Housing Authority of the City Of Los Angeles
Year 2018 Agency Plan

FINAL VERSION

- Annual Plan for Fiscal Year 2018
- 5 Year Plan for Fiscal Years 2015 - 2019

September 28, 2017
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Housing Authority of the City of Los Angeles (HACLA)
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Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

The Housing Authority of the City of Los Angeles (HACLA) has prepared the following Agency Plan in compliance with Section 511 of the Quality Housing and Work Responsibility Act of 1998 and the ensuing HUD requirements. This Agency Plan contains an update to the Annual Agency Plan. Listed below are some of the primary goals that the Housing Authority currently plans to pursue based on our 5-Year Plan:

- Maintain Effective Housing Authority Housing Programs in Conformance with HUD and Industry Standards;
- Finance the Redevelopment and Rehabilitation of the Public Housing Assets and Apply Asset Management Techniques to Preserve the Public Investment;
- Improve the Public Housing Community Environment through a Public Safety Approach that Focuses on Analysis and Prevention;
- Maintain Comprehensive Economic Development and Self-Sufficiency Opportunities for Extremely-Low, Very-Low and Low Income Residents and Program Participants;

The Housing Authority’s Annual Plan is based on the premise that accomplishing the above 5-year goals and objectives will move the Housing Authority in a direction consistent with its mission. The ability of HACLA to accomplish the above goals will be dependent on appropriate funding from the U.S. Congress and HUD that is commensurate with regulations that the Housing Authority must meet. The plans, statements, budget summary, policies, etc. set forth in this Annual Plan all lead towards the accomplishment of the Housing Authority’s goals and objectives. Taken as a whole, they outline a comprehensive approach towards the Housing Authority’s goals and objectives and are consistent with the City of Los Angeles Consolidated Plan. Below are a few highlights from the Housing Authority’s Annual Plan:

- Update of the Housing Authority’s Section 8 Administrative Plan and Public Housing Admission and Occupancy Policy (ACOP);
- Emphasis on Public Housing Revitalization and Redevelopment;
- Certification of Consistency with the City of Los Angeles Consolidated Plan; and
- Profile of Current Housing Authority Resources.
Annual Plan Table of Contents [24 CFR Part 903.12(b)]

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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low-income, very low-income, and extremely low-income families.

Applicability. Form HUD-50075-HP is to be completed annually by High Performing PHAs. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

Definitions.

1. High- Performer PHA - A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.

2. Small PHA - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.

3. Housing Choice Voucher (HCV) Only PHA - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.

4. Standard PHA - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.

5. Troubled PHA - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.

6. Qualified PHA - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.
A. PHA Information

A.1 General Information

PHA Name: Housing Authority of the City of Los Angeles
PHA Code: CA004
PHA Type: ☑ High Performer
PHA Plan for Fiscal Year Beginning: January 2018
PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)
Number of Public Housing (PH) Units: 6,941
Number of Housing Choice Vouchers (HCVs): 49,655
Other S8 Housing Assistance Programs: 7,987
Total Combined: 64,583
PHA Plan Submission Type: ☑ Annual Submission  ☐ Revised Annual Submission

Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

☑ PHA Consortia: N/A

<table>
<thead>
<tr>
<th>Participating PHAs</th>
<th>PHA Code</th>
<th>Program(s) in the Consortia</th>
<th>Program(s) not in the Consortia</th>
<th>No. of Units in Each Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead PHA:</td>
<td></td>
<td></td>
<td></td>
<td>PH</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
i. **PHA Plan Elements & Agency Plan Availability:**

Copies of the 2018 Draft Agency Plan are made available for review at:

- Public Housing Development Management Offices
- Asset Management Department Offices
- RAC Offices
- Section 8 Offices
  - South
  - Valley
- HACLA's central office located on the first floor lobby at 2600 Wilshire Blvd., Los Angeles, CA 90057

Current and past Agency Plans are available on the internet at [http://www.hacla.org](http://www.hacla.org) (under the Public Documents section)

Eligibility, Selection and Admissions Policies including Deconcentration and Waitlist Procedures are included for the Section 8 program in the Section 8 Administrative Plan and for the Public Housing program in the ACOP. All of the HACLA’s policies and procedures adhere to the Code of Federal Regulations and all state and local applicable laws. These documents include policies and procedures governing resident or tenant eligibility, selection and admission including applicable preferences for both programs. Additionally, the ACOP describes unit assignment policies for public housing.

Both the Section 8 Administrative Plan & the ACOP include the procedures for maintaining waitlists for admission.
## ii. PHA Inventory

### HUD Programs Under PHA Management

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Units or Families Served at Year Beginning 2017</th>
<th>Expected Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Housing</td>
<td>6,971</td>
<td>286</td>
</tr>
<tr>
<td>S8 Vouchers &amp; Portability</td>
<td>32,336</td>
<td>1,617</td>
</tr>
<tr>
<td>HUD-VASH&lt;sup&gt;1&lt;/sup&gt;</td>
<td>2,485</td>
<td>124</td>
</tr>
<tr>
<td>Non-Elderly Disabled</td>
<td>249</td>
<td>12</td>
</tr>
<tr>
<td>Family Unification Program</td>
<td>159</td>
<td>8</td>
</tr>
<tr>
<td>Tenant Protection</td>
<td>1,240</td>
<td>62</td>
</tr>
<tr>
<td>Mainstream Year 5</td>
<td>70</td>
<td>4</td>
</tr>
<tr>
<td>Welfare to Work</td>
<td>257</td>
<td>13</td>
</tr>
<tr>
<td>Project-Based Voucher</td>
<td>3,448</td>
<td>172</td>
</tr>
<tr>
<td>WL Limited Preference Homeless</td>
<td>3,903</td>
<td>195</td>
</tr>
<tr>
<td>WL Limited Preference TBSH&lt;sup&gt;2&lt;/sup&gt;</td>
<td>735</td>
<td>37</td>
</tr>
<tr>
<td>WL Limited Preference HVI&lt;sup&gt;3&lt;/sup&gt;</td>
<td>205</td>
<td>10</td>
</tr>
<tr>
<td>S8 Homeownership</td>
<td>33</td>
<td>2</td>
</tr>
<tr>
<td>Public Housing Drug Elimination Program (PHDEP)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>HOPE VI (242 Units included in Public Housing Numbers Above)</td>
<td>77</td>
<td>4</td>
</tr>
<tr>
<td>Shelter Plus Care – Continuum of Care</td>
<td>2,682</td>
<td>134</td>
</tr>
<tr>
<td>New Construction</td>
<td>1,689</td>
<td>84</td>
</tr>
<tr>
<td>Section 8 Moderate Rehabilitation</td>
<td>1,276</td>
<td>64</td>
</tr>
<tr>
<td>HOPWA&lt;sup&gt;4&lt;/sup&gt;</td>
<td>164</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total Expected Turnover</strong></td>
<td></td>
<td><strong>2,836</strong></td>
</tr>
<tr>
<td><strong>Grand Total Section 8 Programs</strong></td>
<td>51,008</td>
<td><strong>2,546</strong></td>
</tr>
</tbody>
</table>

<sup>1</sup> VASH – Veterans Affairs Supportive Housing Program  
<sup>2</sup> TBSH - Tenant Based Supportive Housing Program  
<sup>3</sup> HVI – Homeless Veterans Initiative  
<sup>4</sup> HOPWA - Housing Opportunities for Persons With AIDS Program
B. **Annual Plan Elements.**

B.1 Revision of PHA Plan Elements.

(a) Have the following PHA Plan elements been revised by the PHA since its last Annual PHA Plan submission?

Y ☒ N ☐

☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
☑ ☐ Financial Resources.
☒ ☒ Rent Determination.
☐ ☒ Homeownership Programs.
☐ ☒ Safety and Crime Prevention.
☐ ☒ Pet Policy.
☐ ☒ Substantial Deviation.
☐ ☒ Significant Amendment/Modification

(b) The PHA must submit its Deconcentration Policy for Field Office Review.

(c) If the PHA answered yes for any element, describe the revisions for each element below:

i. **Statement of Housing Needs**

The HACLA contributes to the development of the Housing Element which is produced by the Los Angeles Department of City Planning. The Housing Element of the City of Los Angeles addresses the housing needs of the City's residents based on a comprehensive overview of the City's population, household types, housing stock characteristics, and special needs. Among other findings, the analysis indicates that the City's residents experience high rates of housing cost burdens, low home ownership rates, and loss of existing low-rent housing. These issues inform the policies and programs of the City in coordination with HACLA and other agencies to relieve these housing pressures for the City's residents. Chapter 1 Housing Needs Assessment, of the Housing Element provides a thorough assessment of the housing needs in Los Angeles. You may access this document on the internet by going to:

[http://cityplanning.lacity.org/HousingInitiatives/HousingElement/TOCHousingElement.htm](http://cityplanning.lacity.org/HousingInitiatives/HousingElement/TOCHousingElement.htm)
ii. Deconcentration and other Policies Governing Eligibility, Selection and Admissions.

Section 8 - Rental Rate Data

Data indicates that a key element in providing expanded housing opportunities and efforts at deconcentration is the affordable rental rate. High rental rates impede mobility out of areas of poverty and minority concentration. The Fair Market Rents, established at the 40th percentile rent (the dollar amount below which 40% of standard quality units are rented), further impede mobility. To encourage the participation of owners of units located outside areas of poverty and minority concentration in the tenant-based program, the voucher payment standard must be set at a level which will allow tenant-based families to rent in these areas and allow a fair market return to participating owners. This key factor drives the HACLA's actions for expanding housing opportunities and deconcentration.

Public Housing - Admission & Deconcentration Policy

1. Annually, the Housing Authority analyzes the incomes of families residing in each of the developments, the income levels of the census tracts in which the developments are located, and the income levels of families on the waiting list.

2. Based on this analysis, the Housing Authority will determine the level of marketing strategies and which deconcentration incentives to implement.

3. The Housing Authority will affirmatively market its housing to all eligible income groups. Applicants will not be steered to a particular site based solely on the family's income.

4. The deconcentration policy, and any incentives adopted in the future, will be applied in a consistent and non-discriminatory manner.

5. The Housing Authority shall provide in its Annual Plan an analysis of Deconcentration and Income Mixing for each fiscal year. The analysis will identify those sites whose average incomes are below 85% and above 115% the Authority's average income for covered properties. Incomes that are above 115% of the Authority's average but still below 30% of the area median income shall not be considered “higher income.” The analysis shall provide explanations as to why sites are outside of the 85% - 115% range and strategies the Authority will implement to address if needed.
In accordance QHWRA, 40% of all new admissions to the public housing program are at or below 30% of the AMI. Additionally, 40% of new admissions are at or below 50% AMI, and the remaining 20% cannot exceed 80% AMI per federal regulations. Given these restrictions, the term “higher-income” within public housing is a slight misnomer.

The HACLA operates a community-wide wait list and applicants are offered up to three locations once they are certified for eligibility to the program. Units offered are based on the available vacancies on the day of offer. All offers made are “blind” offers – there is no consideration or factoring of the applicants race, ethnicity, or any other protected classification (outside of basic eligibility criteria).

Based on the analysis of December 2016 income levels at the 14 family developments subject to this, most are “income neutral” falling between 85% of the HACLA average and 30% of the AMI. Only two sites are “low” income and two sites are higher income with incomes exceeding 115% of the HACLA average.

HACLA encourages families to move towards and achieve self-sufficiency through a collection of efforts. In addition, the Housing Authority has adopted a robust Section 3 Guide and Compliance plan to ensure that contractors undertaking HACLA projects commit to and provide jobs, trainings and other economic opportunities to the residents. A dedicated Section 3 Compliance Administrator monitors contractors for compliance to ensure that commitments are fulfilled and that residents are provided with jobs and resources to achieve their career and educational goals. HACLA operates Work Source Centers, Computer Learning Centers, and a policy of no interim increases between reviews (unless there was an interim for a decrease). Many HACLA residents have been successful in achieving self-sufficiency becoming true higher income earners in their communities. The success in encouraging families to move towards higher income and remain in the communities to act as stabilizers and role models may be jeopardized by recent legislative changes (HR 3700- also known as “HOTMA”) that place restrictions on the ability for “over-income” households to remain as residents of public housing. The HACLA will not implement such restrictions until HUD releases formal final regulations to implement the recent congressional changes.
### iii. Financial Resources

<table>
<thead>
<tr>
<th>Financial Resources</th>
<th>Planned Sources and Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sources</strong></td>
<td>Planned $</td>
</tr>
<tr>
<td>1. Federal Grants (FY 2016 grants)</td>
<td></td>
</tr>
<tr>
<td>a) Public Housing Operating Fund</td>
<td>20,039,610</td>
</tr>
<tr>
<td>b) Public Housing Capital Fund</td>
<td>14,303,999</td>
</tr>
<tr>
<td>c) Annual Contributions for Section 8 Tenant-Based Assistance</td>
<td>524,115,217</td>
</tr>
<tr>
<td>2. Other Federal Grants</td>
<td></td>
</tr>
<tr>
<td>a) HOPWA, New Construction, Moderate Rehab, Shelter Plus Care, Continuum of Care, Supportive Housing, Family Self-Sufficiency</td>
<td>81,524,665</td>
</tr>
<tr>
<td>b) Healthy Marriage Promotion and Responsible Fatherhood Grant</td>
<td>50,000</td>
</tr>
<tr>
<td>c) WIA Cluster (Adult, Youth, Dislocated Worker)</td>
<td>2,700,000</td>
</tr>
<tr>
<td>3. Public Housing Dwelling Rental Income</td>
<td>31,930,190</td>
</tr>
<tr>
<td>4. Non-Federal Sources</td>
<td></td>
</tr>
<tr>
<td>a) Payment in Lieu of taxes</td>
<td>2,400,000</td>
</tr>
<tr>
<td>a) AB 1913 Housing Based Day Supervision</td>
<td>589,625</td>
</tr>
<tr>
<td><strong>Total Resources</strong></td>
<td>677,653,306</td>
</tr>
</tbody>
</table>
iv. **Rent Determination.**

**Rent Determination**

All rent determination policies and procedures are found in the Section 8 Administrative Plan & the ACOP for their respective programs. The HACLA has no ceiling rents and there are no plans to adopt any discretionary deductions or exclusions. Both Public Housing and the Section 8 program have a $50 minimum rent that will continue to remain in effect. As required by the regulations financial hardship provisions are made available to residents and participants of both programs who qualify.

In accordance with the 2015 Appropriation Bill and subsequent HUD PIH Notice, the HACLA sets its Flat Rent of the public housing program to the 80th percentile of the Small Area Fair Market Rent (SAFMR).

**Voucher Payment Standards**

At least annually, HACLA assesses its voucher payment standards to ensure they are adequate and reviews current HUD guidance regarding payment standards to determine actions available to establish appropriate payment standards.

Section 8 may request exception payment standards (in excess of the PHA’s allowable “basic range” as defined by HUD) to increase housing opportunities for assisted families by allowing them to move out of more challenged neighborhoods and into neighborhoods that are closer to supportive services, if needed.

**Homeownership Capacity Statement**

In accordance with 24 CFR 982.625, “Homeownership Option: General”, the Housing Authority supports programs and activities that support self-sufficiency for its clients. To meet this objective, the HACLA exercises the option under the Section 8 regulations (24 CFR 982.625 et seq.) to allow the use of Section 8 vouchers for homeownership. Due to the dictates of the Los Angeles real estate market, Section 8 homeownership is primarily feasible in conjunction with first time homebuyer programs. Therefore, the program may initially be limited by the availability of first time homebuyer programs. HACLA may limit homeownership to a maximum number of searching families at any time, reduce the program size, or suspend the program at its discretion. [Section 8 Administrative Plan, Section 20.1, Program Purpose]
v. Safety and Crime Prevention (VAWA)

a) Safety and Crime Prevention:

Public Housing

With the use of American Recovery and Reinvestment Act stimulus dollars, the HACLA accelerated the installment of cameras in public housing developments to increase the safety and to reduce crimes within the developments. HACLA also has been awarded $250,000 from HUD's Capital Fund Safety and Security Grant to improve the camera system at Avalon Gardens. In 2011 HACLA implemented a comprehensive Public Safety/Community Policing Initiative in conjunction with the Los Angeles Police Department (LAPD) called, the Community Safety Partnership (CSP), at four public housing sites (Nickerson Gardens, Jordan Downs, Imperial Courts and Ramona Gardens). This initiative placed 10 officers at each of these sites along with additional resident programs and activities. HACLA continues to work with city officials and the LAPD to allocate additional resources and to increase patrolling of the other developments and explore new ways to increase security and reduce crime in and around our developments. In 2014 this program was expanded to include two additional sites (Avalon Gardens and Gonzaque Village) and also extended to 2019. In July of 2016 Pueblo Del Rio was added as a CSP site to bring the total public housing sites in the CSP program to seven.

b) Violence Against Women Act Implemented Changes

The Housing Authority in response to the Violence Against Women Act (VAWA) has implemented changes to the Section 8 Administrative Plan and the Public Housing ACOP and lease. Such changes include:

- Bifurcation of the Public Housing lease for victims of domestic violence, dating violence, , stalking or sexual assault.

- That an applicant or participant is, or has been, a victim of domestic violence, dating violence, stalking or sexual assault, is not an appropriate basis for denial or termination of program assistance, or for denial of admission to any assisted housing program, if the applicant otherwise qualifies for assistance or admission.

- The HACLA may not terminate assistance to a participant in any assisted housing program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault against that participant.

- Vouchers shall not be cancelled for a member or members of a family who move out in violation of the lease due to a threat or perceived threat of domestic violence dating violence, stalking or sexual assault. Portability benefits remain unaffected.

- Criminal activity directly relating to domestic violence, dating violence, stalking or sexual assault shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity or justify termination of assistance to the victim or threatened victim.
For more detail, language changes please refer to the Public Housing Lease Agreement and Section 8 Administrative Plan Sections:

- 6.19.4 Actual or Threatened Physical Violence
- 6.19.5 Certification of Domestic Violence
- 8.3 Denial of Portable Voucher for Moves in Violation of the Lease
- 12.2.2 Exceptions to Limitations on Moving
- 13.5.1 Domestic Violence, Dating, Stalking and Sexual Assault
- 13.8.1 Serious or Repeated Violation of the Lease
- 13.8.9 Eviction from Assisted Housing
- Public Housing Lease Agreement

The Housing Authority will work with non-profit organizations to apply for grants to provide additional services for victims of domestic violence.

Residents who find themselves in a domestic violence situation are provided the 1-800 Hot Line Numbers (1-800-799-7233) to best access the appropriate local resources for her/him.

Both the Section 8 Administrative Plan and the ACOP are being updated with this Agency Plan to reflect new regulatory requirements due to the VAWA Final Rule released on November 16, 2017.

### vi. Pet Policy

The Housing Authority has not revised its Keeping of Animal Policy since the last Agency Plan, nor does it intend to in the future. Residents are allowed to own common (non-exotic) household birds and/or fish. The ownership of dogs and cats as a “pet” is restricted to seniors per State Law. Residents are able to have an animal for a disability related need if the need is verified. The HACLA pet policy was developed with the input of residents and the Resident Advisory Board.

### vii. Significant Amendment/Substantial Deviation

**Significant Amendment/Substantial Deviation**

As mandated by the U.S. Department of Housing and Urban Development, the Housing Authority must define what is a substantial change to the Agency Plan. For the purpose of this definition, “substantial” shall mean the same as “significant”. If a proposed change to the Agency Plan is considered a substantial change it must undergo a public process that includes: consultation with the Resident Advisory Board, a public comment period, public notification of where and how the proposed change can be reviewed, and approval by the Housing Authority Board of
Commissioners. Therefore, the Housing Authority defines significant changes to the Agency Plan to be:

- Changes to tenant/resident admissions policies;
- Changes to the Section 8 termination policy;
- Changes to the tenant/resident screening policy;
- Changes to public housing rent policies;
- Changes to the organization of the waiting list;
- Change in the use of replacement reserve funds under the Capital Fund;
- Change in regard to demolition, disposition, designation, or conversion activities.

An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements as well as Congressional statues; such changes will not be considered significant amendments by HUD.

Additionally, the following RAD specific items do not constitute a Substantial Deviation or Significant Amendment/Modification to the Agency Plan:

- Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
- Changes to the construction and rehabilitation plan for each approved RAD conversion; and
- Changes to the financing structure for each approved RAD conversion.

**B.2 New Activities.**

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

<table>
<thead>
<tr>
<th>Y</th>
<th>N</th>
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<tr>
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</table>
Grants or Emergency Safety and Security Grants.

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project Address</th>
<th>PBVs Requested</th>
<th>Chronic Homeless PBV Units</th>
<th>Target Population</th>
<th>Tentative Construction Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arlington Square</td>
<td>3101 W. Venice Blvd., L. A., CA 90019</td>
<td>47</td>
<td>24</td>
<td>Homeless &amp; Chronically Homeless Disabled individuals</td>
<td>5/31/2017</td>
</tr>
<tr>
<td>Beverly Terrace</td>
<td>3314-3330 W. Beverly Blvd., L. A., CA 90004</td>
<td>39</td>
<td>14</td>
<td>Homeless &amp; Chronically Families, 1st Five</td>
<td>7/31/2017</td>
</tr>
<tr>
<td>T Bailey Manor</td>
<td>4121 N. Eagle Rock Blvd., L. A., CA 90065</td>
<td>19</td>
<td>15</td>
<td>VASH Homeless &amp; Chronically Homeless Disabled High Acuity Veterans</td>
<td>7/1/2017</td>
</tr>
<tr>
<td>LAFH Campus</td>
<td>7843 Lankershim Blvd., L. A., CA 91605</td>
<td>37</td>
<td>28</td>
<td>Homeless &amp; Chronically Homeless Disabled Individuals</td>
<td>11/20/2017</td>
</tr>
<tr>
<td>Panama Apartments</td>
<td>403 E. 5th St. L. A., CA 90013</td>
<td>71</td>
<td>54</td>
<td>Homeless &amp; Chronically Homeless Disabled Individuals</td>
<td>9/1/2017</td>
</tr>
<tr>
<td>Sylmar Court</td>
<td>12415 N. San Fernando Rd. Sylmar, CA 91342</td>
<td>25</td>
<td>19</td>
<td>Homeless &amp; Chronically Homeless Disabled households, High users of County Services</td>
<td>10/21/2017</td>
</tr>
<tr>
<td>Silver Star Apartments</td>
<td>6572 West Blvd., L. A., CA 90043</td>
<td>48</td>
<td>24</td>
<td>VASH Homeless &amp; Chronic Homeless Disabled Veterans</td>
<td>5/15/2017</td>
</tr>
</tbody>
</table>
i. **HOPE VI or Choice Neighborhoods (CN) Implementation Grants**

The Authority reserves the right to apply for Choice Neighborhoods Planning or Implementation grants for all Public Housing sites and surrounding neighborhoods including the NEW Century neighborhood incorporating the Jordan Downs site and the Central San Pedro neighborhood incorporating the Rancho San Pedro site. The Choice Neighborhoods Initiative (CNI) differs from its predecessor, the HOPE VI program in that it is open to more than public housing agencies and properties. The goal is to begin positive transformation not only to the selected property, but the surrounding neighborhood as well. The three goals of the CNI program are to transform distressed housing, support positive outcomes for families in the targeted neighborhood, and to transform neighborhoods of poverty into viable mixed-income neighborhoods with access to well-functioning services. CNI parameters include the requirement of one-for-one replacement, resident involvement, right-to-return if lease compliant, activities and services to promote self-sufficiency, and the inclusion of energy-efficient design principles.

There are two types of Choice Neighborhood grants. Smaller "Planning" grants to help selected communities create a plan for transformation and to build community support. "Implementation" grants are for those communities who already have a plan and community support and have proven the capacity to leverage additional financial resources and resources to be able to begin the transformation of the community. Therefore, HACLA reserves the right to apply for planning grants (except for Jordan Downs and Rose Hill Courts) as no existing plans exist for the revitalization of these communities.

