

HOUSING AUTHORITY  
OF THE  
CITY OF LOS ANGELES

YEAR 2009 AGENCY PLAN

FINAL

RESPONSE TO COMMENTS

SEPTEMBER 19, 2008

HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

AGENCY PLAN RESPONSE TO COMMENTS RECEIVED

*NOTICE TO RESIDENTS AND PROGRAM PARTICIPANTS*

September 19, 2008

Dear Residents and Program Participants:

The Housing Authority of the City of Los Angeles (HACLA) is pleased to respond to comments received on the HACLA's Fiscal Year 2009 Draft Agency Plan. The Agency Plan Resident Advisory Boards, residents and Section 8 program participants, and interested parties have submitted comments to the Draft Agency Plan. The Housing Authority is committed to responding and addressing all the issues raised by these comments. Copies of these responses will be distributed to 14 different Housing Authority sites and offices throughout Los Angeles and will also be made available to interested parties and members of the public who request them.

**BACKGROUND**

The "Quality Housing Work Responsibility Act of 1998" (QHWRA) contains a provision whereby PHAs must submit an Agency Plan. The Department of Housing and Urban Development (HUD) published the Agency Plan final rule on October 21, 1998. The rule was effective on November 22, 1999.

The Agency Plan has two elements, a Five-Year Plan and an Annual Plan. The Agency Plan submission process is a continuing planning process, tailored after the Consolidated Plan process. The Housing Authority must submit an Annual Plan every year. Residents, program participants, and the public will have an opportunity for input before each submission to HUD.

**COMMENTS ON THE HACLA DRAFT AGENCY PLAN**

During the 48-day Agency Plan comment period, many oral and written comments on the Draft Agency Plan were received.

*Written Comments*

Written comments on the Draft Agency Plan were received at many of the public housing site meetings, regional Section 8 meetings and from attendees of the August 28, 2008 Public Hearing.

### *Oral Comments*

Oral comments on the Draft Agency Plan were recorded via pen and paper notes. Oral comments on the Draft Agency Plan were received during the following Agency Plan-related activities/meetings:

- June 5, 2008 – July 17, 2008: 14 resident meetings at public housing sites.
- June 19, 2008 – July 9, 2008: 6 regional Section 8 meetings
- August 28, 2008 Board of Commissioners Public Hearing.

The discussions in this Notice are grouped by issue and acknowledge the related comments received from all sources, the Housing Authority's response and the Executive Director's recommendations, where appropriate, on making changes in the final Agency Plan.

### **REQUIREMENTS OF THE CODE OF FEDERAL REGULATIONS FOR RESIDENT PARTICIPATION IN THE AGENCY PLAN PROCESS**

The Code of Federal Regulations (CFR) provisions are as follows:

- Section 903.13, (a) states: "...The role of the Resident Advisory Board...is to participate in the PHA planning process and to assist and make recommendations regarding the PHA plans."
- Section 903.13, (c) states: "The PHA must consider the recommendations of the Resident Advisory Board or Boards in preparing the final Agency Plan. In submitting the final plan to HUD for approval, the PHA must include a copy of the recommendations made by the Board or Boards and a description of the manner in which the PHA addressed these recommendations."
- Section 903.17 sets forth the public notification requirements: The Board of Commissioners "must conduct a public hearing to discuss the PHA plan...and invite public comment on the plan(s). The hearing must be conducted at a location that is convenient to the residents served by the PHA".
- The regulations also states: Not later than 45 days before the public hearing is to take place, the PHA must:
  - 1) Make the proposed plan(s) and all information relevant to the public hearing to be conducted available for inspection by the public at the principal office of the PHA during normal business hours; and
  - 2) Publish a notice informing the public that the information is available for review and inspection, and that a public hearing will

take place on the plan, and the date, time, and location of the hearing.”

In summary, the Housing Authority would be in compliance with the above regulations if the HACLA:

- Considered recommendations and comments from residents, participants, the public, and the Resident Advisory Board(s) in the development of the Final Agency Plan;
- Published a Notice in local newspapers that the Draft Agency Plan was available for inspection at 2600 Wilshire Boulevard between the hours of 8:00 AM – 4:30 PM;
- Published a Notice regarding the Public Hearing and invited public comment; and
- Conducted a Public Hearing on the Draft Agency Plan.

### **THE HOUSING AUTHORITY AGENCY PLAN PUBLIC PROCESS**

*The Housing Authority has made the Agency Plan submission/approval process a public process. The HACLA has a history of going beyond the letter of the law for resident participation requirements. The public process for the Agency Plan began June 2008 and continues into September 2008. The events, communications and activities relevant to the Housing Authority's Agency Plan public process include:*

- Translated the Draft Agency Plan into Spanish.
- Made copies of the Draft Agency Plan available at 14 sites, including the Conventional public housing development offices, Section 8 and Property Management offices, the Application Center, Community Service Centers, and the Authority's Central office.
- Provided the Draft Agency Plan to Section 8 JANE members who request it in July & August meetings.
- Published Notices concerning the Draft Agency Plan and the Public Hearing in eight newspapers: Los Angeles Times, Los Angeles Watts Times, La Opinion, Chinese Daily News, Los Angeles Daily Journal, Los Angeles Sentinel, and the Korea Times. Notices were published on July 7, 2008.
- Included in July rent statement was a flyer to the residents of the conventional sites announcing the availability of the Plan for review and the date of the Public Hearing.

- Assembled documentation relevant to the non-required sections of the Agency Plan and made it available for public inspection at HACLA headquarters beginning July 7, 2008.
- The Housing Authority Board of Commissioners conducted a Public Hearing regarding the Draft Agency Plan on August 28, 2008. The Public Hearing was attended by 80 residents, Section 8 participants, advocates, and other interested persons. The Public Hearing was not adjourned until everyone present who wished to make comments had the opportunity to speak.
- There were language interpretation services available for Spanish, Korean, Vietnamese, Russian, Cambodian, and Armenian speaking Public Hearing attendees as well as for those who required American Sign Language.
- The Housing Authority considered all comments, not just those from the Public Hearing and the Resident Advisory Board, in drafting the Final Agency Plan.

The Housing Authority has more than met the minimum requirements. There was an extensive flow of information, and extensive presentation of the information. The Housing Authority considered public comment, not only from the Resident Advisory Board, but also from other residents, program participants, and interested parties.

## **DISCUSSION OF COMMENTS**

During meetings held at each of the developments and senior sites, present at the meetings were the manager and Maintenance Supervisor for the site. Issues related to the Capital Fund program are included in this discussion of comments. Comments relating to everyday maintenance issues were forwarded to the Manager and Maintenance Supervisor of the site either to be addressed during the meeting or to follow up with the resident's concerns. Ordinary maintenance issues are not included in this discussion.

If residents feel that their site is not being maintained properly, if trash is not picked up, or common areas are not kept up, they need to make sure that their manager is aware of this. If they do not see any improvements in a reasonable time (1 week from reporting), they should contact the Assistant Director of Housing Management. If s/he is unavailable to contact the Director of Housing Management both the Assistant Director and Director may be reached at:

(213) 252-1820.

Maintaining the properties in decent, safe, and sanitary condition is a priority for the HACLA. It is also a challenge given the age of the properties and the continual reduction in funding to support the program. Emergency Work Order calls are to be addressed within 24 hours. Non-emergency calls are to be addressed within a reasonable time. If you have put in a call for maintenance and it has not been addressed in a reasonable time, please call back the Work Order Center and let your manager know as well. Ninety-Nine percent of all emergency work orders are addressed within 24 hours. On average, it takes 15 days for non-emergency work orders to be completed.

## **CARPETS**

*Comments were received asking if residents can put their own carpets.*

You may put in your own carpet but you need to get managerial approval and take all safety precautions when doing so.

## **DISTURBANCES AT THE RESIDENCES**

❖ *Control the noise and hours, i.e. ball playing*

Please contact your management office to report any problems caused by any other tenants. The Residential Rules included in the Rental Agreement (Lease) that all tenants sign include a provision for noise between 10 p.m. and 7 a.m.

## **ELDERLY AND DISABLED PERSONS DESIGNATED HOUSING**

- ❖ *Suggest designating developments and/or buildings for the elderly and disabled considering the fact that the senior population is increasing and most of them have a disability.*
- ❖ *Suggest to include a provision in the PHA goal. Furthermore, converting the 455 existing senior housing units to project-based vouchers (Attachment 18-8) will compound to the existing shortage of housing for the seniors. (comment from: Jake Wood, LACity)*

It is not the Housing Authority's intention at this point to go through the designation process for any of its senior/disabled properties. The Housing Authority is disposing of its family scattered and senior/disabled public housing properties because we believe that it is in the best interest of those properties to do such. The new funding formula for public housing makes it impossible to ensure the long-term viability of these properties. By disposing of them and project-basing the senior/disabled properties, we be better able to ensure the long-term viability of these properties as affordable housing. By applying for and receiving replacement voucher, there is no net loss of affordable housing.

## **EMPTY UNITS**

- ❖ *Why are there so many empty units?*

Due to the presence of asbestos in broken floor tile, we are required to abate the situation prior to renting the unit. The delay in renting units is related to the procurement of vendors to address the issue. As the units are abated they are made ready for leasing.

## **PARKING**

Parking continues to be a problem at some of our sites. When the properties were first built in the 1940s and 1950s, it was not envisioned that residents would have as many cars now, nor was it predicted that there would be as many abandoned or unattended vehicles. The only way to create more parking is to take away green space or buildings; currently there are not enough funds to do this. Even if more parking was available there would remain the problem of multiple cars per household, abandoned cars, and not enough parking spaces for all cars registered to HACLA units.

At most HACLA sites, the policy allows for one parking permit per unit and on occasions two, such as in the case of providing a reasonable accommodation for a disability. This permit allows for parking in HACLA parking lots. Street parking is available for those

cars not holding a HACLA permit. The HACLA continues to work with the LAPD to tow-away unauthorized cars from HACLA lots and abandoned vehicles.

## **PETS**

- ❖ *Many comments were received concerning unauthorized dogs and cats, including the nuisance they create.*

In accordance with the HACLA pet policy, only senior and disabled residents are allowed to own dogs or cats. Unauthorized dogs are an issue of great concern to the HACLA, especially if aggressive dogs are brought into the developments. In addressing this problem, it is important for residents to assist in identifying to the HACLA those units where non-authorized dogs are being housed. The HACLA will continue to work with the residents and the city's animal control to pick-up stray dogs on the property.

Failure by an owner of a pet to pick up after it is a lease violation as well as dogs barking at night or having an unauthorized pet. All such incidents should be reported immediately to the management staff for proper corrective action. HACLA believes in doing everything it can to provide a safe and enjoyable environment in all of our developments for all of our residents.

- ❖ **Birds**

The HACLA understands the problems that pigeons create at sites, especially on balconies. At one point, it was thought that netting could be installed but that was eliminated due to local health and fire codes. The HACLA will continue to work to identify alternative measures that could be used to resolve this problem. Residents can help alleviate the problem by not feeding the pigeons.

## **RENTS**

Rent is based upon the household income and family composition in accordance with Federal Regulations and guidelines. If at the time of an annual review, your reported income is higher than your last annual review, then your rent will be adjusted upwards. Please feel free to ask the management office to explain how your rent was calculated.

