

1.0	PHA Information PHA Name: City of Batavia Housing Authority PHA Code: NY052 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: 01/01/2010				
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units:197 Number of HCV units: 0				
3.0	Submission Type <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)				
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program
					PH HCV
	PHA 1:				
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: The City of Batavia Housing Authority will provide quality housing, both at an appropriate cost and to as wide a group of persons as possible. We will create an environment where residents can comfortably express their needs and where solution-oriented responses are respectfully and expeditiously provided. We will continually strive to make our properties the benchmark for clean, comfortable, safe and affordable housing in Batavia. To these ends, we will provide a positive work environment for our employees which encourages them to realize both their professional potential and their importance to the quality of life in our community.				
5.2	Goals and Objectives. 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. Goals and Objectives for the next five years include: Goal 1: Improve the quality of assisted housing. Objective 1: Implement the Five-Year Capital Fund Action Plan. Goal 2: To expand the availability of decent, safe, and affordable housing. Objective 1: Reduce public housing vacancies in AMP 1 (family developments) from 8% to 4% by 12/31/2012, and maintain that level through 2014. Objective 2: Reduce public housing vacancies from 8% (average in 2009) to 3% by 12/31/2011, and maintain that level through 2014. Goal 3: As identified in our management improvement plan, implement 118 activities in the areas of marketing, networking, capital fund program, human resources, grant funding, information technology, training, financial management, occupancy initiatives, admission and continued occupancy, and other best practices. Objective 1: Earn designation as a high-performing PHA by 12/31/2011. Objective 2: Maintain designation as a high-performing PHA between 2012 and 2014.				

6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: The Batavia Housing Authority plans to apply for Designated Housing for Elderly and Handicapped Families for AMP 2.</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. Plans are available at the administrative offices of the Batavia Housing Authority at 400 East Main Street, Batavia, NY 14020.</p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i> Not applicable.</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. 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. See attached.</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. 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. See attached.</p>
8.3	<p>Capital Fund Financing Program (CFFP). <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>
9.0	<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.</p> <p>The Batavia Housing Authority commissioned a market study by Gar Associates in July of 2009, which analyzed the supply of, and demand for, affordable housing in our market, as well as the quality, accessibility, unit size and amenities of the local affordable housing stock. That study analyzed the data correlating to our two AMPS and reported the following: AMP 1: Total income qualified heads of household – 369 Elimination of existing/planned competitors – 8 Net Demand – 361 AMP 2: Total income qualified heads of household – 861 Elimination of existing/planned competitors – 556 Net Demand – 305</p> <p>According to the New York State Consolidated Plan Federal Fiscal Years 2006 – 2010, 50% of renters in our area cannot afford the fair market rents for a 2-bedroom apartment.</p> <p>According to the Genesee County Comprehensive Plan, the Section 8 program is at full capacity with 679 families benefiting from this program and a waiting list of over 300 families.</p>
9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</p> <p>The strategy of the City of Batavia Housing Authority (BHA) to address housing needs is outlined in the goals and objectives listed above. In addition, the Executive Director has formed strategic partnerships with various groups to work toward common goals. These groups include, but are not limited to, the Genesee County Office for the Aging, PathStone Section 8 Program, Genesee Senior Foundation, Genesee Region Housing Initiatives Committee, the Genesee County Comprehensive Plan Housing Focus Group, and the Genesee County Interagency Council. As one example of a collaborative effort, BHA has worked with PathStone to send a mailing to everyone on the Section 8 waiting list to advise them of vacancies in our public housing program.</p>