### **Jordan Downs Redevelopment**

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Jordan Downs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000416</td>
</tr>
<tr>
<td>Number of Units</td>
<td>700</td>
</tr>
</tbody>
</table>

The vision for the revitalization of Jordan Downs was initiated in 2008 with the full support of Congresswoman Maxine Waters and then-Mayor Antonio Villaraigosa. It also garnered a broad backing of the Jordan Downs residents, community members and stakeholders. In that year, HACLA purchased an adjacent 21-acre vacant property which would allow for the redevelopment and expansion of Jordan Downs using a Build-First model intended to minimize the long-term displacement of its current residents. All residents in good standing will be afforded the right to return and move into a newly constructed Project unit. Residents may elect to receive a tenant-based Section 8 voucher and move to a comparable and appropriately sized replacement unit in a community of their choice, or they may choose to move to an available comparable public housing unit within a different public housing development owned by HACLA, if a unit is available at the time of their relocation.

In early 2009, HACLA launched a comprehensive planning process which solicited input from a wide range of community members and stakeholders. This effort produced a Community-Based Master Plan (Plan) which calls for replacement of the existing 60-year old 700-unit housing
community with up to 1,800 new affordable and market-rate homes. HACLA will maintain its firm commitment for a one-for-one replacement of existing units and housing of current public housing residents in good standing including extremely low income families and they will have the opportunity to return to a unit in the new redevelopment. The Plan also includes the addition of ample green space, a community center and much needed neighborhood retail and commercial uses.

The Jordan Downs redevelopment Plan is also accompanied by a comprehensive Human Capital Plan to provide family support, job training and community programs to empower families towards self-sufficiency.

In August of 2012, HACLA selected a Master Developer partner comprised of The Michaels Organization and BRIDGE Housing to help implement the redevelopment Plan.

In 2013, HACLA secured land-use entitlements from the City of Los Angeles which includes a Specific Plan outlining the zoning and development guidelines for the redevelopment Plan.

In March 2015, the 21-acre property was annexed into the City of Los Angeles. Environmental remediation of this property started in May 2015 and by November 2016, the Department of Toxic Substances Control (DTSC) issued a Remedial Action Completion Certificate confirming the finalization of all soil-related remediation activities. HACLA is cooperating with DTSC to complete the regulatory process for the site and expects to complete the Remedial Action Plan by mid-2017.

Phase 1A of the redevelopment project, comprising 115 units, achieved financial closing in March 2017 and is anticipated to break ground in June 2017. Phase 1B is expected to achieve financial closing in November 2017 and begin construction in December 2017. This phase will include 135 affordable units.

As part of the redevelopment project and to ensure the success of the overall new community, HACLA is working with various City departments to extend the existing Century Boulevard artery. This approximately ½-mile road will serve as a main spine through the redeveloped Jordan Downs community and will help reconnect the housing community to the larger community of Watts. The City of Los Angeles Bureau of Engineering (BOE) led the roadway design process and has retained a qualified contractor to implement the plans. BOE issued a Notice to Proceed on May 1, 2017 and expects the roadway construction project to be completed by April 30, 2018.

HACLA applied unsuccessfully for a Choice Neighborhood (CN) Implementation grant from HUD in FY 2013, FY2015 and in FY2016. As HACLA was unsuccessful in receiving a grant under these prior year applications, HACLA and its Master Developer partner intend to carefully review and consider applying for future funding cycles for CNI Implementation Grant funds and/or successor
programs to support the redevelopment of the new Century Boulevard and Jordan Downs. HUD is making approximately $137.5 million available under the FY17 Omnibus Funding Bill for the CNI program.

HACLA continues to work with the City and a commercial developer, Primestor, Inc., on developing Phase 1C (120,000 square feet of neighborhood commercial space) and will be entering into a Disposition and Development Agreement in 2017. The current timeline calls for starting construction on the commercial phase by January 2018.

HACLA is working with The Michaels Development Company and BRIDGE Housing on Phase 2 of the Jordan Downs Redevelopment project. Phase 2 will be three residential phases, Phase 2A with approximately 91 units, Phase 2B with approximately 80 units and Phase 2C with approximately 118 units. Phase 2A and 2B are proposed to be 9% LIHTC projects, while Phase 2C is planned to be a 4% LIHTC project. All three phases will have replacement PBV or RAD units.

**Rancho San Pedro**

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Rancho San Pedro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000404/ CA00400040417</td>
</tr>
<tr>
<td>Number of Units</td>
<td>478</td>
</tr>
</tbody>
</table>

In 2015, HACLA, with the support of CD15, conducted a Feasibility Study of Rancho San Pedro on the market conditions and possible development scenarios for revitalizing Rancho San Pedro. In 2017, HACLA began working with the residents and community stakeholders in furtherance of a long-term plan for Rancho San Pedro. The residents and community stakeholders have been engaged to assist in preparing a Transformation Plan, which will include a community benefits plan and principles for the redevelopment of Rancho San Pedro, as well as to provide guidance for the revitalization of the public and/or assisted housing units and surrounding neighborhood. HACLA expects to initiate a request for qualifications/proposal process to procure a development partner for the redevelopment of Rancho San Pedro in FY2017. HACLA and City Council District 15 have organized and calendared a series of meetings with city partners, community stakeholders and the Rancho San Pedro RAC to kick off these redevelopment planning activities and will set up a Rancho San Pedro Redevelopment Advisory Committee and a new Community Coach Program for public housing residents as part of the community engagement process.

Over the course of FY2017, HACLA will release the Request for Qualifications, shortlist firms and invite those firms to submit more detailed proposals. HACLA anticipates selecting a potential development partner in early 2018. If HUD makes Choice Neighborhood Initiative Planning and/or Action Grant funding available through a NOFA, HACLA plans to apply for an award to fund planning and/or implementation costs.
ii. Mixed Finance Modernization or Development:

**Miscellaneous**

The Housing Authority is continuing to explore opportunities for entering into debt-leveraged financing arrangements with private partners to redevelop, revitalize, or remodel selected properties. Debt-leveraging activity will be in accordance with HUD & State regulations.

**Pueblo Del Sol**

Pueblo del Sol (Phases I and II) is nearing the end of its 15-year tax credit compliance period. HACLA is analyzing its options related to exercising its Option Agreement and Rights of First Refusal with respect to the improvements located on the property.

iii. Demolition and/or Disposition

**Jordan Downs Redevelopment**

In June 2016, HACLA received HUD approval for its Jordan Downs Multi-phased Demolition and Disposition Application to demolish and dispose of 630 Public Housing units within the Jordan Downs AMP in accordance with the phasing plan of the overall redevelopment; with the balance of 70 units already incorporated in the Rental Assistance Demonstration Program. Prior to the submission, HACLA carried out extensive consultation with the residents of Jordan Downs, the Jordan Downs Agency-wide Resident Council, the Resident Advisory Board, and the Jordan Downs Advisory Committee through a series of meetings in October and November 2015 in compliance with all required federal regulations. The Demolition/Disposition application excluded the 70 Rental Assistance Demonstration (RAD) units that have a Commitment to Enter into a Housing Assistance Payment (CHAP) award and are undergoing RAD conversion under a separate process. The Demo/Dispo application also excludes 14 single-family scattered site units.
Demolition/ Disposition Activity Description

1a. Development name: **Jordan Downs**  
1b. Development (project) number: **CA004000416**

2. Activity type:  
   Demolition ✔  Disposition ✔

3. Application status (select one)  
   Approved ✔  
   Submitted, pending approval □  
   Planned application □

4. Date application approved, submitted, or planned for submission:  
   Submitted – 3/14/2016  
   Approved – 6/3/2016

5. Number of units affected: **630**

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Bedroom</td>
<td>74</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>233</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>253</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>50</td>
</tr>
<tr>
<td>Five Bedroom</td>
<td>20</td>
</tr>
</tbody>
</table>

None of these units are UFAS units.

6. Coverage of action (select one)  
   □ Part of the development -  
   ✔ Total development(s) – (phase demo/ dispo per phasing plan to be determined)

7. Timeline for activity:  
   a. Actual or **projected** start date of activity: **09/01/2016**  
   b. Actual end date of activity: **05/05/2024**

**Rose Hill Courts**

Rose Hill Courts is a 100 unit public housing development built in the 1940’s. The buildings have outlived their planned life cycle. The property has experienced a termite infestation and damage to existing structures with the infestation extending to the subterranean level around foundation walls, piers and plumbing pipes. As a result 10 of the units are uninhabitable.
HACLA will continue to monitor and treat all occupied units. In FY2014, HACLA carried out a comprehensive termite treatment to the buildings, including all of the lumber and soil in the crawl spaces, and the building perimeters of the buildings.

In 2014, HACLA selected Related Companies of California (Related) through a Request for Qualifications (RFQ) to evaluate the viability of redeveloping or rehabilitating the Rose Hill Courts public housing site and if viable, to undertake the planning, entitlement, community outreach, funding and other related activities associated with the efforts.

Related prepared a revitalization plan, financial strategy, political & regulatory assessment, and a refined development concept and schedule for implementation and solicited community feedback to refine options and arrive at the most feasible development strategy. After several months of intensive study and evaluation, in October 2015, HACLA and Related recommended moving forward with a substantial rehabilitation option for the site which was approved by the HACLA Board. The proposed substantial rehabilitation program for Rose Hill Courts would maintain the existing 100 units and provide much needed renovations to restore and modernize the buildings, including a comprehensive “gut” rehabilitation of the interior units and replacement and upgrading of major building systems. One of the key reasons for this recommendation was that a new construction option would require a very long and uncertain approval process due to the site’s underlying zoning issues and historic considerations. However, HACLA reserves the right to investigate and consider the new construction option should the site’s historic and zoning issues become resolvable through a less onerous process.

In November 2015, the Authority and Related entered into an Exclusive Right to Negotiate (ERN) Agreement and began negotiating the terms of a Disposition and Development Agreement (DDA). Early discussions regarding terms of the DDA and its process for approval led HACLA to determine that a number of studies and financial analysis as well as more detailed design work will need to be done in order to more fully inform the deal structure and provide time for undertaking any environmental analysis necessary under CEQA. HACLA and Related therefore entered into an Amended ERN in February 2016, which was extended through June 2017.

Under the Amended ERN, HACLA approved $450,000 towards carrying out additional pre-development studies, more detailed design work, relocation plan, and financial analysis in order to fine tune the rehabilitation scope and finalize the financing plan. HACLA will also initiate and carry out the required level of environmental review pursuant to NEPA and CEQA requirements. HACLA will consider a Disposition and Development Agreement (“DDA”) with Related after completion of CEQA review.

The Substantial Rehabilitation or New Construction options would require temporary resident relocation. Tenants will be eligible for relocation benefits subject to Federal and State regulations.
Over the past two years, HACLA and Related have conducted several meetings with residents of Rose Hill Courts and other community members to understand their needs and concerns and incorporate them into the redevelopment concept. These have included two design charrettes to obtain feedback from residents on what they would like to see in various facets of the rehab including interior and exterior improvements, the site plan, and the community center. HACLA also maintains ongoing communication with the LA32 Neighborhood Council and the Arroyo Seco Neighborhood Council and provides regular updates to CD14 staff and Congressman Becerra’s office.

In FY2016, HACLA submitted an application for RAD Conversion for 11 of the 100-units of housing at Rose Hill Courts. HACLA intends to apply for Disposition and/or Demolition of the Rose Hill Courts site upon completion of the Environmental Review under NEPA.

<table>
<thead>
<tr>
<th>Demolition/ Disposition Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Development name: <strong>Rose Hill Courts</strong></td>
</tr>
<tr>
<td>1b. Development (project) number: <strong>CA16004000408</strong></td>
</tr>
<tr>
<td>2. Activity type: Demolition ☑️ Disposition ☑️</td>
</tr>
<tr>
<td>3. Application status (select one)</td>
</tr>
<tr>
<td>Approved ☐</td>
</tr>
<tr>
<td>Submitted, pending approval ☐</td>
</tr>
<tr>
<td>Planned application ☑️</td>
</tr>
<tr>
<td>4. Date application approved, submitted, or planned for submission:</td>
</tr>
<tr>
<td><strong>Planned for Submission - 1/1/2018</strong></td>
</tr>
<tr>
<td>5. Number of units affected: <strong>100</strong></td>
</tr>
<tr>
<td>6. Coverage of action (select one)</td>
</tr>
<tr>
<td>Part of the development - ☐</td>
</tr>
<tr>
<td>Total development(s) - ☑️</td>
</tr>
<tr>
<td>7. Timeline for activity:</td>
</tr>
<tr>
<td>a. Actual or <strong>projected</strong> start date of activity: <strong>06/01/2018</strong></td>
</tr>
<tr>
<td>b. Actual end date of activity:</td>
</tr>
</tbody>
</table>

**Rancho San Pedro**

As the Rancho San Pedro initiative progresses, it may become necessary to make an application to HUD for Section 18 Demolition/Disposition. HACLA remains firmly committed to one for one replacement of these housing units and will ensure there is an equivalent low income, subsidized
housing unit to replace each and any unit that may be converted, disposed, or demolished in connection with this project.

<table>
<thead>
<tr>
<th>Demolition/Disposition Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Development name: <strong>Rancho San Pedro</strong></td>
</tr>
<tr>
<td>1b. Development (project) number: <strong>CA004000404/ CA004000417</strong></td>
</tr>
<tr>
<td>2. Activity type: Demolition ☒ Disposition ☒</td>
</tr>
<tr>
<td>3. Application status (select one)</td>
</tr>
<tr>
<td>- Approved ☐</td>
</tr>
<tr>
<td>- Submitted, pending approval ☐</td>
</tr>
<tr>
<td>- Planned application ☒</td>
</tr>
<tr>
<td>1. Date application approved, submitted, or planned for submission:</td>
</tr>
<tr>
<td><strong>Planned for Submission - 12/31/2018</strong></td>
</tr>
<tr>
<td>5. Number of units affected: <strong>478</strong></td>
</tr>
<tr>
<td>6. Coverage of action (select one)</td>
</tr>
<tr>
<td>- Part of the development - ☐</td>
</tr>
<tr>
<td>- Total development(s) - <strong>(phase demo/ dispo per phasing plan to be determined)</strong></td>
</tr>
<tr>
<td>7. Timeline for activity:</td>
</tr>
<tr>
<td>a. Actual or <strong>projected</strong> start date of activity: <strong>1/01/2020</strong></td>
</tr>
<tr>
<td>b. Actual end date of activity:</td>
</tr>
</tbody>
</table>

iv. **Conversion of Public Housing**

   a) Conversion of Public Housing to Project Based Assistance under RAD

The Department of Housing and Urban Development created the Rental Assistance Demonstration (RAD) program to preserve public housing and enhance housing choice for residents. Under this program, public housing agencies would have the option of converting current public housing Annual Contributions Contracts into long-term project-based voucher or project-based rental assistance contracts. This conversion enables PHAs to secure financing from private and not-for-profit partners to repair and renovate their property, including energy-efficient upgrades. Subject to the availability of RAD, the Authority reserves the right to participate in this program if compatible with HACLA’s needs and objectives.
**Jordan Downs**

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Jordan Downs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000416</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>77</td>
</tr>
</tbody>
</table>

Although HACLA’s FY2013, FY2015 CNI applications were denied, HUD reserved HACLA requests for 70 Rental Assistance Demonstration (RAD) units and 120 RAD units within these applications respectively. HACLA successfully applied for these RAD units as a component of the overall mix of the Jordan Downs Redevelopment Plan. Additionally, HACLA plans to submit a Letter of Intent for up to 77 more Rental Assistance Demonstration units for future phases of Jordan Downs and is currently reviewing the financial feasibility of this approach.

HACLA has received a Commitment to enter into a Housing Assistance Payments Assistance (CHAP) contract for the 70 units which has been subsequently split and amended into two CHAPs with 32 units developed as part of Sub-phase 1A and 38 units developed as Sub-phase 1B respectively.

The conversions of the 70 RAD units are part of the initial redevelopment phases which include replacement of 157 existing public housing units with 250 new units comprised of RAD units, Section 8 Project Based Vouchers, Low Income Housing Tax Credits units that are deed restricted to between 30% and 60% of AMI and a small market rate component depending on market conditions. The 250 new units are planned to be constructed on the adjacent remediated vacant land. Families, depending on their preference, will have the right to move into the replacement units within this development or be provided with a tenant-based Section 8 voucher and move to a comparable and appropriately sized replacement unit in a community of their choice, or they may choose to move to an available comparable public housing unit within a different public housing development owned by HACLA, if a unit is available at the time of their relocation. HACLA has closed on the Phase 1A RAD transaction and is working with HUD on the Phase 1B RAD transaction which is scheduled to close by the end of FY2017.

In 2015, HACLA received a multi-phased RAD award for another 120 RAD units. These RAD conversions will take place as part of the Phase II and Phase III redevelopment of Jordan Downs.

Within the 120 RAD multi-phase award, in January 2017, HACLA made RAD applications for Phases 2A and 2B which will incorporate 19 and 17 RAD units respectively and has received the Commitment to Enter into HAP (CHAP) for these phases. HACLA will make a RAD application for Phase 2C for another 25 units by July 2018.

Below, please find specific information related to the Public Housing Development selected for the 61 RAD Units that will be converted as part of Phase 2A, 2B and 2C:
**Name of Public Housing Development:** Jordan Downs  
**PIC Development ID:** CA004000416  
**Conversion Type:** Project Based Vouchers (PBV)  
**Transfer of Assistance:** No

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>Number of Units Pre-Conversion</th>
<th>Number of Units Post-Conversion</th>
<th>Change in Number of Units per Bedroom Type and Why: (De Minimis Reduction, Transfer of assistance, Unit Reconfigurations, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Bedroom</td>
<td>0</td>
<td>3</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>9</td>
<td>23</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>33</td>
<td>29</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>18</td>
<td>6</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Five Bedroom</td>
<td>1</td>
<td>0</td>
<td>Unit reconfiguration*</td>
</tr>
</tbody>
</table>

If performing a Transfer of Assistance: NA

**Note:**

* Unit reconfigurations post-transfer will allow HACLA to more effectively serve current families and anticipated future residents based on market demographics.

HACLA shall comply with all applicable requirements of PIH Notice 2012-32, REV-2, REV-3 as may be amended from time to time (the “RAD Notice”) and PIH 2016-17 (HA), as may be amended from time to time (the “RAD Relocation Notice”). The Authority has included the Resident Rights, Participation, Waiting List and Grievance Procedures provisions of these notices for reference as an attachment, and each notice shall be deemed to be fully incorporated herein, but in the event of a conflict, the applicable provisions of the RAD Notice and RAD Relocation Notice shall control.

HACLA applied for 77 additional RAD units to be converted in future Phases 4 and 5 of the Jordan Downs redevelopment under the 2016 CNI application and is awaiting HUD approval.

HACLA will provide additional information as it becomes available in future Agency Plans or through an amendment process.
**Rose Hill Courts**

HACLA applied for 11 units to be converted to RAD at Rose Hill Courts in conjunction with the overall revitalization efforts. Since Rose Hill Courts is part of the Ramona AMP, HACLA could not submit a standalone Rose Hill Courts application and was required to submit a RAD application for the Ramona Garden AMP for partial conversion.

<table>
<thead>
<tr>
<th>Name of Public Housing Development: Ramona Gardens</th>
<th>PIC Development ID: CA004000401</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-RAD Unit Type: Family</td>
<td>Post-RAD Unit Type if different: Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for Rose Hill Courts multiplied by total number of units in project) $1,851*11 = $20,361</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bedroom Type</td>
<td>Number of Units Pre-Conversion</td>
<td>Number of Units Post-Conversion</td>
<td>Change in Number of Units per Bedroom Type and Why: (De Minimis Reduction, Transfer of assistance, Unit Reconfigurations, etc.)</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>1</td>
<td>1</td>
<td>NA</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>7</td>
<td>7</td>
<td>NA</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>3</td>
<td>3</td>
<td>NA</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>0</td>
<td>0</td>
<td>NA</td>
</tr>
<tr>
<td>If performing a Transfer of Assistance:</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

HACLA will continue to monitor and evaluate HUD's proposed Rental Assistance Demonstration (RAD) program. HACLA will participate in RAD if it is found to be financially feasible and meets the needs of HACLA and our residents.

**Potential Watts Acquisition RAD Conversion/ Transfer to HACLA Asset Management**

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Jordan - Scattered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000999</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Jordan - Scattered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000416</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>14</td>
</tr>
</tbody>
</table>
Between late 2010 and 2013, HACLA purchased a total of twenty nine (29) Townhomes/Duplex properties comprising thirty four (34) units in the Watts community. These properties were purchased from Restore Neighborhood Los Angeles (RNLA), the City’s Housing & Community Investment Department’s (HCID) sub-recipient of Neighborhood Stabilization Program (NSP) funds, as well as private developers using HUD Replacement Housing Factor funds and now are additions to HACLA’s public housing stock in the Watts area.

HACLA is exploring the long term options of either transferring these properties to HACLA Asset Management for administration via third party management or a RAD conversion under a HACLA non-profit instrumentality ownership and third party property management. In lieu of a RAD Application, HACLA may submit a letter of interest signed by the PHA’s President and CEO to RADapplications@hud.gov that identifies properties (PIC # and name) and associated ACC units that HACLA is proposing for conversion. Such a submission would reserve HACLA’s spot on the waiting list. HUD will notify HACLA of its ability to make an award, and within 60 days of such notification, a RAD application must be submitted or its position on the waiting list is forfeited. Prior to making any RAD application, HACLA will conduct resident meetings to discuss conversion plans, prepare comprehensive written responses to resident comments, and secure Board of Commissioners’ approval.

**Other Properties**

HACLA is planning to submit letters of interest for the following properties.

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Rancho San Pedro</th>
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</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000404</td>
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<tr>
<td>Number of Units to be converted to RAD</td>
<td>478</td>
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<tr>
<th>Name of Development</th>
<th>Pueblo Del Sol Phase 1</th>
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<tbody>
<tr>
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<td>CA004000222</td>
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<tr>
<td>Number of Units to be converted to RAD</td>
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<th>Pueblo Del Sol Phase 2</th>
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<td>CA004000227</td>
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<tr>
<td>Number of Units to be converted to RAD</td>
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</table>

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Lankershim/87th Street</th>
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</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000851</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>57</td>
</tr>
</tbody>
</table>

Prior to making any RAD application, HACLA will conduct any required resident meetings to discuss conversion plans and prepare comprehensive written responses to resident comments.
v. Project-Based Vouchers Statement:

The Housing Authority, subject to approval by its Board of Commissioners, may project-base up to 4,500 tenant-based vouchers over the next five years. The location of project-based assistance will be consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities in accordance with HUD regulations and the Section 8 Administrative Plan.

Project basing is consistent with the Housing Authority’s Agency Plan and its stated goals to increase the availability of decent, safe and affordable housing, increase housing choices, improve community quality of life and economic vitality, and the Housing Authority’s strategies for addressing community needs.

Project basing is being pursued to increase the utilization of vouchers in the current Los Angeles housing market which has been characterized by low vacancy rates, a history of increasing rents, the reluctance of owners to participate in the tenant-based Housing Choice Voucher Program, and the lack of production of affordable housing units.

The HACLA has awarded 2,409\(^5\) vouchers in support of the City of Los Angeles Permanent Supportive Housing Program (PSHP) which consolidates the efforts of various City departments to assist in the provision of supportive housing for the homeless population of the City of Los Angeles. Additional vouchers may be awarded depending on the response to Housing & Community Investment Department (HCIDLA) Notice of Funding Availability for the PSHP and the needs of the community.

The HACLA will determine whether to convert these sites to project based vouchers. The Housing Authority reserves the right to request HUD waivers of project basing requirements as may be needed to increase the availability of decent, safe and affordable housing and to expand housing and economic opportunities within its jurisdiction.

Jordan Downs

HACLA shall seek Section 8 project-based vouchers (PBV) to be developed as replacement housing and additional affordable housing for Jordan Downs. HACLA applied for 587 relocation and replacement Tenant Protection vouchers from HUD, the maximum allowable under the Demolition/Disposition approval, subject to HUD rules and regulations and annual appropriation. Returning tenants will be provided with replacement vouchers.

HACLA projects the Jordan Downs redevelopment to require approximately 550 to 575 PBV units, comprising replacement and non-replacement units.

\(^5\) Homeless Initiatives as of March 2017
Rose Hill Courts

HACLA shall require Section 8 project-based vouchers (PBV) to be utilized as replacement housing for Rose Hill Courts. Upon receiving HUD Disposition approval, HACLA shall also seek Tenant Protection vouchers from HUD and returning tenants shall be provided with replacement vouchers. HACLA projects the Rose Hill Courts revitalization project to require 89 to 100 PBV units.