- ❖ *People cannot afford an increase on Flat Rents because they live on a fixed income SSI.*

Flat Rents do not affect those families who are living on a set fixed income such as SSI or Social Security.

❖ *Rental Payments*

For security reasons, regular monthly rental payments is to be mailed to the address provided on the rent statement.

❖ *Posting Of Rent Payments*

The HACLA in 2007 altered the order in which payments are posted to the tenant's account. The new posting of rents is in line with how the private sector has credited rental payments and is a necessary change for the Authority to encourage timely payments of rents. The order of the posting was postponed until 2009 due to a conversion of a new tenant accounting software.

❖ *Had to pay twice because the records didn't show payment of the rent*

Please contact your manager to review your case. It is always helpful for issues such as this to have verification from your bank that your check or cashier check has been processed.

## **SECURITY**

❖ *Housing Police Needed*

The HACLA disbanded its public safety department in 2003 due to a reduction of federal funding. Security continues to be one of the most challenging aspects and the Housing Authority is committed to do all it can to provide a safe environment. The HACLA is working diligently with the City to ensure that LAPD provides the necessary coverage. Through a collaboration of the resident leaderships (RAC/RMC), local police station, and other local service providers, many sites have been successful in reducing the rate of reported crime in their community, even with a reduction of the housing authority police and LAPD patrol.

## **SECURITY BARS**

❖ *Numerous comments were heard concerning the need for security bars.*

Installing upgraded bars will have to wait until there is funding available to do so. Given the limited dollars provided to support public housing, each year the HACLA has to reevaluate. Technical Services (TS) is working on this matter; however as of this date, TS has been instructed not to provide security doors and window bars due to their high cost, until further notice.

## **TRANSFERS**

- ❖ *How do I transfer to another development?*
- ❖ *I have requested a transfer to a bigger unit and I see many vacant units but they tell me they are not going to rent.*

If you have been living at a development for more than one year, you can submit a request to transfer to the management staff. The period of time it will take to transfer to a development will vary depending on the amount of people on the list waiting to transfer to a chosen development and the bedroom size that is needed for your family. Currently, the HACLA is experiencing a high number of units that are vacant at many sites. Unfortunately we are not able to re-rent these units until they have been abated for asbestos identified in damaged tile. Due to the nature of the work, the HACLA is required to use contractors certified in this type of work. These contractors are in the process of being procured and the work on these units began at the end of 2006. It is anticipated that by early 2009 all these units will be re-rented.

## **WAITING LIST**

- ❖ *How long must people wait on the Public Housing waitlist*

The time a family remains on the waitlist is dependent on the bedroom size that the family needs and those available for leasing. As there is only a Community-Wide waiting list, a family is offered up to 3 units at the sites with the most readied vacancies at that time. There is no guarantee that the 3 offers a family is given will be at the site of their choice.

## **WORK ORDER CENTER**

- ❖ *How long does it take to take care of a maintenance call to the Work Center*
- ❖ *Requests for Work Orders are being ignored*
- ❖ *Want improvements in the units and timely repairs*

Work orders are addresses as they are received. Emergency work orders are addressed within 24 hours of being reported. Non-emergency calls are to be addressed in less than 15 days and average that time. If you have put in a call for maintenance and it has not been addressed in a reasonable time, please call back the Work Order Center and let your manager know as well. 99% of all emergency work orders are addressed within 24 hours. If you have an outstanding work order, please contact your management office to find out when it will be addressed.

## **THANK YOU**

We sincerely appreciate your comments and will continue to do all we can to provide the best possible service to our residents. With continuous reductions in federal funding this has become more and more challenging each year, but we will continue to strive to provide the same level of services. Thank you again for your comments.

## **CAPITAL FUND**

All remarks related to maintenance, repairs of individual dwelling units, and yard work were reported to the Management Office at each site after the presentations. In addition, during the Capital Fund presentation, residents with specific maintenance concerns were encouraged to contact the Work Order Center. Not all questions posed were related to Capital Fund associated projects. Non-Capital Fund questions were responded to by the manager and/or the maintenance supervisor for the site who were in attendance at the meeting.

The provision of capital improvements is based on HACLA's assessment of overall physical needs of all of the developments, with priority based on the extent and/or nature of a building's physical and/or security problems. HACLA is required to first address any deficiency that affects the health and safety of residents. HACLA's assessment of design and security issues is ongoing. Planned measures to address design and/or security issues are implemented based on that assessment.

It is important to note that the HACLA understands residents' concerns and desires to have certain improvements to their site, and the input residents provide at the outreach meetings is greatly appreciated and useful in helping to shape future Capital Fund Work plans. At the same time, it must be stressed that the funds the HACLA has available to do any modernization are dependent upon Congressional allocations. Each year the HACLA has to reevaluate its list of targeted capital projects as it identifies unexpected emergency needs and copes with a shrinking level of federal funding for modernization work. This is the reason why, at times, what residents were told was planned at their site might be changed in the following year's work plan. The amount that the HACLA receives for capital improvements has shrunk from a high of \$30 million in 1994 to an anticipated \$17.5 million for 2009. It is anticipated that the amount received for future years will also reduce. This reduction in federal support for the properties is occurring while the HACLA anticipates that there is over \$580 million in needs to all its public housing properties.

The following are the capital fund related questions received from the outreach meetings.

## **ESTRADA COURTS**

- ❖ Remodeling of units inside and out
- ❖ Bad plumbing
- ❖ Need windows
- ❖ New kitchen cabinets
- ❖ Bathrooms need tiles
- ❖ New Floors
- ❖ New showers
- ❖ New doors
- ❖ Balconies

The HACLA is in the final phase of completing comprehensive remodeling to the Extension portion of the property. Due to historic preservation issues, along with the reduction of federal support for public housing, this type of work is not planned for the original Estrada property in the near future.

- ❖ Sand in the playgrounds replaced by rubber

The HACLA has budgeted \$250,800 in the Capital Fund budget to address this issue, currently it has completed 3 of 5 playgrounds and the 2 remaining are expected to be completed this year.

## **GONZAQUE VILLAGE**

- ❖ *Residents being provided with insecticide*
- ❖ *Vandalism in the development*
- ❖ *A broken faucet in the community area*
- ❖ *Sewer blockages*
- ❖ *Maintenance staff was praised for their work*

Residents are advised that:

They can purchase insecticide but that the Housing Authority is forbidden from distributing it. The HACLA regularly schedules 2 fumigations a year at each unit.

To report any maintenance issues to the work number and any vandalism or crimes to the police department.

## **IMPERIAL COURTS**

Comments were received regarding concerns over:

- ❖ Cleanliness of the development
- ❖ Safety

Safety at this and other sites continues to be a concern for residents and the HACLA. The HACLA will continue to work with the City and LAPD to identify additional resources to help in this area. Resident involvement is the most important aspect in this. Residents need to inform the manager if they are aware of homeless occupying vacant units or set up camps in the development.

## **JORDAN DOWNS**

Comments were received regarding the security of the developments.

As with all the other sites, security issues continue to be a major concern. This site, along with others in the Watts area, are also having to deal with the challenge of the displaced homeless from skid row.

This site has seen a reduction in crime due to the installation of security cameras through a grant from the U.S. Department of Justice. It is the HACLA's plan to expand the use of these or other security cameras to other locations as well.

Resident involvement in working with the LAPD and site management is needed to improve the level of safety and security at this and any other development.

## **MAR VISTA GARDEN**

Many comments were received regarding:

- ❖ *Residents are against disposition and want to be notified years in advance.*
- ❖ *Want written notification of disposition plans for Mar Vista.*
- ❖ *Why was Mar Vista on the Disposition section.*
- ❖ *Buy more land so that resident can have sufficient parking.*
- ❖ *Residents are worried about the information available about Mar Vista Gardens on the internet.*

At this point there are no plans to submit a disposition application for Mar Vista. If there were, it would be included in the Agency Plan. If disposition, or any

redevelopment activity was to occur, residents would be notified and given an opportunity for comment and input into the plans from the beginning.

## **NICKERSON GARDENS**

- ❖ Removing the covers from the trashcans

The new trash bins were designed to help with the overflow of garbage and prevent scavenging. Since the original prototype bins, there have been design modifications to make it easier to open the bin to deposit the rubbish.

- ❖ Parked automobiles without parking permits

Please make sure to report any incidents to the management staff so they can work with LAPD to tow abandoned and illegally parked vehicles. The HACLA is working on a draft policy to help alleviate some of the parking problems.

## **PICO ALISO**

- ❖ The screen doors are falling apart

Design and Construction Services will inquire with the vendor on a remedial plan to repair or replace the door screens.

- ❖ Need security bars on windows and doors.
- ❖ Are they going to redo the floors?

The installation of security bars is not planned for this site. Residents are able to install their own security bars in accordance with HACLA's policy and procedures. Contact your management office as to what you can do.

This site is a newly redeveloped property. Residents can help to extend the life of the flooring by not hosing down the interior of their units.

## **RANCHO SAN PEDRO**

- ❖ *Rancho San Pedro demolition*
- ❖ *What will happen to the residents?*

There are no plans at this point to demolish or redevelop Rancho San Pedro. If there were, residents would be informed from the beginning and would have a chance to provide comment and input.

- ❖ How long does it take you to fix asbestos units?

The HACLA has awarded initial contracts for this. Over 200 units so far have been abated and are being made ready for releasing. The biggest challenge in re-renting the units is getting applicants to accept the units.

## **ROSE HILLS**

- ❖ Main sewer line needs fixing
- ❖ Please refurbish the computer center

Due to the reduction in federal funding for public housing, not all capital improvement items are able to be addressed in the timeframe that we would like. The need for updated sewer lines for this site has been documented and will be considered for future capital Fund grants.

## **SECTION 8 - PUBLIC COMMENTS & RESPONSES**

### **Advocate and Community Comment Period**

The Housing Authority would like to thank all the advocates, housing partners, and community members who actively participated in the comment period through the Section 8 and advocate meetings, the public hearing, and through letters and direct phone calls. With your participation we were able to evaluate proposed changes with your concerns in mind.

We have documented some of the concerns in the next few pages along with some responses. Several major proposed plan changes with the most concerns included:

- 1. Increased time in the ban for drug-related and violent criminal activity from three to five years.*

The Housing Authority is proposing to increase its periods of denial to more closely parallel those of neighboring public housing agencies (PHAs) such as the Glendale Housing Authority and the Housing Authority of the County of Los Angeles (HACoLA). We are attempting to provide some uniformity between our agency and

other local PHAs, especially for families that port between agencies. This more closely aligns the Housing Authority's community standards with those of neighboring PHA's

By meeting local standards the Housing Authority is better able to address portability issues families face when moving throughout various jurisdictions. In addition, we are able to address concerns raised by owners, who make housing opportunities available, and to maintain owner participation.

*2. The disposition of 651 units to LA LOMOD South, a separate and distinct entity of the Housing Authority under contract with the U.S. Department of Housing and Urban Development.*

Over the last several years the Federal government has reduced funding for public housing. As a result, housing authorities do not have enough income to run and maintain those properties. In an effort to maintain its current low income housing stock, the Housing Authority is transferring ownership of the units to LA LOMOD South, an instrumentality of the Housing Authority. **This "tenant in place funding stream conversion" will allow the units to remain part of the Housing Authority's low income housing stock. HUD has verbally agreed to provide the Housing Authority with 651 replacement vouchers. In effect, the Housing Authority will lose no housing stock, but will gain 651 vouchers in perpetuity.**

The Housing Authority's objective is to provide affordable, decent, safe, and sanitary housing for eligible very low and extremely low-income families and individuals. We must consider available funding, community standards and expectations, and regulatory requirements in the process. The final proposed changes were a result of these considerations.

