualify as Very Low Income
- 1% qualify as Low Income

**Issues of Supply (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15)**

- Vacancy rates in Berkeley have been relatively level at around four percent since the 1970s according to Census and DOF data. Normal vacancy rate for a housing market in balance is about 5% overall, 2% for ownership housing and 6% of rental housing.
- The population of the City of Berkeley grew 3.8% from 2000 to 2008, from 102,743 to 106,697.

**Issues of Affordability (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15)**

As is the case throughout the Bay Area, affording rental housing in Berkeley is difficult for people with very low and extremely low incomes. A person needs to earn at least \$20.68 per hour to afford a one-bedroom apartment renting at the median in 2008 (\$1,075), or more than 2.5 times the minimum wage. As a result of relatively high housing costs, many people with low, very low, and extremely low incomes meet HUD's criteria for being housing cost burdened or severely housing cost burdened, meaning paying more than 30% or more than 50% of income for rent. About two-thirds of extremely low-income households were paying more than half their income for housing costs in 2000, or about 6,800 households.

Of extremely and very low-income renters in Berkeley, 79% have housing problems (about 10,185 households). Nearly half of all moderate income renters (about 1,750 households) have difficulty affording their housing, and just 16 percent of renters with incomes above 80% of area median income have housing difficulties (about 1,400 renters).

**Issues of Race/Ethnicity (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15) and Location per Census Tract**

Areas of Overconcentration by Race/Ethnicity,  
Based on HUD Criteria, 2000 Census

Census Tract (2000)	White	African-American	Asian	Two or More Races	Hispanic or Latino
4211	80%	1%	10%	5%	4%
4212	82%	2%	6%	4%	4%
4213	79%	2%	11%	3%	4%
4214	78%	2%	11%	5%	3%
4215	85%	1%	7%	2%	3%
4216	82%	2%	9%	3%	4%
4218	79%	1%	11%	4%	5%
4226	44%	2%	43%	3%	5%
4228	35%	4%	42%	4%	14%
4229	39%	4%	39%	4%	13%
4233	24%	54%	5%	5%	12%
4234	33%	38%	9%	5%	12%
4238	87%	2%	6%	2%	3%
4240.01	23%	49%	7%	4%	17%
4240.02	16%	52%	4%	7%	21%
<b>TOTAL for all Census Tracts*</b>	<b>55%</b>	<b>13%</b>	<b>16%</b>	<b>5%</b>	<b>10%</b>

9.0

\*Note: only Census Tracts where racial/ethnic group is at least 10 percentage points greater than in the City as a whole are listed.

**Disproportionately Higher Housing Needs**

Using 2000 Census Data, Hispanics/Latinos had a disproportionately higher incidence of housing problems in the following income and tenure categories:

- Elderly renter households with incomes at or below 30% of median
- Non-elderly, non-related renter households with incomes between 30% and 50% of median
- Small related renter households with incomes between 50% and 80% of median.

In addition, Whites had disproportionately higher incidence of housing problems in the following income and tenure categories:

- Small related renter households with incomes between 50% and 80% of median.

**Issues of the Elderly (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15)**

Age Distribution in Berkeley in 2000

Age Cohort in Years	Year 2000	% of Total Population	% Change from 1990
Under 18	14,513	14.1%	- 1.1%
19-24	22,159	21.6%	- 3.8%
25-34	18,360	17.9%	- 5.5%
35-44	14,310	13.9%	-18.6%
45-54	14,325	13.9%	+37.2%
55-64	8,592	8.4%	+36.4%
65-74	4,993	4.9%	-17.9%
75+	5,491	5.3%	+6.3%
<b>TOTAL</b>	<b>102,743</b>	<b>100%</b>	

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The 2007 ACS reports that 11% of Berkeley's population is over 65. When "frail elderly" is defined as being over 65 years old and having a disability, there are 4,191 "frail elderly" living in Berkeley (2000 Census). Some of the main housing issues facing seniors are housing costs and mobility. Seniors often have fixed incomes so they have difficulty with increased rental costs and other living expenses or housing maintenance costs. In 2000, 37% of all senior-headed households were extremely low-income or very low-income households, earning less than 50% of area median income. Of those, 56% were renters.

Of the 1,102 extremely low-income senior households who rented in 2000, 62%, or 683 households, paid more than 30% of their income (overpaid for housing, defined as paying over 30% of their income). Of those 683 households, 435 paid more than 50% of their income on housing costs.

	<p><b>Issues of Size of Units (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15)</b></p> <p>About 2/3 of the housing stock in Berkeley are studios, one-bedroom or two-bedroom units. Looking at 2000 Census data, we see that Berkeley has fewer three and four bedroom units as a percentage of all units than California and Alameda County. Berkeley has a similar percentage of two bedroom units and a higher percentage of studios and one-bedroom units than the State and County, which is similar to the unit composition in San Francisco.</p> <p><b>Issues of Quality of Housing (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15)</b></p> <p>The City operates a Problem Properties Task Force, an interdepartmental team with participation from the Police, Fire, Environmental Health, Building and Safety, Code Enforcement, and Housing and Community Services Departments with coordination from the City Manager's office. As of May 2009, the team was actively working with only two properties. Properties are referred to the problem properties task force by neighbors, residents, and City staff, when they have at least two to three issues, such as broken windows, overgrown vegetation, suspected drug use, inoperable vehicles, or visible structural problems. City staff work with the owner to correct the problems. Given how few there currently are, and the fact that the City actively works to address the problems, we do not believe Berkeley has a considerable problem with housing in very poor or dilapidated condition.</p> <p><b>Issues of Housing for People with Disabilities (from City of Berkeley Consolidated Plan, 7/1/10 – 6/30/15)</b></p> <p>9.0 People with disabilities often have special housing requirements due to the need for accessibility, frequently fixed low incomes, and higher health care costs associated with a disability. According to the 2000 Census, just under 15% of the total population over age 5 reported having one or more disabilities, compared to 19% in Alameda County. Since 90% of Berkeley's housing stock was built before 1970, assistance with adaptation of older units is often needed. People with disabilities also need a range of unit sizes, for example to accommodate a live in attendant or bulky medical equipment.</p> <p>Many people with disabilities have extremely low incomes and difficulties affording housing due to having SSI as their sole source of income. As of Oct. 2009, the monthly SSI payment had been reduced to \$845 while the median rent for a studio was \$865, which means that a person renting the median priced apartment would have just \$5 to pay for food, transportation, medical care, or other expenses. In contrast, housing which would be considered affordable to someone on SSI, under HUD's standard of 30% of gross income, would be \$260/month (at this time).</p> <p>Much of the housing in Berkeley serving people with disabilities is dedicated to people who have a disability and are homeless. Of the permanent housing designated for people who are homeless, 236 units and 59 rooms are dedicated to people who also have a disability. In addition, Berkeley has 14 units dedicated to HOPWA Housing and an entire Project Based property, Adeline Street Apartments, an 18 unit building, is dedicated fully to disabled people and HOPWA residents.</p> <p>The prevalence of disabilities in the population increases as the population ages, with 40% of the senior population reporting one or more disability in 2000. In 2000, 31% of all elderly households had mobility and self-care limitations, while 45% of all extremely low-income elderly households had mobility and self-care limitations.</p>
9.1	<p><b>Strategy for Addressing Housing Needs.</b> 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. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p> <ul style="list-style-type: none"> <li>• Opening of the Section 8 Wait list for new applications</li> <li>• Examining the pros and cons of increasing the Section 8 Voucher Payment Standard to 120% of the FMR</li> <li>• Processing approved proposals for Section 8 Project Base vouchers</li> </ul>
10.0	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p> <p>As mandated by the U.S. Department of Housing and Urban Development, the Housing Authority must define "What is a substantial change to the Agency Plan?" If a proposed change to the Agency Plan is considered a "substantial change," it must undergo a public process that includes: consultation with the Resident Advisory Board, a public comment period, public notification of where and how the proposed change can be reviewed and approved by the Housing Authority Board of Commissioners. Therefore, the Housing Authority defines significant changes to the Agency Plan to be:</p> <ol style="list-style-type: none"> <li>1. Changes to the tenant/resident screening policy;</li> <li>2. Changes in the use of replacement reserve funds under the Capital Fund Grant;</li> <li>3. Changes in the policy for determining if there is insufficient funding to support the number of units in the Section 8 Housing Choice Voucher Annual Contributions Contract, and if so, how to right size the Section 8 Program;</li> <li>4. Changes in waitlist preference categories and/or weights; and</li> <li>5. Changes in the process for assigning and administering Section 8 Project Based Vouchers; and</li> <li>6. Changes in Capital Fund budget of more than 20%.</li> </ol> <p>An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements; such changes will not be considered significant amendments.</p>