Rancho San Pedro

HACLA shall require Section 8 project-based vouchers (PBV) to be utilized as replacement housing for Rancho San Pedro. Upon receiving HUD Disposition approval, HACLA shall also seek Tenant Protection vouchers from HUD and returning tenants shall be provided with replacement vouchers. HACLA projects the Rancho San Pedro revitalization project to require 400 to 478 PBV units for replacement housing and possibly more if the replacement requirement exceeds one-for-one.

Dana Strand Redevelopment

In 2016, the Housing Authority entered into ground lease agreements with Mercy Housing and Abode communities and began the construction of the final phase IV of the redevelopment of the former Dana Strand Village. The project is comprised of 176 service-enhanced, deeply affordable rental homes from 1 Bedroom to 3 Bedroom units, including 25,000 square feet of open and recreational space, that complement Phases I through III. Phase 1 (Harbor View) and Phase 2 (Wilmington Townhomes) have been completed, both consisting of Low Income Housing Tax Credits (LIHTC) and public housing units. The 100 unit phase III, New Dana Strand Senior was developed as an affordable housing community serving very low income and extremely low income seniors. Phase IV is being developed as affordable multifamily rental housing in two sub-phases comprising 88 units each under two separate Limited Partnerships. Both sub-phases have received 87 Project Based Vouchers. The construction is scheduled to be completed in earlyFY2018.

vi. Other Capital Grant Programs

B.3 Progress Report

Provide a description of the PHA’s progress in meeting its Mission and Goals described in the PHA 5-Year Plan.

Vision Plan

HACLA, while a critical component of the City’s affordable housing solution, has been vulnerable to external forces, notably erratic and declining federal funding. Despite national recognition as a HUD “High Performer”, current funding is insufficient to prevent deterioration, much less
address physical needs within HACLA’s portfolio of public housing assets. In order to improve the Agency’s capacity to preserve and expand its role in producing and supporting deeply affordable housing and healthy communities, HACLA will develop a twenty-five (25) year Vision Plan.

HACLA has taken the following steps towards developing this Vision Plan. In early February 2016, the Board of Commissioners held an all-day retreat to discuss its capital needs and propose a responsible path towards improving its housing stock, increasing permanent affordable housing opportunities in the City of Los Angeles, and developing strong pathways to economic resiliency for the residents and surrounding neighborhoods. At the following February Board meeting, HACLA’s Board of Commissioners approved the underlying Goals, Founding Principals and Strategies for the development of an agency wide Vision Plan and recommended the President and CEO to initiate a public process to develop a vision plan for HACLA to address the needs of its public housing portfolio, preserve and expand affordable housing, and improve economic and social outcomes for the households and communities it serves.

The Vision Plan Goals are:

- Preserve existing deeply affordable housing
- Net new affordable units
- Improve outdated housing stock & affordable housing models
- Revitalize communities and enhance livability
- Improve economic & social outcomes for affordable housing residents
- Strengthen and grow strategic partnerships

Through a competitive RFP solicitation process, in September 2016, HACLA procured a consultant team to assist in developing the Vision Plan and related community outreach strategies. HACLA and the consultants are working on a detailed data-driven matrix to compare and evaluate key aspects of its public housing and asset portfolio and current programs to guide the revitalization strategy and prioritize sites for different types and levels of investment. Comparison research on organizational and financial models are also being carried out which will inform the implementation strategy for the Vision Plan and a database of community organizations are being created for future partnerships.

HACLA and the consultants are leading a multi-faceted community engagement process with residents/RACs, neighborhood partners advocates/affordable housing partners, funders, and local agencies to solicit input for the Vision Plan. This is being accomplished through a three-pronged approach: (1) Resident Outreach achieved through community workshops; (2) Partner Outreach achieved through establishment of a Vision Plan Task Force and interviews with government and community organizations; and (3) Community Outreach utilized by residents and non-residents using social media and electronic communication tools.

HACLA plans to present the draft Vision Plan to the Board of Commissioners for approval by end of FY2017 and upon approval of the Vision Plan, to work with community stakeholders, City and Taskforce members over the next six months to refine the Vision Plan as appropriate.
B.4 Most Recent Fiscal Year Audit.

(a) Were there any findings in the most recent FY Audit? Y □ N □

(b) If yes, please describe:

Financial Statements Findings - None

Federal Award Findings and Questioned Costs

1. Housing Choice Voucher Program - Allowable Costs/Principles: Cost Allocation

It is the practice of the Housing Authority to charge costs to the benefitting program(s), and does so for various Section 8 costs such as office space, insurance, and other allocable costs. The business decision to charge certain costs to the HCV Program, while the costs benefitted various Section 8 programs, was primarily attributed to the fact that a great majority of the participants would transition to the HCV Program and the amount spent on non-HCV activities is immaterial to the overall program. Consistent with the Housing Authority’s practice, management has taken appropriate measures and has ensured all Section 8 contracts have been reviewed for proper charging.

2. Shelter Plus Care - Subrecipient Monitoring: CFDA and DUNS validation

The Housing Authority will revise the template grant agreement executed with subrecipients to add CFDA number. This will ensure information is properly communicated to subrecipients. The HACLA has existing policies and procedures to ensure supporting documentation indicating a valid DUNS number is provided prior to all new contract executions. This requirement is tied to the Request for Proposals process and has been consistently applied for many years. The contract in question had not gone through the current procurement process which includes DUNS validation, which would have ensured DUNS verification.

3. Shelter Plus Care - Matching: Supportive Services match requirement

The Housing Authority has policies and procedures in place to monitor that the match requirement is being met as required by regulation. In this case, there was a calculation error in the workbook. However, the match and supporting documentation had been reviewed as required by HACLA policies and procedures.

4. Shelter Plus Care - Reporting: Annual Performance Reports (APR)

The Housing Authority has policies and procedures in place to ensure timely and accurate submission of APRs as required by regulation. Specifically, an additional level of quality control has been incorporated to the policies and procedures for preparation of APRs to ensure accurate data. In this instance, it should be noted that APRs were submitted within the required submission period. However revisions were made after submission, which is permitted without penalty by HUD.
5. **Continuum of Care - Reporting, Matching, and Earmarking**

**Reporting** - The Housing Authority has policies and procedures in place to ensure timely and accurate submission of APRs as required by regulation. Specifically, an additional level of quality control has been incorporated to the policies and procedures for preparation of APRs to ensure accurate data. In this instance, it should be noted that APRs were submitted within the required submission period. However revisions were made after submission, which is permitted without penalty by HUD.

**Matching** - The Housing Authority has policies and procedures in place to monitor that the match requirement is being met as required by regulation. In addition, the Housing Authority continues to work with HUD CPD to finalize the service fee schedules.

**Earmarking** - In 2015, the Housing Authority received guidance from the HUD CPD indicating sponsors were not considered subrecipients, and were therefore, not subject to this requirement. However, in 2017 HACLA received contra-guidance, clarifying that sponsors are in fact subrecipients. Effective 2017 contract renewals, HACLA will implement processes to clarify to sponsors the procedures and requirements for submitting project administrative costs for reimbursement. HACLA will continue working with the HUD CPD Representative when technical assistance is needed to clarify program regulations as contradictory directives have been received from HUD.

6. **Continuum of Care - Subrecipient Monitoring: CFDA numbers**

The Housing Authority will revise the template grant agreement executed with subrecipients to add CFDA number. This will ensure information is properly communicated to subrecipients.

C. **Other Document and/ or Certification Requirements.**

C.1 **Certification Listing Policies and Programs that the PHA has revised since Submission of its Last Annual Plan**

**Form 50077-ST-HCV-HP, Certification of Compliance with PHA Plans and Related Regulations**, must be submitted by the PHA as an electronic attachment to the PHA Plan.

*(See Attachment 4 in Final & Final Draft)*

C.2 **Civil Rights Certification**

**Form 50077-ST-HCV-HP, Certification of Compliance with PHA Plans and Related Regulations**, must be submitted by the PHA as an electronic attachment to the PHA Plan.

*(See Attachment 4 in Final & Final Draft)*
C.3 Resident Advisory Board (RAB) Comments

(a) Did the RAB(s) provide comments to the PHA Plan?  Y ☒  N ☐

If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.

(See Attachment 3 in Final & Final Draft Document)

C.4 Certification by State or Local Officials.

Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.

(See Attachment 4 in Final & Final Draft)

D. Statement of Capital Improvements.

Statement of Capital Improvements. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).

Capital Fund Update:

Capital Grant priorities are determined by the Housing Services Department (administration, maintenance supervisor, residents and the managers) who are the most knowledgeable about site needs in consultation with the residents. Needs identified by Housing Services are compared to and/or matched to those items identified in the most recent physical needs assessment (PNA). Utmost priority is given to improvements dealing with the health and safety of the residents. Through the Agency Plan process, comments are received and considered which help identify additional needs and their priorities.

The following are planned activities for the upcoming fiscal year:

For the 2018 Capital Grant funding year, the Housing Authority projects receiving $14,500,000 in Capital Grant funds. HACLA will transfer 20% of its award to public housing operations to supplement the ordinary maintenance and operations of the public housing developments. Another 10% of the grant will be used for the administrative costs of managing the Capital Fund program. Costs include capital project management and reporting and to support department costs.

Another $520,000 will be set aside to fund the activities of the Resident Advisory Council (RAC) Support unit, including RAC elections, training and staffing.
The Authority will budget $2,900,000 for improvements at all the public housing sites, including $1,500,000 for ADA accommodations, $1,000,000 for asbestos abatement, $250,000 for the repair of fire damaged units, and $300,000 for equipment purchases, including stoves and refrigerators.

The balance of $7,100,000 will be used for major capital projects including: window replacement at William Mead and the demolition, disposition and relocation activities associated with Jordan Downs redevelopment. Included in the $7.10 million is the reservation of $355,000 for architectural, environmental, and relocation fees associated with these capital projects.

Unforeseen emergencies may require the reprogramming funds identified above.

For many years, the Housing Authority has been prioritizing outstanding needs with the limited funds provided by HUD based on health and safety, accessibility, reducing vacant units, and modernizing the public housing sites. However, in order to comprehensively address the severe funding gap, HACLA will clearly have to look for other funding beyond the Capital funding provided by HUD.

Towards that goal, HACLA plans on creating a Capital Management Plan to identify priorities and strategies for the long term health and viability of HACLA’s affordable housing portfolio by working with the Mayor’s Office and building a broad coalition of affordable housing stakeholders.

The Plan will analyze the availability and leveraging of both private funds and public funding from other sources including but not limited to non PH HACLA funds, HUD, State of California, and the City of Los Angeles. Throughout this process, HACLA will engage with the residents and other stakeholders to solicit their feedback and address their concerns in arriving at feasible long term strategies.

D.1 Capital Improvements.

Capital Improvements.

The current 5-Year Action Plan from 2015 through 2019 was approved by HUD on December 22, 2015.

Note: Supporting Documents

All supporting documents for FY 2018 Agency Plan can be viewed at the Housing Authority’s Central offices located at:

2600 Wilshire Blvd. 3rd Floor
Intergovernmental & Community Relations Department
Los Angeles, CA. 90057
## YEAR 2018 FINAL DRAFT AGENCY PLAN

### ATTACHMENTS

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<th>Attachment Number</th>
<th>Contents</th>
</tr>
</thead>
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<td>Changes to the Public Housing Admission and Continued Occupancy Policy</td>
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<td>2</td>
<td>Changes to the Section 8 Administrative Plan</td>
</tr>
<tr>
<td>3</td>
<td>Response to Comments (only in Final &amp; Final Draft Versions)</td>
</tr>
<tr>
<td>4</td>
<td>Certification Forms (only in Final &amp; Final Draft Versions)</td>
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<tr>
<td>5</td>
<td>Residents Rights under Rental Assistance Demonstration (RAD)</td>
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ATTACHMENT 1

Changes to the Public Housing Admission & Continued Occupancy Policy (ACOP)
I. ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS

A. Nondiscrimination

7. The Authority shall not discriminate against an applicant or public housing resident on the basis of the rights or privileges provided under the VAWA (2005 Violence Against Women Act Pub L. 109-162 Stat 2960). (Violence Against Women Reauthorization Act of 2013).

Additionally, being a victim of domestic violence, dating violence or stalking, is not an appropriate basis for denial of admission to or eviction from public housing if the applicant or resident is otherwise qualified for admission or continued assistance.

Additionally, an applicant for assistance or resident assisted under public housing may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or resident otherwise qualifies for admission, assistance, participation, or occupancy.

C. Eligibility for Admission

The Authority will consider for admission to its developments all applicants who, at the time of admission, meet all of the following requirements and conditions:

5. The applicant’s previous lease with HACLA (if any) must not have been terminated for cause within the previous:

   e) 24 months for a default in the payment of rent or charges;
   b) 120 months for a termination due to drug related criminal activity or criminal activity including crimes of physical violence to persons or property, crimes that adversely affected the health, safety or welfare of other tenants, or termination for failing to report family income or composition; or
   c) 60 months for all other terminations
In addition, the applicant must not have had an application for housing with the HACLA denied within the last 12 months.

Q. Application Procedures; Offers of Housing

Subject to the factors affecting preferences set forth in subsection L each applicant shall be assigned his/her appropriate place on the waiting list in sequence based upon the time and date of receipt of a completed application and the suitable size and type of unit.

In accordance with HUD’s Public Housing Occupancy Guidebook, the selection of applicants and assignment of units shall be as follows:

1. When an applicant reaches the top of the waiting list, the number of Conventional housing development locations that have available units of suitable size and type will be determined. If a suitable unit is available in:

   Three or more locations, the applicant must be offered a suitable unit in the location with the highest number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit in the location with the second highest number of vacancies. If that offer is rejected, the applicant’s name shall be dropped from the waiting list.

   Two locations, the applicant must be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit at the other location. If the offer is rejected, the applicant’s name shall be dropped from the waiting list.

   One location, the applicant must be offered a suitable unit in the available location.

   If the offer is rejected, the applicant must be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location. If the applicant rejects the second offer, the applicant’s name shall be dropped from the waiting list.
VIII. TRANSFERS

C. Emergency Transfers

1. An emergency transfer is a transfer determined at the sole discretion of the President/CEO, or his/her designee, to be required:

   d. In the case of an emergency transfer due to domestic violence, dating violence, sexual assault, or stalking, the resident needs to:
      
a third party verification documentation/certification of the claim may be provided by law enforcement as well as from employees/agents/volunteers of a victim service provider, or an attorney or medical professional from whom the victim sought assistance in addressing the violence/stalking.

      i. Qualify for VAWA protections; and
      ii. Expressly request the transfer; and
      iii. Reasonably believe that there is a threat of imminent harm from further violence; or
      iv. If the request is due to sexual assault, the resident is also eligible if the assault occurred on the premises within the 90-calendar-day period preceding the request.

2. Request and Approval of Emergency Transfers

   c. Except in the case of VAWA, a Resident may be denied an emergency transfer if he/she has been relocated at least once due to an emergency situation or condition and the situation/conditions are recreated by the Resident or a member of the household at the new development.

E. Emergency Transfer Placement

Emergency transfers have priority over all other transfers. Those approved for an emergency transfer shall be concurrently offered three units, if available, of suitable bedroom size at three different developments. The developments containing the units offered, shall be those with the most vacancies that meet the
family’s bedroom requirements, except units within the development that the family currently occupies shall not be offered or counted as being offered. The family will have no more than two business days to inspect the units and accept an offer. Should the family fail to affirmatively accept one of the three offers, the Resident will be deemed to have rejected all offers and the Authority shall have no further obligation to offer additional units.

VAWA transfers are exempt from the above provision limiting the number of offers to three (3) and withdrawing the transfer request if one of the offers is not accepted. VAWA transfers do not end at a specific time, but remain until the victim informs the Authority that the victim no longer seeks the transfer, or the victim no longer receives assistance under the program.

*****

H. Management Reporting

The site manager shall submit a copy of the site’s transfer list to the Housing Services Director or his or her designee by the 5th of month following each calendar quarter. Whenever the improperly housed population of a development exceeds (1) 2% for a Development of 1000 units or more, (2) 3% for a development of 600 – 999 units, or (3) 5% for a development containing less than 600 units, the Director of Housing Services or his or her designee, shall develop a work out plan with the site manager.

IX. ADDITIONS/DELETIONS TO THE HOUSEHOLD COMPOSITIONS

C. Additions to the Family Composition

*****

3. The Authority must approve the addition of all minors to the household except newborns born to a Resident or a Household Member, an adoption by a Resident or a Household Member, or a court ordered custody of a minor. As used herein, a court ordered custody shall not include “foster care” placements.

4. As it pertains to the addition of minors, other than from circumstances described in number 3 above, the Resident shall give the Authority in the appropriate case:

   a. A certified copy of all court orders granting custody to the Resident or Household Member; or
b. Certified proof of foster care placement with the Resident or Household Member; or

c. A copy of the minor's birth certificate; or

d. Other proof of legal custody, or

e. A notarized statement by a parent or other person having legal custody giving written permission for the minor to live with the Resident, along with a copy of the minor's birth certificate or other related documentation.
ATTACHMENT 2

Changes to the Section 8 Administrative Plan
Chapter 1 GENERAL OBJECTIVES AND ORGANIZATION

The “HACLA,” as used within this Administrative Plan, refers to the Housing Authority of the City of Los Angeles, and specifically to the staff of the Section 8 Department responsible for administering the Section 8 and other assisted housing programs described within this Administrative Plan. Specific actions, powers or determinations which are reserved to the Housing Authority’s Board of Commissioners, President and CEO or other specific staff members are so indicated in this Administrative Plan. This Administrative Plan has been approved by the HACLA’s Board of Commissioners and becomes effective on the date of its approval.

* * *

1.2 Relation to the Agency Plan

The Section 8 Administrative Plan is a supporting document of the PHA - HACLA’s Agency Plan and some sections of the Plan provide information required by the Agency Plan. The Section 8 Administrative Plan must be available for public review.

* * *

1.3 Relationship of the Section 8 Administrative Plan to Regulations

The Section 8 Administrative Plan may be superseded by any applicable published Rules, Notices or Directives, and/or changes in applicable laws or regulations. Unless otherwise required by applicable Rules, Notices, Directives or changed law and/or regulation, required revisions required by such changes will be accomplished at the time of preparation of the next Agency Plan unless specific elements are required to be treated in the Section 8 Administrative Plan by the Rule, Notice or Directive or require prior Board approval.

1.4 Significant Amendments to the Plan

Only changes to the Section 8 Administrative Plan which treat admission policies, local preferences and organization of the waiting list (contained in Chapter 5), screening policy (contained in Chapters 5 and 13), and termination policy (contained in Chapter 13) are considered significant amendments to the Agency Plan. The following actions, therefore, are not considered to be a significant amendment to the Agency Plan:

* * *

1.5 How the Section 8 Administrative Plan Is Changed

The Section 8 Administrative Plan may be changed, in whole or in part.
1) By direct Board action, **at a duly noticed public meeting** in accordance with the Brown Act of the State of California. A Board action may revise the Administrative Plan as a whole or in part;

2) By inclusion with changes to the annual Agency Plan as approved by the Board of Commissioners **at a duly noticed public meeting; and/or**

3) By administrative updates as may be required due to changes in regulatory requirements or **applicable laws**, Federal, State or local law.

* * *

1.6 Addition of Programs

By its approval of any HACLA action and/or resolution to apply for, participate in or extend its participation in any program, including but not limited to, programs offered by HUD, the HACLA Board of Commissioners thereby incorporates any **applicable specific HACLA** policies and procedures as may be required by participation in the program (and as may be approved by the Board) into the Section 8 Administrative Plan as if they were originally set forth herein. Specifics on the program will be added to the Section 8 Administrative Plan at the next scheduled revision.

* * *

1.8 Objectives of the Section 8 Program

The general objectives of the HACLA Section 8 Housing Assistance Payments Program are to provide affordable, decent, safe and sanitary housing for eligible low and very low income families and for those single individuals who are eligible under HUD regulations and to provide those eligible persons greater housing choices and the opportunity to locate housing outside of areas of poverty or racial concentration.

For the Permanent Supportive Housing Projects, the HACLA will consider the following funding principles:

1) Projects must be located in the City of Los Angeles.

2) Projects must serve extremely low income (30% of median) and very low income (50% of median) clients.

3) Projects must serve homeless/mid-acuity and chronically homeless/high-acuity clients as ranked by the community's Coordinated Entry System (CES) or an alternate, equivalent comprehensive assessment system approved by the HACLA, which must be utilized to fill a majority of project initial and turnover vacancies.
4) Projects must serve special needs disabled individuals, families, transition age youth (TAY), seniors and/or veterans.

5) Projects must provide supportive services to all clients and submit a Supportive Services Plan detailing the services to be provided to be reviewed by the HACLA and other government partners.

6) Projects must submit a Management Plan outlining outreach, use of the CES and ongoing property management procedures.

7) Projects must be new construction or rehabilitation projects.

8) Projects must have a high degree of readiness, which at a minimum would include site control and a financial plan for all pre-development and construction costs and permanent financing.

9) Projects, to the greatest extent possible, should leverage funding from other public and private sources willing to offer capital and supportive services funding for supportive housing.

10) Projects should not contribute to a net loss of affordable housing units through the displacement of moderate or low-income residents.

11) Projects must meet all HUD program requirements.

* * *

1.9 General Organization of the Housing Authority

***

The President and CEO is responsible for the HACLA’s overall program and personnel administration.

Directors and Officers for Asset Management, Communications and Program Development, Development Services, Planning, Budget, Finance, Human Resources, General Services, Intergovernmental Affairs, Information Technology, Public Relations and Intergovernmental Relations, and Public Housing oversee departments that provide support services required to achieve the HACLA’s objectives.

***

1.10 Organization of the Section 8 Department

***
Applications, Processing, Issuance and Contracting

The Assistant Section 8 Director for Applications, Processing, Issuance and Contracting (APIC) has direct supervision over the Applications, Processing and Operations Manager, the Voucher Issuance and Contracting Manager, the Re-Contracting Manager, the Incoming Portability Unit, the Owner/Tenant Education Unit, the Applications Manager, and ombudspersons.

* * *

The Incoming Portability Unit issues vouchers and conducts briefing sessions for families who are porting in from other housing authorities; processes initial Housing Assistance Payments (HAP) Contracts, and bills initial housing authorities, when applicable.

Owner/Tenant Education Unit staff work in concert with the Owner Council - a working group of owners and staff who meet regularly to discuss owner concerns, assist in the implementation of new policies and collaborate on issues that affect the program at the local and national levels. Staff also produces a monthly newsletter for distribution to owners and work on strategies to educate applicants and participants on Section 8 initiatives.

Special Programs Operations and Administration

* * *

The Special Programs Operations (SPO) Office issues vouchers and conducts briefing sessions for families who are porting in from other housing authorities; processes initial Housing Assistance Payments (HAP) Contracts, and bills initial housing authorities, when applicable. SPO monitors applicants and participants who port to other housing authorities and processes all billing arrangements, reexaminations, adjustments and terminations as reported by the receiving housing authority. SPO determines eligibility for the Project Based Assistance (PBA) Programs, processes initial contracts and handles all participant and owner activities which include reexaminations, contract rent adjustments, contract cancellations and terminations. SPO determines eligibility and processes new contracts for the Homeless, Housing Conversion and Veterans Affairs Supportive Housing (VASH) programs, along with any new voucher funded programs that may be instituted or reinstated. In addition, this office conducts informal reviews as requested by its applicants and pre-hearing conferences for its participants.

* * *

Administrative Services

* * *

Within Administrative Services is the Support Services Department that provides general support to program staff in the areas of training, quality control and compliance. The Owner Services unit processes payee and ownership changes, conducts owner outreach and training sessions and publishes the owner newsletter. The Quality Control unit reviews work conducted by the Service Delivery offices and assists in identifying areas of training need. The Training unit coordinates
training to develop the professional capacity of staff and to insure consistency in following department procedures and program requirements. The Technical Support unit coordinates move requests and resolves computer and floor access concerns with other support departments for program employees. The Outgoing Portability Unit monitors applicants and participants who port to other housing authorities and processes all billing arrangements, reexaminations, adjustments and terminations as reported by the receiving housing authority.

