

HOUSING AUTHORITY of the COUNTY OF CONTRA COSTA

CALENDAR FOR THE BOARD OF COMMISSIONERS BOARD CHAMBERS ROOM 107, ADMINISTRATION BUILDING, 651 PINE STREET MARTINEZ, CALIFORNIA 94553-1229

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The Board of Commissioners respects your time, and every attempt is made to accurately estimate when an item may be heard by the Board. All times specified for items on the Board of Commissioners agenda are approximate. Items may be heard later than indicated depending on the business of the day. Your patience is appreciated.

AGENDA **December 6, 2011**

1:00 P.M. Convene, call to order and opening ceremonies.

SHORT DISCUSSION ITEMS:

S.D. 1 PUBLIC COMMENT (3 Minutes/Speaker)

DELIBERATIONS:

D.1 HEARING to consider adopting the fiscal year 2012/13 Housing Authority Annual Plan. (Joseph Villarreal, Executive Director)

1:30 P.M. ADJOURN to the Contra Costa County Fire Protection District Meeting

GENERAL INFORMATION

Persons who wish to address the Board of Commissioners should complete the form provided for that purpose and furnish a copy of any written statement to the Clerk.

All matters listed under CONSENT ITEMS are considered by the Board of Commissioners to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Commission votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Chair calls for comments from those persons who are in support thereof or in opposition thereto. After persons have spoken, the hearing is closed and the matter is subject to discussion and action by the Board. Comments on matters listed on the agenda or otherwise within the purview of the Board of Commissioners can be submitted to the office of the Clerk of the Board via mail: Board of Commissioners, 651 Pine Street Room 106, Martinez, CA 94553; by fax: 925-335-1913.

The County will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Clerk of the Board at least 24 hours before the meeting, at (925) 335-1900; TDD (925) 335-1915. An assistive listening device is available from the Clerk, Room 106. Copies of recordings of all or portions of a Board meeting may be purchased from the Clerk of the Board. Please telephone the Office of the Clerk of the Board, (925) 335-1900, to make the necessary arrangements. Applications for personal subscriptions to the monthly Board Agenda may be obtained by calling the Office of the Clerk of the Board, (925) 335-1900. The monthly agenda may also be viewed on the Housing Authority's internet Web Page www.contracostahousing.org. The Housing Authority agenda and meeting materials are available for inspection at least 96 hours prior to each meeting at the Office of the Clerk of the Board, 651 Pine Street, Room 106, Martinez, California.

PERSONS WHO WISH TO ADDRESS THE BOARD MAY BE LIMITED TO THREE (3) MINUTES

AGENDA DEADLINE: Thursday, 12 noon, 12 days before the Tuesday Board meetings.

Plan is a template that outlines public housing agency policies, programs, operations, and strategies for meeting local housing needs and goals. There are two parts to the PHA Plan: the Five-Year Plan, which each PHA submits to HUD once every fifth PHA fiscal year, and the Annual Plan, which is submitted to HUD every year.

The Five-Year Plan describes the agency's mission and the long-term goals for achieving that mission over the subsequent five years. The Annual Plan provides details about the PHA's current programs and the resident population served, as well as the PHA's strategy for addressing the housing needs of currently assisted families and the larger community. The Annual Plan also serves as the PHA's yearly request for grants to support improvements to public housing buildings (through the Capital Fund Program).

PHAs are required to hold an annual public meeting to discuss the PHA Plan and receive comments. The Board of Commissioners must conduct this public hearing in a location that is accessible to the residents served by the PHA. As required by HUD, HACCC staff provided public notice of this hearing in the Contra Costa Times on October 23, 24, 25, 2011. HACCC staff met with the Agency's Resident Advisory Board (RAB) on September 27, 2011 and November 28, 2011 to discuss the proposed Plan.

Additional RAB meetings will be held on December 5th and 12th. At this point, the RAB has no formal comments and has approved the proposed PHA Plan.