As you read through the next few pages, please consider the following:

1. When the Housing Authority opens its Section 8 waiting list in 2009 it expects to receive between 150,000 and 300,000 applications.
2. Out of 10,092 background checks completed from January 1, 2008 to July 31, 2008 less than one percent of the background checks reported a drug-related or violent criminal activity on record.
3. The Housing Authority allocates over \$71 million for housing homeless initiatives.

4. Reasonable accommodations apply to all activities of the Housing Authority in accordance with Federal law. In addition, the Housing Authority in Section 13.8 states its right and ability to, at its sole discretion, consider all circumstances surrounding a case when making a determination regarding termination or denial.

The Housing Authority will continue to engage its stakeholders through comment periods in the future so that policies and procedures reflect the needs of the entire community.

### **Comments Received From Section 8 Participants At Meetings With The Section 8 Joint Advisory For Neighborhood Empowerment (JANE) Members.**

#### **Inspections (Section 11.21.1 Terminations Due to Owner HQS Violations)**

*90 days is not enough time to find another apartment with all that is involved with a move.*

The Housing Authority is actually extending the timeframe for the family to locate housing from 60 to 90 days. In addition we are allowing the owner an additional 30 days to correct HQS violations before we advise him we will terminate the Housing Assistance Payments (HAP) contract.

HUD requires housing authorities to take “prompt and vigorous action” to resolve HQS violations. So long as these violations remain, the tenant family’s health and physical safety may be at risk; additional delays put the Housing Authority at risk for not taking “prompt and vigorous action.” The Housing Authority is now providing 180 total days for an owner to make repairs before the contract is terminated. We feel we can provide no additional time beyond that.

#### **Regulations for Live-in Aides**

*Must my live-in aide appear for the annual review? Does she need to appear at an interim review?*

The live-in aide must appear with the family at every annual reexamination of income. The aide need not appear at interim reexaminations of income.

#### **Expunged Convictions**

*What kind of crimes can be expunged?*

We recommend that you discuss with an attorney what types of crimes can be expunged and how. The Housing Authority cannot give legal advice to families.

## **Extended exclusion times for drug abuse, alcohol abuse, etc**

*Why is the Authority becoming so draconian?*

Other public housing agencies in the Los Angeles area have much stricter standards than the Housing Authority of the City of Los Angeles. We are raising our standards to reflect the community values supported by other public housing agencies. Even with the changes proposed here, the Housing Authority of the City of Los Angeles will be less strict in many regards than neighboring agencies. The Housing Authority does not believe that the proposal to increase the ban for drug-related criminal and violent criminal activity is draconian.

## **Employee Service**

*Why do workers not call back? And what can be done about it?*

Unfortunately, Housing Authority employees have large caseloads and each employee must serve several hundred clients. Because of this volume, normally the employee will attempt to return your call within the next business day – not necessarily on the same day your call is received.

We have discovered that many clients leave several messages for our employees on the same day rather than leaving just one message and allowing the employee a reasonable period of time in which to return the call. Some clients call several times a day and leave no message at all!

We suggest that if you do not reach the employee you are calling, you leave a clear, short message about why you are calling with your return phone number. That way the employee can look at your records before the call is returned so that information is available to answer your question or concern.

- Do not call and then hang up.
- Do not call several times a day.
- Leave a clear message about why you are calling and wait for a return call.
- If the employee has not returned your call within 2 business days, then consider calling again.

*The Housing Authority is considering a call center in the future to reduce wait times that may currently be experienced.*

**Comments And Questions Received At The Housing Authority Meeting With Advocates & Housing Partners August 7, 2008, On The Proposed Revisions To The Agency And Administrative Plans.**

**Attendees:**

Ruth Schwartz, Shelter Partnership  
Louis A. Rafti, Legal Aide Foundation  
Dora Gallo, A Community of Friends  
Neil McGuffin: Corporation for Supportive Housing

***There is a need for transparency. What specific crimes are excluded or included in Chapter 13 on Terminations and Denials? The Housing Authority's answers seem to vary.***

**A.** The types of crimes are listed in the Administrative Plan in Chapter 13 for all to see, both staff and the public. The Housing Authority must follow its Administrative Plan, which is posted on the Internet at [www.hacla.org](http://www.hacla.org). The Housing Authority uses HUD definitions for violent criminal activity, drug activity, etc. provided in its regulations, specifically in 24 CFR part 5.

***In the proposed revision to Section 2.10, how can the Housing Authority limit reinstatement to the waiting list for reasonable accommodations to 3 years?***

**A.** The Housing Authority considers three years to be a reasonable period as we are not required by HUD to maintain records beyond 3 years. (The Housing Authority is very lenient in this area. Based on a survey taken about four years ago, some other local PHAs provided only 60-day windows to request a reasonable accommodation review for withdrawal from the waiting list.)

The Housing Authority is not required nor has the funds to ensure that a disabled person, or indeed any person, be successful in searching for housing with the use of a voucher. 24 CFR 8.4 explains that "for the purposes of this part, [non-discrimination based on handicap] housing aids, benefits and services, to be equally effective, are not required to produce the identical result or level of achievement for individuals with handicaps, but must afford individuals with handicaps equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement." Unfortunately, many persons without disabilities (i.e. persons who are in no way disabled) are frequently unable to locate suitable housing during the normal 120-day term of the voucher.

The Housing Authority took more than 283,000 applications between 1998 and 2004. We expect to take between 150,000 and 300,000 applications when we open for new applications in a few months. Since families are not required to divulge whether or not a member has a disability, the Housing Authority would have to retain and store all these records permanently. The Housing Authority's does not have the funds to maintain records for more than three years.

***Suggests the Housing Authority establish a special unit that only handles Section 504 issues to determine what is reasonable with the goal of providing expertise and uniformity.***

A. The Housing Authority will take this under advisement.

***Several advocates: The Appendices to the Administrative Plan are not posted to the Internet.***

A. In a personal inspection by the Section 8 administrative analyst, the Administrative Plan, 2008 and all appendices were properly posted to [www.hacla.org](http://www.hacla.org) as of noon 8/6/2008 in an easily searchable .pdf format.

***Several Advocates: Proposed changes to the Plan should be posted to the Housing Authority's Internet site.***

A. The Housing Authority will take this under advisement.

***Some HACLA revisions provide for more leniency than current practices. That is not apparent because the reader does not know the current HACLA procedures that are being modified or introduced in the Plan as a new policy.***

A. The Housing Authority will look into how to better provide information to interested parties, whether to invite advocates to JANE meetings or to post the proposed changes on the Internet or provide a side-by side commentary on the proposed changes.

***The Section 10.2.2 limitation of the voucher terms to 240 days as a reasonable accommodation should be made instead on a case by case basis and not capped.***

A. The comment is not germane to the changes proposed for this year. This is a standing and unchanged section of the Plan. The 240 day period is greater than any agency known to us in Southern California. HUD has advised PHAs that voucher terms should not be indefinite for reasonable accommodation purposes. (See PIH Notice 2005-5 HA February 1, 2005, Item 5 A.)

A person with severe problems should be referred to an agency that can provide assistance and the Housing Authority can provide the assistance of an Ombudsperson.

***Section 11.21.1 gives a family only 90 days to locate a unit on an owner HQS violation. That is not sufficient.***

**A.** This added provision actually extends the current procedures put in place by memorandum to staff. Previously the owner had 30 days to correct a HQS deficiency after an inspection prior to being abated. After 30 days of abatement, HACLA sent termination notices and an offer to voucher the family with the intent to terminate the HAP contract in 60 days. Now the Housing Authority adds an additional 30 days to allow the owner to fix deficiencies and an additional 30 days for tenant to search. The change was made at the suggestion of an attorney for low-income clients to make notice provisions more closely parallel the State requirement for owners to give a 90-day notice. HUD requires the PHA to take "prompt and vigorous action" to resolve HQS deficiencies (24 CFR 982.404)

***For HQS terminations, the HACLA should allow the tenant to fix minor HQS deficiencies, allow more time, enlist the Los Angeles Housing Department (LAHD) to inspect the unit for health & safety violations and thereby double the enforcement effort.***

**A.** The Housing Authority currently notifies the family at the same time as the owner of all deficiencies, abatements, and/or termination of contract. We do not prevent the tenant from fixing deficiencies, but we do not recommend it. We can look into the idea of asking LAHD to also inspect, but LAHD inspection staff is hard pressed to meet their own requirements to inspect all units every 3-5 years. Given the City's current budget constraints, the LAHD could not possibly perform an additional 200-300 inspections per month for units placed on abatement by HACLA.

Participating owners already complain about the duplicative inspections of units by the Housing Authority and the LAHD. Requiring even more inspections would not be beneficial to the health of the program in Los Angeles.

Furthermore, HQS standards do not parallel LAHD or Department of Building and Safety standards and the LAHD will not accept a HACLA HQS inspection as meeting its standards.

***In Section 13.7.6 the proposed permanent ban for threatened or actual violence is too extreme. People change over time. The Housing Authority should make allowance for them. A ban of 10-20 years would be more appropriate than a permanent ban.***

**A.** This proposed revision was actually made to clarify the Housing Authority's original intent when Section 13.7.6 was first introduced several years ago. The ban was originally intended to be a permanent ban for the protection of staff. Nevertheless, the Housing Authority has given consideration to the concerns of advocates and will decrease the permanent ban to a ten year ban.

Section 13.8 of the Administrative Plan already provides the Housing Authority with a means to make allowances by addressing the Housing Authority's discretion to consider circumstances (where permitted by HUD) and stating that HACLAs are subject to consideration of reasonable accommodations in accordance with 24 CFR part 8. We will be moving this section forward to Section 13.1 in response to other concerns expressed by advocacy groups.

***The Administrative Plan does not provide for reasonable accommodation in some sections that address when participation is denied, but does so in others. Shouldn't the Plan address that in all those sections?***

**A.** Although some sections of the Plan, for example Section 13.3.1.2 dealing with drugs and Section 13.4.2 dealing with violent criminal activity, explicitly state the possibility for reasonable accommodations, we did not feel it necessary to repeat that in every section. Section 13.8 explains, in accordance with 24 CFR regulations, that the Housing Authority may consider all circumstances when making any determination to deny or terminate assistance. This section also indicates the family's right to request a reasonable accommodation in accordance with 24 CFR part 8. We will re-number this section and move it to Section 13.1.

The reasonable accommodation language mentioned above was inserted into those two sections of the Administrative Plan in 2005 in direct response to the vehemently expressed concerns of the same advocacy groups that the Plan was not clear without them. We will nevertheless remove those citations now to avoid any confusion.

***Why should the family have to "prove up" a reasonable accommodation?***

**A.** The family has always been required to request a reasonable accommodation and it has always been the responsibility of the family to provide proof of the disability. This is also regulatory.