* * *

1.11 Code of Conduct and Ethical Standards

1.11.1 Code of Conduct Conflict of Interest Federal Requirements

The HACLA maintains requires all officers and employees of the HACLA to comply with the conflict of interest requirements of 24 CFR 982.161 and 24 CFR 85.36. written standards of conduct covering conflicts of interest and governing the actions of HACLA officers, employees and agents engaged in the selection, award and administration of contracts as required by 2 CFR 200.318(c)(1)).

The HACLA maintains written standards of conduct covering conflicts of interest and governing the actions of HACLA and its contractors and subcontractors as required by 24 CFR 982.161.

1.11.2 Conflict of Interest - State Requirements

The HACLA requires its officers and employees to publicly disclose their personal assets and income as required under the California Political Reform Act and to disqualify themselves from participating in decisions which may affect their personal financial interests.

The HACLA Human Resources Department maintains a list of designated positions and disclosure categories and ensures that required information is provided annually to the California Fair Political Practices Commission.

HACLA maintains a written Conflict of Interest Code that prohibits its officers, employees and agents from participating in any decision related to the selection, award or administration of contracts if that individual has a prohibited conflict of interest arising from California’s conflict of interest laws, including those set forth in the Political Reform Act (Government Code sections 81000 - 91014) and its implementing regulations (2 Cal. Code of Regs. §§ 18110 - 18997).

1.11.3 Procurement and Contracting

Procurement standards and ethics in procurement and contracting are governed by the HACLA Manual of Policy and Procedure, Part I, Chapter 109, Purchasing and Contracting, consistent with 24 CFR part 85.36, HUD Handbooks and Guidebooks and State law.
The HACLA has adopted a Procurement Policy that governs the acquisition of supplies, equipment, and materials, construction and maintenance work, and personal and professional services in accordance with and subject to applicable federal and state laws and regulations, including the following, as the same may be amended or superseded from time to time:

- Annual Contributions Contract (ACC) with the U.S. Department of Housing and Urban Development (HUD)
- 2 CFR at Part 200, particularly sections 200.318 through 200.326 (procurement standards)
- Cal. Labor Code sections 1720-1861 (Public Works)
- Various provisions of the Cal. Government Code
- Title 2 of the California Code of Regulations at sections 18110 - 18997 (Conflicts of Interest)
- Title 8 of the California Code of Regulations at sections 16000-16403 (Payment of Prevailing Wages upon Public Works)

1.11.4 Prohibition on Gifts and Gratuities

The HACLA maintains written standards of conduct prohibiting its officers and employees from soliciting and/or accepting either directly or indirectly any form of earned or unearned gift, gratuity, contribution, favor, loan, discount, credit, perk or any other such benefit of monetary value from HACLA’s active or prospective contractors, vendors and/or tenants from which it reasonably could be substantiated that the gift was intended to influence the officer or employee in his/her official duties, or was intended as a reward for any official actions performed by the official or employee.

The HACLA prohibits the solicitation and acceptance of gifts and gratuities by officers and employees of the HACLA in accordance with the provisions of the HACLA Manual of Policy and Procedure, Part I, Chapter 108, Personnel Rules.

Employees or officers who accept any earned or unearned gift or gratuity from active or prospective contractors, vendors and/or tenants are subject to disciplinary action pursuant to the provisions of the Personnel Rules. Disciplinary action may range from a reprimand to discharge.

Employees or officers who violate the written standards of conduct are subject to disciplinary action pursuant to applicable personnel rules and/or labor agreements. Disciplinary action may range from a reprimand to discharge.
1.11.5 Contract Provisions

The HACLA includes in its contracts such language as is required by applicable laws and regulations Federal, State and local law regarding conflict of interest and prohibitions on gifts and gratuities. The HACLA may take any action allowable under law against contractors, subcontractors and agents for failure to abide by contract the terms of any contract.

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Chapter 2 EQUAL OPPORTUNITY HOUSING PLAN

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2.7 Objective VII: Training, Employment, and Contracting Opportunities For Businesses (Section 3/MBE/WBE Requirements and Section 3 Requirements for Section 3 Covered Projects and Programs/LSA)

Consistent with Presidential Executive Orders 11625, 12138, 12432, Title VI of the Civil Rights Act of 1968, and Executive Directive 1-C issued by the Mayor of the City of Los Angeles Section 3 of the Housing and Urban Development Act of 1968, as amended, the HACLA makes efforts to ensure that small, minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs), labor surplus area (LSA) businesses, and section 3 residents and business concerns are used on section 3 covered projects in accordance with 24 CFR 135 when new construction, reconstruction, conversion or rehabilitation is required and individuals or firms located in, or owned in substantial part by persons residing in the area of a HACLA public housing development, and Section 3 Business Concerns are used when possible. Such efforts include, but are not limited to:

1. Including such firms, when qualified, on solicitation mailing lists;
2. Encouraging the participation of such firms through direct solicitation of bids or proposals whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
5. Using the services and assistance of the Small Business Administration, the Minority Development Agency of the Department of Commerce, and the City of Los Angeles Mayor's Office of Economic Development;
6. Including in contracts a clause requiring contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which are located in, or owned in substantial part by persons residing in the area of the project, as described in 24 CFR 135; Including in contracts funded from sources covered by Section 3, the Section 3 clause prescribed at 24 CFR 135.38, which sets forth Section 3 preference requirements and compliance goals for employment and training of Section 3 residents and for contracting and subcontracting with businesses owned...
by public housing residents or which otherwise meet the criteria of a Section 3 business concern. Pursuant to 24 CFR 135.36, efforts shall be directed to award Section 3 covered contracts, to the greatest extent feasible, to Section 3 business concerns in the order of priority, as prescribed in 24 CFR Part 135.34;

7. Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed in 1 through 6 above.

2.7.1 Section 3/MBE/WBE/LSA Policy Statement

It is the policy of the HACLA to utilize Section 3, Minority Business Enterprises (MBEs), and Women-owned Business Enterprises (WBEs) and Labor Surplus Area Businesses (collectively, Section 3/MBE/WBE/LSA) to the extent reasonably possible in all its procurement activities, including contracts for professional services. This action is consistent with the mandates of Title VI of the 1964 Civil Rights Act, Executive Order 11625, Attachment 'O' of the Office of Management and Budget (OMB) Circular A-102, and the Mayor's Executive Directive 1-C, which mandates that the Housing Authority take affirmative steps to ensure the fullest possible participation by firms owned and controlled by minorities and women.

2.7.2 MBE/WBE Utilization

Anticipated levels of participation of 30% for MBEs and WBEs have been established for all professional service contracts awarded by the HACLA. However, those who do not meet the 30% participation level will not be penalized.

These targets apply to the dollar value of such contracts and may be met by the participation therein of MBEs and WBEs as prime contractors, all tiers of subcontractors or material suppliers, or by any combination thereof. Proposers are required to support the HACLA’s efforts by conducting outreach to MBEs and WBEs for subcontracting or supply opportunities related to the prime contracts for which the proposers are competing.

2.7.3 2.7.2 Responsible Proposer Requirements

Proposers are required to make sufficient “good-faith” efforts by conducting outreach to Section 3/MBEs/ WBEs/LSAs for subcontract or supply opportunities related to the contract, to the extent reasonably possible. All proposers are required to complete and submit with their proposals the Declaration of Compliance with Vendor Diversity Outreach Requirements and Section 3 documentation as applicable.

A proposer is required to certify that it has complied with the HACLA’s MBE/WBE policy by making sufficient “good-faith” efforts, as outlined below, to help the HACLA achieve its
anticipated levels of participation. All proposers are required to complete an Affidavit and Certification regarding compliance with MBE/WBE and other business outreach program requirements.

2.7.4 **2.7.3** Good-Faith Efforts

Proposers' "good-faith" efforts may to help the HACLA achieve its MBE/WBE participation levels include, but are not limited to, the following:

1. Attend pre-bid or pre-proposal meetings scheduled by the HACLA to inform Section 3 MBEs/WBEs/LSAs of contracting and subcontracting opportunities.
2. Advertise subcontracting opportunities in general circulation, trade association and minority-focus media.
3. Notify a reasonable number of specific Section 3 MBEs/WBEs/LSAs that their interest is being solicited. This should be done in sufficient time to allow the Section 3 MBEs/WBEs/LSAs to participate effectively.
4. Follow up initial solicitations.
5. Select portions of work to be performed by Section 3 MBEs/WBEs/LSAs in order to increase the likelihood of meeting Section 3 MBE/WBE/LSA goals including, where appropriate and logical, breaking down contracts into economically feasible units to facilitate Section 3 MBE/WBE/LSA participation.
6. Provide interested Section 3 MBEs/WBEs/LSAs with adequate information about the plans, specifications and requirements of the contract.

7. Negotiate in good faith with Section 3 MBEs/WBEs/LSAs and not reject Section 3 MBEs/WBEs/LSAs as unqualified without sound reasons based on a thorough investigation of their capabilities.
8. Assist interested Section 3 MBEs/WBEs/LSAs in obtaining bonding, lines of credit, or insurance. Use minority community organizations; minority contractor groups; local, state and federal minority business assistance offices; and organizations that provide assistance in the recruitment and placement of Section 3 MBEs/WBEs/LSAs.

2.7.5 **2.7.4** Outreach to Vendors

The General Services Department of the HACLA maintains a list of organizations that serve minority and women business constituencies. Notices of every Request for Proposals Proposal and Invitations Invitations for Bid are sent to these organizations which have agreed to share the this procurement information with their memberships. This list may be provided, on request, to proposers and contractors.

The General Services Department also represents the HACLA on the Minority Business Opportunity Committee within the City of Los Angeles Mayor's Office of
Economic Development which is composed of representatives from all the major minority business organizations, government agencies involved in procurement and private sector purchasing officers.

The HACLA in exhibitions at minority business trade fairs to market the HACLA’s procurement opportunities face to face to a broad cross section of MBEs, WBEs and other small vendors participates in business outreach events with partner organizations to increase Section 3/MBE/WBE/LSA participation in our contracting. Together with our partners, such as US Small Business Administration, City of Los Angeles, County of Los Angeles, Black Business Association, Regional Hispanic Chamber of Commerce, among others, HACLA conducts outreach and assists Section 3/MBE/WBE/LSA businesses in understanding HACLA’s contracting process and provides resources and guidance to effectively bid and/or submit proposals in response to contracting opportunities.

The HACLA acquires corporate and honorary memberships in MBE and WBE organizations. HACLA representatives from the General Services Department attend membership meetings and develop on-site outreach programs at MBE/WBE organizations to promote procurement opportunities directly to their members.

Additionally, the HACLA has developed on site vendor workshops to assist vendors and Section 3/MBE/WBE/LSA businesses to understand and participate in the contracting process.

2.7.6 Compliance with Section 3 of the Housing & Urban Development Act of 1968

The HACLA ensures compliance with section 3 requirements regarding the participation of low income persons and businesses in its contracting procedures as may be required by HUD, and is under no contractual or other form of disability in complying with these requirements.

The HACLA makes the same efforts described in Section 2.7.1 through Section 2.7.5 above to ensure that section 3 residents and business concerns are used on section 3 covered projects in accordance with 24 CFR 135 when new construction, reconstruction, conversion or rehabilitation is required.

The HACLA insures that solicitations for bids advise prospective contractors of the section 3 requirements and that the section 3 contract clause is included in all covered contracts.

The HACLA requires its contractors to make a good faith effort to provide, to the greatest extent feasible, training and employment to lower income residents in connection with the work on any assisted project and to appropriately advertise to and recruit such persons to meet the requirements of section 3.

It is the intent and policy of the HACLA to fully comply with Section 3 and to require its contractors undertaking contracts to which Section 3 applies to
demonstrate good faith effort to comply, to the greatest extent feasible, with Section 3.

HACLA’s Section 3 Guide and Compliance Plan (the “Plan”), as approved by HACLA Board of Commissioners helps effectuate HUD Section 3 requirements. The purpose of the Plan is to assist contractors in understanding their Section 3 obligations so that they can be successful in meeting these responsibilities. This purpose is accomplished through the guidance and instruction provided in the Plan, in other Section 3 materials and publications provided by HACLA, and assistance provided by HACLA’s Section 3 Compliance Administrator.

Additionally HACLA ensures that solicitations include the Section 3 requirements as applicable and that the Section 3 contract clause is included in all covered contracts. The HACLA requires that its contractors make good faith efforts to provide employment and other economic opportunities to Section 3 Residents and Section 3 Businesses to the extent feasible.

The HACLA makes the same efforts described in Sections 2.7.3 and 2.7.4 above to ensure that Section 3 Residents and Business Concerns are used on Section 3 covered projects in accordance with 24 CFR Part 135 and HACLA’s Section 3 Plan.

2.8 Objective VIII: Maintenance of Records

The HACLA’s records disposition management program ensures that records of lasting value are preserved and that records no longer needed are properly disposed of or retired. The HACLA maintains data concerning race, color, religion, sex, national origin, age, disability, and family characteristics and other data as required by HUD. The HACLA keeps records and submits reports containing such information as HUD determines to be necessary to enable HUD to ascertain whether the HACLA has complied with Equal Opportunity and Fair Housing requirements.

The Record Retention and Disposition Policy (“Records Policy”) as governed by HACLA Manual of Policy and Procedures Chapter 116:1 and the related HACLA Record Retention and Disposition Schedule (“Records Schedule”) establishes guidelines, policies and procedures for the retention and disposition of the HACLA’s Records in accordance with applicable law and their administrative, legal, fiscal and historical value.

2.8.1 Record Management Policy

The HACLA’s records management policies are to:

1. Provide efficient, economical, and effective controls for storing and disposing of all HACLA records;
2. Develop HACLA records disposition schedules on a program or functional basis;
3. Promptly apply approved records disposition and disposal schedules to HACLA records.
Details concerning the Housing Authority’s implementation of these policies are contained in the Housing Authority’s Manual of Policies and Procedures.

1. Preserve records that document the HACLA’s functions, programs, policies, decisions, procedures, and essential transactions in full compliance with all applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract;

2. Ensure the identification, retention and timely disposition of transitory and temporary records and the identification and retention of permanent records in accordance with the Records Schedule; and

3. Provide a safeguard for maintaining an environment of quality, integrity and security of critical information resources.

2.8.2 Employee Responsibilities

The Records Official or designee is responsible for the following:

1. Maintaining the Records Schedule in compliance with the Records Policy and all applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract;

2. Coordinating the transfer of records to storage and maintaining a detailed current inventory of all stored records;

3. Developing appropriate records management training;

4. Overseeing the timely disposition of records in accordance with the Records Policy and the Records Schedule;

5. Making recommendations to the Board when substantive amendments to the Records Policy become necessary or advisable; and

6. Developing such policies, procedures and guidelines as are necessary to implement the Records Policy.

Employee responsibilities for record management are to:

1. Treat records in their custody as Government property of HACLA and follow all applicable laws, regulations, guidelines, policies and procedures concerning protection of records against damage, unauthorized access, and unlawful removal, modification or destruction of records destruction, mutilation, transfer, disposal or misuse. Identify and keep personal correspondence and documents separate from Government records.
2. Follow the laws against unlawful destruction, modification, removal from files, and use of official records. Notify their superiors of any actual or threatened unlawful removal, destruction, mutilation, transfer, disposal or misuse.

3. Keep reference and other non-record material to a minimum and dispose of it as soon as it becomes obsolete or unnecessary.

4. Recommend improvements to the HACLA’s records disposition management program to the Planning Department.

3. Work with their supervisor to identify and preserve records having significant administrative or historical value or the potential for significant administrative or historical value;

4. Ensure that the retention Schedule assigned to the records they maintain comply with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any applicable grant award or contract and make recommendations to their supervisor when compliance requires amendment of the Records Policy or the Records Schedule;

5. If designated by their superiors, preserve or arrange for the timely disposition of records in accordance with the Records Policy, the Records Schedule and such policies, procedures and guidelines as may be adopted by the Board or developed by the Records Official.

2.8.3 Privacy; Restricted Access

It is the policy of the HACLA to comply with state and federal laws with respect to privacy. Personnel and resident/participant data shall be secured in such a manner so as to restrict access to only personnel authorized by the Records Official or his or her designee, and at no time shall such Records, regardless of format, be made available for public inspection, except as required by law. At all times EIV (“Enterprise Income Verification”) data will be protected in accordance with HUD requirements.

* * *

2.10.1 Persons with an Obvious and/or Visible Disability

In accordance with the Joint Statement of the Department of Housing and Urban Development and the Department of Justice regarding Reasonable Accommodations under the Fair Housing Act, dated May 17, 2004, and the HACLA’s Manual of Policy and Procedure, Part 1 chapter 125, as an alternative to third party certification of a need for reasonable accommodation HACLA supervisory staff holding the position of Assistant Manager or higher may approve a family member’s self-certification of a need for a reasonable accommodation but only if:
1). The individual has an obvious and/or visible disability (such as an individual who regularly uses a wheelchair or an individual with a hearing or visual impairment); and

2). The accommodation requested is clearly related to the individual’s disability (for example, a mobility-impaired person requests a grab bar or a hearing-impaired person requests a sign language interpreter);

* * *

2.10.5 Denials & Terminations - HACLA Discretion To Consider Circumstances

* * *

[See also Section 5.30, Reasonable Accommodation, for applicants who fail to appear, respond, or provide information due to the disability of a family member; Section 13.8.1.2, Reasonable Accommodation and Moves During the First Year of the Lease, for cases in which the landlord fails to provide reasonable accommodations; Section 13.1, HACLA Discretion to Consider Circumstances, and Section 18.6.12 18.6.13, Terminating Participants, for examination of extenuating circumstances in the Shelter Plus Care program. See the HACLA Manual of Policy and Procedure Chapter 125:1, Nondiscrimination on the Basis of Disability and Reasonable Accommodation Policy and Procedures, Appendix 3 of this Administrative Plan, for additional information on reasonable accommodation.]

* * *

3.2.1.1.2 Permanent Supportive Housing Program (PSHP) – Project Based Voucher (PBV) Project

* * *

In accordance with HUD’s guidance and technical assistance, HACLA will transition to the following applicant referral process using a phased in approach that takes into account existing partner waitlists and contracts. PSHP-PBV projects use the Coordinated Entry System to fill at least four out of five vacancies for those units designated for homeless or chronically homeless applicants per the requirements of the NOFA under which the project applied and was awarded PSHP-PBV. Alternate, equivalent comprehensive assessment systems, including but not limited to, the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA. Remaining vacancies are filled with referrals received from partnering agencies who have an MOU or contract with the HACLA to submit referrals. HACLA will evaluate the referral process and make changes to the process in order to meet program and utilization objectives. [For additional information on PSHP-PBV waiting lists see Section 17.32, Waiting List, of this Administrative Plan].

* * *
3.2.1.1.3 Project-based Voucher (PBV) Program

In accordance with the final rule on the Project-Based Voucher Program, published October 13, 2005, the HACLA may select owner proposals to provide project-based voucher assistance for up to 20 percent of the units amount of budget authority allocated to the HACLA in the voucher program. All PBC and PBV units for which the HACLA has issued a notice of proposal selection or which are under an Agreement to Enter into a HAP Contract (AHAP) or HAP contract are counted against this 20 percent maximum.

The Housing Authority may project-base an additional 10 percent of its units above the 20 percent program limit, provided those additional units fall into one of the following categories:

(1) The units are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.

(2) The units are specifically made available to house families that are comprised of or include a veteran. A veteran is an individual who has served in the United States armed forces. The PHA may further define “veteran” for purposes of determining if the units are eligible for this exception. For example, the PHA could require that the veteran must be eligible to receive supportive services from the Department of Veterans Affairs or require that the veteran was not dishonorably discharged.

(3) The units provide supportive housing to persons with disabilities or to elderly persons. The definitions of a person with disabilities and an elderly person are found at 24 CFR 5.403. Supportive housing means that the project makes supportive services available for all of the assisted families in the project and provides a range of services tailored to the needs of the residents occupying such housing. Such services may include (but are not limited to):

(A) meal service adequate to meet nutritional need,
(B) housekeeping aid,
(C) personal assistance,
(D) transportation services;
(E) health-related services;
(F) educational and employment services; or
(G) other services designed to help the recipient live in the community as independently as possible.

(4) The units are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey 5-Year Estimates.

* * *
3.2.1.2.3 Homeless Program

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In accordance with HUD’s guidance and technical assistance, HACLA will transition to the following applicant referral process using a phased in approach that takes into account existing partner waitlists and contracts. Contracted **contracted** agencies for this program use the Coordinated Entry System to fill at least four out of five vacancies. Alternate, equivalent comprehensive assessment systems, including but not limited to the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA. Remaining vacancies are filled with referrals received from contractors who have an MOU or contract with the HACLA to submit referrals. HACLA will evaluate the referral process and make changes to the process in order to meet program and utilization objectives.

* * *

3.2.1.2.11 Tenant-Based Supportive Housing Program

* * *

In accordance with HUD’s guidance and technical assistance, HACLA will transition to the following applicant referral process using a phased in approach that takes into account existing partner waitlists and contracts. Contracted **contracted** agencies for this program use the Coordinated Entry System to fill at least four out of five vacancies. Alternate, equivalent comprehensive assessment systems, including but not limited to the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA. Remaining vacancies are filled with referrals received from contractors who have an MOU or contract with the HACLA to submit referrals. HACLA will evaluate the referral process and make changes to the process in order to meet program and utilization objectives.

* * *

3.2.1.2.14 Homeless Veterans Initiative

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In accordance with HUD’s guidance and technical assistance, HACLA will transition to the following applicant referral process using a phased in approach that takes into account existing partner waitlists and contracts. Contracted **contracted** agencies for this program use the Coordinated Entry System to fill at least four out of five vacancies. Alternate, equivalent comprehensive assessment systems, including but not limited to the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA. Remaining vacancies are filled with referrals received from contractors who have an MOU or contract with the HACLA to submit referrals. HACLA will evaluate the referral process and make changes to the process in order to meet program and utilization objectives.

* * *
3.2.1.3.1 Housing Opportunities for Persons with AIDS (HOPWA Program and HOPWA Fast Track Program)

This program was established by the AIDS Housing Opportunities Act to assist States and local communities in providing long term comprehensive strategies to meet the housing needs of persons with AIDS and their families.

The HOPWA Advisory Committee for Los Angeles County established a tenant-based rental assistance program as one component of its HOPWA program. The tenant-based program operates under HOPWA regulations (24 CFR 574) and under the procedures included in a Memorandum of Understanding (MOU) with the agency which administers all HOPWA funds in the County of Los Angeles, currently the Housing + Community Investment Department (HCIDLA, formerly Los Angeles Housing Department (LAHD)). The HOPWA program provides funds for at least one year of rental assistance to eligible program participants. The HACLA issues a Section 8 voucher to eligible low income families when these funds are exhausted. Prior to the 1999 merger of the certificate and voucher programs, a Section 8 certificate was issued.

* * *

The HACLA also may, in collaboration with HCIDLA LAHD, contract with agencies to refer applicants to the HACLA for determination of eligibility to the HOPWA program. Agencies successful through a HACLA competitive process would be utilized and would refer applicants who are under a plan of care or service plan with the agency. The HACLA would work with the applicant and the referring agency to obtain necessary eligibility documentation.

* * *

The HACLA also administers the HOPWA project-based rental assistance program under a Memorandum of Understanding with HCIDLA LAHD. Owners of project-based HOPWA buildings refer applicants to the HACLA for determination of eligibility.

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Chapter 4 SELECTION OF COMMUNITY BASED ORGANIZATIONS (CBOs) OR NON PROFIT ORGANIZATIONS (NPOs) - REQUEST FOR PROPOSALS (RFP) PROCESS

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4.2 Evaluation and Selection

The Section 8 Department establishes a panel which evaluates the proposals. This panel prepares a recommendation for the Board of Commissioners based on a pre-established selection and rating system that is included in the RFP. The criteria for selection may include:

- The qualifications, experience and references of the proposer;
- Staffing and organization;
- Work plan and schedule;
- Cost and Price;
• **Section 3**
  - Outreach to Minority owned Business Enterprises and Women owned Business Enterprises;
  - Other items which may be required to successfully evaluate the proposals.

  * * *

5.15 *Admission of Low Income Families - Special Eligibility Criteria* to read as follows:

The HACLA provides tenant-based assistance to otherwise eligible low income families in the categories listed below.