11.0	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.</p> <ul style="list-style-type: none"> <li>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</li> <li>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</li> <li>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</li> <li>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</li> <li>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</li> <li>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</li> <li>(g) Challenged Elements</li> <li>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</li> <li>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</li> </ul>
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**ATTACHMENTS:**

1. FORM HUD-50075.2 – FIVE YEAR ACTION PLAN
2. FORM HUD-50075.1 – FY2006- FY2010
3. FORM HUD -50077
4. FORM HUD-50070
5. FORM HUD-50071
6. SF LLL
7. RAB, LEGAL ADVOCATE & STAFF COMMENTS

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

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

## Instructions form HUD-50075

**Applicability.** This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

### 1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

### 2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

### 3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

### 4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

### 5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

**5.1 Mission.** A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

**5.2 Goals and Objectives.** Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

**6.0 PHA Plan Update.** In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

### PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted, or planned for submission, and; 5) the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: (1) Any programs relating to services and amenities provided or offered to assisted families; (2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; (3) How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. (Note: applies to only public housing).
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

**7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers**

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hopc6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm)  
**Note:** This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

**8.0 Capital Improvements.** This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

**8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report.** PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

- 1. At the end of the program year; until the program is completed or all funds are expended;
- 2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
- 3. Upon completion or termination of the activities funded in a specific capital fund program year.

**8.2 Capital Fund Program Five-Year Action Plan**

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

**8.3 Capital Fund Financing Program (CFFP).** Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

**9.0 Housing Needs.** Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

**9.1 Strategy for Addressing Housing Needs.** Provide a 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. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

**10.0 Additional Information.** Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. (Note: Standard and Troubled PHAs complete annually).

**11.0 Required Submission for HUD Field Office Review.** In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) **Challenged Elements.** Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

**BERKELEY HOUSING AUTHORITY  
2010 Capital Improvement Program**

**Capital Fund Program—Five-Year Action Plan**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

<b>Part I: Summary</b>					
PHA Name/Number Development Number and Name	Locality (City/County & State)			Revision No:	
	Year 1 FFY 10 PHA FY: 10/11	Work Statement for Year 2 FFY Grant 11 PHA FY: 11/12	Work Statement for Year 3 FFY Grant: 12 PHA FY: 12/13	<input checked="" type="checkbox"/> Original 5-Year Plan Work Statement for Year 4 FFY Grant: 13 PHA FY: 13/14	<input type="checkbox"/> Revision No: Work Statement for Year 5 FFY Grant: 14 PHA FY: 14/15
B. Physical Improvements Subtotal	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000
C. Management Improvements	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000
D. PHA-Wide Non-dwelling Structures and Equipment	\$16,000	\$16,000	\$16,000	\$16,000	\$16,000
E. Administration	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000
F. Other					
G. Operations					
H. Demolition					
I. Development					
J. Capital Fund Financing – Debt Service					
K. Total CFP Funds	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000
L. Total Non-CFP Funds					
M. Grand Total	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000



**Capital Fund Program—Five-Year Action Plan**

Work Statement for Year 1 FFY 2010-2011	Work Statement for Year 2 FFY 2011-2012		Work Statement for Year 3 FFY 2012-2013			
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See Annual Statement	<b>OPERATIONS</b>		\$32,000	<b>OPERATIONS</b>		\$32,000
	<b>MGMT IMPROVEMENTS</b> Financial System & Training		\$32,000	<b>MGMT IMPROVEMENTS</b> Financial System & Training		\$32,000
	<b>ADMINISTRATION (10%)</b>		\$16,000	<b>ADMINISTRATION (10%)</b>		\$16,000
	<b>SITE IMPROVEMENTS</b> Exterior Painting		\$20,000	<b>SITE IMPROVEMENTS</b> Exterior Painting		\$20,000
	Landscaping			Landscaping		
	Rear yard improvements; patio w/planting area			Rear yard improvements; patio w/planting area		
	Pruning/servicing of trees			Pruning/servicing of trees		
	Remove, relocate and replace trash enclosures			Remove, relocate and replace trash enclosures		
	Repair/replace privacy fencing			Repair/replace privacy fencing		
	Drainage			Drainage		
	Vehicle area paving			Vehicle area paving		
	<b>DWELLING STRUCTURES</b>		\$60,000	<b>DWELLING STRUCTURES</b>		\$60,000
	Mold analysis			Mold analysis		
	Mold abatement			Mold abatement		
	Replace worn flooring/carpeting throughout			Replace worn flooring/carpeting throughout		
	Hard wire internet access in units			Hard wire internet access in units		
	Interior painting			Interior painting		
	Energy efficient appliances & light fixtures			Energy efficient appliances & light fixtures		

**Capital Fund Program—Five-Year Action Plan**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

Roofing/gutter repair/replacement	Roofing/gutter repair/replacement			
Reface and/or replace kitchen/ bathroom counters and cabinets	Reface and/or replace kitchen/ bathroom counters and cabinets			
Rehabilitation of vacant units	Rehabilitation of vacant units			
Flooring	Flooring			
Door repairs/replacement	Door repairs/replacement			
Window replacement	Window replacement			
Exterior Siding	Exterior Siding			
Subtotal of Estimated Cost		\$160,000	Subtotal of Estimated Cost	\$160,000

**Capital Fund Program—Five-Year Action Plan**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

Work Statement for Year   FFY	Work Statement for Year 2 FFY 2011-2012		Work Statement for Year 3 FFY 2012-2013			
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See Annual Statement	<b>OPERATIONS</b>		\$32,000	<b>OPERATIONS</b>		\$32,000
	<b>MGMT IMPROVEMENTS</b> Financial System & Training		\$32,000	<b>MGMT IMPROVEMENTS</b> Financial System & Training		\$32,000
	<b>ADMINISTRATION (10%)</b>		\$16,000	<b>ADMINISTRATION (10%)</b>		\$16,000
	<b>SITE IMPROVEMENTS</b>		\$20,000	<b>SITE IMPROVEMENTS</b>		\$20,000
	Exterior Painting			Exterior Painting		
	Landscaping			Landscaping		
	Rear yard improvements; patio w/planting area			Rear yard improvements; patio w/planting area		
	Pruning/servicing of trees			Pruning/servicing of trees		
	Remove, relocate and replace trash enclosures			Remove, relocate and replace trash enclosures		
	Repair/replace privacy fencing			Repair/replace privacy fencing		
	Drainage			Drainage		
	Vehicle area paving			Vehicle area paving		
	<b>DWELLING STRUCTURES</b>		\$60,000	<b>DWELLING STRUCTURES</b>		\$60,000
	Mold analysis			Mold analysis		
	Mold abatement			Mold abatement		
	Replace worn flooring/carpeting throughout			Replace worn flooring/carpeting throughout		
	Hard wire internet access in units			Hard wire internet access in units		
	Interior painting			Interior painting		
	Energy efficient appliances & light fixtures			Energy efficient appliances & light fixtures		

**Capital Fund Program—Five-Year Action Plan**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

	Roofing/gutter repair/replacement	Roofing/gutter repair/replacement	
	Reface and/or replace kitchen/ bathroom counters and cabinets	Reface and/or replace kitchen/ bathroom counters and cabinets	
	Rehabilitation of vacant units	Rehabilitation of vacant units	
	Flooring	Flooring	
	Door repairs/replacement	Door repairs/replacement	
	Window replacement	Window replacement	
	Exterior Siding	Exterior Siding	
	Subtotal of Estimated Cost	Subtotal of Estimated Cost	\$160,000