***Section 18.4.1 seems to treat families in S+C differently by placing a limitation on rents by means of the FMR cap.***

**A.** This is not revised language and the query is not germane to the Agency Plan process. Any limitation is HUD's and was addressed in the HUD letter mentioned in section 18.4.1. HUD determines funding allocations and how funds in general will be

used. There will be no change. In fact, the section advises the PHA that the FMR is not a cap to rent increases in the S+C program and the rent increases may be provided so long as the rents remain reasonable and there is sufficient funding available to pay for the increase.

***To cap family absences at 180 days in Section 18.6.7 for the S + C program seems unreasonable.***

**A.** The cap is HUD's. The Housing Authority has the longest period (180 days) allowed by the tenant-based regulations. Provided that the 180 day requirement is not statutory, anything beyond 180 days would require a HUD waiver.

***Why is HACLA removing people from the waiting list due to non-response on an annual basis in Section 5.26?***

**A.** This is a matter of efficiency. Even with a waiting list updated and certified by an outside vendor within the last year, only 50 percent of families invited to an initial interview show up. This causes great inefficiencies in providing service to those in need.

Some of these failures may be due to the applicant's failure to keep the Housing Authority aware of his or her current address. In such cases, if the Housing Authority sends a letter once a year it is more likely that the post office will be able to forward the mail to the correct address. If the family does not reply, we will remove the family from the waiting list. If the family provides a corrected address, we will be able to locate the family when their number comes up on the list. Families with a disability can be returned to the waiting list in accordance with reasonable accommodation provisions of the regulations and the Administrative Plan.

***We are concerned about Section 13.7.7 that increases the ban on families who have committed fraud from 5 to 10 years (and also increased bans for drug-related criminal activity and violent criminal activity from 3 to 5 years). What is the Housing Authority's rationale for these changes?***

**A.** The Housing Authority is conforming its periods of denial to more closely parallel such PHAs as the Glendale Housing Authority and the Housing Authority of the County of Los Angeles (HACoLA). We are attempting to provide some uniformity, especially when families wish to port between agencies.

Other agencies complain of the disparity and that the Housing Authority is the most lenient agency in the area. The same reasoning applies to other extensions of bans for violent criminal activity and drug-related criminal activity.

The HUD Office of Inspector General (OIG) also frequently brings up individual cases asking why our standards are so low.

*In addition, the increased periods of denial will serve to solidify our participant owner base without which there would be no assisted tenant-based housing program. Owners have addressed concerns about our screening and admissions policies and the period increase reflects some of those concerns.*

For applicants to the S+C program, the Housing Authority does not screen for criminal history. For the applicants coming in under the Section 8 Homeless Program, we are required to screen for sex registration requirements and other criminal offenses and to set standards in many areas in accordance with 24 CFR 982.552 and 982.553.

A family can always make a reasonable accommodation claim, when appropriate and if the criminal activity was the result of a prior or continuing disability. These accommodation procedures are all covered in Appendix 3 of the Administrative Plan and referred to generally in Section 13.8 which will be re-titled and moved up to Section 13.1.

***With regard to the proposed addition of Sec 13.x.x, is it appropriate to terminate assistance for a family's failure to report an additional family member? Is it appropriate to require the family to repay the Housing Authority for all HAP paid on the family's behalf, even if there was no increase in family income due to the additional family member?***

**A.** A failure to report an additional family member is a violation of the family's obligations under 24 CFR 982.551. The HCVP Guidebook cites the intentional misrepresentation of family members as fraud (Chapter 22 – Program Integrity). The family can be terminated for any violation of family obligations in accordance with 24 CFR 982.552(c)(10(i)).

Nevertheless, after review of its current requirements on repayment of overpayments of housing assistance and other revisions to sections on fraud and misrepresentation, the Housing Authority is **withdrawing** this proposed addition to the Plan.

***Section 13.x.x and 13.7.7 seem to ignore the fact that a key element of fraud is the intent to deceive for gain.***

**A.** We agree. Section 13.x.x has been withdrawn. We are aware of the requirements of fraud and the distinction between fraud and misrepresentation. We have rewritten the subsections to section 13.7.7 to address the distinction between fraud and misrepresentation of income.

***The Housing Authority should address the possibility of using project-based housing in the HUD-VASH program in the Agency Plan.***

A. We may add something on this at a later date. The program is too new to know how project-basing would be approached or whether it would be appropriate.

***The Housing Authority should include more project-basing initiatives in its project-based statement.***

A. The Housing Authority is participating in the Mayor's 5-year plan to end homelessness. We are key participants in the Permanent Supportive Housing Program. We seem to be in line with efforts by the Mayor's office, LAHD and other City agencies in meeting the Mayor's goal and in providing project-based assistance toward accomplishing these initiatives. We have made provisions for use of up to 2,900 vouchers for project-based units in our project-basing statement.

***The Housing Authority is converting 651 elderly and scattered site units to Section 8. Isn't that a loss of subsidized units overall?***

A. No. The ownership of the units is being transferred to LA LOMOD South, a separate and distinct entity of the Housing Authority, thus there is no real loss of units to our low income housing portfolio. Moving the units out of the realm of public housing, which is seriously under-funded, into the more financially viable Section 8 program will allow the Housing Authority to retain this valuable housing stock and to maintain it properly.

*We requested replacement vouchers and HUD recently granted 651 replacement vouchers. Overall the number of physical units will not be decreased and the Housing Authority gains 651 vouchers in perpetuity.*

***With respect to the HUD-VASH program, where are the exceptions to HCVP regulations coming from?***

A. From the Federal Register Notice listed in the revisions. The HUD Secretary has been authorized by Congress to grant waivers and place special requirements on the use of the vouchers for HUD-VASH. We have added a new Chapter 21 on the HUD-VASH program to reflect these significant changes.

***With regard to Section 21.4.2, who establishes the case management requirements for the HUD-VASH program?***

A. These are set up by the Veterans Administration (VA).

***With respect to Section 21.4.3, what if the Housing Authority wants to transition a veteran who has completed case management requirements to a***

***regular HCVP voucher, but the veteran is barred by the results of a criminal history check?***

A. In that case the Housing Authority would continue assistance for the veteran under the HUD-VASH program.

***Section 21.10 and the Federal Register Notice speak of “property owned by the VA.” What about land owned by the VA but which it leases to another entity as may become the case in Los Angeles?***

A. We have no specific answer to that question. HUD determines what is meant by the term “ownership.” At the present time the HUD-VASH initiative is too new to determine all the ramifications and complexities of the program. HUD’s definition of “ownership” can vary between programs. We will await clarification from HUD on the issue.

***General concern about why the Housing Authority is raising the threshold for denials of participation from 3 years to 5 years, (13.3.1.1 et al.) and for fraud from 5 to 10 years.***

A. The Housing Authority is modifying its standards to be more aligned with the standards of neighboring PHAs, allowing for consistency and minimizing portability issues. This change also helps to address portability issues and owner concerns as a result of the current standards.

While matching will always be inexact because there will always be variances due to an agency’s particular needs or concerns, these current revisions seek to bring the Housing Authority more closely in line with existing standards of the PHA community.

Our attempt to have roughly equivalent standards, however, does not mean we simply want to copy the standards of other PHAs. Thus, for example, the Housing Authority will not be using the date parole was completed to establish timeframes for denial as is the case with HACoLA. However, we retain the right to review and revise our standards periodically.

***The County Housing Authority’s (HACoLA’s) Agency Plan states they meet only HUD’s minimum requirements, whereas the Housing Authority’s agency plan indicates it has higher standards than HUD requires. How can HACLA be raising its standards to the County’s level if this is the case?***

A side by side comparison, conducted by the Los Angeles Homeless Services Authority, and reviewed by our Planning Department, shows that the HACoLA has stricter standards than the Housing Authority in almost all areas.

***Legal Aide Assistant: How does HACLA meets VAWA requirements for non-citizens when determining whether to pro-rate assistance for the family? What if the INS does not provide a determination of status?***

**A.** The Housing Authority uses determinations made by the INS and ICE to determine whether citizenship requirements are met. The Housing Authority bases its pro-ration on those determinations. We have no information or expertise on how to interpret or work within the INS regulations. We suggest working with the INS directly and perhaps enlisting assistance from the appropriate Foreign Consulate office in Los Angeles. Only if the INS provides the family with the appropriate documentation, can the Housing Authority remove or revise the pro-ration, which is required by statute and by regulation.

**Questions And Concerns Expressed At The Agency Plan Public Hearing - St. Anne's - Foundation Room, August 28, 2008.**

Advocate Participants:

Downtown Women's Center	United Way of Greater Los Angeles
Lamp Community	Los Angeles Homeless Services Authority
Los Angeles Community Action Network	Shelter Partnership
Public Counsel Law Center	Homeless Health Care Los Angeles
United Job Creation Counsel	Los Angeles County- Department of Mental Health
Legal Aid Foundation OF Los Angeles	Just in Reach
Corporation for Supportive Housing	Ex-Offender Action Network
Los Angeles Metropolitan Churches	
Union Rescue Mission	

Overall, the Housing Authority was praised for its efforts to provide housing in the City of LA and for its leadership as a housing authority in the region. Many advocates described the Housing Authority as the first choice for housing assistance.

The major concerns about proposed changes to the Administrative Plan were the proposed increases in the terms of denials from 3 to 5 years for prior drug-related and violent criminal activity. Tenants, community representatives, and advocates addressed their reasons for their concerns, which we address below.

There were additional concerns about reasonable accommodations, preponderance of evidence, and illegal use of a drug. We have grouped and consolidated the concerns where possible. Individual concerns are addressed after the more general concerns.

## TERMINATION AND DENIALS

### ***Why has the Housing Authority increased the ban for applicants for prior evictions for drug-related criminal activity and prior violent criminal activity from 3 to 5 years?***

The Housing Authority is proposing to increase its periods of denial to more closely parallel those of neighboring public housing agencies (PHAs) such as the Glendale Housing Authority and the Housing Authority of the County of Los Angeles (HACoLA). We are attempting to provide some uniformity between our agency and other local PHAs, especially for families that port between agencies. This more closely aligns the Housing Authority's community standards with those of neighboring PHA's.

By meeting local standards the Housing Authority is better able to address portability issues families face when moving throughout various jurisdictions. In addition, we are able to address concerns raised by owners, who make housing opportunities available, and to maintain owner participation. Also, when we open up our waiting list sometime in 2009, we expect to receive 150,000-300,000 applications. With limited funding it is necessary to provide housing assistance to families whom are law-abiding citizens.

### ***Many homeless persons have prior criminal histories with drug-related and violent behavior and the increased time frame will reduce housing options for those that need it most, such as the homeless.***

The Housing Authority provides assisted housing for approximately 1,986 families through the S+C program, which does not allow for any screening for criminal history. HUD-VASH, another special program that provides 840 vouchers, does not allow for any screening for criminal history except for persons required to register as sex offenders. Other homeless programs such as the Housing Authority's Section 8 Homeless and Permanent Supportive Housing programs, fall under the regulations of the Housing Choice Voucher Program. For these programs we are required to not only screen for sex offender registration status but are also required to set standards with regard to other criminal offenses in accordance with 24 CFR 982.552 and 982.553.