1. Families who are displaced or about to be displaced due to the action of government agencies or school districts. Such families must be certified as being displaced or about to be displaced by the government agency or school district or by a local agency operating under agreement with the government agency or school district responsible for the displacement.

2. Participant families in the HOPWA program who are eligible to transition into the Section 8 tenant-based program in accordance with Section 3.2.1.3.1, Housing Opportunities for Persons with AIDS (HOPWA) Program and HOPWA Fast Track Program.

3. Participant families in the Shelter Plus Care Programs in accordance with the requirements set forth in Chapter 18, Special Procedures for the Shelter Plus Care (S+C) Program, of this Administrative Plan.

4. Eligible low income families when a HUD subsidy contract ends but HUD does not provide tenant-based replacement vouchers. [See Section 3.2.2.4, Termination of HUD Subsidies, of this Administrative Plan.]

5. Families who are bona fide victims of declared disasters or emergencies recognized by the State or Federal government. [See Section 3.2.2.2, Victims of Declared Disasters, of this Administrative Plan.]

6. Participant families in the HUD-VASH program who receive 100% disability compensation from Veterans Affairs as their only source of income.

  * * *

5.17.1 Priority 1 Preference - Special Programs and Other Referrals

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In determining the order of service among applicants who qualify for a Priority 1 preference, the following ranking criteria is used. The ranking criteria follows the hierarchy noted and is based on the applicant having applied for admission under one of the programs listed under Section 3.2.1, Referrals to Special Programs, and Section 3.2.2, Referrals Due to Special Circumstances, of this Administrative Plan and have met any additional programmatic requirements, including, in
some cases, certification by an agency accredited by HACLA to participate in the special programs:

13. Shelter Plus Care - Continuum of Care Surviving or Remaining Members of a Family (Section 18.6.13 of this Administrative Plan)

6.18 Readmissions and Reasonable Accommodations

Once a family has left an assisted housing program and any 30-day hearing period has expired, the family shall not be re-admitted except through the HACLA’s waiting list. The family must re-apply in accordance with normal waiting list procedures at such time that the waiting list is open.

The family will not be readmitted to the housing assistance program unless:

- The family proves that the termination was due to a disability as provided for in Section 5.30, Reasonable Accommodation, of this Administrative Plan, or
- An administrative error occurred.

The HACLA will consider readmission of a family as a reasonable accommodation only for cases in which the family can establish that the disability of a family member caused the family to fail to appear for a hearing or to fail to request a hearing, or if the disability itself was a proximate cause of the family’s removal from the program. The burden of proof in such cases is upon the family. In addition, the family must make the request for readmission within three years of the date the family withdrew from, or was removed from, the assisted housing program.

The HACLA does not perform a criminal history check unless a member was added to the family while the family left an assisted housing program. If a criminal history check indicates that the added family member has engaged in any activity that would cause the HACLA to deny assistance in accordance with Chapter 13, Termination and Denials, the HACLA shall refuse to reinstate the family unless the added member is removed from the family.

10.2.2 Extensions for Applicants with Disabilities

To make the program accessible to an applicant family member who is a person with a disability, the voucher is extended in increments of 60 days up to a term reasonably required for that purpose but not to exceed 240 calendar cumulative days unless the Section 8 Director approves an additional 30-day extension in writing.
10.2.3 Extensions for Hardship or Good Cause

At the family’s written request, the HACLA may provide a single 30-day extension for hardship due to medical or other reasons which the family can document and which prevented the family from searching for an assisted unit during the initial 120 days of the voucher. This extension shall not be combined with extensions provided as a reasonable accommodation. Multiple 30-day extensions and extensions of less than 30 days shall not be provided.

* * *

10.8.1 Subsidy Standards for New Admissions

A voucher is issued to an applicant within the Section 8 or other assisted housing programs in accordance with the following table.

<table>
<thead>
<tr>
<th>Size of Family (Family Unit Size)</th>
<th>Number of Bedrooms to be subsidized</th>
</tr>
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* * *

10.9 Changing the Voucher Payment Standard

The payment standard (and the voucher bedroom size) may be changed only at the time of an annual reexamination, and at the time of a new HAP Contract (for the same or another unit). When the family receives a voucher to move (in anticipation of a new HAP Contract), the payment standard for the current unit is not changed unless there are other valid circumstances for the change. The requirements for changing the payment standard for a participant are:

* * *

F. Decrease in the Fair Market Rent

*If as a result of a reduction in the Fair Market Rent, the Housing Authority is required to adjust any of its voucher payment standards to remain within the limits of the “basic range” established by HUD, at the discretion of the Housing Authority the decreased payment standard will not be applied to a participant family continuing to reside in an assisted unit. The Housing Authority may choose to continue to use the*
higher voucher payment standard for as long as the participant family continues to receive housing assistance in that assisted unit.

* * *

11.18 Biennial and Special Inspections

Following a Biennial an Annual or Special Inspection, if the assisted units fails inspection the HACLA provides the owner and the family with a copy of the completed unit inspection form which lists HQS deficiencies and whether responsibility for the correction of the deficiencies lies with the owner or the family. In order to pass an inspection, all HQS deficiencies must be corrected. For HQS deficiencies that are the responsibility of the owner, the Housing Authority may charge a reinspection fee after the first reinspecktion (See Section 11.13 Verification of Corrected Deficiencies of this Administrative Plan).

* * *

11.18.1 Normal Period for Correction of HQS Deficiencies

After a biennial inspection, the tenant and the owner are given a period of time to correct any HQS violations found in the unit. The unit is automatically re-inspected within 30 calendar days. If the 30 calendar days timeframe falls on a weekend or a holiday, the reinspecktion will be scheduled for the previous business day. For HQS deficiencies that are the responsibility of the owner, the Housing Authority may charge a reinspection fee after the first reinspecktion (See Section 11.13 Verification of Corrected Deficiencies of this Administrative Plan).

* * *

11.19 Changes in Rent to Owner

In project-based programs, rents are adjusted in accordance with applicable HUD regulations or published directives. For the Project-Based Certificate and Voucher Program programs—see Section 17.41 through Section 17.43 of this Administrative Plan.

* * *

11.19.3 City RSO – Capital Improvement and Rehabilitation Rent Surcharges

If the Housing + Community Investment Department (HCIDLA, formerly LAHD) Los Angeles Housing Department (LAHD) approves a Capital Improvement or Rehabilitation Rent Surcharge for the unit, the landlord must provide the HACLA with a copy of the HCIDLA LAHD notice that indicates the amount of the approved surcharge and the duration of the surcharge (usually five to six years). The landlord must provide a 60-day written notice to the family and to the HACLA of the rent increase.

If comparable rents support the rent surcharge, the rent to owner is increased in accordance with the HCIDLA LAHD determination. The application of the surcharge does not prevent the landlord
from taking his regular annual RSO increase so long as one year has passed since the last regular
RSO increase.

During the surcharge period, the landlord may annually increase his rent to the tenant in
accordance with the RSO automatic annual adjustment procedure [RSO Section 151.06 D].

* * *

If comparable rents will not support application of the full rent surcharge approved by the
**HCIDLA** LAHD, the HACLA consults with the LAHD to determine how the landlord may be
appropriately compensated.

* * *

11.19.4 City RSO - Primary Renovation Program

Under the Primary Renovation Program the landlord submits an application for a building permit
and a Tenant Habitability Plan to the **Housing + Community Investment Department** Los
Angeles Housing Department for approval. The Plan may provide for renovation to occur with the
tenant remaining in the unit or may provide for temporary relocation of tenants to “habitable
replacement housing” in accordance with the City RSO’s Primary Renovation Program and Tenant
Habitability Program.

* * *

In accordance with the provisions of the Primary Renovation Program, once renovation has been
completed, the Rent Adjustment Commission (RAC) may authorize a permanent increase of the
rent to the landlord. The landlord must give the required notice to the family and the HACLA. The
HACLA must conduct a rent reasonableness test for the proposed rent as provided in Section
11.7, Method for Determining Rent Reasonableness, of this Administrative Plan. If the comparable
rent will not support the RAC’s approved increase, the HACLA will consult with the **HCIDLA** LAHD
to determine how the landlord may be appropriately compensated.

* * *

11.19.5 City RSO - Just and Reasonable Rent

After a public hearing, a **Housing + Community Investment Department** (HCIDLA,
formerly LAHD) Los Angeles Housing Department (LAHD) hearing officer can authorize a “just
and reasonable” rent increase in situations in which the landlord has incurred increased operating
expenses. The rent increase will exceed the rent increases normally allowed under the Rent
Stabilization Ordinance (RSO). Such rent increases are permanent increases and become the base
rent against which future rent increases are calculated unless the **HCIDLA** LAHD or the hearing
officer provides instructions to the contrary.

Provided that the resulting rent to owner is determined to be a reasonable rent, upon presentation
of a copy of the **HCIDLA** LAHD hearing officer’s decision, the HACLA will increase the rent to
owner to the value established by the **HCIDLA LAHD** hearing officer as a “just and reasonable rent.”

Under no circumstances may the rent to owner exceed the reasonable rent as determined by the HACLA. If the rent allowed by the **HCIDLA LAHD** results in a rent that is not reasonable, the HACLA consults with the **HCIDLA LAHD** to determine how the landlord may be appropriately compensated.

* * *

11.20.1 **HCIDLA LAHD** Notification of a Requirement to Decrease the Rent

If the **Housing + Community Investment Department (HCIDLA, formerly LAHD)** Los Angeles Housing Department (LAHD) notifies the HACLA that an owner has not abided by the terms of the lease and is providing fewer amenities than required, the HACLA must abide by any **HCIDLA LAHD** decision to reduce the rent to the owner. If the amenity is not covered by a utility allowance, the HACLA lowers the rent to the owner and advises the family of the decrease in the rent to owner.

If the **HCIDLA LAHD** requires retroactivity, the HACLA debits the owner retroactively. The family does not receive any reimbursement unless the gross rent for the unit exceeded the payment standard prior to the reduction in rent.

If the amenity is covered by a utility allowance, in addition to the above actions, the HACLA shall correct the family's utility allowance. The HACLA does not provide a retroactive credit to the family unless the family notified the HACLA of a change in utilities prior to the **HCIDLA LAHD** notification.

The landlord and the family must enter into a new lease setting forth the revised responsibility for utilities. The HACLA must inspect the unit, revise the amenities in the third party vendor system and verify that the rent authorized by the **HCIDLA LAHD** is a reasonable rent. The HAP contract is revised to reflect the lower rent required by the **HCIDLA LAHD**. The owner is not allowed to increase the rent above the amount determined by the **HCIDLA LAHD**.

* * *

11.23.2 Project/Sponsor-based Contracts and Vacancy Loss

* * *

For vacancy loss provisions in the **Project-based Certificate and Project-based Voucher Program** programs, see Section 17.44, Vacancy Payment, of this Administrative Plan.

* * *

12.7 Family Repayment of Amounts Owed to the HACLA

[For information on investigating the misreporting of income, refer to Section 13.8.7,
Fraud, of this Administrative Plan.]

Families are required to repay the HACLA for:

1. Amounts paid to an owner on behalf of the family for unpaid rent, damages to the unit and vacancy loss where such payment was contractually required;

2. Amounts overpaid to owners in Housing Assistance Payments due to the family's failure to promptly and correctly report income, assets and family composition [See Section 12.3, Reexaminations of Income, above.];

3. Amounts overpaid to the family in Utility Assistance Payments due to the family's failure to promptly and correctly report income, assets and family composition [See Section 12.3, Reexaminations of Income, above.].

* * *

12.7.3 Limits on the Offer of a Repayment Plan

Repayment plans will only be offered on the following terms: If a family owes $5,000 or less, the family must sign a repayment agreement in accordance with the requirements of Section 12.7.2 12.6.2 above. Failure to sign a repayment agreement shall result in termination from the assisted housing program.

If a family owes more than $5,000 but not more than $10,000, the family will be provided a written notice which allows the family 30 days in which to pay down the amount owed to HACLA so that not more than a $5,000.00 balance remains. The same notice shall require the family, within 10 days after the HACLA's bank has verified receipt of the pay-down funds, to enter into a repayment agreement for the remaining balance in accordance with the requirements of Section 12.7.2 12.6.2 above. If the HACLA's bank does not receive the pay-down funds within 45 days of the notice or if the family does not execute a repayment agreement within 10 days after the pay-down funds have been received, the family shall be terminated from the assisted housing program.

* * *

13.1 Discretion To Consider Circumstances and Reasonable Accommodation for the Disabled

* * *
[See also Section 18.6.12 18.6.13, Terminating Participants, for a discussion of extenuating circumstances in the Shelter Plus Care program and Section 2.10, Objective X: Providing Reasonable Accommodation, of this Administrative Plan. See the HACLA Manual of Policy and Procedure Chapter 125:1, Nondiscrimination on the Basis of Disability and Reasonable Accommodation Policy and Procedures, Appendix 3 of this Administrative Plan, for additional information on reasonable accommodation.]

* * *

13.4.1.1 Prior Evictions For Drug Related Criminal Activity

HUD requires the HACLA to prohibit admission of an applicant for three years from the date of eviction if any household member was evicted from federally assisted housing for drug related criminal activity (including personal use or possession of a drug).

HACLA standards are to deny admission if any member of the household was evicted from federally assisted housing for drug related criminal activity (including personal use or possession of a drug) within three years prior to the initial interview.

If the eviction was due to illegal personal use of a drug, the HACLA will consider admitting the household, but only if:

1. The household member who engaged in drug use provides verifiable documentation that he/she has successfully completed a supervised drug rehabilitation program since the time of the eviction, or

2. The circumstances leading to the eviction no longer exist (for example, the evicted household member who engaged in drug use has died or is imprisoned or is permanently hospitalized or is removed from the household composition).

3. The eviction was due solely to the individual's illegal use of a drug and not for any other drug related criminal activity.

Temporary absence from the household is not a sufficient basis for allowing the family admission to assisted housing. If the culpable household member is only temporarily absent from the household (the member is not, for example, imprisoned or permanently hospitalized) and has not completed a supervised drug rehabilitation program, the HACLA must not provide assistance, even assistance with conditions on such assistance, to the family. [See Section 13.10, Conditions on Assistance, of this Administrative Plan for more information.]

If the culpable household member is imprisoned, the HACLA may provide assistance to the family on the condition that the household member will not reside in the unit upon release from prison.

When the culpable household member has been released from prison, the HACLA employs the same standards provided in this section to determine whether that person will be admitted to the household.
13.4.1.2 Drug Related Criminal Activity Not Related to Evictions—Applicants

HUD authorizes the HACLA to prohibit admission of persons who have engaged in drug-related criminal activity during a reasonable period of time before admission. The HACLA standards are to deny admission to the family if any member of the household is a person who was convicted of drug related criminal activity during the two years prior to the date of the initial interview.

For the purposes of this section, a conviction due solely to an individual’s illegal use of a drug and/or for possession of an illegal drug for personal use shall not be considered to be a conviction for drug related criminal activity. Conviction for illegal use of a drug and conviction for possession of an illegal drug for personal use are treated below.

* * *

13.4.1.3 Illegal Use of a Drug—Applicants

HUD requires the HACLA to establish standards that prohibit admission of a family if any household member is currently engaging in illegal use of a drug or if the HACLA determines it has reasonable cause to believe that a household member’s illegal use of a drug or pattern of illegal use may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

The HACLA’s standards are based on a preponderance of the evidence, to deny admission to the family if any member of the household has engaged in the illegal use of a drug within one year of the initial interview or has been convicted of illegal use of a drug or of possession of an illegal drug for personal use within one year of the initial interview.

The HACLA will admit such a family only if the household member who engaged in or was convicted of illegal use of a drug or of possession of an illegal drug for personal use:

1. Certifies in writing that he or she is not currently engaged in the illegal use of any drug, and
2. Either provides verifiable documentation of having successfully completed a supervised drug rehabilitation program since the last instance of illegal use of a drug or last conviction for illegal use or possession of an illegal drug for personal use, or
3. Provides verifiable documentation that he or she is currently an active participant in a supervised drug rehabilitation program.

[See also Section 13.4.1.1, Prior Evictions for Drug Related Criminal Activity, of this Administrative Plan.]

* * *
13.5.2 Violent Criminal Activity—Applicants

HUD authorizes the HACLA to prohibit admission of persons who have engaged in violent criminal activity during a reasonable period of time before admission. The HACLA standards are to deny admission to the family if any member of the household is a person who has been convicted of a felony for violent criminal activity (against persons or property) during the two years prior to the date of the initial interview or if a preponderance of the evidence indicates that the applicant has engaged in violent criminal activity during the three years prior to the date of the initial interview, regardless of whether or not the applicant was convicted for such conduct.

13.7.1 Alcohol Abuse – Applicants

HUD requires the HACLA to establish standards that prohibit admission of a family if the HACLA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

The HACLA’s standards are to deny admission to the family if within one year of the initial interview any member of the household has engaged in criminal conduct that involved the use of alcohol or has been convicted of any crime that involved the use of alcohol.

The HACLA will admit such families only if the household member described above:

1. Provides verifiable documentation of having successfully completed a supervised alcohol rehabilitation program since the last instance of criminal conduct that involved the use of alcohol or conviction for a crime that involved the use of alcohol, or
2. Provides verifiable documentation that he or she is currently an active participant in a supervised alcohol rehabilitation program.

13.8.1.3 Damages to the Unit

Participants are terminated from any housing assistance program if the family vacates the assisted unit leaving damages to the unit caused by the family, its guests, invitees or any other person over which the family had control, which are in excess of $2,000.00 (two thousand dollars) $1,000.00 as verified by a HACLA Inspector. Damages to the unit beyond normal wear and tear exceeding $2,000.00 (two thousand dollars) $1,000.00 are considered a serious violation of the lease irrespective of whether or not the family reimburses the landlord for the cost of repairs and irrespective of the reason for which the family vacated the unit. An individual is banned for five ten years prior to the date of the initial interview to any assisted housing program if he or she was terminated from any housing assistance program for damages to the unit exceeding $2,000.00 (two thousand dollars) $1,000.00. The HACLA will admit such a family only if the family verifies that landlord was reimbursed for the cost of repairs. The burden of proof that landlord was reimbursed lies with the family.

* * *
13.8.8 Termination from Section 8 Programs

The HACLA denies admission to the family if any member of the family has been terminated from any HACLA Section 8 assisted housing program for cause within the five three years immediately prior to the initial interview.

* * *

14.7.6 Rights of Discovery

Prior to the hearing the family has the right to examine and copy any Housing Authority documents that are directly relevant to the hearing at least five days in advance of the hearing. The family must submit the documents that they will present during the hearing along with a list of the attending witnesses at least five days before the hearing. These documents are copied at the expense of HACLA. If the HACLA does not make the document available for the family at the family’s request, the HACLA may not rely on the document at the hearing.

The family must submit the documents that they will present during the hearing along with a list of the attending witnesses at least five calendar days (excluding holidays) before the hearing. Documents must be submitted to HACLA main office located at 2600 Wilshire Blvd, Los Angeles, CA 90057. Failure to comply will result in the exclusion of the family’s documents. HACLA must be allowed to copy these documents at the expense of HACLA.

* * *

Chapter 16 SPECIAL PROCEDURES FOR THE MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (MRP-SRO)

16.1 Method for Selecting Owners - Request for Proposals Process

Immediately after the HACLA has decided to compete for any HUD Notice of Funding Availability (NOFA) for the MRP-SRO program, the HACLA will prepare and publish a Request for Proposals (RFP) in accordance with the standards for publication and notification required by the procurement policy established by the HACLA’s General Services Department.

The issuance of the RFP is published as a legal notice in newspapers of general circulation and in minority and community based newspapers and publications advertised on Los Angeles Business Assistance Virtual Network (LABAVN). Additionally, the General Services Department maintains a list of organizations that serve minority and women owned business constituencies and the RFP notification is e-mailed to these organizations. Proposals are also solicited from agencies which assist and service the homeless, from any list of SRO owners maintained by the Los Angeles Housing Department and from entities which have expressed an interest to the HACLA General Services Department or to the Section 8 Department.
In accordance with the policy set forth in Section 2.7, Objective VII: Training, Employment and Contracting Opportunities for Businesses (Section 3/ MBE/WBE/LSA, of this Administrative Plan, the HACLA conducts outreach to small, minority owned business enterprises (MBEs), women-owned business enterprises (WBEs), labor surplus area businesses (LSA) and low income persons and businesses Section 3 Business Concerns in its RFP process.

The RFP contains the HACLA’s written selection criteria and the weight to be given to each factor the HACLA will use to rank and select proposals.

The proposals are evaluated, rated and ranked in accordance with the technical, price and other factors specified in the RFP.

* * *

16.1.1 Content of Proposals

In addition to completed application forms, proposers are required to submit project information to support the application. The specific information required for proposals is subject to change based on the requirements of the NOFA and other HUD requirements.

* * *

16.1.2 Tenant Outreach

To insure that proposers are capable of properly locating, screening and assisting the homeless, the proposer’s qualifications and experience in locating and dealing with homeless individuals or the proposer’s affiliation with groups and agencies with such qualification and experience will be evaluated and considered a basic criterion for participation in the MRP-SRO program. The proposer must identify the procedures that he or she intends to use to make the availability of the program known to homeless individuals and must demonstrate an ability to reach homeless individuals of all races, colors, religion, sex, age, national origin and those with mental, developmental or physical disabilities who may qualify for admission to the program. Contracted agencies for this program use the Coordinated Entry System to fill vacancies. Alternate, equivalent comprehensive assessment systems, including but not limited to the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA.

* * *

16.4 Tenant Outreach Procedures

It is the owner’s responsibility to locate homeless individuals and to refer those individuals to the HACLA for determination of eligibility. The owner must have demonstrated an ability to perform successful outreach to the homeless population of the City of Los Angeles or demonstrated an effective affiliation with agencies capable of outreach. [See also Section 16.1.2, Tenant Outreach, above.]

Contracted agencies for this program use the Coordinated Entry System to fill at vacancies. Alternate, equivalent comprehensive assessment systems, including but
not limited to the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA.

* * *

16.9.6. Initial Contract Rents

The initial rent to owner shall be determined in accordance with 24 CFR Part 983 Subpart G. Initial contract rents cannot exceed the lower of:

- (a) the reasonable rent,
- (b) an amount determined by the HACLA, not to exceed 110 percent of the applicable FMR minus any utility allowance, or
- (c) the rent requested by the owner.

For RAD conversions, HUD is waiving 24 CFR § 888.113(f)(2) and establishing the alternative requirement that the applicable FMR used for SRO units for initial and re-determined rents shall be the zero bedroom (efficiency) FMR.

* * *

16.9.10. Homeless Preference for SRO Conversion to RAD PBV

The preference for the homeless must apply to individuals or families that fall within the definition for homeless established by the McKinney-Vento Homeless Assistance Act as amended by the HEARTH Act and contained in the Continuum of Care Interim Rule at 24 CFR § 578.3 HEARTH Act, unless the CoC provides a letter of support to cover a homeless population not included in that definition.

* * *

Chapter 17 Special Procedures for the Project Based Assistance (PBV) Programs

The HACLA operates both a project-based certificate (PBC) and a project-based voucher (PBV) program. This Chapter sets forth HACLA policy for the PBC and the PBV programs as required by regulation. This Chapter does not eliminate any requirements of the PBC or PBV regulations and must be read in conjunction with those regulations.

* * *

17.23 Biennial Annual and Other Inspections of PBV units

The HACLA shall schedule biennial annual inspections in accordance with 24 CFR 983.103 for at least 20 percent of the PBV contract units in each building. The HACLA will draw its random sample of 20 percent from all units covered under the PBV Contract regardless of whether or not the unit has been recently inspected. Wherever possible, the HACLA will stagger its inspections so that the 20 percent of units will be inspected over a 3-month period to allow the owner adequate time to make repairs to the units.
If more than 20 percent of the randomly selected units fail the initial inspection, the HACLA will schedule inspections for all of the remaining 80% of units within the next three months unless a unit has already been inspected as a turnover unit and passed inspection within the last three months.

* * *

17.44.1. Term of the RAD PBV Contract

The initial contract will be for a period of at least fifteen (15) years (up to 20 years upon request of the Project Owner and with approval by the HACLA). Upon expiration of the initial contract, the HACLA must offer, and the Owner must accept, renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriated funds and the owner’s satisfactory RAD PBV program performance, for such periods as the HACLA deems appropriate and in accordance with HUD regulations and instructions.