10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) (i) 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. Progress toward meeting the Goals and Objectives in our previous 5-Year Plan is as follows:</p> <p>Goal 1: To expand the availability of decent, safe, and affordable housing. Objective 1: Reduce public housing vacancies in family developments from 25% to 5% by 12/31/09. <i>Progress: Family development vacancies have been reduced to 8%.</i></p> <p>Goal 2: Improve the quality of assisted housing. Objective 1: Improve public housing management (PHAS Score). <i>Progress: We have received a passing score of 21 on our PHAS Physical Indicator and approved pre-audit correspondence on our Financial Indicator.</i> Objective 2: To be designated a high-performer by 12/31/09. <i>Progress: While we have made progress in this area, there is still much work to be done. We have renewed this as a goal for the coming 5-Year Plan</i> Objective 3: Renovate or modernize public housing units by completing a Physical Needs Assessment by 12/31/05 and using it to develop a Capital Fund Budget and Five-Year Action Plan. <i>Progress: With the hiring of a new Executive Director, our Physical Needs Assessment was revised in March of 2009, and a new Five-Year Action Plan was developed and submitted accordingly.</i></p> <p>(a) (ii) Basic criteria the PHA will use for determining a significant amendment or substantial deviation/modification from its Five-Year Plan and/or Annual Plan. The City of Batavia Housing Authority (BHA) will consider a significant amendment or substantial deviation/modification from its Five-Year Plan and/or Annual Plan only under the following circumstances:</p> <ol style="list-style-type: none"> 1. the amendment or deviation/modification arises from a significant change in the local needs due to unforeseen circumstances; 2. the proposed changes are approved by the Board of Directors only after due input from the Resident Advisory Board and the community; 3. consultation with the HUD Regional Office. <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" The BHA defines "significant amendment" and "substantial deviation/modification" as any change to the plan which would alter either the basic services offered in either of our AMPs (such as a change in the number or locations of units offered for rent) or which would alter the character of the rental units (such as designated use of the AMP).</p>
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11.0	<p>Required Submission for HUD Field Office Review. 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. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(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)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(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.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p>
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**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 5-Year and Annual PHA Plan for the PHA fiscal year beginning 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.

City of Batavia Housing Authority

NY052

PHA Name

PHA Number/HA Code

 X 5-Year PHA Plan for Fiscal Years 2009 - 2013

 X Annual PHA Plan for Fiscal Years 2010- 2010

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 Lewis Henning	Title Board Chairman
Signature <i>Lewis Henning</i>	Date 9-17-09

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

CITY OF BATAVIA HOUSING AUTHORITY

Program/Activity Receiving Federal Grant Funding

PUBLIC HOUSING FUND/CAPITAL FUND - NY052

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.)

- 400 EAST MAIN STREET
- 193 SOUTH MAIN STREET
- 4 MACARTHUR DRIVE
- 15 EDWARD STREET

ALL BATAVIA, GENESEE COUNTY, NEW YORK 14020

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

GREGORY LANGEN

Signature

X

Title

EXECUTIVE DIRECTOR

Date

9/2/07

**Certification of Payments
to Influence Federal Transactions**

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

Applicant Name

CITY OF BATAVIA HOUSING AUTHORITY

Program/Activity Receiving Federal Grant Funding

PUBLIC HOUSING/CAPITAL FUND - NY052

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.

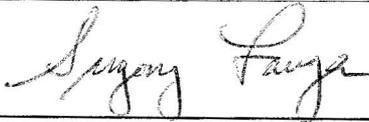
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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 GREGORY LANGEN	Title EXECUTIVE DIRECTOR
Signature 	Date (mm/dd/yyyy) 09/02/2009

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

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

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <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	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: ^{4c}	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): <p style="text-align: center; font-size: 1.2em;">NOT APPLICABLE</p>	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): <p style="text-align: center; font-size: 1.2em;">NOT APPLICABLE</p>	
11. 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.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

Resident Advisory Board Comments

The City of Batavia Housing Authority Resident Council serves in the roll of the Resident Advisory Board for purposes of review and input for our Agency planning process. The management meets regularly (monthly except summers) with the Board and also attends monthly meetings of the organization's general membership.

Drafts and elements of this plan have been reviewed by the Council at several meetings this year. They approved the capital fund plan without reservation and were instrumental in our decision to pursue re-designation of our AMP 2 as Housing for Elderly and Disabled Families.

Challenged Elements

Not Applicable. No portions of this plan have been challenged.