If the criminal or other activity was the result of a prior or continuing disability, an applicant can always make a reasonable accommodation claim, if appropriate. These accommodation procedures are all covered thoroughly Appendix 3 of the Administrative Plan and are referred to generally in the Administrative Plan Chapter 2 – Equal Housing Opportunity Plan, Section 2.9, Objective IX: Providing Accessibility for Persons with Disabilities, and Section 2.10: Providing Reasonable Accommodation. In addition, the Housing Authority in its Chapter 13 –

Terminations and Denials in Section 13.8, Housing Authority Discretion to Consider Circumstances, states its authority to, at its sole discretion, consider all circumstances surrounding a case when making a determination regarding termination or denial and has cites the requirement to provide a reasonable accommodation if the family contains a person with a disability in accordance with 24 CFR part 8 on nondiscrimination.

The Housing Authority recently conducted an APO Criminal Background Check Report to determine the number of applicants (including homeless applicants to the HCVP) who were found to have convictions for prior drug-related or violent criminal activities found through the criminal background check process. Out of 10,092 background checks from Jan 1 to July 31, record checks discovered 26 convictions for drug use or possession, 20 convictions for drug sale, and 28 convictions for violent criminal activity. Together, this amounts to only 0.8% of the total number of applicants screened. Therefore, the overwhelming majority of applicants, even in S8 homeless programs, are not severely affected by our screening policy.

***Local advocates have found that there is disparate treatment and prosecution of homeless, low-income, and minority persons. In some cases, offenders are charged with possession to sell rather than simple possession. Increasing the timeframe for denials exacerbates the situation for those in this position.***

The general objectives of the Housing Authority are to provide affordable, decent, safe, and sanitary housing for eligible low and very low-income families and individuals. The Housing Authority establishes policies that will allow it to meet its objectives and conform to community standards. We recommend that concerns about the disparate treatment of persons with mental disabilities by law enforcement agencies be addressed by the proper authorities that have jurisdiction over the matter.

***We are confused about “the policies for reasonable accommodations.” Why is it highlighted in some sections of Chapter 13: Terminations and Denials and not in others?***

The reasonable accommodation procedures are addressed throughout the Admin Plan. They are covered generally in the Administrative Plan Chapter 2 – Equal Housing Opportunity Plan, Section 2.9, Objective IX: Providing Accessibility for Persons with Disabilities, and Section 2.10: Providing Reasonable Accommodation. We also address reasonable accommodation in Chapter 13 – Terminations and Denials in Section 13.8, Housing Authority Discretion to Consider Circumstances. Appendix 3 to the Administrative Plan, a 54-page

insert taken from our Board-approved Manual of Policy and Procedure, provides procedural details on reasonable accommodations.

Reasonable accommodations apply to all activities of the Housing Authority in accordance with Federal law. In addition, the Housing Authority in Section 13.8 states its right and ability to, at its sole discretion, consider all circumstances surrounding a case when making a determination regarding termination or denial.

In our 2006 Agency Plan process, homeless partners and advocates requested that Section 13.3.1.2 and Section 13.4.2 specifically reference reasonable accommodations. The references in these sections now seem to be causing confusion. To eliminate the confusion, the Housing Authority will strike the language in those sections. We will renumber Section 13.8 as Section 13.1 to make it more prominent.

***The inclusion of the proposed section 13.X.X seems to be draconian. Why is the Housing Authority proposing to terminate assistance for families who do not report added members to the family, who then have to repay HAP retroactively?***

These families are violating their family obligations contained in 24 CFR 982.551. HUD has indicated in the HCVP Guidebook chapter on program integrity that families who intentionally misrepresent family size and composition are guilty of fraud.

Nevertheless, upon careful consideration of the concerns raised by advocacy groups and a review of current safeguards and the proposed additions to the Plan with regard to misrepresentation of income and fraud, the Housing Authority has decided to withdraw the proposed section.

## **DISPOSITION OF 651 UNITS**

***Is there going to be a loss of housing stock through the disposition of 651 units?***

No. Over the last several years the Federal government has reduced funding for public housing. As a result, housing authorities do not have enough income to run and maintain those properties. In an effort to maintain its current low income housing stock, the Housing Authority is transferring ownership of the units to LA LOMOD South, an instrumentality of the Housing Authority. This "disposition" will allow the units to remain part of the Housing Authority's low income housing stock. HUD has verbally agreed to provide the Housing Authority with 651 replacement vouchers. In effect, the Housing Authority will lose no housing stock, but will gain 651 vouchers in perpetuity.

## **SPECIFIC COMMENTS FROM ADVOCATE GROUPS**

***Legal Aid requested that the Housing Authority set up a dedicated unit to handle reasonable accommodation requests.***

The Housing Authority currently assigns several persons to handle reasonable accommodation requests. We agree with Legal Aid that assigning a dedicated staff may help create a consistency in judgments for reasonable accommodation requests. The Housing Authority will take the suggestion under consideration.

***Los Angeles Homeless Services Authority and Shelter Partnership would like to take a more proactive approach to addressing the Housing Authority policies.***

The Housing Authority is open to all recommendations, which can be made directly to the Section 8 Director.

***Downtown Women's Center and Public Counsel Law Center inquired about the Housing Authority's conformance with the Housing Element of the City of Los Angeles, which states that there should be no net loss in public housing.***

Please refer to our response to comments on the disposition of 651 units, above.

***United Job Creation Counsel requests that the Housing Authority meet requirements of section 3, Rehabilitation of Building Requirements, to contract small, minority-owned businesses that reside within the Housing Authority's jurisdiction.***

The Housing Authority abides by all section 3 requirements and assures that all of its contractors and subcontractors are in compliance. Please refer to Section 2.7 of the Administrative Plan for the Housing Authority's policies on minority business enterprises, women's business enterprises and section 3 requirements.

***Corporation for Supportive Housing requested clarification on the definition of preponderance of evidence and how this is used in regard to terminations and denials.***

Preponderance of evidence is defined as: "evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it, that is, evidence that when taken as a whole shows that the fact sought to be proved is more probable than not." That definition is contained in the introduction to Chapter 13 – Terminations and Denials.

It is a standard used in all civil law actions and is cited as the standard to be used in HUD regulations at 24 CFR 982.553 and 982.554.

## **COMMENTS RECEIVED IN LETTERS FROM VARIOUS ADVOCACY GROUPS**

### **Westside Center For Independent Living**

John Bamberg, Systems Change Advocate

- *W.C.I.L.'s concern about the lack of identification of low-income people with disabilities throughout the plan, particularly because there is an absence of special vouchers for this group of people.*
- *W.C.I.L. believes that the Housing Authority needs to provide more attention to low-income disabled people.*

The Housing Authority has determined that when it opens for new applications we will, as we have in the past, conduct a lottery to ensure fairness to all categories of people. We currently do not offer a waitlist preference to applicants with disabilities. However, approximately 40 percent of our assisted families are persons with disabilities.

In addition the Housing Authority runs one of the largest S+C programs in the country, a program that targets chronically homeless and homeless individuals and families. The Housing Authority currently has an allocation to serve 1,986 families and we apply for additional funding each year.

The Housing Authority continues to participate in the original VASH, a program targeted toward disabled veterans, the Medicare Waiver Program, and the Housing Opportunities for Persons With AIDs (HOPWA) Program. The Housing Authority is also participating in the new HUD-VASH program for veterans. The Housing Authority is, and always has been, committed to serving the disabled community.

### **A Community Of Friends**

Dora Leong Gallo, Chief Executive Officer

- *Suggests that the Housing Authority include a statement in the Administrative Plan of its intent to consider project-basing vouchers for future HUD-VASH allocations.*
- *Requests that the Housing Authority include a reasonable accommodation statement in the beginning of the Plan. This is to minimize confusion of its use since "reasonable accommodations" are referenced in some sections*

*of the Plan and not in others, even though reasonable accommodations should apply to all sections.*

The HUD-VASH program is new. The Housing Authority will make a determination on whether to commit to project-basing of vouchers in this program at a later date after we have had an opportunity to more thoroughly evaluate the program.

The Housing Authority already has a lengthy section on Reasonable Accommodation in Chapter 2, Section 2.10, Objective 10: Providing Reasonable Accommodation. The entire Plan is available on the Internet at [www.hacla.org](http://www.hacla.org). Appendix 3, also on the Internet, covers Housing Authority procedures for considering reasonable accommodation requests and contains 54 pages of information. This appendix is cited repeatedly throughout the Plan. Finally, Section 13.8 in the chapter on terminations and denials also deals specifically with reasonable accommodations. We will, however, move and re-number that section to Section 13.1 to provide additional prominence and clarity. We will delete the two apparently confusing references to reasonable accommodations elsewhere in Chapter 13.

### **Los Angeles Community Action Network**

Becky Dennison, Pete White, Co-Directors

- *Objects to ANY increase (i.e. 3 to 5 years) in time for denied access. They reference (Sections 13.3.1, 13.3.2, 13.4.2, 13.7.7, 13.7.8, and 13.7.9).*
- *States it is unfair to extend prohibitions for people who have been evicted or terminated.*
- *Opposes the possible reduction of 651 affordable units and the conversion to tenant and project-based vouchers. They state this is not aligned with the Housing Element of the City of Los Angeles.*

The Housing Authority has determined that it is in the best interests of the Housing Choice Voucher Program to increase the penalties for violent criminal activity, eviction from assisted housing for drug-related criminal activity, and drug-related criminal activity from three to five years and to extend the prohibition on persons evicted from public housing or terminated from the Section 8 program to five years. We are doing so to more closely approach the community standards established by our neighboring public housing agencies and to address concerns expressed by the HUD Office of Inspector General that our current standards are too low.

In addition, the increased periods of denial will serve to solidify our participant owner base without which there would be no assisted tenant-based housing program. This change allows the Housing Authority to better address portability issues families' face when moving throughout various jurisdictions. The extension of the ban for fraud will be extended from five years to ten years. Other PHAs provide for a permanent ban for fraud.

Concern about a possible loss of 651 units has been addressed earlier.

### **Los Angeles County- Department Of Mental Health**

Marvin Southard, Director

- *The Housing Authority's actions are contrary to current national and local commitments to end homelessness.*
- *Opposes increase the ban on assistance from three to five years for violent and criminal activity because it provides additional barriers to housing.*
- *States reasonable accommodations must be made for homeless applicants with mental disabilities.*
- *Recommends that the Housing Authority use its discretionary privilege to maintain current policy.*
- *States that the mentally ill are more likely to be charged with a more serious offense for the same crimes than those not mentally ill.*
- *The Housing Authority should eliminate its requirement for completion of drug rehabilitation programs.*
- *The Housing Authority should consider the mental status of the client at the time of the offense.*
- *Opposes the increased ban of assistance from five to ten years for fraud.*

There may be as many as 73,000 homeless families in the county; however, the Housing Authority of the City of Los Angeles is not the sole provider of housing assistance for families in the county. Homelessness is a regional problem. We encourage the writer to contact the Housing Authority of the County of Los Angeles (HACoLA) and other housing authorities in various cities of the county for additional assistance for the homeless.

The Housing Authority expects to take between 150,000 and 300,000 when the waiting list is opened in 2009. The money allocated by Congress for assisted housing is dwarfed by the needs and numbers of low income families. These include families earning the minimum wage, families doubling up with other households, single parents and other households with insufficient TANF income provided by the County Department of Social Services as well as homeless families.