* * *

17.44.4 Conversion from Public Housing to RAD PBV

At conversion, current households are not subject to rescreening, income eligibility, or income targeting. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. Once that remaining household moves out, the unit must be leased to an eligible family. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.

* * *

Chapter 18. Special Procedures for the Shelter Plus Care Continuum of Care Program

The HEARTH Act consolidates the three separate McKinney-Vento homeless assistance programs, including the Supportive Housing Program, Shelter Plus Care Program, and Section 8 Moderate Rehabilitation SRO Program into a single grant program known as the Continuum of Care (CoC) Program. The former Shelter Plus Care (S+C) Program provides rental assistance in connection with matching supportive services. The S+C Program provides a variety of permanent housing choices, accompanied by a range of supportive services funded through other sources.
As of December 31, 2017 all awards made to the Housing Authority under Shelter Plus Care were renewed under the Continuum of Care Program.

* * *

18.6.11 Family Obligations

The family shall be required to sign and be responsible for the following:

- In the Tenant-based component, the **Shelter Plus Care - Continuum of Care Tenant Based** tenant-based Section 8 Family Obligations;
- In the Project-based or Sponsor-based component, the Statement of Family Responsibility - Section 8 Project-based Rental Certificate Assistance Program;
- In the SRO component, the Section 8 Moderate Rehabilitation Program Statement of Family Responsibility.

* * *

18.6.13 Surviving or Remaining Members of a Family

In accordance with 24 CFR 582.5¹ if the person with disabilities who qualified the family for assistance under **the Continuum of Care** Shelter Plus Care dies or leaves the assisted household, the right to rental assistance for surviving members ends at the end of the grant period under which the deceased member was a participant. **At the end of the grant period, the Housing Authority will use one of its own vouchers, if available, to continue assisting this family. The surviving family members will be referred to the HACLA for placement on the Section 8 tenant-based waiting list with a local preference of Priority 1.**

The HACLA applies the same requirements to remaining members of a family assisted under Shelter Plus Care if the person with disabilities who qualified the family for assistance leaves the assisted household.

In either case, neither surviving members nor remaining members of such families have a right to assistance under the Housing Choice Voucher Program. If the Contractor evicts the family in accordance with the terms of the lease, the family is no longer eligible for housing assistance.

* * *

¹ Eligible person means a homeless person with disabilities (primarily persons who are seriously mentally ill; have chronic problems with alcohol, drugs, or both; or have AIDS and related diseases) and, if also homeless, the family of such a person. To be eligible for assistance, persons must be very low income, except that low-income individuals may be assisted under the SRO component in accordance with 24 CFR 813.105(b).
18.7.4 Statement of Family Responsibility

In addition to the Section 8 Family Obligations form, the participant and the Contractor’s representative are required to sign a Statement of Family Responsibility requiring the participant to take part in the supportive services required by the Contractor as a condition of continued participation in the 5+6 Continuum of Care program. The Contractor’s representative by his or her signature agrees to notify the HACLA of the failure of the participant to take part in any required supportive services.

** Chapter 21 SPECIAL PROCEDURES - HUD-VASH **

The HACLA operates both a regular Veterans Administration Supportive Housing (VASH) program and the HUD-Veterans Affairs Supportive Housing (HUD-VASH) Program. The HUD-VASH program combines HUD Housing Choice Voucher (HCV) rental assistance for homeless veterans with case management and clinical services provided by the Department of Veteran Affairs (VA) at its medical centers.

Although HUD-VASH vouchers are administered in accordance with the Housing Choice Voucher regulations at 24 CFR part 982, the 2008 Appropriations Act authorized the HUD Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation deemed necessary for effective delivery and administration of the HUD-VASH program.

This chapter provides the key waivers and alternative requirements as designated by the HUD Secretary for the HUD-VASH program and changes in HACLA policy as may be required to implement the HUD-VASH program. **Therefore revisions to HUD-VASH policies are exempted from the criteria of significant amendment since revisions made are necessary to reflect statutory or regulatory changes as designated by the HUD Secretary.**

All regulations of 24 CFR Part 982 apply to the HUD-VASH program unless the HUD Secretary has indicated otherwise. Throughout this chapter the designation “VAMC” shall mean the HACLA’s partnering Veteran’s Affairs Medical Center(s) unless otherwise indicated.

** 21.7 Initial Term of the Housing Choice Voucher **

HUD-VASH vouchers must have an initial search term of 120 days, or such other number of days as may be designated by the Secretary of Housing and Urban Development for the HUD-VASH program. 24 CFR 982.303(a) which states that the initial search term of a voucher must be at least 60 days shall not apply since the initial search term must be at least 120 days. **At the discretion of the Director of Section 8, the HACLA may approve a 180-day maximum term of the voucher. In this case, the voucher will expire at the end of 180 cumulative calendar days if the family has not requested an extension beyond the 180 days as a reasonable accommodation.**
Therefore Section 10.1 of the Administrative plan which limits the initial term of the voucher to 60 days shall not apply to the HUD-VASH program.

*If during the voucher term the homeless veteran dies, the voucher will remain with the remaining members of the family composition, if applicable. The Housing Authority will use one of its own vouchers, if available, to continue assisting this family and free up a voucher for another HUD-VASH eligible family. If a regular voucher is not available, the family would continue utilizing the HUD-VASH voucher. Once the HUD-VASH voucher turns over, however, it must go to a homeless veteran family.*

* * *

Glossary

**HCIDLA**

_The Los Angeles Housing + Community Investment Department_

* * *
HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

AGENCY PLAN RESPONSE TO COMMENTS RECEIVED

NOTICE TO RESIDENTS AND PROGRAM PARTICIPANTS

September 28, 2017

Dear Residents and Program Participants:

The Housing Authority of the City of Los Angeles (HACLA) is pleased to respond to comments received on HACLA's Fiscal Year 2018 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. The Agency Plan of which this document is part of is available at www.hacla.org.

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 must have an opportunity for input before each submission to HUD. This year HUD updated the forms but did not update the Agency Plan regulations.

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."

THE HOUSING AUTHORITY AGENCY PLAN PUBLIC PROCESS

The Housing Authority has made the Agency Plan submission/approval process a public process. HACLA has a history of going beyond the letter of the law for resident participation requirements. The public process for the Agency Plan began on February 17, 2017 and continued into August 2017. The events, communications and activities relevant to the Housing Authority’s Agency Plan public process include:

- Held Agency Plan pre-Draft and post publication meetings with:
  - With Resident Leaders (RAB) on March 17, 2017, May 19, 2017 and June 16, 2017
  - With the Housing Authority Resident Advisory Council (HARAC) on February 17, 2017, April 21, 2017 and August 10, 2017

- Conducted two advocate meetings, one on March 29, 2017 during the development of the Draft Agency Plan, and another on July 10, 2017 after the draft was published.

- Translated the Draft Agency Plan into Spanish.
• Made the Draft Agency Plan available at www.hacla.org, made copies available at 14 sites, including the Conventional public housing development offices, Section 8 and Property Management offices, and the Authority’s Central office.


• Conducted meetings at 14 public housing developments and five Section 8 meetings with residents and participants to present the Agency Plan. Comments and feedback were obtained at each of these meetings.

• The Housing Authority Board of Commissioners conducted a Public Hearing regarding the Draft Agency Plan on August 17, 2017. The Public Hearing was attended by 101 residents, Section 8 participants, advocates, and other interested persons. Everyone in attendance was accommodated and everyone wishing to speak had an opportunity to do so.

• At the public hearing there were language interpretation services available for Spanish, Korean, Vietnamese, Russian, Cambodian, and Armenian for Public Hearing attendees.

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.
**COMMENTS ON HACLA’s DRAFT AGENCY PLAN**

During the 63-day Agency Plan comment period, oral and written comments on the Draft Agency Plan were received and taken down at the site meetings, through comment cards forwarded from the management sites and through direct mail to HACLA’s CEO and Board of Commissioners.

**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 17, 2017 Public Hearing.

Letters were received from advocacy groups at the Public Hearing and throughout the Draft Agency Plan process. HACLA will continue to conduct regular meetings with advocate groups to discuss policies, programs and recommendations. Moreover, HACLA staff continues to attend Resident Advisory Council meetings on a regular, if not monthly basis. Additionally, Site Managers conduct Quarterly meeting with residents to address site and resident concerns.

In an effort to provide additional information and to continue the dialogue on some suggestions, HACLA will continue to engage the advocacy agencies and the community to decide on future policy changes that fall under the purview of Significant Amendments.

**Oral Comments**

Oral comments on the Draft Agency Plan were received during the following Agency Plan-related activities/meetings; all comments are responded to in the Response to Comment Section:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>February 17, 2017</td>
<td>Pre Agency Plan HARAC Meeting</td>
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<tr>
<td>March 17, 2017</td>
<td>Pre Agency Plan Resident Leaders Meeting</td>
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<tr>
<td>March 29, 2017</td>
<td>Pre Agency Plan Advocates Meeting</td>
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<tr>
<td>April 21, 2017</td>
<td>Pre Agency Plan HARAC Meeting</td>
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<tr>
<td>June 16, 2017</td>
<td>Post Publication Resident Leaders Meeting</td>
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<tr>
<td>June 20, 2017 -- August 2, 2017</td>
<td>14 meetings at public housing sites &amp; five Section 8 Meetings</td>
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<tr>
<td>July 10, 2017</td>
<td>Post Publication Advocate Meeting</td>
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<tr>
<td>August 17, 2017</td>
<td>Board of Commissioners Public Hearing</td>
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Oral comments on the 2018 Draft Agency Plan were recorded via digital recordings, handwritten notes, and professional stenographer. The responses to these comments are grouped by issue. They also include the Housing Authority’s response and the CEO’s and Board of Commissioners recommendations, where appropriate, on making changes in the Final Agency Plan.
DISCUSSION OF COMMENTS

During meetings held at each of the developments, when possible, present at the meetings were the site manager or the assistant manager and the 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 litter 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, (one week from reporting) they should contact the Assistant Director of Housing Services for the site. If s/he is unavailable they need to contact the Director of Housing Services 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 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 residents place a call for maintenance and it has not been addressed in a reasonable time, call back the Work Order Center and let the 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.

THE FOLLOWING COMMENTS WERE RECEIVED:

The Housing Authority would like to thank all the Resident Advisory Boards (HARAC & Resident Leaders), 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.

Agency Plan Comments

The following comments and recommendations were received at all of the outreach meetings prior to, during and post publication of the 2018 Draft Agency Plan including those made at the Public Hearing. Comments and their responses are arranged by topic unless they pertain only to a specific development. As previously stated, the comments below include those made by the RABs (Resident Advisory Councils & HARAC), residents and advocacy groups at all outreach meetings. RAB comments or questions have been identified by an “*”. Copies of letters received from various organizations appear at the end of this document. The following organization provided comments on the Agency Plan Draft:
A New Way of Life
Coalition to Abolish Slavery and Trafficking
Corporation for Supportive Housing
Disability Rights California (DRC)
Drug Policy Alliance (DPA)
Fair Chance Project
Francisco Homes
Friends Outside L.A. County
Inner City Law Center
L.A. Family Housing
L.A. Human Right to Housing Collective
Legal Aid Foundation of Los Angeles (LAFLA)
Los Angeles Community Action Network (LACAN)
Los Angeles Homeless Services Authority
Los Angeles Regional Reentry Partnership (LARRP)
PATH
Peace School programs
POWER
California State Assemblyman Mike Gibson
Shelter Partnership
SSG -- HOPICS
United Way of Greater Los Angeles

**Affordable Housing**

Comment: HACLA needs to build more affordable housing. Concerns over conversion and loss of Affordable Housing and privatization activities were communicated. No on privatization of any Public Housing. The affordable housing that is being built in Los Angeles is not affordable for people who live in public housing. One for One replacement must mean replacing a unit with a future unit that can accommodate the family living in the current unit.

Response: HACLA is analyzing opportunities to continue to proactively support the development of more affordable housing in the City of Los Angeles utilizing all of its existing resources. This includes utilizing the Vision Plan process to prioritize strategies for new construction, as well as acquisition and rehabilitation projects that would produce net new affordable housing in addition to preserving existing affordable housing. For additional information also see response to RAD - Public Housing section below. As HACLA contemplates new redevelopment plans and implements existing redevelopment plans for its public housing sites, the Authority will require a one-for-one replacement of the existing units with rents structured at 30% of a households' adjusted income and will ensure a right to return for current families. HACLA intends to retain ownership of all of its public housing sites and has historically participated as a limited or general partner in the ownership of many of the new affordable housing projects built on the Authority's properties; therefore, retaining the public's interest and ownership in all redevelopment projects.
Agency Plan

- Jordan Downs & Rose Hills Redevelopment

* Comment: RAB would like to have a tour of both properties to see how the redevelopment process is working so they can report to their community.

Response: HACLA staff can arrange for a tour of both sites. Currently, the first phase of Jordan Downs is under construction and the RAB can see the progress made. Rose Hill Courts is currently in the planning/predevelopment stage and it will be at least another year before Rose Hill Courts revitalization project completes predevelopment and proceeds to construction.

- Process

Comment: HACLA has a good and transparent Agency Plan process.

- Presentation

Comment: Well organized presentation and considerate responses to questions.

Response: Thank you for your comment and participation in the Agency Plan process.

- Promises

Comment: HACLA needs to keep all the promises it is making.

Response: At sites that undergo redevelopment, HACLA strives to provide the following commitments: build back of one-for-one replacement units; no involuntary permanent displacement; tenants' right to return for households in good standing; replacement units will have rents set at 30% of a tenant's adjusted income; no disqualification of residents from receiving replacement housing by rescreening; and continuation of tenant protection provisions in the new leases.

Annual Reviews

- Copy of Review

* Comment: HACLA needs to provide a copy of the annual review including rent calculations.

Response: Resident/Co-Resident may request a copy of the Rent Calculation Summary once they receive the notice of their new rent amount. We are working towards being able to include the summary once again on the back of the Notice of Change of Rental Amount.
Criminal Records

Comment: Comments were received requesting that for both Public Housing and Section 8 programs regarding the admissions and terminations policies as they concern criminal records and to the extent there’s any discretion that the housing authority aligned with the United States Department of Housing and Urban Development (HUD) mandates. To see all specific comments, please refer to the letters submitted by advocacy groups.

Response: HACLA, working with the advocacy community, drafted changes reflected in Attachment 1 for the Public Housing Program and Attachment 2 for the Section 8 Program.

The HACLA’s response to the S8 Administrative Plan proposed amendments regarding denial of assistance for applicants due to criminal activity are based on the premise that a Housing Authority “cannot establish separate admission/termination policies for a certain population, such as the homeless population, which are different from the admission/termination policies for all other applicants.” (PIH 2013-15, p.9-10). This premise is key since the public comments received in the letter dated August 1, 2017 only addressed chronically homeless individuals who are housed through HACLA’s permanent supportive housing programs. Those programs include provision of supportive services from partnering agencies to assist clients in remaining successfully housed over time, after initial lease up. While permanent supportive housing is becoming a larger share of HACLA’s rental assistance portfolio, a significant portion of resources is still committed to the regular Section 8 Housing Choice Voucher Program (HCVP) that has no supportive services attached to it.

That notwithstanding, and to address the comments received that “HACLA could help house approximately 1,000 homeless individuals each year” (p.4) by removing eligibility barriers that stand in the way of the City’s Comprehensive Homeless Strategy, HACLA has agreed to eliminate its ban for violent and drug related criminal activity for applicants. HACLA is concerned about applicants remaining successfully housed over time, however, and to address that issue is asking the advocate community to assist in identifying and/or providing supportive services to those clients from programs that do not receive that assistance. It is also worth noting that HACLA does not take into account juvenile convictions as listed under actions 2 and 5 of the August 1, 2017 letter and has also implemented a Re-entry Demonstration Program to reunify formerly incarcerated persons with their families receiving Section 8 assistance.

The HACLA is not adopting the recommendations to the S8 Administrative Plan Sections regarding termination of assistance for participants for violations of tenant obligations, which include criminal activity. Consideration was given to several factors including current provisions to consider mitigating circumstances for any termination, due process for all terminations, the use of preponderance of evidence as provided by HUD regulation, maintenance of program integrity, and continued positive relationships with landlords, our other key partner in the HCVP. Since 2008, less than two per cent of all terminations of housing assistance were due to criminal activity. The HACLA regularly receives reports from HUD and from investigations conducted by the Office of the Inspector General (OIG), and the HACLA must take appropriate actions to remedy fraud, waste and abuse.
The HACLA is reducing barriers to admission to its programs for previous criminal activity while balancing the need to maintain program integrity through enforcement of tenant obligations with appropriate due process safeguards.

**Evictions**

Comment: There are too many evictions. Comments were received about the eviction of a specific Public Housing resident.

*Response:* The HACLA makes every effort not to evict families and assist families in gaining compliance, however, failure to comply requires that the HACLA abide by federal regulations which require timely processing of evictions.

**Food Growing Guidelines**

Comment: HACLA needs to pass food growing guidelines to protect residents growing food.

*Response:* HACLA has implemented Food Growing Guidelines.

**Grievance Rights**

Comment: HACLA needs to cite grievance rights by every single public housing resident regardless of the basis for termination.

*Response:* Grievance rights are provided in the Lease Agreement which is signed for and received by every public housing Resident.

**Homelessness in Los Angeles**

Comment: We commend HACLA’s leadership, its Commission, and staff for their increasing commitment to ending homelessness and for HACLA’s collaboration with other government agencies and nonprofit organizations to achieve this goal.

*Response:* Thank you for the acknowledgment; HACLA will continue to work with city partners to eliminate homelessness in Los Angeles.

**Homeownership**

Comment: HACLA needs to make available Homeownership Programs.

*Response:* There are currently no funds available to implement a homeownership program for Public Housing; however, HACLA currently operate a S8 Homeownership program for S8 participants who qualify.
**Inspections - Public Housing**

Comment: How are inspections conducted?

*Response:* Public Housing units are subject to multiple inspections. Annually, all units are inspected by HACLA staff for housekeeping as well as an outside contractor in accordance to HUD’s Uniform Physical Condition Standards (UPCS). Based on the results of the UPCS inspection, units may be subject to additional housekeeping inspections from the site management. All sites also are subject to HUD’s REAC inspection in which a random sample of units are inspected as part of HUD’s Public Housing Assessment System (PHAS) performance evaluation of HACLA.

**Lease Changes**

Comment: Why are you changing the lease?

*Response:* The primary reason for modifications to the lease was to bring it into compliance with the latest Violence Against Women (VAWA) legislation and regulations. There were other parts of the document that needed to be updated as well. Copies of the changes along with a notice of a 30-day comment period were provide to all units and the topic was included in the Agency Plan presentations at the developments.

- **Additions to Household**

  Comment: Adult children should be able to be part of the lease.

  *Response:* Per the Rental Agreement, the Resident is to notify site management within 30-days when there is a change in the household composition. Except for newborns born to the Resident or a Household Member, any additions of Household Members must be approved in advance, and in writing, by Management before any such individual or individuals may occupy the Residence.

- **Family abandonment**

  *Comment:* What is the process when a member leaves the household without notifying anyone?

  *Response:* Per the Rental Agreement, the Resident is to notify site management within 30-days when there is a change in the household composition.

- **Fourteen Day Notice - Rent**

  Comment: You are scaring people with the 14 day notices. HACLA needs to improve rental payment processes due to mail fraud.

  *Response:* Payment of rent is due on the 1st of the month. Residents are provided a rent statement towards the end of the prior month which acts a reminder of the upcoming rent due
as well and telling them the amount due. The HACLA is required to operate the public housing program in accordance with all applicable federal and state laws and regulations – and the receipt of rent payments is a critical part of those requirements. If residents do not want to receive a 14-day notice to pay rent, then they need to ensure that their rent is received by the 1st of the month. The HACLA has provided alternative means to make it easier for residents to pay on time – this includes the ability for automatic withdrawals from bank accounts as well as use of the WIPS Card. The WIPS card can be used at most locations where residents would normally purchase a money order. Instead of the money order, they may make a direct payment of their rent that will be posted that same day – no need to buy stamps and no risk of payments being lost in the mail. The HACLA is also working on adding additional options such as the ability for on-line payments.

❖ Fourteen Day Notice – Other Charges

Comment: Fourteen days is not enough time for resident to pay, HACLA needs to provide 30 days.

Response: The fourteen day notice allows residents more time than is legally required and allows the HACLA to meet its federally regulated obligation of timely collection of rent.

❖ Garage/Yard Sales

Comment: Residents should be allowed to have garage/yard sales. Many residents rely on that income to meet their needs because they can’t work or they don’t earn enough. Please reconsider this change. Residents should be allowed to have them at least once a month to clean up the clutter.

* Comment: Yard sales make our community look ugly, we look like a yard sale.

Response: HACLA will remove this proposed change to the Lease. Residents who chose to hold yard sales must adhere to the City of Los Angeles ordinances regarding such event. In accordance with the City of Los Angeles Municipal Code 12.03, the following restrictions are placed upon Yard Sales:

“Garage and/or yard sales shall be considered accessory to a residential use, if the sale is only incidental to the individual’s residential occupancy of the premises; and

1. The sales are confined to the sale of used items which were originally received or purchased for use in the household; and

2. The sales are restricted to a maximum of five sales events per calendar year as a means of disposing of used items originally received or purchased for use in the household; and

3. The sales are limited to not more than two consecutive days per event; and

4. The sales are limited to not more than ten days per calendar year total; and

5. The sales are limited to the hours between 9 a.m. and 5 p.m.
For purposes of this section, the term accessory use shall not apply to any garage and/or yard sales where new goods or merchandise, or items that were not intended to be used in the household are offered or displayed for sale or exchange.”

In addition, a resident holding a garage sale must not interfere with other residents’ ability to enjoy their own units and outside spaces as well as access common areas (such as sidewalks, walk, ways, parking lots, and other public spaces).

- **Lease Workshops**

  Comment: You provide workshops at each site with the manager to go over the new lease in more detail.

  Response: *With the revisions to the rental agreement, management staff will have to spend some more time during the annual review process in 2018 to review the document with all Residents. If residents have questions they may contact their management office. Residents are also encouraged to attend the quarterly Manager meetings as well as the monthly RAC meetings to learn about proposed changes.*

- **Political Signage**

  Comment: You cannot prevent me from placing political signs at my home. You are violating my civil rights.

  Response: Residents may post signs within the parts of the property that is under their exclusive use – such as inside the unit facing out the window. The outside of the buildings and the grounds are not under the resident’s exclusive use and the HACLA can therefore restrict the use of those areas.

- **Surveillance (Security) Cameras**

  * Comment: Residents need to be able to install surveillance cameras inside the unit, there have been a lot of break-ins.

  Comment: To reduce crime in the developments, residents should be allowed to install cameras including outside of their unit.

  Response: *In accordance with Section X N of the Rental Agreement, residents are not to make any alterations to the exterior of HACLA buildings. Residents may install a camera within the unit if they chose to do so.*

- **Trash Removal**

  Comment: There were numerous comments stating that residents should not have to pay for those services.

  Response: *The HACLA has never paid for the trash services that residents receive. It is responsible to ensuring that there are adequate containers for trash to be deposited for collection.*
Trash services at HACLA sites is provided by the City of Los Angeles Bureau of Sanitation (BoS) and residents are billed individually by the BoS via their Department of Water and Power (LADWP) bi-monthly electric bill. The rates charged are set by the City Council (Ordinance 180,166) and codified in Chapter VI, Article 6.1, Sec 66.41 of the City’s Municipal Codes.

To offset the cost for trash services, residents receive a reduction in their monthly rent by the Utility Allowance (UA) credit (for trash service it is $24/month for multifamily units and $36/month for duplex/single dwelling units). The UA reduces the rent to enable residents to pay their utility bills. Residents who qualify can apply for one of LADWP’s discount programs for Seniors/Disabled or Low-Income households to get a reduction in their electrical rates as well as with the BoS to get a reduction in the monthly sanitation fees.

For more information on discounted rates, go to: www.lacitysan.org or www.ladwp.com

Outreach Meetings

Comment: I don’t agree with HACLA having so many meetings so frequently.

Response: We understand that this year due to the Agency Plan Process, the annual Community Participatory Budget process and the development of the Vision Plan, residents have been subjected to an excessive amounts of meetings. We really appreciate your input and participation and will consider your comments in future years.