**Berkeley Housing Authority  
2010 Capital Improvement Program**

Annual Statement for 2010 Capital Fund Program

- CA39P05850110

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part I: Summary		Grant Type and Number		FFY of Grant: 2010	
PHA Name: <b>BERKELEY HOUSING AUTHORITY</b>		Capital Fund Program Grant No: CA39P08501-10		FFY of Grant Approval: 2010	
		Replacement Housing Factor Grant No:			
		Date of CFFP:			
Line	Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending: Summary by Development Account	<input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Performance and Evaluation Report for Period Ending: Summary by Development Account	Revised Annual Statement (revision no: )		Total Actual Cost <sup>1</sup>
			Total Estimated Cost	Obligated	
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>		\$28,000		
3	1408 Management Improvements		\$28,000		
4	1410 Administration (may not exceed 10% of line 21)		\$14,000		
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures		\$70,000		
11	1465.1 Dwelling Equipment--Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities <sup>4</sup>				

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program

Part I: Summary		FFY of Grant: 2010	
PHA Name:	Grant Type and Number	FFY of Grant Approval: 2010	
BERKELEY HOUSING AUTHORITY	Capital Fund Program Grant No: CA39P058501-10 Replacement Housing Factor Grant No: Date of CFFP:		
Type of Grant	Type of Grant		
<input checked="" type="checkbox"/> Original Annual Statement	<input type="checkbox"/> Revised Annual Statement (revision no: )		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:	<input type="checkbox"/> Final Performance and Evaluation Report		
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>
		Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$140,000	
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
Signature of Executive Director <i>JIA M. INGRAM</i>		Signature of Public Housing Director	
04/05/2010		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part II: Supporting Pages		Federal FFY of Grant: 2010						
PHA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058501-10 CFFP (Yes/ No): Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
CA058	OPERATIONS (20%) MANAGEMENT IMPROVEMENTS (20%) Financial System upgrade Training	1406 1408		\$28,000 \$28,000				
	ADMINISTRATION (10%) DWELLING STRUCTURES Mold Analysis Mold Abatement	1410 1460	various	\$14,000 \$70,000				
	Replace worn flooring/carpeting throughout Hard wire internet access in units Energy efficient appliances & light fixtures Roofing/gutter repair or replacement Reface and/or replace kitchen/bathroom counters and cabinets Rehabilitation of vacant units Flooring Door repairs/replacement Window replacement Exterior sidings Drainage							

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.







**Berkeley Housing Authority  
2010 Capital Improvement Program**

Performance and Evaluation Report (P&ER) for 2009 Capital Fund Program as of 06/30/2010  
CA39P05850109

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part I: Summary		Grant Type and Number		FFY of Grant: 2009	
PHA Name: BERKELEY HOUSING AUTHORITY		Capital Fund Program Grant No: CA39P058501-09 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant Approval: 2009	
Type of Grant	<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010	<input type="checkbox"/> Revised Annual Statement (revision no:2 ) <input type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost <sup>1</sup>	
Line	Summary by Development Account	Original	Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds		\$64,658		
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$13,000	\$90,521		
3	1408 Management Improvements	\$26,000	\$25,863		
4	1410 Administration (may not exceed 10% of line 21)	\$13,000	\$12,932	\$12,932	\$12,932
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	\$30,000			
10	1460 Dwelling Structures	\$48,000	\$64,658		
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities <sup>4</sup>				

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part I: Summary		FFY of Grant: 2009	
PHIA Name:	Grant Type and Number	FFY of Grant Approval: 2009	
BERKELEY HOUSING AUTHORITY	Capital Fund Program Grant No: CA39P058501-09 Replacement Housing Factor Grant No: Date of CFFP:		
Type of Grant	Type of Grant		
<input type="checkbox"/> Original Annual Statement	<input type="checkbox"/> Reserve for Disasters/Emergencies		
<input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending:	<input checked="" type="checkbox"/> Revised Annual Statement (revision no: 2 )		
	<input type="checkbox"/> Final Performance and Evaluation Report		
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original	Obligated
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$130,000	\$12,932
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
Signature of Executive Director <b>Tia M. Ingram</b>		Signature of Public Housing Director	
04/06/2010		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part II: Supporting Pages		Federal FFY of Grant: 2009						
PHA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058501-09 CFFP (Yes/ No): Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
HA-WIDE	OPERATIONS	1406	NA	\$13,000	\$90,521			Work reprogrammed
HA-WIDE	MANAGEMENT IMPROVEMENT	1408	NA	\$26,000	\$25,863			Work in progress
CA058	Work Stations/Computers/Training ADMINISTRATION	1410	NA	\$13,000	\$12,932	\$12,932	\$12,932	Completed
CA058	SITE IMPROVEMENT Drainage Landscaping Tree Work/Cutting			\$30,000				
CA058	DWELLING STRUCTURE	1460	NA	\$48,000	\$64,658			Work reprogrammed
	Major Rehab of units							
	Mold Analysis							
	Mold Abatement							
	Interior/Exterior Painting							
	Flooring							
	Window replacement							
	Door replacement							
	Energy efficient appliances							

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.







**Berkeley Housing Authority  
2010 Capital Improvement Program**

Performance and Evaluation Report (P&ER) for 2008 Capital Fund Program as of 06/30/2010  
CA39P05850108

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part I: Summary		Grant Type and Number		FFY of Grant: 2008	
PHA Name: <b>BERKELEY HOUSING AUTHORITY</b>		Capital Fund Program Grant No: CA39P058501-08 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant Approval: 2008	
Type of Grant		<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010			
<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010		<input type="checkbox"/> Revised Annual Statement (revision no:1 ) <input type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost <sup>1</sup>	
Line	Summary by Development Account	Original	Total Estimated Cost Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds		\$65,601		
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$13,120	\$91,841	\$13,120	\$13,120
3	1408 Management Improvements	\$26,240	\$26,240	\$26,240	\$26,240
4	1410 Administration (may not exceed 10% of line 21)	\$13,120	\$13,120	\$13,120	\$13,120
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$78,721	\$65,601		
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities <sup>4</sup>				

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part I: Summary		FFY of Grant: 2008	
PHA Name:	Grant Type and Number	FFY of Grant Approval:	FFY of Grant Approval:
BERKELEY HOUSING AUTHORITY	Capital Fund Program Grant No: CA39P058501-08 Replacement Housing Factor Grant No: Date of CFFP:	2008	2008
Type of Grant	<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending:		
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>
		Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$131,201	\$52,480
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
Signature of Executive Director: <i>[Signature]</i>		Signature of Public Housing Director	
04/06/2010		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part II: Supporting Pages		Federal FFY of Grant: 2008						
PHA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058501-08 CFFP (Yes/No): Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
HA-WIDE	OPERATIONS	1406	NA	\$13,120	\$91,841	\$13,120	\$13,120	Work reprogrammed
HA-WIDE	MANAGEMENT IMPROVEMENT Work Stations/Computers/Training	1408	NA	\$26,240	\$26,240	\$26,240	\$26,240	Completed
CA058	ADMINISTRATION <input type="checkbox"/> FORMTEXT	1410	NA	\$13,120	\$13,120	\$13,120	\$13,120	Completed
CA058	SITE IMPROVEMENT Drainage Landscaping Tree Work/Cutting							
CA058	DWELLING STRUCTURE Major Rehab of units Mold Analysis Mold Abatement Interior/Exterior Painting Flooring Window replacement Door replacement Energy efficient appliances	1460	NA	\$78,721	\$65,601			Work reprogrammed

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.