Issues of reasonable accommodation and the length of denial periods have been addressed earlier.

The Housing Authority does not deny assistance for such offenses as vagrancy, loitering, and resisting arrest nor for petty or even grand theft as mentioned in the letter.

The Housing Authority has committed resources to all of the Mayor's homeless programs, but it will not and cannot deal exclusively with the homeless population. We have entered into agreements with many homeless providers to search out the homeless, provide supportive services and rehabilitation, and to otherwise prepare them for permanent housing. We comply with all current Mayoral directives on homelessness and are a key supporter of, and participant in, the Mayor's Permanent Supportive Housing Program, Project 50 and other homeless initiatives.

We recommend that concerns about the disparate treatment of persons with mental disabilities by law enforcement agencies be addressed by the proper authorities who have jurisdiction over the matter.

The Housing Authority only requires that a person convicted of drug related criminal activity or convicted of an offense attributable to alcohol abuse be active participants in a drug or alcohol rehabilitation program. We do not require completion of such a program except in the cases of persons who were evicted from assisted housing for drug-related criminal activity - that is a statutory requirement for the first three years.

Over many years the Housing Authority has developed working relationships with many mental health service providers and entered into contracts or memoranda of understanding so that these professional agencies would perform outreach for the homeless and disabled. We expect that these agencies will, as part of the MOU for assisted housing, provide appropriate rehabilitative and/or supportive services for their clients. If this is not possible, we will look for providers who will provide such services.

The Housing Authority has no means to determine the mental status of a person at the time a crime was committed except if the individual makes a claim for a reasonable accommodation and a medical provider verifies the claim. As stated in earlier responses, the Housing Authority has addressed the concept of reasonable accommodation thoroughly in its Administrative Plan and in its Manual of Policy and Procedures.

### **Shelter Partnership**

Ruth Schwartz, Executive Director

- Concerned with language of Section 11.21.1 that deals with terminations for HQS violations, Shelter Partnership recommends that the contract termination date be one day before the new contract start date, or after the 120 day voucher term expires without submission of a RFTA.
- With regard to Section 11.21.1, Shelter Partnership's understanding is that contract need not terminate until tenant locates other housing.
- States there are issues that can arise when searching for new housing (initial inspection, voucher issuance, etc) that can delay locating a suitable unit.
- Opposes the permanent ban for abusive or violent behavior (Section 13.7.6).
- Regarding the 651 conversion, Shelter Partnership requests that the Housing Authority specify in the plan that it will only complete this transaction if HUD awards the Housing Authority the replacement vouchers.

By this revision to the Administrative Plan, the Housing Authority has actually extended the period of time for the owner to correct HQS deficiencies from 60 to 90 days. The Housing Authority has likewise extended the notification period for families of the proposed termination of the HAP contract from 60 to 90 days. For each month the unit is out of compliance, the Housing Authority incurs a potential liability if a member of the family is injured due to the cited HQS deficiency.

After considering the comments of various advocacy groups, the Housing Authority has modified its proposed prohibition of admission for prior violent or abusive behavior against a HACLA employee from a permanent ban to a ten year ban.

The Housing Authority has rewritten the sections on fraud and misrepresentation of income (Section 17.7.7, et. seq.) so that the family is not banned for misrepresentation, only for fraud.

The concern about a possible loss of 651 units of low income housing has been addressed earlier.

### **Los Angeles Homeless Services Authority**

Leslie Wise, Director of Policy and Planning

- Opposes the increased ban from 3 to 5 years for drug related and violent criminal activity.
- This will increase barriers to voucher access to many homeless applicants, who often have no other options.
- Homeless families will be turned away because one family member has a criminal record.
- The benefits of porting will be outweighed by negative impacts of the change.
- Individualized decisions should be made based on evidence of rehabilitation, the length of time since the crime was committed, and the nature of offense.
- The Portland, Oregon PHA uses a criminal history guideline matrix to categorize criminal offenses.
- The Equal Employment Opportunity Commission considers similar factors.
- The City of Baltimore has differing restrictions based on whether convictions are misdemeanor or felony.
- The homeless are more likely to have disabling conditions, histories of drug abuse, and other special challenges and therefore should have barriers to access housing minimized.

The first five concerns have been addressed earlier. The Housing Authority believes it has the authority to increase the periods of prohibition and that the benefits outweigh the liabilities. The Housing Authority provides reasonable accommodation to all families in accordance with the provisions of its Administrative Plan and Manual of Policy and Procedure as has been stated earlier.

LAHSA submits Portland's four levels of standards and suggests the Housing Authority take into consideration the length of time since the commission of an offense and the nature of the offense. We feel that the levels of offenses are already clearly defined in the Administrative Plan as well as the periods of proscription. With regard to Portland's criteria, the Housing Authority would not even consider banning an applicant for ANY of the grounds mentioned in Portland's categories 1, 2 and 3. In fact, none of the offenses listed in those categories are barriers to admission to HACLA's programs except for alcohol abuse.

Congress and HUD require each PHA to set admission standards for alcohol abuse, and the Housing Authority believes its standards are reasonable. The Housing Authority likewise believes that its Administrative Plan follows the general guidelines of the Equal Employment Opportunity Commission.

The HACLA anticipates 150,000 to 300,000 applications for assisted housing when it opens its Section 8 waiting list. All housing assistance makes use of taxpayer funds. Due to an increase in demand and need and the limited funding s provided by the Federal government, HACLA must exercise care in providing housing assistance. We have attempted to balance the needs of the community and our participant owners against the needs of an underserved low-income population and a low level of funding to the best of our ability.

The Housing Authority believes that it has one of the best and most extensive networks of homeless service providers in the United States. These providers and advocates work with us to provide both permanent assisted housing and temporary housing for the homeless. The homeless are a difficult population to serve. In many cases it may be necessary for homeless service providers to assist families by providing temporary housing and self-sufficiency, rehabilitation and other case management activities to prepare the homeless family for a transition to permanent assisted housing. Since the homeless providers can offer individualized case management, we hope that they will continue to assist homeless families in their efforts to become and remain drug and alcohol and crime-free citizens before they refer the families to the Housing Authority's various assisted housing programs for permanent housing. We hope that they will continue to provide case management and rehabilitative services once the family transitions to permanent assisted housing.

## **Protection & Advocacy Inc.**

Michelle Uzeta, Associate Managing Attorney

- Opposes the requirement to have the live-in aide appear at every annual re-examination.
- Without the additional bedroom offer up front, it may be difficult for a family to secure a live-in aide.
- If an individual completes a drug treatment program, admission or reinstatement must be available for that individual.
- Opposes the three-year limit for reasonable accommodations for reinstatements to the waiting list.

The live-in aide requirements are primarily the result of PIH Notice 2008-20 with which the Housing Authority must comply. The Office of Inspector General has required HUD to insure that the additional subsidy provided for a live-in aide is, in fact, warranted, and that tax-payer dollars are not spent without verification. The Housing Authority has frequently discovered prior to Notice 2008-20 that families abuse the live-in aide authorization. Some families accept the subsidy for a larger bedroom size, rent a unit with an additional bedroom that was intended for the live-in aide but then never obtain an aide and use the added bedroom instead for furnishings or to house unauthorized relatives. We will comply wholeheartedly with the OIG's efforts to end abuse of this subsidy.

The Housing Authority's drug policy requires completion of a drug rehabilitation program ONLY in cases in which a family member was evicted from assisted housing. The current three year ban is a statutory requirement. The Housing Authority is extending that ban to five years. In cases of illegal personal use of a drug or possession for personal use or for abuse of alcohol, the Housing Authority requires only that the family be a current participant in a rehabilitation program to avoid its one-year ban.

The City Attorney has reviewed the Housing Authority's proposed changes to its drug policy and its reinstatement policy and has found no violation of law. The Housing Authority is required by statute and by regulation to set standards with regard to denial of admission due to drug abuse and alcohol abuse and our standards will remain firm but flexible.

## **Peace Over Violence**

Denice Labertew, Meliah Schultzman

- The Housing Authority does not list services for victims of domestic violence, dating violence, or stalking.

- Requests special procedures such as emergency transfers for victims of domestic violence
- Encourages the Housing Authority to develop a domestic violence provider list
- Encourages the Housing Authority to add domestic violence, sexual assault, and stalking to the list for reasons why a supervisor may approve an extended absence from the unit.
- In cases when the perpetrator does not leave the house, the Housing Authority should still award the family vouchers. It is not always feasible to get the perpetrator to leave.
- Concerned about the language of self-certification.
- The Violence Against Women Act (VAWA) prohibits the Housing Authority from entering domestic violence notes if the business system is a shared database.
- Requests that the definition of domestic violence, etc., be included in the Administrative Plan.

The Section 8 Department provides all employees with a list of agencies that serve victims of domestic violence as well as the LAPD and County domestic violence websites. We provide appropriate staff training on a regular basis.

Based on the recommendation of Peace Over Violence, we have added domestic violence, sexual assault and stalking to the list of reasons for which an extended absence may be approved (Section 6.17.2).

Nowhere in the Section 8 Administrative Plan is a victim of domestic violence required to move from a unit. The writer misinterprets Section 6.18.4 which deals only with situations in which the victim has been forced out of the unit due to violence. Nothing in the Plan prohibits the victim of violence from remaining in the assisted unit.

The Housing Authority will not, however, provide continuing assistance for any perpetrator of domestic violence. Domestic violence is violent criminal behavior and will be treated as such. The perpetrator will be banned for five years. The Housing Authority will assist the victim of domestic violence by referrals to law enforcement agencies and domestic violence service providers at the victim's request.

The language of certification of domestic violence is HUD's and the method of certification is quite clearly stated at Section 6.18.5 and has been reviewed by two sets of attorneys as legally sufficient.

The Housing Authority is aware of the requirements of the VAWA act relating to shared databases. Our language will not be changed as we do not share our database.

We reject the suggestion regarding adding definitions contained in VAWA to the Administrative Plan, neither the law nor HUD requires such action. HUD provided contract and tenancy addenda language that does not incorporate the lengthy definitions proposed. The definitions are a matter of law and speak for themselves.

### **Housing Rights Center**

Frances Espinoza, Executive Director

- Opposes the additional requirements for the live-in aide to appear in person during annual reexaminations and to sign a separate Family Obligations Agreement.
- Urges the Housing Authority to train staff on what constitutes a disability in order to properly process a reasonable accommodations request.
- Section 13.7.6 regarding violent and abusive behavior against HACLA staff should allow for reasonable accommodations and address issues of evictions.
- Further extensions of postponements of hearings should be allowed for disabled families.

The requirements of PIH Notice 2008-20 with regard to live-in aides have been addressed earlier. We do not feel the requirements are "overly burdensome." We feel that they will protect taxpayer dollars and prevent fraud, which is the intent of the Notice and the focus of the Inspector General's concerns.

The Housing Authority provides annual training to all employees on reasonable accommodations and disabilities including sensitivity training. Please refer to the sections in Chapter 2 of the Administrative Plan that address reasonable accommodations and providing accessibility to persons with disabilities and the 54 page Appendix III which deals extensively with reasonable accommodations for the answers to your concerns.