Public Hearing

- Parking

Comment: A person commented at the public hearing that $20 dollars is a lot of money to pay for parking for the Public Hearing.

Response: Thank you for your comment, HACLA understands the burden that this creates for attendees of the Public Hearing. We really appreciate your participation in the process and for attending the Public Hearing. Unfortunately, finding venues in Los Angeles that accommodate 300 or more attendees, are centrally located, with public transportation nearby and meet all of the other criteria for a public hearing are very limited and are very hard to book. HACLA will continue to look into alternative venues that meet all of the needs of the Public Hearing attendees. We also want to remind you that during the comment period you can submit your comments at every management office or you can mail them directly to HACLA’s headquarters.

RAD – Public Housing

- Public Housing

Comment: HACLA needs to preserve its public housing for low income families.
Response: HACLA understands its significant role in the City of Los Angeles as the provider and manager of the City’s largest portfolio of deeply affordable housing. HACLA is proactively working to ensure it can continue to provide housing at this particular band of affordability, currently and for future generations. In order to address the issue of preservation and stewardship, HACLA is in the process of developing a long-term, 25-year Vision Plan to preserve and expand its role in producing affordable housing and supporting healthy communities. The Vision Plan looks at HACLA’s public housing sites and communities within its asset management portfolio and intends to address the extensive capital needs in the face of funding reductions. HACLA is currently undertaking a thorough and creative community input process to ensure that the plan reflects the interests and aspirations of residents and stakeholders.

Driven by its sustained focus on people, place and prosperity, while remaining responsive to changing political, social and economic landscapes, HACLA’s Board of Commissioners adopted the following initial Vision Plan Goals and Principles:

**Vision Plan Goals**

- Preserve Affordability
- Increase Number of Affordable Housing Units
- Revitalize Communities
- Strengthen Partnerships
- Improve Economic & Social Outcomes
- Improve Housing Stock

**Vision Plan Principles**

- People First
- Build Responsibly
- Organization Stability
- Encourage Innovation

❖ Section 8 Conversion

Comment: I don’t understand how everything will continue being the same after the units are converted to Section 8 and why you are going to get rid of public housing.

Response: The majority of HACLA’s public housing sites are close to 70 years old, were constructed as temporary housing and do not meet current standards for unit size, parking, or in-unit amenities. HUD is our primary source of funding for regular maintenance and capital investments in these public housing sites and has reduced its contributions to public housing, leaving HACLA in the position of managing properties that do not provide adequate income from tenant rents and HUD subsidies to cover the costs of proactive site management, regular maintenance and major system overhauls. HUD holds deeds of trust on all of HACLA’s public housing sites and has provided housing authorities with limited pathways to make larger investments in their properties. The only two means to substantially revitalize public housing sites are through a RAD Conversion or an application for Section 18 Demolition/Disposition. In order to get HUD approval, the project has to be financially feasible, which typically requires that
the units be converted into Section 8 units. Section 8 Project Based Voucher units or RAD Project Based Voucher Units increase the potential for higher rent values and thus greater HUD subsidies to each unit. Both programs however, still provide similar tenant protections and HUD subsidies to tenants so residents will not see significant changes in their rent requirements. HACLA’s intent is not to “Get rid of public housing” but to preserve our housing and affordability levels for current residents and future generations of tenants. The only means to do this is using Section 8 Project-Based Vouchers and RAD unless HUD decides to invest significantly more money into traditional public housing.

- RAC Representation

Comment: Residents must have a RAC after conversions.

Response: Under RAD, residents of converted projects will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

Rent Increases

Comment: Against rent increases.

Response: HACLA though this Agency Plan cycle is not proposing any new or additional rent increases. On an annual basis the portion of the rent the family pays may increase due to increased family earnings or regulatory changes to the program such as an increase to the Fair Market Rents; or for Section 8, when the landlord request an increase in rent which is approved.

Smoking

Comment: People need to stop smoking.

Response: Thank you for your comment and participation in the Agency Plan process, we agree and encourage residents to stop smoking. Residents may be able to access resources to help them stop smoking by calling the California Smokers Hotline at 1-800-NoButts or 1-800-45-NoFume (for Spanish). Additional information may be accessed on line at www.nobutts.org.

Social Services

Comment: There needs to be social services available at the housing projects

Response: We agree, unfortunately HACLA is not funded to provide social services but we continue to work with other agencies to bring needed services to Public Housing developments.
VAWA

* Comment: If you are a victim of domestic violence you do not want to call the police, can you get an emergency transfer without a police report?

Response: A resident who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if the resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit. If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

To request an emergency transfer, the resident must notify HACLA's office and complete a transfer request using form HS-ETR-VAWA. By completing the form, the resident will be certifying the following:

1. The resident is expressively requesting the transfer, AND

2. The resident reasonably believes there is a threat of imminent harm from further violence if the resident were to remain in the same dwelling unit assisted under HACLA's program; or the resident was a sexual assault victim and the sexual assault occurred on the premises during the 90-calendar-day period preceding the resident's request for an emergency transfer.

It is important to note that due to HACLA's high occupancy rate, only units that are available for occupancy would be offered, regardless of the location. Emergency transfers are not to be used as a means to skip over the regular transfer request list.

Comment: It is very important that residents get a copy of their rights under VAWA on an annual basis.

Response: VAWA regulations do not require the VAWA notices to be provided annually. After the first distribution to residents of the Notice, such Notices will be posted in all management offices as well as the HACLA's internet, and made available to residents upon request.

Specific Site Comments

Estrada Courts

- Police Patrols & Security Cameras

Comment: We need more police patrols and HACLA needs to install security cameras in the development.
Response: The HACLA can reach out to LAPD to ask for additional patrols through Estrada Courts. Residents can also get involved by attending the RAC meetings and local Neighborhood Council meetings as well. For information on the local neighborhood council visit online https://empowerla.org/BHNC/. As of the writing of this, per the website for the Boyle Heights Neighborhood Council, there is no representation from Area 3 of this Council – which is the area that represents Estrada Courts.

There currently is not the funding to install cameras throughout Estrada Courts.

- **Smoking Areas**

Comment: HACLA is installing smoking areas next to playground which is exposing our children to smoke. Also, the smoke is getting into some of the units nearby.

Response: The smoking areas is further than 40 feet from the play area and more than 20 feet from any dwelling building.

**Mar Vista Gardens**

- **All proposed changes**

Eighty-nine letters were received from Mar Vista Gardens residents with the following comment:

Honorable commissioners, the community of Mar Vista gardens in culver city, would like to inform you all that, we as residents "disagree" with the new regulations Housing Authority of L. A. is trying to implement in contracts. Therefore we asked you commissioners not to sign off because they directly violate the residents [sic] rights under Public Housing, H.U.D. and community way of living under low income. Please stop the abuses of the elderly. Commissioners please do not sign.

Response: All claims of harassment have been and will continue to be addressed by executive management with the appropriate level of response.

- **Grass Area**

Comment: Maintenance staff should not ride their maintenance cars over the grass areas.

Response: Maintenance staff have been instructed not to drive on the grass especially during/after it has rained.

- **Garden near Building 17**

Comment: The garden around building 17 needs to be for the community. Keep the garden.

Response: There are no plans to remove any HACLA approved community gardens.
Gas Lines

Comment: We need HACLA to replace the gas lines.

Response: The gas lines at Mar Vista are scheduled to be replace in 2018.

Harassment

Comment: Management is harassing undocumented individuals, the elderly and residents who do not pay their rent on time.

Response: All claims of harassment have been and will continue to be addressed by executive management with the appropriate level of response.

Pests

Comment: Please fumigate the trees because they have pests and the grass has fleas.

Response: Fumigating the grounds is not a viable use of limited resources.

Plumbing

Comment: We need HACLA to replace the plumbing.

Response: HACLA plans to replace the plumbing at Mar Vista in the coming years with the gas lines being scheduled for 2018.

Repairs

Comment: HACLA should not use used parts to make repairs as is in the case of changing locks.

Response: Our locksmith follows industry standards while executing his duties.

Security – Security Cameras

Comment: We need security in our development and security cameras.

Response: The security camera system at Mar Vista Gardens is scheduled to be upgraded during the 1st half of 2018.

Pico Gardens

Marijuana Use

Comment: People are smoking marijuana on the stairs.
Response: With the adoption of the No Smoking policy, smoking on the grounds of the development is prohibited except in designated areas. Smoking of marijuana is prohibited completely.

- Parking

Comment: HACLA should provide parking permits for guests.

Response: There is not enough parking to provide spaces for guest without taking away spaces for residents. Guest may park outside of the development.

- Parking Lot Attendant

Comment: HACLA should have a parking lot attendant.

Response: This not a viable use of limited funds or staffing positions.

- Plumbing

Comment: On building 472 there are plumbing problems with the toilets in each corner of the building.

Response: Maintenance personnel at the site will investigate this issue and address any needed repairs. Thank you for bringing it to our attention.

- Video Cameras

Comment: Fix the security cameras to increase the security in the development and to keep out strange people who come in and steal.

Sometimes our neighbors damage our cars so the security cameras help identify the perpetrator. Cameras on building 544 are not working, please fix them.

Response: The camera system at Pico is scheduled for an upgrade to occur early 2018.

Pueblo Del Rio

- Bathroom, Shower, Bathtubs

Comment: Repair the bathrooms, showers and bathtubs. Paint is peeling and there are a lot of holes that need to be repaired.

Response: Maintenance will address issues on an as needed basis. Thank you for bringing it to our attention.
 Plumbing

Comment: Replace the plumbing in the apartments.

Response: HACLA plans to replace the plumbing at Pueblo Del Rio in the coming years with the gas lines being scheduled for 2018.

 Repairs

Comment: Repairs take too long especially when the heaters break in the winter.

Response: Routine work orders are completed in less than 25 days and over 99% of all emergency work orders are addressed within 24 hours. During the period of November 2016 – March 2017 there were 19 tenant generated work orders for repairs to wall heaters at this development. Of those 19, all but two were addressed within 24 hours of being called in by tenants.

 Trash Cans

Comment: Trash cans are too close to the units they need to be moved away because bugs from them come into the units.

Response: In addition to not negatively impacting dwelling units, the trash containers are placed in such a way to not impeded vehicle parking or traffic or foot traffic and are accessible for the City's Bureau of Sanitation to pick up and unload.

Ramona Gardens

 Capital Funds

Comment: Install new cabinets and paint the development.

Response: Due to limited, funding kitchen cabinets and repainting are not scheduled for Ramona Gardens.

 Car Wash

Comment: Stop people from having car washes on the parking lots on the weekends, they don't live in the development and they are wasting our water. And they are also committing crimes in the development.

Response: Unfortunately, HACLA personnel are not on site over the weekends. Per the Rental Agreement – only cars owned by actual residents may be washed on the site. We agree that it is a waste of water and would like this activity to stop, but it can only be prevented if residents control the use of their exterior hose bibs.
**Rancho San Pedro**

- Art Programs

Comment: Don’t take away the arts.

*Response: As the HACLA doesn’t have the funds to support these programs directly, it will continue to seek partnerships with local providers to do so and enter into joint-use space agreements where applicable.*

- Unit and Building Repairs

Comment: We understand that HACLA is rehabilitating the development but we need repairs to be done now because the buildings are falling apart.

*Response: When HACLA engages in the potential redevelopment of a Site, it is still subject to REAC before the Site is redeveloped and HACLA continues to actively manage the property and address regular maintenance and repair items to ensure the continued health and safety of its residents. Regular building and grounds maintenance and repairs will continue at Rancho San Pedro. However, larger capital investments are not typically scheduled unless the investment is required to keep units operable and/or deemed to address a true health/safety concern. These distinctions are made based on the need to ensure that investments made with limited capital dollars are spent on improvements that will not be demolished or rehabilitated in the near future.*

Residents need to call the Work Order Center (1-800-974-2292) to report problems with their units or buildings. Regardless of any possible redevelopment of this site, the HACLA remains committed to address any maintenance issue. Additionally this site has benefitted from having new roofs and plumbing work done in the last seven years.

**San Fernando Gardens**

- Cameras

Comment: Install cameras.

*Response: Unfortunately there are not the funds to expand the cameras to this site.*

- Capital Funds

Comment: Paint the units inside, Replace electrical wiring, fix the plumbing and install the following:

- Security cameras
- New stoves
- More lighting in the development
- Air conditioning because the weather is too hot in the valley
- New floors
- New doors (including security doors)
- Paint the development
- New cabinets

**Response:** This site underwent a complete modernization of all buildings and units. This phased modernization work – which included the painting of the unit interiors - was completed less than ten years ago. Replacement of items and additional capital needs will be assessed and addressed on an as-needed basis with the limited funds available.

- Condition of Development

Comment: The San Fernando Gardens now looks very ugly with a lot of dirt and trash, and not a happy place for children.

**Response:** The grounds staff at San Fernando Gardens daily do their best to maintain the grounds by picking up trash and other items not disposed of in the designated receptacles. Residents can help improve the curb-appeal of the site by watering the grass outside their unit and making sure that they dispose of any trash in the bins provided.

- Discrimination

Comment: The San Fernando Gardens Management staff discriminates against the residents.

**Response:** All claims of discrimination have been and will continue to be addressed by executive management with the appropriate level of response.

- Fumigate

Comment: I need HACLA to fumigate my unit.

**Response:** If your unit require treatment for pest control in addition to the annual treatment, the resident needs to call the Work Order Center to request it (1-800-974-2292). Tenant housekeeping is a critical part of preventing infestation in units. This includes simple steps such as not leaving food on the counters, sinks, or stoves; wiping down counters and sweeping (and picking up) floors; eliminating clutter; and emptying trash in the outside containers.

- Victim of Crime

Comment: I am a victim of crime.

**Response:** If you are a victim of crime be sure to contact the police department. Residents should also report incidences to the site management so they are aware.
William Mead

- Elderly abuse

Comment: A William Mead elderly resident of 93 years of age was forced to sign a letter stating she no longer wanted her 90 year old sister to live with her because she requested a two bedroom unit.

Response: All claims of abuse have been and will continue to be addressed by executive management with the appropriate level of response.
August 1, 2017

Mr. Douglas Guthrie
c/o Intergovernmental & Community Relations Department
Housing Authority of the City of Los Angeles
2600 Wilshire Blvd
Los Angeles, CA 90057
Via electronic email to eric.brown@hacla.org

Re: Comments to HACLA’s 2018 Draft Section 8 Administrative Plan

Dear Mr. Guthrie:

On behalf of Corporation for Supportive Housing, Disability Rights California, Drug Policy Alliance, Legal Aid Foundation of Los Angeles, Los Angeles Community Action Network, Los Angeles Regional Reentry Partnership, PATH, SSG-HOPICS, and Inner City Law Center, thank you for providing us with the opportunity to comment on the Housing Authority of the City of Los Angeles’s (HACLA) 2018 Draft Agency Plan.

We commend HACLA’s leadership, its Commission, and staff for their increasing commitment to ending homelessness and for HACLA’s collaboration with other government agencies and nonprofit organizations to achieve this goal.
SUMMARY COMMENTS
With the passage of Proposition HHH, the City’s elected leaders and its voters have embraced a Housing First approach and it is moving forward with an unprecedented consensus around permanent supportive housing. We know from experience that Housing First and permanent supportive housing is ultimately the most cost-effective way to finally bring home people confronting the most extreme challenges to getting off the street and into housing.

As the City’s Comprehensive Homelessness Strategy makes clear, dedicating Section 8 vouchers to permanent supportive housing is vital to this approach. Yet many HACLA rules fly in the face of this new consensus. Optional eligibility rules that might have made sense years ago, when Section 8 vouchers were rarely used to house homeless individuals, now prevent HACLA from housing the people that the City’s elected leaders and voters expect Proposition HHH to house. The very factors that HACLA currently uses to screen people out are often the same factors that make a person most in need of permanent supportive housing; unlike private landlords in the past, supportive housing providers do not need these rules to screen out such tenants.

As we detail in our Full Comments (Appendix I), HUD gives HACLA the power to fulfill the intentions of HHH by removing optional eligibility rules that screen people out of permanent supportive housing. We also attach below, a chart (Appendix II) detailing where each HACLA rule differs from the corresponding HUD rules. For all but a handful of these rules, HUD gives HACLA the discretion to either significantly reduce barriers to housing homeless Angelenos, or to eliminate those barriers entirely. The Housing Authority of the County of Los Angeles has already eliminated many such barriers. We urge HACLA to do the same by adopting our recommended changes.

By removing bans that are not required by HUD, and narrowing a number of currently overbroad restrictions, HACLA will grant thousands of chronically homeless individuals greater access to permanent supportive housing. Failing to do so will instead relegate those people—the ones our elected leaders and voters committed to serve—to permanent homelessness.

The changes we recommend, simplifying and clarifying the Section 8 process, would have a number of other positive effects. A simpler, clearer process will reduce the time HACLA takes to determine eligibility, thereby speeding up housing placements. Fewer HACLA eligibility workers would be needed, allowing HACLA to shift personnel to housing placement and housing stabilization. Service providers would be able to provide more referrals with a higher likelihood of successfully passing screening. Formerly incarcerated individuals would have an alternative to housing insecurity and recidivism. Overall, HACLA’s investment in housing stability will ultimately save the City from paying more in police, street services and other costs when the person is left on the street.

These changes are needed now. As the City moves forward, every person screened out by HACLA’s rules is a person who stays on the street, shut out from the very permanent supportive housing now being constructed for their benefit. HACLA has the power to change this. We respectfully urge HACLA and its Commissioners to consider making the changes we recommend so the City can fulfill the promise of its historic Homeless Strategy.

In addition to these comments, Inner City Law Center incorporates by reference any written comments
submitted by Shelter Partnership, Legal Aid Foundation of Los Angeles, Los Angeles Community Action Network and Disability Rights California.

Sincerely,

Greg Spiegel & Jonathan Yang
Inner City Law Center

Steve Diaz
Los Angeles Community Action Network

Peggy Edwards
Formerly of United Homeless Healthcare Partners

Eunisses Hernandez
Drug Policy Alliance

Jennifer Lee
PATH

Veronica Lewis
SSG -- HOPICS

Joel Marrero
Legal Aid Foundation of Los Angeles

Sharon Rapport
Corporation for Supportive Housing

Natasha Reyes
Disability Rights California

Troy Vaughn
Los Angeles Regional Reentry Partnership

Cc: Brenda Shockley
APPENDIX I—FULL COMMENTS

OVERALL COMMENTS

Los Angeles has committed, with the support of its voters, to creating 10,000 units of permanent supportive housing. HACLA has committed its Section 8 vouchers to provide the rental subsidy to make the permanent supportive housing project work. However, HACLA’s current Section 8 eligibility rules screen out the people who most need permanent supportive housing.

Homeless people most in need of permanent supportive housing—and therefore most in need of a Section 8 voucher are more likely:

- To have had arrests or other interactions that could constitute a “preponderance of evidence” of criminal conduct;
- To have mental illness, trauma, or other conditions;
- To owe money to a housing authority;
- To be have been accused of “serious lease violations”, whether or not they occurred;
- To unintentionally have given inaccurate information.

Permanent supportive housing is the most successful intervention for homeless people with these histories, even criminal conduct. Recent studies repeatedly show that criminal history is not a predictor of future housing instability for homeless adults living with a disability. When housed in permanent supportive housing, more than 85% of chronically homeless people, many of whom have criminal records and substance abuse histories, stay permanently housed.

Yet HACLA’s current Section 8 rules treat these histories as disqualifying, even though these histories are the very reason people became homeless. HACLA’s eligibility barriers stand in the way of the City’s Comprehensive Homeless Strategy put forward by the Mayor, and approved by the City Council and the voters. Unless HACLA updates its rules, the City cannot make good on its promise to get homeless people off the streets and into permanent supportive housing.

1. Section 8 vouchers are central to the City’s Comprehensive Homeless Strategy.

Section 8 is the primary source of subsidies for permanent supportive housing. These vouchers are vital to placing homeless individuals in the units that Proposition HHH and other sources will fund in the coming years.

Based on current projections for turnover in Section 8, HACLA could help house approximately 1,000 homeless individuals each year. Every person screened out by HACLA’s rules instead remains on the street, shut out from our City’s most promising option for permanent supportive housing.

1 City Comprehensive Homeless Strategy, 163
2. HACLA imposes denial and termination rules that are stricter than HUD requires.

HUD requires HACLA to deny or terminate assistance, without discretion, in only three cases: 1) a lifetime ban for a person who is subject to a lifetime State sex-offender registration requirement; 2) a lifetime ban if person was previously convicted of the manufacture of methamphetamines in federally-assisted housing; and 3) a three-year ban if a person was previously evicted from federally assisted housing for drug-related criminal activity.

Most of HACLA’s rules are not so strictly mandated. In other situations for which HUD requires denial or termination, HUD nonetheless gives HACLA significant discretion in determining whether the triggering behavior has occurred. In these cases, such as drug-related criminal activity by a family member, HACLA should apply the narrowest possible standard when deciding to deny or terminate assistance. HACLA should require a conviction—rather than a mere eviction or preponderance of the evidence (which raises concerns of discriminatory impact on people of color) —in order to determine that it must deny or terminate assistance.

Finally, HUD gives HACLA the additional option to deny or terminate assistance in a number of other situations. HACLA should eliminate all of these optional rules. Appendix III provides a full chart comparing HACLA rules to the corresponding HUD rules, and identifying where HACLA has raised barriers beyond what is required.

These optional rules—understandable in a prior era—now prevent HACLA from housing the hardest-to-serve members of our homeless community, and fulfilling its part in the City’s Comprehensive Homelessness Strategy and Proposition HHH.

3. HACLA’s regulations exclude homeless people, and push families on assistance into homelessness

Wherever HACLA’s regulations exceed HUD mandates, they screen out people for behavior that would be expected of anyone who has been homeless for a long period of time and/or who has a disability. These rules, imposed by HACLA at its own discretion, exclude people whose life circumstances make it harder for them to comply with deadlines and program rules.

These same people, if their assistance is terminated, end up on the street where they suffer and end up costing tax payers tens of thousands of dollars in emergency and other services.

HACLA’s current rules affect a greater number of people than captured by the agency’s data on denials and terminations. There are at least several reasons for this systematic undercounting:

- **Many people never enter HACLA’s system to begin with.** Service providers are aware of HACLA’s numerous bans; for a number of reasons, including a desire to maintain trust with the people they serve, providers do not refer individuals to HACLA who they expect are ineligible. Providers thus essentially conduct a pre-screen that effectively bans someone before HACLA ever sees them. Due to the sheer number of complexity of HACLA’s existing rules, providers sometimes even screen out individuals who they wrongly believe to be ineligible. As Section 8 and related outreach refocuses on our homeless population—who are far more likely to be rendered ineligible by HACLA’s rules—this chilling effect will only grow.
Many people withdraw during the process. HACLA’s data also does not accurately capture individuals who drop out of the application process upon hearing about one of HACLA’s many bans. Again, the sheer number and complexity of HACLA’s rules sometimes leads individuals to drop out based on a mistaken belief that they are ineligible.

Many homeless people are affected by more than one of HACLA’s current rules. HACLA data will not show all of the possible rules that would have led to a denial or termination of assistance. If only some of the rules we identify are changed or eliminated, the remainder will continue to improperly exclude many homeless people.

4. HACLA’s current rules increase crime in the City.

People who are homeless are seven times more likely to recidivate than people who are housed. HACLA’s non-mandatory bans keep people from getting into housing, therefore making it more likely for people who had previously offended to become homeless—and thus more likely to commit another crime. As the City continues to cope with an unprecedented increase in the number of people leaving incarceration, law enforcement has repeatedly emphasized the importance of finding these individuals stable housing.

HACLA’s non-mandatory bans make this more difficult. The City needs more housing options for people coming out of jails and prison, not fewer.

5. HACLA’s current rules ultimately cost the City more money.

When HACLA’s rules disproportionately exclude chronically homeless applicants, they impose huge costs on the taxpayer. The longer people live on the streets, the more likely they will be arrested, develop drug problems or other issues, or otherwise fall into a vicious cycle.