Part I: Summary					
PHA Name: BATAVIA HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: NY06PO52501.09 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2009 FFY of Grant Approval:	
2009 Capital Fund Program					
Type of Grant					
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<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 ¹	
		Original	Revised²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	\$24,000			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$22,000			
8	1440 Site Acquisition				
9	1450 Site Improvement	\$2,500			
10	1460 Dwelling Structures	\$197,453			
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 ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ 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	
PHA Name: BATAVIA HOUSING AUTHORITY	Grant Type and Number Capital Fund Program Grant No: NY06PO52501.09 Replacement Housing Factor Grant No: Date of CFFP:
FFY of Grant:2009 FFY of Grant Approval:	

Type of Grant

Original Annual Statement

 Reserve for Disasters/Emergencies

 Revised Annual Statement (revision no:)

Performance and Evaluation Report for Period Ending:

 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	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)	\$245,953			
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	\$22,000			
24	Amount of line 20 Related to Security - Hard Costs	\$223,953			
25	Amount of line 20 Related to Energy Conservation Measures				

Signature of Executive Director 	Date 7/21/09	Signature of Public Housing Director 	Date 9-21-09
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¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Part I: Summary		
PHA Name: City of Batavia Housing Authority	Grant Type and Number Capital Fund Program Grant No: NY06P05201-08 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2008 FFY of Grant Approval: 2008

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: 09/04/09 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	40,000		8,325	8,325
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	207,244		206,944	0
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 ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ 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					
PHA Name:		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: FFY of Grant Approval:	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <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 ¹	
		Original	Revised ²	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)	247,244		215,269	8,325
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	40,000		8,325	8,325
24	Amount of line 20 Related to Security - Hard Costs	207,244		206,944	0
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director <i>[Signature]</i>		Date 9/4/09		Signature of Public Housing Director <i>[Signature]</i>	
				Date 9-17-09	

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ 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	
PHA Name: City of Batavia Housing Authority 2009 American Recovery & Rehabilitation (ARRA) Grant	Grant Type and Number Capital Fund Program Grant No: NY06S052501-09 Replacement Housing Factor Grant No: Date of CFFP:
FFY of Grant: 2009 FFY of Grant Approval: 2009	

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: 09/04/09 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$24,000		22,487	22,487
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$288,962		201,000	0
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 ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ 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		
PHA Name: City of Batavia Housing Authority	Grant Type and Number Capital Fund Program Grant No: NY06S052501-09 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant:2009 FFY of Grant Approval: 2009

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	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)	\$312,962			
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	24,000			
24	Amount of line 20 Related to Security - Hard Costs	288,962			
25	Amount of line 20 Related to Energy Conservation Measures	17,150			

Signature of Executive Director <i>[Signature]</i>	Date 9/4/09	Signature of Public Housing Director <i>[Signature]</i>	Date 9-17-09
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¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: City of Batavia Housing Authority			Grant Type and Number Capital Fund Program Grant No: NY06S052501-09 CFPP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2009		
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 ¹	Funds Obligated ²	Funds Expended ²	
NY052000001 Family Units AMP 1	Roof replacement	1460	15 units	\$93,000				(NOTE:remaining 34 units to be funded out of 2008 CFP)
NY052000001 Family Units AMP 1	Back flow preventer	1460	3 sites	\$48,000				
NY052000002 400 Towers AMP 2	Back flow preventer	1460	1 site	\$60,000				
NY052000002 400 Towers AMP 2	Roof replacement	1460	1/2 building	\$87,962				(NOTE: remaining 1/2 bldg to be funded out of 2009 CFP)
NY052000001 Family Units AMP 1	A&E	1430		\$10,000				
NY052000002 400 Towers AMP 2	A&E	1430		\$14,000				

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

Part I: Summary						
PHA Name/Number City of Batavia Housing Authority/NY052		Locality (City/County & State) Batavia / Genesee / New York			<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No: 1	
A.	Development Number and Name	Work Statement for Year 1 FFY <u>2009</u>	Work Statement for Year 2 FFY <u>2010</u>	Work Statement for Year 3 FFY <u>2011</u>	Work Statement for Year 4 FFY <u>2012</u>	Work Statement for Year 5 FFY <u>2013</u>
B.	Physical Improvements Subtotal NY052000001 Family Units - AMP 1 NY052000002 400 Towers – AMP 2	Annual Statement	\$212,490	\$225,059	\$229,770	\$228,025
C.	Management Improvements		\$2,500			\$2,000
D.	PHA-Wide Non-dwelling Structures and Equipment					
E.	Administration		\$24,000	\$24,000	\$24,000	\$24,000
F.	Other (A&E)		\$15,000	\$5,000		
G.	Operations					
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds		\$253,990	\$254,059	\$253,770	\$254,025
L.	Total Non-CFP Funds					
M.	Grand Total		\$253,990	\$254,059	\$253,770	\$254,025