**Berkeley Housing Authority  
2010 Capital Improvement Program**

Revised Annual Statement – Revision #2  
Performance and Evaluation Report (P&ER) for 2007 Capital Fund Program as of 06/30/2010

- CA39P05850107

Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program

Part I: Summary		FFY of Grant: 2007 FFY of Grant Approval: 2007	
PHIA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058501-07 Replacement Housing Factor Grant No: Date of CFPP:	
Type of Grant	<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010	<input checked="" type="checkbox"/> Revised Annual Statement (revision no:2 ) <input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost Revised <sup>1</sup>	Total Actual Cost <sup>1</sup>
		Original	Obligated
1	Total non-CFP Funds	\$67,090	
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$13,926	\$93,926
3	1408 Management Improvements	\$26,836	\$26,836
4	1410 Administration (may not exceed 10% of line 21)	\$13,418	\$13,418
5	1411 Audit		
6	1415 Liquidated Damages		
7	1430 Fees and Costs		
8	1440 Site Acquisition		
9	1450 Site Improvement	\$25,000	
10	1460 Dwelling Structures	\$51,052	\$67,090
11	1465.1 Dwelling Equipment—Nonexpendable		
12	1470 Non-dwelling Structures		
13	1475 Non-dwelling Equipment		
14	1485 Demolition		
15	1492 Moving to Work Demonstration		
16	1495.1 Relocation Costs		
17	1499 Development Activities <sup>4</sup>		

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> REIF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part I: Summary		FFY of Grant: 2007 FFY of Grant Approval: 2007	
PHA Name: BERKELEY HOUSING AUTHORITY	Grant Type and Number Capital Fund Program Grant No: CA39P058501-07 Replacement Housing Factor Grant No: Date of CFFP:		
Type of Grant	<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010	<input checked="" type="checkbox"/> Revised Annual Statement (revision no: 2 ) <input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup> Obligated Expended
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$134,180	\$134,180
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
Signature of Executive Director <i>Tia M. Ingram</i>		Signature of Public Housing Director	
04/06/2010		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part II: Supporting Pages		Federal FFY of Grant: 2007						
PHA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058501-07 CFFP (Yes/ No): Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
HA-WIDE	OPERATIONS	1406	NA	\$13,926	\$93,926	\$93,926	\$13,926	Work reprogrammed
HA-WIDE	MANAGEMENT IMPROVEMENT Work Stations/Computers/Training	1408	NA	\$26,836	\$26,836	\$26,836	\$26,836	Completed
CA058	ADMINISTRATION	1410	NA	\$13,418	\$13,418	\$13,418	\$13,418	Completed
CA058	SITE IMPROVEMENT	1450	VARIOUS	\$25,000				Work reprogrammed
	Drainage							
	Landscaping							
	Tree Work/Cutting							
CA058	DWELLING STRUCTURE	1460	NA	\$45,000	\$67,090			Work reprogrammed
	Major Rehab of units							
	Mold Analysis							
	Mold Abatement							
	Interior/Exterior Painting							
	Flooring							
	Window replacement							
	Door replacement							
	Energy efficient appliances							

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.







**Berkeley Housing Authority  
2010 Capital Improvement Program**

Performance and Evaluation Report (P&ER) for 2006 Capital Fund Program as of 06/30/2010

- CA39P05850106

Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program

Part I: Summary		Grant Type and Number		FFY of Grant: 2006 FFY of Grant Approval: 2006	
PHA Name: BERKELEY HOUSING AUTHORITY		Capital Fund Program Grant No: CA39P058501-06 Replacement Housing Factor Grant No: Date of CFFP:			
Type of Grant		<input type="checkbox"/> Revised Annual Statement (revision no:1 ) <input type="checkbox"/> Final Performance and Evaluation Report			
<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010		Reserve for Disasters/Emergencies			
Summary by Development Account		Total Estimated Cost		Total Actual Cost <sup>1</sup>	
Line		Original	Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds		\$34,995		
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$25,526	\$60,521	\$60,521	\$25,526
3	1408 Management Improvements	\$25,526	\$25,526	\$25,526	\$25,526
4	1410 Administration (may not exceed 10% of line 21)	\$2,763	\$2,763	\$2,763	\$2,763
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$10,000	\$10,000	\$10,000	\$10,000
8	1440 Site Acquisition				
9	1450 Site Improvement	\$12,763	\$11,900		
10	1460 Dwelling Structures	\$51,052	\$51,915	\$28,820	\$28,819.58
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities <sup>4</sup>				

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program

<b>Part I: Summary</b>		FFY of Grant: 2006 FFY of Grant Approval: 2006	
PHA Name: <b>BERKELEY HOUSING AUTHORITY</b>	Grant Type and Number Capital Fund Program Grant No: CA39P058501-06 Replacement Housing Factor Grant No: Date of CFFP:		
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending:			
<b>Line</b>	<b>Summary by Development Account</b>	<b>Total Estimated Cost</b>	<b>Total Actual Cost<sup>1</sup></b>
		<b>Original</b>	<b>Obligated</b>
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$127,630	\$127,630
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
<b>Signature of Executive Director</b> <i>M. Ingham</i>		<b>Signature of Public Housing Director</b>	<b>Date</b>
04/06/2010			

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Part II: Supporting Pages		Federal FFY of Grant: 2006				
PHA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058501-06 CFFP (Yes/No): Replacement Housing Factor Grant No:				
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost Original Revised <sup>1</sup>	Total Actual Cost Funds Obligated <sup>2</sup> Funds Expended <sup>2</sup>	Status of Work
HA-WIDE	OPERATIONS	1406	NA	\$25,526 \$60,521	\$25,526 \$25,526	Work reprogrammed Completed
HA-WIDE	MANAGEMENT IMPROVEMENT Work Stations/Computers/Training	1408	NA	\$25,526	\$25,526	Completed
CA058	ADMINISTRATION	1410	NA	\$2,763	\$2,763	Completed
CA058	FEES & COST Architect & Engineer	1430	NA	\$10,000	\$10,000	Completed
CA058	SITE IMPROVEMENT	1450	VARIOUS	\$12,763	\$11,900	Work reprogrammed
	Drainage					
	Landscaping					
	Tree Work/Cutting					
CA058	DWELLING STRUCTURE	1460	NA	\$51,052 \$51,915	\$28,820 \$28,819.58	Work reprogrammed
	Major Rehab of units					
	Mold Analysis					
	Mold Abatement					
	Interior/Exterior Painting					
	Flooring					
	Window replacement					
	Door replacement					
	Energy efficient appliances					

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.







**Berkeley Housing Authority  
2010 Capital Improvement Program**

Performance and Evaluation Report (P&ER) for 2006 Capital Fund Program as of 06/30/2010

- CA39P05850206

**Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 4/30/2011

<b>Part I: Summary</b>		FFY of Grant: 2006 FFY of Grant Approval: 2006	
<b>PHA Name: BERKELEY HOUSING AUTHORITY</b>		Grant Type and Number Capital Fund Program Grant No: CA39P058502-06 Replacement Housing Factor Grant No: Date of CFFP:	
<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 06/30/2010		<input type="checkbox"/> Revised Annual Statement (revision no:1 ) <input type="checkbox"/> Final Performance and Evaluation Report	
<b>Line</b>	<b>Summary by Development Account</b>	<b>Total Estimated Cost</b>	<b>Total Actual Cost<sup>1</sup></b>
		<b>Original</b>	<b>Obligated</b>
		<b>Revised<sup>2</sup></b>	<b>Expended</b>
1	Total non-CPP Funds	\$1,884	
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	\$755	\$2,639
3	1408 Management Improvements	\$755	\$755
4	1410 Administration (may not exceed 10% of line 21)	\$377	\$377
5	1411 Audit		
6	1415 Liquidated Damages		
7	1430 Fees and Costs		
8	1440 Site Acquisition		
9	1450 Site Improvement		
10	1460 Dwelling Structures	\$1,884	
11	1465.1 Dwelling Equipment—Nonexpendable		
12	1470 Non-dwelling Structures		
13	1475 Non-dwelling Equipment		
14	1485 Demolition		
15	1492 Moving to Work Demonstration	FORMTEXT	FORMTEXT
16	1495.1 Relocation Costs		
17	1499 Development Activities <sup>4</sup>		

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program

Part I: Summary		FFY of Grant: 2006 FFY of Grant Approval: 2006	
PHA Name: <b>BERKELEY HOUSING AUTHORITY</b>	Grant Type and Number Capital Fund Program Grant No: CA39P058502-06 Replacement Housing Factor Grant No: Date of CFFP:		
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending:			
Summary by Development Account		Total Estimated Cost	Total Actual Cost <sup>1</sup>
Line		Original	Revised <sup>2</sup> Obligated
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$3,771	\$3,771
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
Signature of Executive Director <b>Tia M. Ingram</b>		Signature of Public Housing Director	
04/06/2010		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

Part II: Supporting Pages		Federal FFY of Grant: 2006						
PHA Name: BERKELEY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: CA39P058502-06 CFFP (Yes/No): Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
HA-WIDE	OPERATIONS	1406	NA	\$755	\$2,639	\$2,639	\$755	Work reprogrammed
HA-WIDE	MANAGEMENT IMPROVEMENT Work Stations/Computers/Training	1408	NA	\$755	\$755	\$755	\$755	Completed
CA058	ADMINISTRATION	1410	NA	\$377	\$377	\$377	\$377	Completed
CA058	SITE IMPROVEMENT Drainage Landscaping Tree Work/Cutting							
CA058	DWELLING STRUCTURE Major Rehab of units Mold Analysis Mold Abatement Interior/Exterior Painting Flooring Window replacement Door replacement Energy efficient appliances	1460	NA	\$1,884	\$1,884	\$1,884		Work reprogrammed

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.