There are several proposed changes to the PHA Plan, which are highlighted below.

Capital Fund

The Capital Fund program provides PHAs with annual funding from HUD for public housing development, financing and modernization as well as for management improvements and security costs. Capital fund dollars cannot be used for luxury improvements, direct social services, costs funded by other HUD programs or any other ineligible activities as determined by HUD on a case-by-case basis. PHAs must report annually on how they plan to use outstanding capital funds as part of the PHA Plan process.

The proposed PHA Plan would continue to focus capital funds on Las Deltas in North Richmond, Bayo Vista in Rodeo and El Pueblo in Pittsburg in an effort to improve the physical condition of the properties and to decrease vacancy rates. To this end, the following projects have been budgeted in the proposed PHA Plan:

- \$450,000 for site improvements, streets and exterior modernization at El Pueblo in Pittsburg
- \$290,000 for site improvements and exterior modernization at Las Deltas in North Richmond
- \$504,000 for site improvements and exterior modernization at Bayo Vista in Rodeo
- \$20,000 for tree trimming and sidewalk and concrete work at Vista Del Camino in San Pablo

The PHA Plan also identifies several projects that are underway using previous year's capital fund grants. They are:

- \$97,282 for the purchase and installation of new storage sheds at El Pueblo in Pittsburg and Bayo Vista in Rodeo
- \$85,440 for the purchase of new locksets for Los Arboles and Casa de Mañana in Oakley, Los Nogales in Brentwood and Bridgemont in Antioch
- \$82,900 for tree trimming and removal at Bayo Vista in Rodeo, El Pueblo in Pittsburg and Alhambra Terrace in Martinez
- \$71,500 for rain gutter replacement at Alhambra Terrace in Martinez
- \$57,957 for the purchase of a street sweeper that will be used at HACCC's various properties
- \$56,896 for the purchase of a dump truck that will be used at HACCC's various properties
- \$42,000 for the purchase of security cameras at Bayo Vista in Rodeo
- \$37,500 for the purchase of smoke and carbon monoxide detectors that will be used at HACCC's various properties
- \$36,344 for the purchase of 60 stoves and refrigerators that will primarily be used in newly modernized units at Las Deltas in North Richmond, Bayo Vista in Rodeo and Las Deltas in Pittsburg
- \$27,000 for the purchase of 60 water heaters that will primarily be used in newly modernized units at Las Deltas in North Richmond, Bayo Vista in Rodeo and Las Deltas in Pittsburg

Housing Choice Vouchers (Section 8)

The PHA Plan is submitted on HUD's template. In addition to the items requested in the template, PHAs are required to have thirteen HUD-defined PHA Plan Elements readily available to the public. These include policies governing eligibility and admission to the public housing or housing choice voucher programs and grievance and informal hearing procedures for residents and applicants. Any changes to PHA Plan Elements must be identified in the PHA Plan template submitted to HUD. One of the Elements concerns rent determination for the public housing and voucher programs. This year staff proposes to change HACCC's subsidy standards, which will have a direct effect on rent paid by many families on the voucher program.

HUD requires all PHAs to establish subsidy standards. These standards are used to determine the number of bedrooms assigned to families of different sizes and compositions. The subsidy standards are also used in a formula that determines the portion of rent paid by HACCC on behalf of the family. HACCC's current policy is to assign one bedroom to the Head of Household and, if present, their spouse or companion. An additional bedroom is assigned for every two other persons in the household.

Exceptions to this policy are permitted for cases such as pending adoptions or when a household member is away for an extended period at school or a job training program. In those situations, the family can be given a larger subsidy size (number of bedrooms) than they would otherwise be entitled to receive. The current PHA Plan outlines the circumstances in which a family can receive an increased subsidy. Staff proposes to eliminate the following two exceptions from that list:

- Except in the case of the Head of Household and their spouse/significant other, separate bedrooms will be allocated for opposite sex members of the family.

- Except in the case of the Head of Household and their spouse/significant other, separate bedrooms will be allocated for same sex members of the family with at least ten years difference in age.