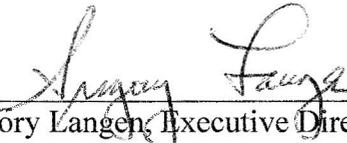
Part I: Summary (Continuation)						
PHA Name/Number City of Batavia Housing Authority / NY052		Locality (City/county & State) Batavia / Genesee / New York			<input type="checkbox"/> Original 5-Year Plan <input checked="" type="checkbox"/> Revision No: 1	
A.	Development Number and Name	Work Statement for Year 1 FFY <u>2008</u>	Work Statement for Year 2 FFY <u>2010</u>	Work Statement for Year 3 FFY <u>2011</u>	Work Statement for Year 4 FFY <u>2012</u>	Work Statement for Year 5 FFY <u>2013</u>
	NY052000001 Family Units - AMP 1	Annual Statement	\$97,631	\$70,749	\$68,460	\$88,165
	NY052000002 400 Towers – AMP 2		\$114,859	\$154,310	\$161,310	\$139,860

Civil Rights Certification

It is the policy of the BHA to:

- A. examine its programs and proposed programs to identify any impediments to fair housing choice within those programs;
- B. address those impediments in a reasonable fashion in view of the resources available;
- C. work with the City of Batavia, Genesee County, and State of New York to implement any identified initiatives to affirmatively further fair housing, and;
- D. assure that its annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.

In addition, the BHA will carry out the public housing program 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, and will affirmatively further fair housing.



Gregory Langen, Executive Director

9/4/09

Date

BATAVIA HOUSING AUTHORITY (BHA)
Plan Update

ADDENDUM TO 2009 AGENCY PLAN (HUD 50075)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** These policies and procedures are contained in the Admissions and Continued Occupancy Policy (ACOP) available at the administrative offices of the BHA at 400 East Main Street, Batavia, NY 14020.
2. **Financial Resources.** The primary financial resources of the BHA include:
 - operating grants from HUD,
 - capital fund grants from HUD,
 - rental income from tenants, and
 - investment income.
3. **Rent Determination.** The BHA charges rent in accordance with HUD guidelines for public housing programs – generally 10% of gross income, or 30% of adjusted income, whichever is less, up to the flat rent, which is based on typical rent charged in the community for non-subsidized apartments with similar amenities. More information is available in the ACOP.
4. **Operation and Management.** A statement of the rules, standards, and policies of the BHA governing maintenance management may be found in the ACOP, as well in the lease and other documents distributed when the lease is signed. A copy of the lease and these documents are available upon request from the office of the BHA.
5. **Grievance Procedure.** A copy of the BHA Grievance Procedure is attached as Addendum A to this document.
6. **Designated Housing for Elderly and Disabled Families.** The BHA will apply for designation for occupancy by elderly and disabled families for AMP 2, known as 400 Towers. This AMP is currently designated as Mixed Population. The application is planned for submission by January 31, 2010 and will affect 148 units.
7. **Community Service and Self-Sufficiency.** Amenities in AMP 1 (Family Units) include stoves and refrigerators, well-lighted grounds, full basement with laundry hookup, full time maintenance staff, and storage sheds.

Amenities in AMP 2 (400 Towers) include a security system, all utilities and cable TV included in the rent, stove and refrigerator, active resident council, off-street parking, handicapped accessibility, game room, exercise room, a community room offering movies chosen by the residents, and a full time management and maintenance staff on-site.

The BHA works with the local Department of Social Services, non-profit organizations, as well as educational and skill-building programs to promote the enhancement of the economic and social self-sufficiency of assisted families.

The BHA explains any applicable community service requirements to assisted families upon admission as a condition of housing.

The BHA requires tenants to promptly report any income changes resulting from welfare program requirements as well as changing employment. Rents are adjusted accordingly per HUD regulations.

8. Safety and Crime Prevention. The BHA recognizes the need to ensure the safety of public housing residents. The BHA works closely with the City of Batavia Police Department (which provides ongoing reports of any police calls to our properties). The BHA also works with the Genesee County Sheriff's Department for purposes of criminal records.