**PHA Certifications of Compliance with the PHA Plans and Related Regulations:  
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the X 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning 07/01/2010, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

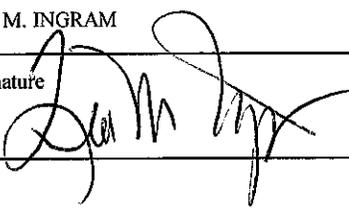
BERKELEY HOUSING AUTHORITY  
PHA Name

CA058  
PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 2010 - 2015

Annual PHA Plan for Fiscal Years 2010 - 2015

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

Name of Authorized Official	Title
TIA M. INGRAM	Executive Director
Signature	Date
	04/12/2010

# Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

BERKELEY HOUSING AUTHORITY

Program/Activity Receiving Federal Grant Funding

## CAPITAL FUND PROGRAM

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

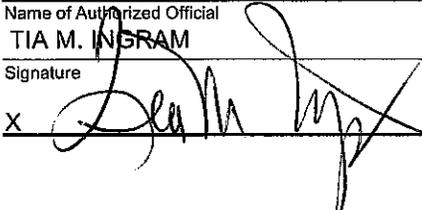
(See attached)

Check here  if there are workplaces on file that are not identified on the attached sheets.

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

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official TIA M. INGRAM	Title Executive Director
Signature 	Date 04/12/2010

**Certification of Payments  
to Influence Federal Transactions**

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

Applicant Name

BERKELEY HOUSING AUTHORITY

Program/Activity Receiving Federal Grant Funding

CAPITAL FUND PROGRAM

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

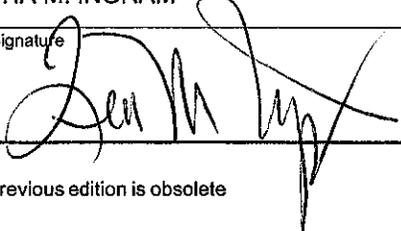
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official <b>TIA M. INGRAM</b>	Title <b>Executive Director</b>
Signature 	Date (mm/dd/yyyy) <b>04/12/2010</b>

Previous edition is obsolete

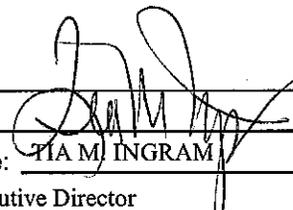
## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 4c	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:	
<b>6. Federal Department/Agency:</b> HUD, Office of Public & Indian Housing	<b>7. Federal Program Name/Description:</b> Capital Fund Program CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI): BERKELEY HOUSING AUTHORITY 1901 Fairview Street Berkeley, CA 94703	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI):  <div style="text-align: center;">                       _____                      Signature:                 </div> Print Name: TIA M INGRAM Title: Executive Director Telephone No.: (510) 951 5471      Date: 04/12/2010	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.		
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

# RAB Comments on ACOP – March 10, 2010

Present: Keith Carlisle, Carole Krezman, Willie Mae Polk • BHA Staff: Rachel Gonzales-Levine

PAGE	SECTION	COMMENT(S)
7	1.1 Usage Notes	<ul style="list-style-type: none"> <li>• 3<sup>rd</sup> bullet point down: administered by...add: "BHA" is (are) referred to (delete second "an" and make "as")...</li> </ul>
7	1.3 Mission Statement	<ul style="list-style-type: none"> <li>• What are the "related services"? what are the "self-sufficiency" programs, specifically?</li> <li>• Assumption is that mission statement was developed by the Board – is this correct? Does it say what the Board wants it to say?</li> <li>• Why aren't elderly &amp; disabled people enabled to become self-sufficient and move towards economic independence?</li> <li>• Can you insert language regarding possible disposition? It is "disingenuous" not to.</li> </ul>
8	2.0 Code of Conduct	<ul style="list-style-type: none"> <li>• Do a <b>Search &amp; Replace</b> for the word "Authority" – BHA doesn't have authority on everything, just housing. Replace "Authority" with "BHA."</li> </ul>
9	2.1 BHA Commitment to Ethics/Service	<ul style="list-style-type: none"> <li>• Do a <b>Search &amp; Replace</b> for "HCV" and make it "LIPH"</li> <li>• Do a <b>Search &amp; Replace</b> for "Participants" and make it "residents"</li> <li>• Do a <b>Search &amp; Replace</b> for "Clients" and make it "residents"</li> <li>• 3<sup>rd</sup> Bullet point: how is BHA encouraging Self-sufficiency? Is this something that belongs in the Admin. Plan instead of ACOP?</li> <li>• 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> Bullet points: Delete these (have to do with S8, not LIPH)</li> <li>• 7<sup>th</sup> Bullet point: Delete "owner" (has to do with S8)</li> <li>• BHA shouldn't have expectations of residents that they cannot hold themselves accountable for – if</li> </ul>
9	2.2 Conflict of Interest	<ul style="list-style-type: none"> <li>• Conflict of interest is mentioned in this section – it is disingenuous to discuss conflict of interest given the Board Chair's professional position – she is not in compliance with the Conflict of interest laws.</li> <li>• Want more details on how one would know whether someone is not in conflict.</li> <li>• Add "child" to the list (parent, grandparent, grandchild, etc. are listed but not child)</li> </ul>
12	3.0 Nondiscrimination Eq. Op	<p>Very last bullet point in the list that is on top of Pg. 12: delete this one – doesn't BHA allow certain housing for specific groups, such as disabled, seniors?</p>
13	3.3 LEP	<ul style="list-style-type: none"> <li>• Is there a more respectful way to say "LEP Persons"?</li> <li>• Do <b>Search &amp; Replace</b> for "Admin. Plan" and make it "ACOP"</li> <li>• Do <b>Search &amp; Replace</b> for "Housing Choice Voucher" and make it "LIPH"</li> <li>• <b>Search &amp; Replace</b> for "PHA" and make it "BHA" or introduce "PHA" by defining it 1<sup>st</sup> (public housing authority (PHA))</li> <li>• Prefer that the doc. states BHA rather than PHA wherever possible.</li> </ul>

PAGE	SECTION	COMMENT(S)
20	6.3 Income Eligibility	<ul style="list-style-type: none"> <li>• Are people with up to 80% of AMI eligible for LIPH?</li> <li>• Can we say that BHA's policy is that there is no need for the police officer item?</li> </ul>
22	7.1 Grounds for Denial of Assistance	<ul style="list-style-type: none"> <li>• Bullet point D. - strike the word "eligible"</li> <li>• Bullet point E. - does the entire family get kicked out of the program for producing meth or just the family member found guilty?</li> <li>• Bullet point F. - same question as above.</li> </ul>
30	10.2 Change in Flat Rent Amount	<ul style="list-style-type: none"> <li>• Will the rule be the same as now (BHA contracts for flat rent amount for a 3 year term)?</li> <li>• Can this language be inserted in this section of the ACOP (currently no mention of the 3 year issue)?</li> <li>• If the flat rent amount goes up then BHA should honor the amount in the 3 year contract.</li> <li>• If the flat rent amount goes down then BHA should allow the family to enter into a new contract to allow for the lowered flat rent amount.</li> </ul>
31	10.6 Requesting a Hardship Exemption	<ul style="list-style-type: none"> <li>• Bullet point C. How is "non-essential" defined? What may be essential to me is not to you...</li> <li>• Bullet point D. Do you really want to state that families with a disabled or elderly household member cannot have access to communication such as t.v. and phones? This seems extreme.</li> </ul>
31	10.7 Minimum Rent Hardship	<ul style="list-style-type: none"> <li>• Why is BHA requiring that families pay back the minimum rent hardship if the goal is to get families to be self-sufficient? Having to pay back will produce a cycle of having a hardship over and over again.</li> </ul>
34	11. 3 Enhanced Utility Allowance	<ul style="list-style-type: none"> <li>• Can you insert another "20% just before "gas for heating" so that it is clear families get 20% for both items, not a combined 20% for both items?</li> </ul>
37	14.1 Overview: Annual Income	<ul style="list-style-type: none"> <li>• Last paragraph of this section, last sentence in this paragraph should be clearer. Change to: "Denial of assistance for failure to provide required verification documents for annual income are discussed in Chapter 7."</li> </ul>
38	CHART at top of Page 38	<ul style="list-style-type: none"> <li>• Can you be more explicit in this chart with regards to the Full-time Students age 18 or older (not head, spouse or co-head) in terms of the specific types of income/scholarships/grants included/excluded?</li> </ul>
58 & 59	15.3 Medical Expenses Deduction	<ul style="list-style-type: none"> <li>• The very top paragraph on Pg. 58 and the very bottom paragraph at the bottom of Pg. 59 are duplicated. Fine to delete the bottom paragraph at the bottom of Pg. 59.</li> </ul>
59	15.4 Disability Assistance Exp. Education	<ul style="list-style-type: none"> <li>• In first full paragraph under "Eligible Attendant Care" section, please define "general housekeeping" and "personal services." Doesn't BHA want to encourage people to be able to work even if it means hiring a home health attendant?</li> <li>• In second paragraph under "Eligible Attendant Care" add as the last sentence: "See section 15.5 for further discussion on child care deductions."</li> </ul>