HACCC surveyed twelve Bay Area PHAs to compare their subsidy standards policies with HACCC's. Ten of the PHAs surveyed did not include either of the exceptions listed above. Two allowed at least one of the above exceptions. San Francisco still gives separate bedrooms to household members of the opposite sex over three years of age. Santa Clara is the most generous local PHA giving separate bedrooms to household members of the opposite sex over five years of age, persons of different generations (e.g., grandparents/grandchildren) and unrelated adults.

Each PHA with a voucher program has a fixed number of vouchers that it can utilize. These were awarded from HUD through competitive or needs-based processes. Almost no new vouchers are issued by HUD currently. HUD provides each PHA with yearly voucher funding (Annual Budget Authority) based on actual costs over the prior year and Congressional allocations for the program. Previously, HUD provided funding for every voucher a PHA had under contract up to the total number awarded by HUD even if a PHA would spend more than their Annual Budget Authority. HUD also permitted PHAs to house more families than the number of vouchers they had been awarded if costs would not exceed the Annual Budget Authority. In such a funding environment, HACCC's relatively generous subsidy standards policy made sense. However, as funding for the program has become more restricted, HUD has changed their regulations. Now a PHA must either use all of their available vouchers or funding, whichever is less, to house families. HACCC has been awarded 6,783 vouchers and receives nearly \$76 million in Annual Budget Authority from HUD. However, HACCC is currently only assists about 6,400 families on the voucher program because the agency is using over 99% of the Annual Budget Authority received from HUD. If voucher costs can be lowered, then HACCC can help more families.

Under the proposed subsidy standards, HACCC will save approximately \$475,000 per month, or \$5.7 million annually. This change should permit HACCC to use all of the remaining 383 vouchers awarded by HUD to house families on the wait list. The savings will result from moving many families currently on the program out of larger units and into smaller ones. An analysis of current program participants indicates that the following increases and decreases in bedroom size would occur:

Bedroom Size	Change in # of Families if Policy is Implemented
1	+208
2	+640
3	-412
4	-349
5	-76
6	-10
7	-1

If approved by the Board, HACCC will amend its PHA Plan Elements and Housing Choice Voucher Administrative Plan to include the new subsidy standards. The Administrative Plan establishes local policies for carrying out the housing choice voucher (Section 8) Program in a manner consistent with HUD requirements and local goals and objectives. HACCC reviews and updates the Administrative Plan at least once a year in conjunction with the PHA Plan.

The new subsidy standards would become effective at each client's next annual income reexamination or move, whichever is first. This means it will take a little over a year to fully implement the new subsidy standards. Most affected clients will have to either move to a smaller unit or pay an increased amount for rent.

The draft policy is attached.

Public Housing

Staff proposes to change several public housing program policies included in the PHA Plan Elements. The proposed changes are outlined below.

- Dependents that are subject to a joint custody arrangement will be considered a member of the public housing family if they live with the applicant or tenant family 51% or more of the time. This is an increase from the current requirement of 50%. Membership in the household affects the number of bedrooms for which the family qualifies, rent deductions and income calculations. This change is proposed because there are instances where two public housing or voucher households claim the same child or children as members based on joint custody at 50% each. HUD considers this a duplicative subsidy and it is not permitted under program regulations. HUD only permits a household member to be in one assisted family.
- PHAs must have a guest policy in order to determine who is a household member. The existing guest policy allows stays up to "14 days in any month or 45 days in any calendar year". The proposed guest policy would define a guest as anyone who stayed less than the following:
 - 14 consecutive calendar days
 - A total of 30 cumulative days during any 12-month period.
 - A combined total of 30 cumulative days at any of HACCC's properties.
- HACCC currently denies admission to anyone who is on probation, or who has been off probation less than one year. Staff proposes removing this prohibition. Instead, HACCC will consider all past criminal activity in the window permitted by its policies and HUD regulations. HACCC will deny applicants as appropriate based on this past criminal activity, not current probationary status.
- In properties with a vacancy rate greater than 5%, HACCC may offer a family a larger unit (number of bedrooms) than the one the family qualifies for under HACCC guidelines. This will be utilized as an incentive to families to move to that property. Rent for the family will be calculated based on the lower unit size for which they qualify, not the larger sized unit they actually occupy. This will mostly affect Las Deltas in North Richmond and Bayo Vista in Rodeo.
- Applicants will be given five days to accept or refuse a unit offered for lease. Current policy only allows the applicant two days.
- HACCC will only accept personal checks from household members on the lease unless a prior arrangement has been made with property management staff.
- If a tenant damages smoke detectors, sprinklers or other safety devices in the unit, a minimum charge of \$50.00 will be imposed for each damaged item. If materials and labor costs are greater than \$50.00, the actual replacement cost will be charged.
- All timelines and deadlines were converted from business to calendar days to avoid any confusion for tenants because HACCC operates on a 9/80 schedule with every other Friday off.