9. Pets. The BHA Pet Policy is contained in the Admissions and Continued Occupancy Policy.

10. Civil Rights Certification.

It is the policy of the BHA to:

- A. examine its programs and proposed programs to identify any impediments to fair housing choice within those programs;
- B. address those impediments in a reasonable fashion in view of the resources available;
- C. work with the City of Batavia, Genesee County, and State of New York to implement any identified initiatives to affirmatively further fair housing, and;
- D. assure that its annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.

In addition, the BHA will carry out the public housing program 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, and will affirmatively further fair housing.

11. Fiscal Year Audit. The results of the most recent fiscal year audit for the PHA (FYE 12/31/08) indicates the following:

I. SUMMARY OF AUDIT RESULTS

1. The independent auditors' report expressed an unqualified opinion on the financial statements of the City of Batavia Housing Authority.
2. There were no significant deficiencies relating to the audit of the financial statements reported in the Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with "*Governmental Auditing Standards*".
3. There were no instances of noncompliance material to the financial statements of the City of Batavia Housing Authority reported in the Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with "*Government Auditing Standards*".
4. No significant deficiencies relating to the audit of the major federal assistance of the City of Batavia Housing Authority are reported in the Report on Compliance with Requirements Applicable to Each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133.
5. The auditors' report on compliance for the major federal assistance programs for the City of Batavia Housing Authority expresses an unqualified opinion. However, the results of our

auditing procedures disclosed one instance of noncompliance with those requirements, which is required to be reported in accordance with OMB Circular A-133 and which is described in the accompanying schedule of findings and questioned costs as item 2008-1.

6. The program tested as a major program was the Capital Fund Program.

7. The threshold for distinguishing between Types A and B programs was 300,000.

8. The auditee did not qualify as a low-risk auditee.

II. FINANCIAL STATEMENTS AUDIT - FINDINGS

None

III. FEDERAL AWARD FINDINGS AND QUESTIONED COSTS

2008-1 Allocation of Investment Earnings to Capital Fund Grant Program

- CFDA # 14.872

Year ended December 31, 2008

Condition, criteria and cause: The PHA had not filed form 60002 as required by HUD.

Effect: The PHA did not comply with a HUD regulation.

Questioned Costs: None.

Auditors' Recommendations: We recommend that the Housing Authority Complete and file HUD Form 60002 as required.

Housing Authority's Response: The Housing Authority completed and filed HUD form 60002. The prior year audit finding related to federal award programs for the interest income due from the Public Housing program to the Capital Fund program. The Authority calculated the interest income due to the Capital Fund Program for prior years and recorded and transferred the amounts due from the public housing program during the fiscal year ended December 31, 2008.

IV. STATEMENT OF NET ASSETS SUMMARY as of December 31, 2008

Current assets:

Unrestricted cash and cash equivalents	\$ 1,654,342
Restricted cash, capital fund program	205,087
Accounts receivable, net of allowance for doubtful accounts	26,924
Due from HUD	44,931
Prepaid expenses	38,158
Tenant security deposits	42,307
Total current assets	2,011,749

Non-current assets:

Capital assets:

Land	441,108
Buildings	6,678,924
Furniture and equipment	420,831
Total capital assets	7,540,863
Less: accumulated depreciation	(3,950,597)
Capital assets, net	3,590,266
Other assets: deferred compensation plan	417,823
Total non-current assets	4,008,089

Total assets **\$ 6,019,838**

Current liabilities:	
Accounts payable	\$45,850
Due to HUD	76,938
Accrued liabilities	45,934
Lease purchase agreement - current portion	57,352
Tenant security deposits	41,957
Deferred revenues	118,977
Compensated absences- current portion	107,235
Total current liabilities	494,243

Noncurrent liabilities:	
Compensated absences	97,450
Deferred compensation plan liability	417,823
Lease purchase agreement	568,709
Total noncurrent liabilities	1,083,982
Total liabilities	1,578,225

Net Assets:	
Investment in capital assets, net of related debt	2,964,205
Unrestricted	1,477,408
Total net assets	4,441,613
Total liabilities and net assets	\$6,019,838

12. Asset Management. The BHA carries out its asset management functions with respect to the public housing inventory of the agency, by dividing its operation into two Asset Management Programs (AMPs).

AMP 1 is comprised of 3- and 4-bedroom townhouses located at three locations in the City of Batavia:

- The Terraces, located at 193 South Main Street,
- Edward Court, located at 15 Edward Street, and,
- The Pines, located at 4 MacArthur Drive.