PAGE	SECTION	COMMENT(S)
61	15.5 Child Care Expense Deduction	<ul style="list-style-type: none"> <li>Under the "Earned Income Limit on Child Care Expense Deduction" section, 3<sup>rd</sup> paragraph in particular, it seems as if BHA is trying to keep someone home, discouraging family members from going to school and work.</li> </ul>
62	15.5 Child Care Expense Deduction	<ul style="list-style-type: none"> <li>Under "Necessary and Reasonable Costs" section, 2<sup>nd</sup> paragraph, how long is a "study" hour? A RAB member pointed out that in highschool &amp; college, students are expected to study 3-4 hours per each subject/class taken per week.</li> <li>How can families "cherry pick" the days/hours in childcare programs? It usually is full time. College schedules in particular are not usually 5 days a week for the entire day.</li> <li>Is it reasonable to expect a family to be able to find 10 hours of childcare per week? Or, can they be reimbursed for full time childcare programs too?</li> </ul>
62	16.0 Calculating Family Share	<ul style="list-style-type: none"> <li>Delete 3<sup>rd</sup> bullet "The welfare rent (in as-paid states only)</li> </ul>
62	Utility Reimbursement	<ul style="list-style-type: none"> <li>Rephrase this so that it reads according to LIPH language rather than S8 language (where "owner" is used).</li> </ul>
62	16.0 Calculating Family Share	<ul style="list-style-type: none"> <li>This section is the same as Pg. 30, sections 10.3 &amp; 10.4. If they need to be repeated twice, they should say the same thing. If it only needs to be stated once, it should be deleted in the other section.</li> </ul>
63	16.1 Financial Hardship	<ul style="list-style-type: none"> <li>This section is the same as Pg. 31, sections 10.5, 10.6 &amp; 10.7. If they need to be repeated twice, they should say the same thing. If it only needs to be stated once, it should be deleted in the other section. (Section 16.1 is preferred)</li> </ul>
63	Very top paragraph	<ul style="list-style-type: none"> <li>Spell out "Housing Quality Standards"</li> </ul>
64	Chart	<ul style="list-style-type: none"> <li>Change the example to \$50, the actual amount of minimum rent.</li> </ul>
64	Temporary Hardship Section	<ul style="list-style-type: none"> <li>Again, why must a tenant repay the suspended amount?</li> <li>Fill in the blank chapter is 10.</li> <li>Change word Plan to ACOP.</li> </ul>
Starting on Pg. 66	Exhibits 16-1 through 16-5 (All Exhibits starting with # "16")	<ul style="list-style-type: none"> <li>They belong in section 14 instead</li> </ul>
67	Exhibit 16-1	<ul style="list-style-type: none"> <li>Top right hand paragraph in 2<sup>nd</sup> column re: Higher Ed. Act. Of 1965. In 2005 this rule was changed. Does this paragraph belong here in this exhibit?</li> </ul>
69	Exhibit 16-2	<ul style="list-style-type: none"> <li>Exhibit 16-2, Exclusion #6 excludes scholarships while (a) on Pg. 67 lists it as an Inclusion. Which is correct? Pg. 71 (i) also lists it as an exclusion. BHA should promote students going to school and exclude their income.</li> </ul>

PAGE	SECTION	COMMENT(S)
78	17.0 Deductions	<ul style="list-style-type: none"> <li>• F.2. Contradicts section 15.4</li> <li>• G. Contradicts section 15.5</li> </ul>
82	Chart - Assets	• Chart states Six months of consecutive statements for bank accounts while pg. 49 states 3 months. Which is correct?
85	19.4 Timing of Verification	• What is a reasonable amount of time that Families that make an overpayment can expect the overpayment reimbursement back from BHA?
86	20.5 Lease Signing	• <b>Request:</b> Can all families get a copy of their rent amount calculations? I've only rec'd mine once in the entire time I've lived there. Please add this statement to the ACOP "BHA will automatically send the rent calculation statement each time it is recalculated." (also requested the current one)
88	21.6 Oppty. for Cure	• Define "Cure"
91	23.4 Break up of Family	• Phrase "of whether or not the victim(s)" is repeated – delete.
95	24.5 Future Increases	<ul style="list-style-type: none"> <li>• Residents should pay any rent increases at the latest possible timeframe and</li> <li>• Pay decreases as soon as it occurs.</li> </ul>
97	25.3 Missed Appointments	<ul style="list-style-type: none"> <li>• Bullet point A. – can the rescheduling timeframe be 24 hours instead of 2 days?</li> <li>• Does BHA really intend to threaten termination/eviction for failing to keep an appointment?</li> </ul>
98	26.0 Pet Policy	• Can the non-refundable \$50 be included under the \$250 deposit described above it?
99	27.1 Permanent Transfers	• In bullet point A. can we really say that "Transfers will be made without regard to race, color, creed, age, sex, handicap...."?
100	27.1	• Bullet point J. Change "Housing Manager" to "Property Manager"
101	28.2 Grounds for Denial	<ul style="list-style-type: none"> <li>• Bullet point B.b. is a repeat of the one above it. It is clear in this section that the entire family won't be denied assistance, just the family member.</li> <li>• Bullet point C.2. rephrase "criminal household member" to family member that engaged in criminal activity"</li> </ul>
102	28.2	• Bullet point 3.a. Delete the New Jersey reference.
102	29.0 Grounds for Termination	• Bullet point B. – will BHA evict the tenant engaged in repeated violation of the lease or the entire family?
105	30.3 Lease Violations	• Bullet point A.13. conflicts with the visitor policy at 23.5. 23.5 is preferred (more generous)
105	30.3 Lease Violations	• Bullet point B – will BHA evict the tenant engaged in the crim. behavior or the entire family? If entire family it conflicts with Section 7.1.F.
105	30.3 Lease Violations	• Bullet point C – Is there an income limit once on the program (understood that there is an income limit to get into the program). If there is, it needs to be described in the ACOP as no section includes specificity on income limits.

PAGE	SECTION	COMMENT(S)
105	30.5 Return of Security deposit	<ul style="list-style-type: none"> <li>• Bullet point A – does BHA really intend to have families patch holes and replace windows?</li> </ul>
106	31.1 Incidents of Dom. Violence	Bullet point A – instead of using “perpetrator” use “family member involved in the incident”



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## SENT VIA EMAIL

March 31, 2010

Tia Ingram, Executive Director  
Berkeley Housing Authority  
1901 Fairview Street  
Berkeley, CA 94703

Re: Comments on BHA's Annual Plan, Administrative Plan, and Admissions and Continued Occupancy Policy

Bay Area Legal Aid and the National Housing Law Project submit the following comments in connection with the Berkeley Housing Authority's (BHA) proposed Annual Plan for Fiscal Year 2010-2011, including revisions to 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 Alameda County. The National Housing Law Project 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 BHA and assist the agency in administering its housing programs in a manner consistent with its mission of promoting adequate and affordable housing.