The Housing Authority employs outside vendors to conduct annual staff training on disabilities and reasonable accommodations. The Section 8 Department does not evict families. In the Housing Choice Voucher Program, the individual participating owner performs evictions. HCVP families must rely on the courts for legal protection. Section 8 staff can only refer families to Legal Aid or to Fair Housing and cannot itself provide legal advice.

With regard to violent and abusive behavior towards staff, the Housing Authority will ban the perpetrator for ten years rather than for life. Reasonable accommodations may always be requested in accordance with the provisions of Appendix III of the Administrative Plan.

The Housing Authority considers its parameters for hearing compliance to be reasonable. Reasonable accommodations may always be sought and determinations will be made on a case by case basis in accordance with 24 CFR Part 8 and Appendix III of the Administrative Plan.

### **Hiv And Aids Legal Services**

Thomas DeBoe, Housing Attorney

Peggy Roman-Jacobson, Legal Director

- Opposes ban from 3 to 5 years for drug related and violent criminal activity and prior drug related evictions and increases in bans for fraud, terminations for cause from Section and evictions from public housing. The Housing Authority should increase access.
- States there is disparate treatment for low-income households particularly for those in the Section 8 program.
- HALSA's clients have continuous issues in exercising their right to an informal review and informal hearing and recommends that HACLA improve this legal right for prospective and current participants.

The Housing Authority has participated in the Housing Opportunities for Persons with Aids (HOPWA) program of assisted housing since its inception, and has provided permanent tenant-based vouchers as a permanent continuation of the Federal one-year or two-year HOPWA grants for thousands of HIV positive individuals.

The Housing Authority will be opening its waiting list shortly and, based on past experience, expects to take between 150,000 and 300,000 applications from low income families for assisted housing over a two or three-week initial period.

The Housing Authority has provisions for persons with disabilities that have been discussed at length above and that are also covered at considerable length in the Administrative Plan and the Housing Authority Manual of Policy and Procedure Part I, chapter 125:1.

The Housing Authority does not bar any person on the basis of an arrest record, only for a conviction. HALSA should refer its concerns about law enforcement's "disproportionate rates of arrests," to the proper authorities who have jurisdiction over the matter. For the Housing Authority, an arrest record does not rise to the level of preponderance of evidence. It is a record of an arrest, not of a crime actually committed.

The Housing Authority is not aware of any "barriers to the procedural rights" for families seeking either an informal review or an informal hearing.

**Corporation for Supportive Housing (e-mail)**

Neil McGuffin, Senior Program Manager

- The Housing Authority has higher standards than HUD requires.
- States that the preponderance of evidence standards are "unclear" and that this, not a conviction, appears to be sufficient to ban an individual for drug related and violent criminal activity.
- Believes that increasing the ban for drug-related criminal activity and violent crime from 3 to 5 years would be burdensome for the chronically homeless.
- Why would the HUD Inspector General require the Housing Authority to conform to other PHA plans and standards?
- The extended bans will "work at odds with" the HUD VASH program.
- Homeless applicants should be given the reasonable accommodation of a formal hearing rather than just an informal review.

Congress and HUD require PHAs to "set standards" in various areas in accordance with 24 CFR 982.552 and 982.553. They allow PHAs to take into consideration community standards. The mere fact that a PHA establishes standards cannot be said to "exceed" HUD standards. HUD, in fact, mandates PHAs to set their own standards.

Congress and HUD have established mandatory denials in several areas – sex offender status, methamphetamine production and prior evictions from assisted

housing for drug-related criminal activity. PHAs are required to set their own standards in other areas. We feel that these revised standards are appropriate.

The preponderance of evidence concept is clearly stated in the introductory comments to Chapter 13. It is the standard used by HUD at 24 CFR 982.553 and 982.554 as well as the standard for all civil court cases. Our Department of Internal Control, at the urging of the HUD Office of Inspector General, requested that this language be added last year. So far there have been no cases in which a preponderance of evidence led to a denial of admission. It would be exceedingly rare for the Housing Authority to acquire any evidence about an applicant that did not come from a search of criminal records. All our denials have been based on convictions.

The writer confuses and conflates two separate concerns. First, the HUD OIG has frequently complained that the Housing Authority has set its standards too low. Second, neighboring PHAs have said that the Housing Authority's standards are too low. The HUD OIG has never advised the Housing Authority to match any specific standards.

The HUD-VASH program requirements are contained in a new Chapter 21 that details the HUD Secretary's waivers and changes to the normal tenant-based regulations. Whereas Congress gave the HUD Secretary explicit discretion to modify standards for the HUD-VASH program, it left all other standards and requirements for standards in place. The Housing Authority therefore will continue to apply those standards.

A reasonable accommodation is available for persons with disabilities, not specifically for the homeless. The regulations specifically provide for an informal review for applicants and informal hearings for participants (with the exception of denials due to citizenship). The Housing Authority will follow HUD regulations.

### **Mental Health Advocacy**

James Preis, Executive Director

- Opposes the additional barriers to housing for (3-5 year ban increases throughout the plan) for people with developmental and mental disabilities.
- The Mental Health Services Act provides additional resources for the LA County to expand mental health, support, and recovery services, but housing is essential to maximizing the success of such services.

The issue of increasing the bans from 3 to 5 years is discussed in several places above.

The Housing Authority has always provided access to the reasonable accommodation process for persons with disabilities. Cases are resolved on an individual basis.

The Housing Authority partners with many advocates for low income housing, the homeless and the disabled. The Housing Authority allows admission to the program to persons who are currently enrolled in a drug or alcohol program if the basis for denial is for personal use or possession of an illegal drug for personal use or for abuse of alcohol. These provisions have not changed.

The Housing Authority expects its partnering providers and advocates to act responsibly and assist the homeless family transition to permanent housing and stability. That includes providing supportive services such as access to rehabilitation programs internal or external to the agency and responsible case management to insure that the family participates in those programs.

### **Los Angeles Center for Law and Justice**

Autumn Elliot, Staff Attorney

- Objects to ANY increase (i.e. 3 to 5 years) in time for denied access. They reference (13.3.1, 13.3.2, 13.4.2, 13.7.7, 13.7.8, and 13.7.9).
- Opposes any increase in the ban for prior evictions. States there are low-income families unable to defend themselves for in unlawful detainer cases.
- Time frame increases places additional burden for those that need housing the most and punishes and excludes families in need of housing.
- Feels that landlords threaten a family with “losing their Section 8” if they do not comply with the landlords’ request. The penalty increase for evictions gives more power to the landlords.
- Increasing the ban for drug-related criminal and violent activity puts non-culpable family members further at risk of losing stable housing due to a single, family member.

Concerns about the timeframes for denial of access to assisted housing for various offenses have been discussed earlier.

The Housing Authority will open its waiting list shortly and expects to take between 150,000 and 300,000 applications in less than one month. The Federal government provides an extremely limited amount of financial resources for low and very-low income families. Under these difficult circumstances, the Housing Authority feels that it should provide housing to those families who meet program eligibility requirements.

The Housing Authority does not have the resources to determine when and whether a landlord intimidates a family unless the family is willing to come forward. The writer provides no suggestion as to how the Housing Authority could gain this information otherwise.

The Housing Authority has provisions for removing a family member from an assisted household in certain circumstances so that non-culpable family members may receive assistance. But the Housing Authority insists that the offender not be allowed to return to the assisted household.

### **United Job Creation Council**

Jean Franklin, Executive Director

- Requests that the Housing Authority comply with section 3 requirements for all its contracts, which states HUD contracts for housing construction and rehabilitation must attempt to hire 30 percent of all new workers from the local community, and the workers must be "low income." Ten percent of all eligible contracts must go to local, low-income contractors.
- Section 3 job opportunities can be offered to ex-offenders.

The Section 8 Department is aware of section 3 requirements and has provided for them in its Section 8 Administrative Plan at Section 2.7, Objective VII: Training, Employment, and Contracting Opportunities For Businesses (MBE/WBE Requirements and Section 3 Requirements for section 3 Covered Projects and Programs)

The Housing Authority insures compliance of all its contractors and subcontractors with Section 3 requirements of the Housing and Urban Development Act of 1968.

### **Lamp Community**

Shannon Murphy, Deputy Director

- Claims homeless are being charged with possession to sell rather than simple possession.
- States there is discrimination against people with addiction issues who are protected under the American Disabilities Act.
- Unjust evictions are far too common among low income people.

*These concerns have been addresses above.*

## Legal Aid Foundation of Los Angeles

Louis A. Rafti, Attorney at Law

The Housing Authority received an extensive document from Legal Aid and due to the contents of the document has forwarded it to the City Attorney's Office for a complete review and response.

### GENERAL SECTION 8 QUESTIONS

#### Section 8 Eligibility

Eligibility depends on the total annual income of your household. HUD sets up income limits annually. These are sliding scales of income based on the number of persons in the household. For the tenant-based voucher program, virtually all families must be very low-income families. In addition, seventy-five percent of all families admitted to the Section 8 program must be extremely low-income families.

A very few categories of families are eligible at the low income level, for instance, families converting from our Housing Opportunities for Persons with AIDs (HOPWA) program, certain HUD Housing Department Conversions, and certain families being displaced from their housing by the Los Angeles Unified School District because of school construction. See the table below.

#### Los Angeles FY 2008 Public Housing & Section 8 Income Limits

(Effective 2/13/2008)

Number of Persons	Extremely Low Income 30% of Median	Very Low Income 50% of Median	Low Income 80% of Median
1	15,950	26,550	42,450
2	18,200	30,300	48,500
3	20,500	34,100	54,600
4	22,750	37,900	60,650
5	24,550	40,950	65,500
6	26,400	43,950	70,350
7	28,200	47,000	75,200
8	30,050	50,050	80,050

## **MINIMUM RENT**

- ❖ Why does the Authority have a minimum rent?

Unfortunately, HUD required the Housing Authority to impose a minimum rent of \$50.00 per month on Section 8 participants due to financial concerns in 2004. We currently have no discretion in this area. We hope that in the future we can have this requirement lifted. The Housing Authority's minimum rent policy has several provisions for persons with hardships in accordance with HUD requirements. These provisions are spelled out in the Section 8 Administrative Plan section 10.1, Minimum Tenant Rent, and its subsections.

## **REPORTING INCOME**

- ❖ How soon after I get a job should I report my employment?

*You are required to report new employment or the addition of any new source of income immediately after it occurs. If you report your new employment late, you can be changed rent retroactive to the time you should have reported it. Your employment income will not normally be counted as annual income for rent purposes until your next annual reexamination.*

*However, if you have received an interim decrease in your rent (between annual reexaminations) because of a loss of income to your family, then your rent will increase on the first of the second month after the new earnings started. If you fail to properly report your family's income, you can lose all Section 8 benefits.*

## **CREDIT REPORT REQUIREMENTS**

- ❖ Why do you have to ask for a credit check?

We do this to make sure that families are correctly reporting their income. In the near future we will use HUD's Enterprise Income Verification system which will give us information on all income received from wages, Social Security, and unemployment benefits that is stored in Federal electronic databases. This might reduce the need for credit checks.

- ❖ Can they change my eligibility based on a credit report?

If your credit report indicates that you have not reported all of your income properly, we will begin an investigation that could lead to termination from the Section 8 program. If the credit report indicates you owe money to another housing authority that could also cause problems.