AMP 2 is comprised of studio, 1- and 2-bedroom apartments at the 400 Towers.

BHA plans for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory through Physical Needs Inventories, Five-Year Capital Improvement Plans, as well as input from the Residents Advisory Council and the City's Code Enforcement Bureau..

13. Violence Against Women Act (VAWA). The BHA cooperates with local VAWA initiatives to the greatest extent possible. Toward this end, the Executive Director of the BHA serves on the local Domestic Violence Task Force. Women who have been the subject of violent behavior are counseled upon admission about their apartment's security features, and recommendations about how to maximize their safety.

ADDENDUM A

CITY OF BATAVIA HOUSING AUTHORITY PUBLIC HOUSING GRIEVANCE PROCEDURE

1.0 RIGHT TO A HEARING

Upon the filing of a written request as provided in these procedures, a resident shall be entitled to a hearing before a Hearing Officer.

2.0 DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions are applicable:

- A. "Grievance" shall mean any dispute which a resident may have with respect to the City of Batavia Housing Authority's action or failure to act in accordance with the individual resident's lease or Authority regulations which adversely affect the individual resident's rights, duties, welfare or status. Grievance does not include any dispute a resident may have with the Authority concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees of the Authority; or any violent or drug-related criminal activity on or near such premises. Nor shall this process apply to disputes between residents not involving the City of Batavia Housing Authority or to class grievances.
- B. "Complainant" shall mean any resident whose grievance is presented to the City of Batavia Housing Authority or at the development management office in accordance with sections 3.0 and 4.0 of this procedure.
- C. "Elements of Due Process" shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
 - 1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
 - 2. Right of the resident to be represented by counsel;
 - 3. Opportunity for the resident to refute the evidence presented by the Authority including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and
 - 4. A decision on the merits.
- D. "Hearing Officer" shall mean a person selected in accordance with section 4.0 of these procedures to hear grievances and render a decision with respect thereto.
- E. "Resident" shall mean the adult person (or persons) other than a live-in aide:
 - 1. Who resides in the unit and who executed the lease with the City of Batavia Housing Authority as lessee of the premises, or, if no such person now resides in the premises,
 - 2. Who resides in the unit and who is the remaining head of household of the resident family residing in the unit.
- F. "Resident Organization" includes a resident management corporation.
- G. "Promptly" (as used in section 3.0, and 4.0 (D)), shall mean within the time period indicated in a notice from City of Batavia Housing Authority of a proposed action which would provide the basis for a grievance if the resident has received a notice of a proposed

action from the agency.

3.0 PROCEDURES PRIOR TO A HEARING

Any grievance shall be promptly and personally presented, either orally or in writing, to the City of Batavia Housing Authority office or to the office of the development in which the resident resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within fourteen (14) calendar days and one copy shall be given to the resident and one retained in the Authority's resident file. The summary shall specify the names of the participants, dates of the meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under these procedures may be obtained if the resident is not satisfied.

4.0 PROCEDURES TO OBTAIN A HEARING

4.1 *REQUEST FOR HEARING*

The resident shall submit a written request for a hearing to the Authority or the development office within fourteen (14) calendar days from the date of the mailing of the summary of the discussion pursuant to section 3.0. The written request shall specify:

- A. The reasons for the grievance; and
- B. The action or relief sought.

4.2 *SELECTION OF A HEARING OFFICER*

A grievance hearing shall be conducted by an impartial person appointed by the City of Batavia Housing Authority other than a person who made or approved the action under review or a subordinate of such person.

The City of Batavia Housing Authority shall annually submit a list of prospective hearing officers. This list shall be provided to any existing resident organization(s) for such organization's comments or recommendations. The City of Batavia Housing Authority shall consider any comments or recommendations by a resident organization.

From this list, a hearing officer shall be selected.

4.3 *FAILURE TO REQUEST A HEARING*

If the resident does not request a hearing in accordance with this section, then the City of Batavia Housing Authority's disposition of the grievance under section 3.0 shall become final. However, failure to request a hearing does not constitute a waiver by the resident of the right thereafter to contest the City of Batavia Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding.