### **I. Housing Rights of Victims of Domestic Violence, Dating Violence, and Stalking**

We are pleased that BHA has continued to refine the language in its Administrative Plan regarding housing rights of victims of domestic violence, dating violence, and stalking. However, there are some instances in which the new language could better serve victims' needs. BHA should therefore make the amendments suggested below to its Administrative Plan and ACOP.

#### **Administrative Plan**

##### **Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking: Perpetrator Documentation, Page 3-25**

This section must be deleted as a violation of VAWA. BHA is prohibited from imposing a higher standard upon a victim protected by VAWA than is used with other applicants or participants. See 42 U.S.C. § 1437f(c)(9)(C)(iv). BHA does not require any other applicant who might be the victim of a

crime to produce such documentation about the perpetrator of that crime. There is nothing in the VAWA that authorizes a PHA to demand that a victim of domestic violence remove a perpetrator from an application or certify that the perpetrator will not be permitted to visit or stay as a guest. The requirements proposed in the Administrative Plan are also more onerous because they do not take into account possible family dynamics. The victim and the abuser may share children. As such, there may be circumstances where family court orders, including restraining orders, allow for the abuser to pick up children at the victim's house, to have parenting time at the victim's house, or allow for certain other kinds of contact. Unless the BHA is prepared to require that every crime victim provide similar documentation about the perpetrator in the crime, then this requirement may not be imposed on victims of domestic violence.

#### Allowable Moves under Portability: Applicant Families, Page 10-6

The Administrative Plan states that if neither the head of household nor the spouse/cohead of an applicant family had a domicile in BHA's jurisdiction at the time the family's application was submitted, the family must live in BHA's jurisdiction for at least 12 months before requesting portability. BHA will consider exceptions to this policy for purposes of reasonable accommodation. The Administrative Plan should also clearly state that BHA will consider exceptions to this policy for victims of domestic violence, dating violence, and stalking who need to request portability to protect their health or safety. This will ensure that staff members have clear guidance in cases where victims who were not Berkeley residents at the time of application need to move during their first 12 months as BHA voucher participants.

#### Terminating the Assistance of a Domestic Violence Perpetrator, Pages 12-12 to 12-13

This section of the Administrative Plan states that there are some instances in which the perpetrator of domestic violence will not be terminated from Section 8 assistance. If BHA is going to forego termination of the culpable family member, the factors that would lead the BHA to this decision should be enumerated here in detail.

### **ACOP**

#### Unit Transfers, Page 99

The ACOP provides several examples of circumstances that may warrant a transfer, such as hazardous conditions or health of a family member. As we have commented in prior years, BHA should modify its policy to explicitly provide transfers in situations that involve significant risk of harm to an individual as a result of incidents or threats of domestic violence, dating violence, or stalking. We also encourage BHA to consider issuing vouchers to victims of domestic violence where an alternative public housing unit is not immediately available or would not provide increased security for the victim. This approach has been encouraged by HUD in the Public Housing Occupancy Guidebook, which states that "PHAs may adopt a transfer policy that includes a preference for victims of domestic violence who wish to move to other neighborhoods or even other jurisdictions. One tool PHAs may choose to use is the issuance of a voucher to the victimized family." See Public Housing Occupancy Guidebook, Chapter 19: Domestic Violence at 218-19.

## II. Access to Housing for Formerly Incarcerated Individuals

We are concerned that BHA admission policies result in the denial of admission to formerly incarcerated individuals who would be suitable tenants. Over 14,000 parolees and probationers live in Alameda County, and a large portion live in Berkeley. Studies show that individuals who manage to secure stable housing after release face a lower risk of returning to prison or jail. *See, e.g. Christy A. Visher & Shannon M.E. Courtney, The Urban Institute, One Year Out: Experiences of Prisoners Returning to Cleveland 1 (2007), available at [http://www.urban.org/UploadedPDF/311445\\_One\\_Year.pdf](http://www.urban.org/UploadedPDF/311445_One_Year.pdf).* By allowing formerly incarcerated individuals to access stable housing, BHA could enhance community safety and wellbeing.

We recognize that due to the length of the waitlists, a voucher or public housing unit may not be available to individuals soon after release. Many parolees and probationers, however, would like to join family members who already receive a voucher or live in public housing. BHA admission policies should make it possible for formerly incarcerated individuals who do not pose a threat to other residents or BHA staff to reunite with family members. Under current BHA policies, voucher holders and public housing residents face an unconscionable choice – risk eviction by allowing a relative or partner returning to the community to live in the unit without permission or force the relative or partner into homelessness.

### Administrative Plan – Other Permitted Reasons for Denial of Assistance, Page 3-18 ACOP – Grounds for Denial of Assistance, Page 102

BHA states that “if any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission.” BHA should reduce the time period from five years to three years for each type of criminal activity listed, or in the alternative, make a distinction as to the time period on the basis of the seriousness of the criminal activity. Under federal law, a public housing authority may prohibit admission of a household if a member has, during a “reasonable period” before the admission decision, engaged in “drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or enjoyment of the premises by other residents, the owner, or public housing agency employees.” 42 U.S.C. 13661(c). Three years is a reasonable time for most criminal activity. Congress found three years to be an adequate ban for individuals evicted from federally assisted housing for drug-related criminal activity. *See* 42 § U.S.C.A. 13661(a). Moreover, a number of public housing authorities have set a “reasonable period” at three years for all or most criminal activity. The Cuyahoga Metropolitan Housing Authority, for example, set a “reasonable period” at three years for criminal activity that is not serious and violent.

### ACOP – Grounds for Denial of Admission, Page 101

The section states that BHA will deny admission to an applicant for five years from the date of eviction from federally assisted housing for drug-related criminal activity. BHA should reduce the ban from 5 years to 3 years. Congress found three years to be an adequate amount of time to determine if an applicant will be a suitable tenant. *See* 42 § U.S.C.A. 13661(a). Similarly, BHA found three years to be an adequate bar for voucher applicants.

Administrative Plan – Other Permitted Reasons For Denial of Assistance, page 3-18 and ACOP – Evidence of Criminal Activity, page 104

BHA states that it will consider convictions and arrests as evidence of criminal activity. BHA should restrict its criminal background check to convictions. A number of public housing authorities, including the New York City Housing Authority and the Housing Authority of the City of Baltimore, do not consider arrests as evidence of criminal activity. Estimates suggest that 60 percent of all people will be arrested at some point in their lifetime, and a significant number of arrests do not result in convictions. In California, roughly 30 percent of felony arrests do not result in convictions. Office of the Attorney General, *Crime in California 2008 Advance Release*, available at <http://ag.ca.gov/cjsc/publications/advrelease/ad/ad08/ad08.pdf>. State law acknowledges that arrests are not an accurate predictor of future conduct by prohibiting investigative consumer reporting agencies from reporting arrests that did not result in convictions to potential landlords. Cal. Civ. Code § 1786.18(a)(7). Moreover, denying voucher assistance on the basis of arrests has a disproportionate impact on people of color.

Similarly, BHA should not consider expunged convictions as evidence of criminal activity. California law permits the court to expunge, or set aside, certain convictions. Cal. Penal Code § 1203.4-4a. Expungement releases an applicant “from all penalties and disabilities resulting from the offense.” Consequently, BHA should not continue to impose penalties on an applicant on the basis of expunged convictions.

Administrative Plan – Criteria for Deciding to Deny Assistance, Page 3-22  
ACOP – Consideration of Circumstances, Page 103

BHA states that it will consider several factors in deciding whether to deny admission on the basis of past criminal activity. BHA should include the frequency of the criminal activity and the need for the community to house formerly incarcerated individuals to the list. Both are important factors that BHA should consider in its screening process.

In addition, BHA should clarify the kind of evidence that an applicant may present to show the “likelihood of favorable conduct in the future.” Evidence of employment, education, participation in a work training program, participation in a counseling program, involvement in a community group, a certificate of rehabilitation from the state, and letters of support from parole or probation, case workers, clergy, or community leaders all indicate that an applicant may be a suitable tenant and abide by the terms of the lease.