If the proposed changes above are approved by the Board, HACCC will amend its PHA Plan Elements and Admissions and Continued Occupancy Policy (ACOP). The ACOP establishes local policies for administering the public housing program in a manner consistent with HUD requirements and local goals and objectives. HACCC reviews and updates the ACOP at least once a year in conjunction with the PHA Plan.

A complete copy of the proposed PHA Plan and attachments are available for review at HACCC's main office.

IV. CONSEQUENCES OF NEGATIVE ACTION

Should the Board of Commissioners elect not to hold the public hearing, HACCC will be out of compliance with HUD requirements and may not receive any funding via HUD's Capital Fund program until a public hearing is held and the PHA Plan has been submitted and approved by HUD. HUD may also impose additional sanctions beyond the withholding of Capital Fund moneys.

PART II: Subsidy Standards and Voucher Issuance

5-II. A. Overview

HACCC must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. HACCC also must establish policies related to the issuance of the voucher, to the voucher term, and to any extensions or suspensions of that term.

5-II. B. Determining Family Unit (Voucher) Size [24 CFR 982.402]

For each family, HACCC determines the appropriate number of bedrooms under HACCC's subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who, within a household, will share a bedroom/sleeping room.

The following HUD requirements apply when HACCC determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by HACCC to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size.
- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under HACCC subsidy standards.

HACCC Policy

HACCC will assign one bedroom to the Head of Household and, if present, their spouse or companion. One additional bedroom will be assigned for every two other persons in the household. Foster children in the household will be included in determining unit size. Single person families will be allocated one bedroom (as opposed to a studio).

Exceptions to Subsidy Standards

HACCC will grant the following exceptions to its subsidy standards:

- Live-in attendants will be provided a separate bedroom. No additional bedrooms will be provided for the attendant's family.
- A family member who is temporarily away from the home to attend school or a training program is considered a member of the family in determining the family unit size.
- Children who are being adopted, or whose custody is being obtained, may be considered in assigning subsidy size. However, there must be a reasonable assurance that the child or children will join the family within 6-months and the family must provide proof that the child or children joined the family. In cases where a family was given a larger subsidy size but the child or children do not join the family, the family's subsidy size will be reduced with a 30-day notice from HACCC.

Additional exceptions will be granted on a case-by-case basis if it is determined that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances [24 CFR 982.402(b)(8)]. Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment when the size, amount, or nature of the equipment and the lack of available space in the family's current unit indicates that an extra room is required. HACCC may conduct a special inspection to verify the reasonableness of the request.
- A need for a separate bedroom for any other reason related to a family member's disability, medical or health condition.

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom subsidy [24 CFR 982.402(b)(8)].

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable medical professional, even if the disability-related request for accommodation is readily apparent or otherwise known.

HACCC will notify the family of its determination within 15 business days of receiving the family's request or within 15 business days after receipt of verification by a knowledgeable professional source if the request is based on health-related reasons. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.