4.4 *HEARING PREREQUISITE*

All grievances shall be promptly presented in person, either orally or in writing, pursuant to the informal procedure prescribed in section 3.0 as a condition precedent to a hearing under this Section. However, if the resident can show good cause why there was failure to proceed in accordance with section 3.0 to the Hearing Officer, the provisions of this subsection may be waived by the Hearing Officer.

4.5 ESCROW DEPOSIT

Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the City of Batavia Housing Authority claims is due, the resident shall pay to the City of Batavia Housing Authority an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The resident shall thereafter deposit monthly the same amount of the monthly rent in an escrow account held by the City of Batavia Housing Authority until the complaint is resolved by decision of the Hearing Officer. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending. In extenuating circumstances, the City of Batavia Housing Authority may waive these requirements. Unless so waived, the failure to make such payments shall result in a termination of the grievance procedure. However, failure to make payment shall not constitute a waiver of any right the resident may have to contest the City of Batavia Housing Authority's disposition of his grievance in any appropriate judicial proceeding.

If a grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for an escrow deposit is waived.

4.6 SCHEDULING OF HEARINGS

Upon the resident's compliance with this section the Hearing Officer shall promptly schedule a hearing for a time and place reasonably convenient to both the resident and the City of Batavia Housing Authority. A written notification specifying the time, place and the procedures governing the hearing shall be delivered to the resident and the appropriate agency official.

5.0 PROCEDURES GOVERNING THE HEARING

The resident shall be afforded a fair hearing, which shall include:

- A. The opportunity to examine before the grievance hearing any Authority documents, including records and regulations that are directly relevant to the hearing. The resident shall be provided a copy of any such document at the resident's expense. If the City of Batavia Housing Authority does not make the document available for examination upon request by the resident, the City of Batavia Housing Authority may not rely on such document at the grievance hearing.
- B. The right to be represented by counsel or other person chosen as the resident's representative and to have such person make statements on the resident's behalf;
- C. The right to a private hearing unless the resident requests a public hearing;
- D. The right to present evidence and arguments in support of the resident's complaint, to controvert evidence relied on by the Authority or development management, and to confront and cross examine all witnesses upon whose testimony or information the City of Batavia Housing Authority or development management relies; and
- E. A decision based solely and exclusively upon the facts presented at the hearing.

The Hearing Officer may render a decision without holding a hearing if the Hearing Officer determines that the issue has been previously decided at another hearing.

If either the resident or Authority fails to appear at a scheduled hearing, the Hearing

Officer may postpone the hearing for up to five business days or determine that the missing party has waived their right to a hearing. Both the City of Batavia Housing Authority and the resident shall be notified of the Hearing Officer's decision. This decision shall not waive a resident's right to contest the disposition of the grievance in an appropriate judicial proceeding.

The following accommodation will be made for persons with disabilities:

- A. The City of Batavia Housing Authority shall provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants.
- B. If the resident is visually impaired, any notice to the resident that is required by these procedures must be in an accessible format.

6.0 INFORMAL HEARING PROCEDURES FOR DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS

The participant family may request that the City of Batavia Housing Authority provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

7.0 DECISION OF THE HEARING OFFICER

The Hearing Officer shall prepare a written decision, together with the reasons therefor, within fourteen (14) calendar days after the hearing. A copy of the decision shall be sent to the resident and the City of Batavia Housing Authority. The Authority shall retain a copy of the decision in the resident's folder. A copy of such decision with all names and identifying references deleted shall also be maintained on file by the City of Batavia Housing Authority and made available for inspection by a prospective complainant, his or her representative, or the Hearing Officer.

The decision of the Hearing Officer shall be binding on the City of Batavia Housing Authority who shall take all actions, or refrain from any actions, necessary to carry out the decision unless the City of Batavia Housing Authority's Board of Commissioners determines within reasonable time, and promptly notifies the complainant of its determination, that:

- A. The grievance does not concern City of Batavia Housing Authority action or failure to act in accordance with or involving the resident's lease or Authority regulations, which adversely affect the resident's rights, duties, welfare or status;
- B. The decision of the Hearing Officer is contrary to applicable Federal, State, or local law, Authority regulations, or requirements of the Annual Contributions Contract between the Authority and the U.S. Department of Housing and Urban Development.

A decision by the Hearing Officer or Board of Commissioners in favor of the City of Batavia Housing Authority or which denies the relief requested by the resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatsoever, any rights the resident may have to a trial do novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.