Administrative Plan – Notice of Eligibility or Denial, Page 3-22  
ACOP – Notice of Action, Page 23

BHA states that it must send a notice to a household that is found ineligible for the program. As a matter of due process, BHA should include referral information for local legal services organizations in the notice of denial. *See Ressler v. Pierce*, 692 F.2d 1212, 1220 (9th Cir. 1982). An applicant rejected on the basis of a criminal record may not feel capable of disputing the accuracy or relevance of the criminal record or presenting mitigating circumstances. In addition, many applicants may not be aware of local legal services organizations that may be able to provide assistance. Incorporating referral information into the written notice of denial would not place an undue burden on BHA and would be of significant benefit to applicants.

In addition, in section 3-III.F of the Administrative Plan, BHA states that if it uses a criminal record as the basis for denial, it will provide the applicant household a copy of the record and an opportunity to dispute the accuracy and relevance of the information before it will issue a notice of denial. The same process is required for public housing applicants. 24 C.F.R. 982.553(d); 24 C.F.R. 960.204(c). Consequently, BHA should amend section 7.2 of the ACOP to conform to section 3-III.F of the Administrative Plan.

### ACOP – Lease Violations, Page 105

The section states that “BHA will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program.” BHA should remove the provision. Federal law does not mandate or even allow BHA to evict a tenant on the basis of his or her status as a lifetime registered sex offender. 42 U.S.C. 13663(a); 24 C.F.R. 966. According to 42 U.S.C. 13663(a), BHA must prohibit the *admission* of a household that includes a lifetime registered sex offender. The statute does not provide for the *eviction* of tenants on the basis of sex offender status. *See Miller v. McCormick*, 605 F. Supp. 2d 296, 311 (D. Me. 2009). Moreover, there is no sound policy reason for BHA to evict a lifetime registered sex offender who has been living in public housing for a number of years without incident. If a tenant commits a sex offense that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents after admission to public housing, BHA can evict the tenant under 24 C.F.R. 966(l)(5)(ii)(A).

### III. PTFA and Foreclosure Issues

Foreclosures are increasing in all jurisdictions, including Berkeley. In response to the foreclosure crisis, Congress enacted the Protecting Tenants at Foreclosure Act (PTFA) in May 2009. Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22, tit. VII, §§ 701-704, 123 Stat. 1632, 1660-62 (2009). The new law gives tenants the right to stay in their homes for 90 days or until the end of the lease term, whichever is longer. For Section 8 tenants, PTFA provides that a successor in interest after foreclosure takes subject to both the Section 8 lease and the Housing Assistance payment (HAP) contract. Tenants in Berkeley have additional rights because a post-foreclosure owner may not terminate the tenancy without good cause and foreclosure is not good cause under Berkeley’s Just Cause Ordinance. HUD recently issued a notice to provide guidance to public housing agencies (PHAs) in case of foreclosures. Tenants at Foreclosure Act – Guidance on New Tenant Protections, PIH 2009-52 (Dec. 15, 2009). The guidance includes information on how PHAs can ensure compliance with PTFA.

In accordance with PTFA and the HUD notice, BHA should inform Section 8 voucher tenants of their rights in the event of foreclosure. In this regard, HUD asks PHAs to do the following: For every rental unit that receives voucher assistance, PHAs must give information about the tenant protection provisions in PTFA to all participants. Participants include: (1) existing landlords; (2) heads of households that currently receive voucher assistance; (3) voucher applicants who have been issued vouchers and are searching for new homes; and (4) prospective voucher landlords. The notification given to participants should include the following:

- In most circumstances, a voucher tenant is entitled a 20-day notice of an impending foreclosure sale under Civ. Code § 2924.8.
- A voucher tenant may continue to remain in the unit after foreclosure, because the post-foreclosure owner may not terminate the tenancy without good cause and foreclosure is not good cause under Berkeley’s Just Cause Ordinance.

- A voucher tenant who is threatened with eviction due to foreclosure may contact the Berkeley Rent Control Board for more information. In addition, a voucher tenant may also contact Bay Area Legal Aid [1735 Telegraph Avenue, Oakland; 510-250-5270], East Bay Community Law Center [510-548-4040] and Eviction Defense Center [510-452-4541] for additional information regarding his or her rights during and after foreclosure

The HUD notice also encourages PHAs to notify local courts and sheriff's offices about these new tenant protection laws.

The HUD notice also requires that once a PHA learns that a property receiving voucher assistance is in foreclosure, it must take further steps to ensure that tenants' rights under PTFA are enforced.

These steps include:

- making all reasonable efforts to determine the status and ownership of the property. The notice encourages PHAs to review legal notices in newspapers or local government websites to monitor whether assisted properties are foreclosed upon.
  - Note: In California, any person may record a request for special notice that will entitle the person to receive any notice of default or notice of trustee's sale that is recorded for that property. Cal. Civ. Code § 2924b (a). So in addition to taking the steps outlined in the HUD notice, the Housing Authority should record a request for special notice with the County Recorder's office for the address of each assisted unit and amend the Administrative Plan accordingly.
- continuing to pay the original owner under the existing HAP contract until ownership is legally transferred.
- attempting to obtain from the successor in interest a written acknowledgment of assignment of the HAP contract.
- informing the tenant to pay rent in accordance with the lease and to pay rent into escrow if the successor in interest refuses to accept rent. The PHA must also inform voucher holders that failure to pay rent may constitute an independent ground for eviction.
  - Note: while nonpayment of rent may be an adequate ground for a successor in interest to evict, this language should not be interpreted to terminate the voucher holder's subsidy in a situation where the successor in interest refuses to take the voucher holder's rent or fails to provide the tenant timely information regarding ownership and where rent payments should be made, and the nonpayment of rent is due to no fault of the tenant. The Housing Authority should clarify in the Administrative Plan that nonpayment of rent in this situation will not be treated as material noncompliance with the lease.
- informing the family if the PHA is unable to make HAP payments to the successor in interest because (1) the successor in interest refuses to accept payments, (2) the property fails Housing Quality Standards inspections, or (3) the PHA cannot identify the successor in interest. The PHA must also give the family a referral to legal services to ensure that the family's rights are protected.

The Housing Authority should amend the Administrative Plan to incorporate the language in HUD PIH Notice 2009-52 on the PHA obligations. For example, the Housing Authority can add a new section to Chapter 9 of the Administrative Plan to incorporate PIH Notice 2009-52. In Chapter 9, the Housing

Authority can add another section to implement a policy to record a special notice each time a new unit is leased by a Section 8 voucher holder. Such section may read: "After a new Request for Tenancy Approval is approved and a Housing Assistance Payment (HAP) contract has been executed, the Housing Authority will record a request for special notice under Civ. Code § 2924b (a) with the County Recorder's Office. This request for special notice ensures that the Housing Authority is informed of any foreclosure notices recorded on the assisted property."

#### Administrative Plan – Change of Ownership, Page 13-13

The Administrative Plan currently states that a "If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, BHA will terminate the HAP contract with the old owner." While the Housing Authority should encourage new owners to execute an assumption of the HAP contract, the Housing Authority should clarify that under PTFA, a successor in interest after foreclosure takes title subject to both the lease and the HAP contract, even if the new owner does not expressly assume the HAP contract. For example, the Housing Authority can add the following language: "However, in the case when ownership is transferred through foreclosure, the new owner is obligated under the old HAP contract even if an assignment has not been executed."

#### **IV. Reasonable Accommodation**

##### ACOP -- Frequency of Obtaining Verifications, Pages 18,85

This section states "[t]he Housing Authority will review the need for reasonable accommodation at each annual recertification. Independent verification will be obtained in accordance with the renewal period recommended by the care provider. The Housing Authority retains the right to require more frequent verification based on additional information."

The reasonable accommodation request must not automatically expire in one year and require a renewed accommodation request. Requesting reasonable accommodations can often be extremely burdensome on tenants with disabilities. Many of these tenants struggle with requesting an accommodation without assistance, getting verifications from overworked professional caretakers, or even recognizing their own need for accommodation. This creates an undue burden on tenants. Where a disability is permanent and the accommodation remains the same, BHA should amend its policy to make clear that a reasonable accommodation must only be requested one time. To do otherwise puts tenants with disabilities at a severe disadvantage each time they must complete their annual recertification.

#### **V. Conclusion**

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

Sincerely,

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