## **RENT INCREASES**

### ❖ Why did my rent go up?

For a specific response, you would have to ask your Section 8 Advisor. If your family income increases or the amount of your deductions decreases, your rent could go up. If you are renting near or above the payment standard, an increase in the rent to the landlord could raise your rent. If a family member left your household, your voucher size might decrease and this could increase your rent. If you were assisted under a high payment standard and the Housing Authority lowered the payment standard, your rent could increase on the second annual reexamination following the decrease in payment standards.

### ❖ When do they take effect

The effective date of your rent increase depends on the timing and circumstances of your return to work. Normally we determine your annual income - the basis on which your rent is calculated - once a year at your annual reexamination. But if you reported a decrease in income between annual reexaminations and we lowered your rent, your return to work would require an interim reexamination in order to re-adjust and raise your rent. Many housing authorities increase rents after every increase in income, but we prefer to increase rents only one time a year unless the family has received a decrease in rent.

### ❖ How long before I get notice of my change in rent after my annual reexamination?

You will get a notice at least 30 days before your portion of the rent changes. Your annual reexamination process usually begins 90 days earlier.

## **INSPECTIONS**

### ❖ Why do you have to inspect my unit?

HUD requires that we perform an inspection each year. In addition, either the landlord or a family can request a special inspection to determine whether the unit meets Housing Quality Standards. HUD also requires quality control inspections so the Housing Authority performs quality control inspections about 5 percent of all its inspections.

### ❖ Why are people only getting four days notice for inspection?

Normally this might occur for a quality control inspection because we want our supervisor to be able to see the unit in the same timeframe as the original inspector to make certain that all deficiencies were recorded properly. Otherwise, unless the landlord has asked for a special inspection, families should normally get three to four weeks advance notice of an inspection.

## **MOVES**

- ❖ If your owner has a 3-bedroom and you are in a 2-bedroom, how can you move?

You have the same right to move as any other assisted family. You should discuss your situation with your Section 8 Advisor. The subsidy standard tells us how much rental assistance (subsidy) we can pay on your behalf. It does this by telling us the number of bedrooms we can subsidize based on the number of persons in your family. This is the number of bedrooms or the family unit size listed on your voucher. If you want to move to the three bedroom unit, your payment standard will be the lower of the family unit size on your voucher or the actual bedroom size of the unit. If the rent for the larger unit is higher than the payment standard for which you qualify, you might have to pay the difference out of your own pocket. If the amount you would have to pay for rent and utilities is more than 40 percent of your monthly adjusted income, HUD would not allow the move.

## **PORTABILITY**

- ❖ Does the Housing Authority allow us to port?

Yes. Unfortunately, under some circumstances a receiving housing authority might not accept a family trying to exercise portability if the authority is having financial problems. A housing authority may also deny portability during the first 12 months of assistance in accordance with its Administrative Plan. We will also deny the use of portability if you owe the Housing Authority money.

## **EVICCTIONS**

- ❖ Can an owner evict you?

Yes. The owner has the same right to evict you as he does for any other tenant.

- ❖ Can we get relocation benefits?

Relocation payments are sometimes required by the Rent Stabilization (Rent Control) Ordinance of the City of Los Angeles but only in certain very specific

instances. They are required: 1) if the owner seeks to move a resident manager into your unit where the building does not currently have a resident manager, or if the owner wants to rent the unit to a family member; 2) if the owner wants to demolish the unit; 3) if the owner wants to remove the unit permanently from use as a rental unit; 4) if the owner is required to make the unit vacant due to a government or other order that requires the unit to be vacant; 5) if HUD requires the unit to be vacant. Relocation payments can also be provided through Tenant Habitability Plans approved by the Los Angeles Housing Department filed in connection with Primary Renovation Work to be performed on the unit. (RSO Article 1 Sec. 151.09). For information on relocation benefits and other rent control questions, you should call the Rent Stabilization Hotline at (213) 808-8888 or outside the 213 area (866) 557-7368. For the hearing impaired, the TTY number is (213) 978-3231.

## **SECTION 8 TERMINATION OF ASSISTANCE**

- ❖ When a Section 8 owner wants to terminate assistance in the Section 8 Program, what should a Section 8 participant do?

You should notify your Advisor immediately and provide him or her with any notice the owner has given you. If you want to move, you will receive a voucher to look for new housing. If you do not think the owner has a right to terminate the Section 8 Contract or end your lease, you should contact the Legal Aid Foundation of Los Angeles (LAFLA) at (800) 399-4529.

- ❖ Shouldn't the owner have to pay relocation fees if he/she gives a Section 8 tenant a 90 day notice to move?

Unfortunately, there is no requirement to pay a relocation fee for that reason at the present time. Assisted families are treated as any other family who is asked to move except that State law requires a 90-day notice for Section 8 participants rather than a 30-day notice. You may want to contact the Legal Aid Foundation of Los Angeles at (800) 399-4529 if you have any question about the owner's right to require you to move.

## **SELF-SUFFICIENCY PROGRAM**

- ❖ Where can I get information on the self-sufficiency program?

You can ask any Section 8 Advisor about it. If you want to enroll in our Family Self Sufficiency program, call 213-252-2613 or 252-1085.

## HOMEOWNERSHIP PROGRAM

The Housing Authority still administers the Section 8 Homeownership Program. Unfortunately, because the cost of housing is so high, it prevents most of our low-income families from being able to afford the purchase of a home. We are currently looking into partnering with agencies that may be able to provide soft or silent second loans to increase affordability. You should inquire about homeownership possibilities through our Family Self Sufficiency program at 213-252-2613 or 252-1085.

### ❖ How does the program work?

The Housing Authority pays a mortgage subsidy to the bank rather than making a rent payment to the property owner. As in the regular Section 8 program, the amount paid depends on the amount the family earns. Families must meet the requirements of the program as established in the Administrative Plan. In general, you must either be a participant in our Family Self Sufficiency Program or qualify as a senior or disabled family and have enough income to meet program requirements. Currently you must have income equal to working full time at the California State Minimum wage.

The Section 8 Homeownership program is a HUD program. HUD has additional information on the HUD Website (<http://www.hud.gov/offices/pih/programs/hcv/homeownership>) regarding Homeownership in the Housing Choice Voucher Program. Housing authorities are not required to participate in this program and many do not. A list of participating housing authorities can be found on the website.

### ❖ For how many years can you participate in the program?

The family can receive Section 8 assistance for as long as the family continues to be eligible for the Section 8 Program or for 15 years, whichever comes first. For a disabled family, however, the assistance could continue for as long as the term of the loan.

### ❖ If a person defaults on the loan, will it affect their Section 8 assistance?

Yes. The Family Obligations under the program provide that the family must comply with the terms of any mortgage security debt incurred to purchase the home. In certain circumstances the family can lose all assistance under Section 8 due to a foreclosure on the property.

### ❖ Does Section 8 assistance help you to qualify for loans?

If the Section 8 family has good credit, attends pre-purchase training and counseling, and can show proof of adequate income, Section 8 assistance can be counted as additional income that can increase eligibility for a higher loan through the Section 8 Homeownership program.

❖ Do you have to go through the program or can you get a list of lenders?

You have to go through the Section 8 Homeownership program. Certain lenders have tailored a unique system that allows for layered payments for the Section 8 Homeownership program. Non-participating lenders do not provide this benefit.

❖ Is the Homeownership program available for portability?

Housing authorities are not required to participate in this program and many do not. The receiving housing authority where the home is located must have a Homeownership Program and be willing to accept the family into their Homeownership Program. A list of participating housing authorities can be found on the HUD Homeownership website:

(<http://www.hud.gov/offices/pih/programs/cv/homeownership>). The applicant's original housing authority can deny portability to a family for the first year of Section 8 assistance if the new Section 8 family did not have a legal residence in the housing authority's jurisdiction when the family first submitted its application for assistance. Currently the Housing Authority allows such families to exercise portability in accordance with our Administrative Plan.

You may also consider attending homeownership-training classes provided by one of the following:

### **FIRST-TIME HOME BUYER COUNSELING AGENCIES**

Some Agencies may charge a fee.

These are 8-hour courses unless otherwise indicated.

LA Partners  
Patriotic Hall Seminars  
1816 South Figueroa Street  
Los Angeles, CA 90012  
General: (323) 890-7190

LA Neighborhood Housing Service (LANHS)  
Provides a twelve (12) hour Homebuyer Education Seminar  
3926 Wilshire Blvd., Suite 200  
Los Angeles, CA 90010  
Seminar Registration: (888) 895-2647  
General: (213) 381-2862

Inglewood Neighborhood Housing Service (INHS)  
335 East Manchester Boulevard  
Inglewood, CA 90301  
(310) 674-3756

West Angeles Community Development Corporation (WACDC)  
Provides a twelve (12) hour Homebuyer Education Seminar  
3741 Stocker Street, Suite 106  
Los Angeles, CA 90008  
(323) 751-3440 ext 11

By Design Financial Solutions  
(Formerly) Consumer Credit Counseling Service LA  
5628 E. Slauson Avenue  
Commerce, CA 90040  
(323) 869-5157  
[www.cccsla.org](http://www.cccsla.org) for seminar schedule information

Mothers of East Los Angeles (MELA)  
3354 Olympic Boulevard  
Los Angeles, CA 90023  
(323) 266-8832

Community Financial Resource Center  
4060 S. Figueroa Street  
Los Angeles CA 90037  
(323) 233-1900

New Economics for Women (NEW)  
501 S. Bixel Street  
Los Angeles, CA 90017  
(213) 482-1559

Countrywide House America  
(800) 577-3732 English  
(800) 293-6316 Spanish

East L.A. Community Corporation (ELACC)  
530 S. Boyle Avenue  
Los Angeles, CA 90023  
(323) 269-4214 ext. 28

HomeOwnership Made Easy (HOME)  
5901 Green Valley Circle, Suite 170

Culver City, CA 90230  
(310) 258-4131

Multicultural Real Estate Alliance  
4437 West Slauson Avenue  
Los Angeles CA 90043  
(323) 253-3376

Dunbar EDC  
4225 S. Central Avenue  
Los Angeles, CA 90011  
(323) 235-6759

ACORN  
3655 S. Grand Ave. Ste 250  
Los Angeles CA 90007  
(213) 748-1345  
Palms Rancho

## **NATURAL DISASTERS**

- ❖ In a natural disaster, what would Section 8 do?

We have experience in dealing with disasters such as the Northridge earthquake in 1994. One of the first things we do is inspect properties to insure that they are safe. If they are not, we issue vouchers so that families can locate safe housing. It is up to the president, Congress and HUD to decide whether the Federal government will provide additional assistance in the form of additional housing vouchers to families who are not assisted at the time of the disaster. Congress and HUD did so in 1994, but they did not provide additional voucher assistance after the Katrina hurricane.

## **PUBLIC HEARING & OTHER MEETING COMMENTS**

As part of the outreach efforts by the Authority, 43 letters were mailed out to community advocates with copies of the Agency Plan Draft and inviting them to a August 5, 2008 meeting to discuss proposed changes for the upcoming year. The following comments regarding the Agency Plan and Section 8 were received from the public, various community advocates and representatives. Some of the comments were expressed both in written form as well as in person comments made during the public hearing of August 28, 2008. Any comments made at the public hearing that were not captured in the previous text are addressed below. We thank the public and community advocates for all of their comments and playing an important role in this process.