Housing chronically homeless individuals in permanent supportive housing costs the City and County 40% on average less than the healthcare, policing, street services and other public services otherwise required.
SPECIFIC HACLA RULES AND NEGATIVE IMPACTS

Below, we discuss in greater detail the negative impact of specific HACLA rules and recommend either changes or complete elimination. These rules generally address three main categories of factors that disproportionately impact homeless people:

1. **Criminal Conduct**
2. **Prior Housing Status (including Serious Lease Violations)**
3. **Interactions with HACLA staff and Other Conduct**

As Section 8 shifts to support permanent supportive housing under the City’s Comprehensive Homeless Strategy, factors like these should be the basis of inclusion, not exclusion.

1. **CRIMINAL CONDUCT**

Criminal conduct is an understandable concern for public housing authorities; HUD requires HACLA to deny or terminate assistance for certain kinds of criminal conduct.

However, HACLA’s current rules exceed the HUD-mandated requirement by imposing denial or termination of assistance on the basis of arrests, evictions, or even just a “preponderance of the evidence”. This lower standard runs contrary to HUD’s own “Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions,” in which HUD makes clear that “an arrest is not evidence of criminal activity that can support an adverse admission, termination, or eviction decision.”

HACLA currently applies this lower standard, far lower than even the basic due process that accompanies a criminal conviction, when:

- Terminating assistance for “drug-related criminal activity” (13.4.2)
- Denying and terminating assistance for “illegal use of drugs” (13.4.1.3 and 13.4.3)
- Terminating assistance for “violent criminal activity” (13.5.3)
- Denying or terminating assistance for “abuse of alcohol” (13.7.1 and 13.7.2)

Furthermore, HACLA imposes additional bans not mandated by HUD:

- Denying assistance for “drug-related criminal activity” (13.4.1.2)
- Denying assistance for “violent criminal activity”, based only on preponderance of evidence. (13.5.2)
- Terminating assistance for unspecified “criminal activity”.

Both by setting a low standard of proof, and by choosing to impose bans that HUD considers optional, HACLA improperly excludes a majority of homeless people, disproportionately excludes people of color, and ultimately impedes our City’s ability to house those most in need of permanent supportive housing.

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3. Based on the context, this language is likely a drafting error. However, the current language nonetheless could be broadly interpreted to include any “criminal activity”, and should be eliminated.
a. **HACLA’s current rules potentially illegally discriminate against people of color**

By allowing arrests, evictions, and other examples of a “preponderance of the evidence” to serve as a sufficient evidence of criminal conduct to deny or terminate assistance, HACLA’s current rules disproportionately exclude low-income people of color. The City’s homeless population is 82% people of color, including 47% Black and 30% Latino.\(^4\) Therefore, to the extent that communities of color are unfortunately more likely to interact with law enforcement, HACLA is importing existing disparate impacts into its process of determining when to deny or terminate assistance.

HUD’s own guidance on the “Application of the Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions” directs PHAs to justify policies that impose a disparate impact on the basis of race. HUD reiterated existing law in its guidance when it stated that in the “discriminatory effects analysis, the burden shifts to the housing provider to prove that the challenged policy or practice is justified—that is, that it is necessary to achieve a substantial, legitimate, and nondiscriminatory interest of the provider.” Earlier HUD guidance recognizes that, “[in 2014] African Americans were incarcerated at a rate nearly three times their proportion of the general population. Hispanics were similarly incarcerated at a rate disproportionate to their share of the general population.”

Because HACLA’s current rules do not require the basic due process that comes with a criminal conviction, they open up the agency’s decision-making process to even greater risk of racial bias, both conscious and unconscious. As a result, HACLA’s rules further exclude much of the very population that Section 8 is now intended to serve.

b. **HACLA’s current rules for criminal conduct are overbroad and exclude many homeless people**

HACLA’s current rules disqualify on the basis of behaviors that are not only correlated with homelessness, but oftentimes are one of the primary drivers of an individual’s homelessness. These behaviors include “drug-related criminal activity” (13.4.1.2 and 13.4.2), “illegal use of drugs” (13.4.1.3 and 13.4.3), “violent criminal activity” (13.5.2 and 13.5.3), and “abuse of alcohol” (13.7.2).

“Violent criminal activity” is defined so broadly as to include the mere threat of force, or mere property damage.\(^5\) With 6,321 individuals—or 20% of the City’s homeless population—admitting to a substance use disorder, and with many more admitting to mental illness or other disabilities that might make them more likely to find themselves arrested for perceived “violent” behavior, HACLA’s bans potentially disqualify large portions of our homeless community.\(^6\)

Especially because HACLA sets a lower standard of evidence, below the due process at least generally inherent in a conviction, these rules impede the City’s efforts to reduce homelessness by screening out many of the very individuals Section 8 is now intended to support.

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\(^4\) 2017 LAHSA Homeless Count

\(^5\) “Violent criminal activity” is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonable likely to cause, serious bodily injury or property damage. 13.5.2, citing 24 CFR 5.100

\(^6\) 2017 LAHSA Homelessness Count
c. HACLA’s current rule for sex offenders contains overbroad language that exposes tenants to termination for any criminal activity

HACLA’s rule for denying or terminating assistance for registered sex offenders includes language requiring termination if “a household member engages in criminal activity (including sex offenses)”. (13.6.2). As written, this rule potentially applies to any criminal activity, not just sex offenses, thus creating a new, sweeping basis for termination not mandated by HUD. This language should be eliminated.

**Recommendation:** Where HUD mandates denial or termination but gives HACLA discretion to make the final determination, HACLA should only consider a criminal conviction to serve as sufficient evidence:
- Terminating assistance for “drug-related criminal activity” (13.4.2)
- Denying and terminating assistance for “illegitimate use of drugs” (13.4.1.3 and 13.4.3)
- Terminating assistance for “violent criminal activity” (13.5.3)
- Terminating assistance for “abuse of alcohol” (13.7.1 and 13.7.2)

Eliminate the following optional rules:
- Denying assistance for “drug-related criminal activity” (13.4.1.2)
- Denying assistance for “violent criminal activity”, based only on preponderance of evidence. (13.5.2)
- Terminating assistance for unspecified “criminal activity”. (13.6.2)

2. **PREVIOUS HOUSING BEHAVIOR**

A number of HACLA’s rules deny or terminate assistance based on an individual’s previous behavior or status in housing. Yet those individuals who have had the most trouble staying in housing are exactly those individuals who most need permanent supportive housing. None of these rules are mandated by HUD, and HACLA has full discretion to eliminate them entirely.

HACLA’s current rules deny or terminate assistance for individuals who:
- Have been previously evicted from federally-assisted housing (three-year ban) (13.8.9)
- Have been previously terminated from Section 8 (three-year ban) (13.8.8)
- Owe money to public housing authority (lifetime ban) (13.8.10.1, 2 and 3)

HUD requires HACLA to terminate assistance for any family evicted from federally-assisted housing for a “serious violation of the lease” (13.8.1). However, neither HUD nor HACLA spell out what constitutes a “serious violation” making its impact overbroad.

Collectively, these rules screen out tenants who have had problems staying in housing. However, permanent supportive housing specifically includes social services to help these individuals stay in housing, and off the streets.

a. HACLA’s current ban based on a “serious violation of the lease,” absent further definition of the term, is overbroad

HUD does not define what does or does not constitute a “serious violation of the lease.” Likewise, HACLA provides no definition, other than to include “repeated” violations. This is problematic considering in virtually all of our eviction cases, the landlord alleges serious and/or repeated lease violations as the basis for eviction. This is standard legal practice regardless of the actual facts. Given
that most tenants in eviction actions are unrepresented and 98% of unrepresented tenants lose their eviction cases even where they have viable defenses, HACLA can categorize most evicted tenants as “serious” or “repeated” lease violators. As a result, HACLA’s broad rule functionally excludes anyone who has ever been evicted from a Section 8 unit, regardless of their culpability. Considering that we would expect homeless people to have previously failed in housing, including Section 8 housing, it is counter-productive to the goals of Proposition HHH to exclude people from housing for having previously failed in housing. The following are examples of how this rule excludes people that the City needs to serve:

- Last year, a family with young children living in a federally subsidized building lost two months of cash aid due to an error by an administrative agency. As a result, they did not pay rent and were evicted by the property owner. Under HUD rules, they need not be denied subsidized housing in the future. Under HACLA rules, even though they are otherwise eligible, they face a lifetime ban from subsidized housing.

- A voucher-holder grandmother has a troubled teenage grandson who falls in with the wrong crowd and ends up incarcerated. While he lived with her, the neighbors complained about him but he is now incarcerated and will not return. Under HUD rules, the grandmother may retain her voucher. Under HACLA rules, she faces a lifetime ban.

While HACLA cannot eliminate this rule entirely, it can define “serious violation of the lease” so as to include only truly serious violations. HACLA should be specific about what conduct it is trying to exclude from the program. For instance, this definition should always exclude cases where property damage is less than $5,000, where regardless of the amount the tenant reimbursed the landlord for property damage, where the tenant merely failed to pay rent and where repeated violations of lease was alleged but were not serious violations.

b. HACLA’s current rule defining what property damage constitutes a “serious violation of the lease” improperly excludes potential tenants.

In the rare instance where HACLA has specified an example of “serious violation of the lease”, the current rule is overbroad and draconian; it imposes a ten-year ban for any property damage over $1,000. Even HACLA’s proposed revised rule still imposes termination and a five-year ban for any property damage over $2,000, even if the tenant reimburses the landlord.

Landlords typically interpret normal wear and tear exceedingly narrowly, making it far too easy for a tenant to be accused of causing over $2,000 in damages. In our experience, at the end of a lease, many landlords unfortunately will often allege additional damages even where none exists. Furthermore, it leads to absurd outcomes where accidents are likely to lead to substantive such as when a child spilled paint from an art project on a wood floor that required sanding and refinishing.

As HACLA shifts more vouchers to permanent supportive housing, and away from private sector landlords, whatever past justification this rule once had is significantly outweighed by the further difficulty this will impose on our efforts to house those who have had the most difficulty in normal housing.
c. HACLA’s current lifetime ban and mandatory termination for owing money to a public housing authority is excessive, excludes homeless families, and ultimately costs the City more.

As the HACLA shifts its focus to serve people who have been unsuccessful in prior housing, it should no longer prioritize debt collection over housing. Many of the people Section 8 must now serve have lost their housing at some point for being unable to pay rent or other money owed to a public housing authority. Yet under its current rules, HACLA terminates assistance and imposes a lifetime ban for any failure to pay money owed. (13.8.10.1, 2 and 3). HACLA’s rules make no distinction based on the amount owed, imposing the same harsh punishment for a $10 debt as for a $10,000 debt.

HACLA therefore would impose homelessness in the following cases:

- A voucher holder uses exercise to cope with his anxiety; he got a donation of gym equipment through a social agency. However, he accidentally damages his wall trying to drag the equipment inside. His landlord sends him a bill for $500, but he is unable to pay. Under HUD rules, he may keep his voucher. Under HACLA rules, he faces a lifetime ban from Section 8.

- A voucher holder fails to pay a late fee after she is late on rent one month. She owes $35, but she is struggling to pay for food. Under HUD rules, she can keep her voucher. Under HACLA rules, she faces a lifetime ban from subsidized housing.

While HACLA makes an exception for families who agree to pay back debt in full, few families are in a financial position to take advantage of this illusory leniency. In practice, HACLA therefore relegates these families to permanent homelessness by summarily denying them housing assistance, or terminating their current assistance. HUD does not mandate such harsh rules, and HACLA is free to eliminate them. 24 CFR 982.552(c)(1)(v) and (vi) and (vii).

Ultimately, this prioritization of debt collection over housing costs the public more. When denying or terminating assistance results in homelessness, as it almost always does, the City incurs far greater costs in health, jail, court, police and other expenditures. The real costs of this rule far outweigh its benefits.

**Recommendation:** Eliminate rules denying or terminating assistance for individuals who:

- Have been previously evicted from federally-assisted housing (three-year ban). (13.8.9)
- Have been previously terminated from Section 8 (three-year ban). (13.8.8)
- Owe money to public housing authority (lifetime ban). (13.8.10.1, 2 and 3)

3. **INTERACTIONS WITH HACLA STAFF AND OTHER CONDUCT**

A number of HACLA’s rules deny or terminate assistance on the basis of an individual’s interactions with HACLA or other official staff, including threatening staff, providing false information, or other such problematic interactions. While the motive behind these rules is understandable, they dramatically increase the likelihood that a homeless person will be excluded from the permanent supportive housing they need.

The people who most need permanent supportive housing are those with the most disruptive mental illness, psychological trauma, drug problems, or other circumstances that pushed them onto the streets in the first place. Those same factors make it far more likely for them to act in a threatening manner or to provide false information—especially when HACLA rules define these behaviors so broadly.
We recognize that HACLA staff work under tremendous daily stress, often thanklessly, and are constantly placed in situations that would test anyone’s patience. Yet now more than ever, as HACLA turns to helping the hardest-to-house of our homeless population, we must recognize the unique barriers they face and tailor our approach accordingly with great care.

The rules we identify here do not reflect this approach. None of these rules are mandated by HUD, and HACLA has full discretion to eliminate them entirely.

HACLA’s current rules deny or terminate assistance for individuals for:
- A violation of family obligation (13.8.5)
- “Abusive or violent behavior” toward HACLA personnel (ten year ban). (13.8.6)
- Providing false or misleading information (ten year ban). (13.8.7)

Although many homeless people suffer disabilities, the reasonable accommodation process cannot sufficiently address the problems created by HACLA’s current rules. Many homeless people are unwilling to acknowledge they have a disability, and therefore never make the initial request needed to begin the process.

Moreover, even when a person does acknowledge a disability, the reasonable accommodation process is so complex as to require the assistance of a legal services lawyer or advocate. The process is also time-consuming, frequently taking several months to resolve. This further limits the ability of the reasonable accommodation process to mitigate the exclusionary effect of HACLA’s rules.

With at least 1,000 new units of permanent supportive housing coming online each year from Proposition HHH alone, and with so many of the intended residents of those units potentially affected by these rules, we cannot rely on the reasonable accommodation process.

The scale of our homelessness problem—and the unprecedented mandate given by our City’s elected leaders and residents—demand urgent action. Every obstacle to placing a chronically homeless individual in permanent supportive housing frustrates that objective. We will face many obstacles, and we can at least reduce the self-imposed ones.

- **HACLA’s current rule regarding threatening behavior is excessive in both reach and its penalty.**

As HACLA shifts to housing people most in need of permanent supportive housing, HACLA staff will find themselves interacting with people whose history of mental illness, drug problems, trauma, or other challenges making misunderstandings, frustrating conversations, and other sources of tension far more likely. The likelihood of escalation, including use of expletives or other expressions of understandable frustration, will be much higher.

Under this circumstances, HACLA’s ten-year ban for “abusive or violent behavior”, or the threat of such behavior, is excessive and overbroad. HACLA’s rule makes no distinction between physical and verbal conduct, nor does it consider the significantly more complex context inherent to working with people who have been chronically homeless.

Here’s an example of how this rule will prevent the City from housing its chronically homeless residents, which ultimately drives up City costs:
A formerly homeless woman who is a voucher-holder struggles to manage stressful situations. When confronted with frustrating situations, she often reacts with anger. This reaction stems in part from the sexual assault she experienced while living on the street. The housing authority sends her an appointment notice and she is asked to bring in a list of documents (such as a current bank statement, etc.) to an appointment. On the day of the appointment, she travels two hours by public transportation to get to her appointment and waits in line to check-in. She then waits another half-hour for her appointment.

By the time she meets with her Section 8 advisor, she has reached her limit. Traveling on the crowded bus and sitting in the busy waiting room has significantly increased her anxiety. Her Section 8 advisor looks through her documents and says to her, “You didn’t bring in a current bank statement. You need to get one and bring it back.” This is rational from the Section 8 advisor’s point of view but in the context of serving someone who has been homeless, it is likely to lead to a negative outcome. Upon hearing that her efforts to make this appointment were in vain, the voucher holder reacts instantly and says in a loud voice, “This is bullsh*t! I can’t come back another day.” Her Section 8 advisor asks her to keep her voice down. The voucher holder gets up and throws the documents she has on the table and angrily leaves the meeting saying again, “I can’t believe this f***ing bullsh*t.” Later, the voucher-holder then receives a notice of termination that says she has engaged in abusive behavior towards Housing Authority staff including the use of expletives. She now faces losing her voucher and a lifetime ban.

HUD does not require any denial or termination, let alone a ten-year ban. 24 CFR 982.552(c)(1)(ix). The consequence of such overbroad rules is continued homelessness for the very people Proposition HHH was intended to serve. HACLA should eliminate this rule accordingly.

b. **HACLA’s current rule denying or terminating assistance for fraud is overbroad, and likely to improperly exclude homeless people.**

HACLA increasingly works with people who are dealing with many more challenges than the average tenant, and who therefore do not have the same organization, mental stability, and ability to understand and articulate the information HACLA needs.

Under its current fraud rule, HACLA imposes up to a ten-year ban on residents who “includes intentionally and willfully providing false or misleading information”. When HACLA staff work with people shaped by a history of mental illness, trauma, and negative interactions with institutions and officials, they are far more likely to be given false or misleading information.

This rule is not mandated by HUD. HACLA’s rule therefore unnecessarily results in undesirable outcomes:

- A homeless Section 8 voucher applicant mistakenly fails to list a store credit card—for which he is deeply in debt—on his Section 8 application. Under HUD rules, his circumstances can be considered, and he can obtain the subsidy. Under HACLA rules, he is not only denied, but also faces a ten-year ban from subsidized housing.

- A homeless voucher applicant with cognitive challenges fails to report that she has a month left on her probation at the time her Section 8 application, thinking her probation is essentially over. Under HUD rules, she can obtain a subsidy. Under HACLA rules, she is not only denied, but also faces a ten-year ban from subsidized housing.
Even though staff has the discretion to evaluate intent behind inaccurate information, this rule inevitably exposes many homeless people to yet another possible basis for denial or termination of needed assistance.

c. **HACLA’s current rule denying or terminating assistance for violating a family obligation is overbroad.**

HACLA’s desire to hold tenants to their family obligations, as specified by HUD, is understandable. Most of these are common sense rules that allow housing authorities to operate the program, including providing true and complete information, allowing access to an apartment for a habitability inspection, and letting the housing authority know if they intend to move.

Yet HACLA’s current rule goes beyond what HUD require, denying and terminating assistance for violating any of these obligations. HACLA’s rule does not distinguish a simple mistake from willful noncompliance. As a result, individuals such as the two described below are at risk of falling into homelessness, or staying on the street:

- A blind Section 8 tenant was very afraid to allow strangers to enter his unit, as they might move his belongings and make it difficult for him to navigate. Not understanding that he is required to allow housing authority inspections, he twice refused admission. This amounted to a technical violation of the family obligation to allow a housing authority inspection. Although HUD rules do not require the tenant to lose his subsidy, HACLA’s current rules allow staff to terminate his assistance and deny him future assistance.

- A woman with a Section 8 voucher has limited education and incorrectly reports in her initial application, and again in her annual reexamination, that she is unmarried. In fact, she is still married to her abusive husband, but they have been estranged for some time. While she technically has provided inaccurate information, she has made an understandable description of her living situation. Under HUD’s rule, she need not lose her housing. However, under HACLA’s rules, she can have her assistance terminated and denied in the future.

**Recommendation:** Eliminate the following rules denying or terminating assistance for:

- A violation of family obligation. (13.8.5)
- “Abusive or violent behavior” toward HACLA personnel (ten year ban). (13.8.6)
- Providing false or misleading information (ten year ban). (13.8.7)

5. **Additional Recommendations**

In addition to the recommendations listed above, we recommend HACLA make the following changes:

a. HACLA should allocate a larger share of its Section 8 portfolio to housing homeless people, starting with committing at least 50% of turnover vouchers to homelessness programs.

b. To the extent it dedicates turnover vouchers to homeless people, HACLA should prioritize chronically homeless people. Housing homeless people with disabilities increases the likelihood that they will successfully apply for SSI Disability benefits. Once they are on SSI, their income increase and HACLA would be able to reduce the individual subsidy -- freeing up resources for additional vouchers.

c. HACLA should maximize the extent it project-bases Section 8 vouchers so it can meet the expanded need for Section 8 subsidies for the 10,000 new permanent supportive housing units that will be funded by Proposition HHH.
### APPENDIX II—COMPARISON CHART AND RECOMMENDATIONS

#### 13.4 DRUG RELATED CRIMINAL ACTIVITY

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<td>1. Previously evicted from federally assisted housing for drug-related criminal activity (Applicant)</td>
<td>Three-year ban after date of eviction from federally-assisted housing for drug-related criminal activity, including personal use or possession, by any household member. Possible exception: If culpable household member is in prison, and will not reside in the unit upon release. If eviction was due to illegal personal use of drug and not for any other drug-related criminal activity, HACLA may admit only if (1) applicant provides verifiable documentation that person has successfully completed a supervised drug rehabilitation program since eviction; or (2) circumstances leading to the eviction no longer exist (evicted household member died, is imprisoned, or is permanently hospitalized); and 3) eviction was due solely to individual’s illegal use of a drug and not other drug-related criminal activity. <strong>13.4.1.1.</strong></td>
<td>Required ban; “PHA must prohibit admission for three years…if any household member has been previously evicted from federally assisted housing for drug-related criminal activity”. <strong>24 CFR 982.553(a)(1)(i).</strong> Exception: PHA may admit the household if the PHA determines: (A) That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or (B) That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned). <strong>24 CFR 982.553(a)(1)(i)); A; B).</strong></td>
<td>Expand exception to include all drug-related criminal activity. Ban is statutorily mandated. However, HACLA may still admit households if the culpable member completes rehab or is no longer present. HACLA currently only applies this exception to evictions for illegal drug use. HACLA can further apply this exception to all drug-related criminal activity.</td>
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<td>2. Drug-related criminal activity (without eviction) (Applicant)</td>
<td>HUD allows HACLA to prohibit admission based on drug use currently, or during a “reasonable period of time before admission.” Two-year ban after conviction of drug-related criminal activity by any member of household. <strong>13.4.1.2.</strong> Does not apply to conviction for illegal use or possession for personal use.</td>
<td>No required ban. PHAs <em>may</em> prohibit admission if any household member is currently engaged in, or has engaged in for a reasonable time before the admission, drug-related criminal activity. <strong>24 CFR 982.553(a)(2)(ii)(A)(1).</strong> “Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.” <strong>24 CFR 5.100</strong></td>
<td><strong>Eliminate ban.</strong> Commentary HUD does not require PHAs to deny applicants based on drug-related criminal activity. It is discretionary and even then, only for a reasonable time. Never ban based on juvenile convictions.</td>
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<td>3. Currently engaged in illegal use of drugs (Applicant)</td>
<td>One year ban if any household member convicted for or, based on preponderance of evidence, has engaged in illegal drug use. Exception: HACLA may admit if household member with drug issue: (1) Certifies in writing not currently using illegal drugs; and (2) Documents that successfully completed a supervised drug rehabilitation program since last instance of illegal use; or documents that actively participating in drug rehabilitation program. <strong>13.4.1.3.</strong></td>
<td>Required ban, with discretion. PHAs <em>must</em> establish standards that prohibit admission if PHA determines that household member: (1) is currently engaging in illegal use of drugs; or (2) has a pattern of illegal drug use which may threaten health, safety, or right to peaceful enjoyment of premises. <strong>24 CFR 982.553(a)(1)(ii)(A);(B).</strong> HUD allows PHA discretion to determine what constitutes evidence of a pattern of illegal drug use.</td>
<td><strong>Deny assistance only for a conviction (but never juvenile convictions), and never solely on the basis of arrests or “preponderance of evidence.”</strong> Commentary While HUD requires ban, HACLA should set the highest possible threshold for determining that an applicant has engaged in illegal drug use for the purposes of terminating assistance.</td>
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<td>4. Previously convicted of manufacture of methamphetamine in federally assisted housing (Applicant &amp; Participant)</td>
<td>Lifetime ban. Deny admission. <strong>13.4.1.4 and 13.4.4.</strong></td>
<td>Required Ban. PHA <em>must</em> prohibit admission or terminate assistance. <strong>24 CFR 982.553(a)(1)(ii)(C); 24 CFR 982.553(b)(1)(ii).</strong></td>
<td>Ban is statutorily mandated.</td>
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<td>5. Drug-related criminal activity (Participant)</td>
<td>Terminate assistance for • Any eviction from assisted housing due to drug-related criminal activity; or • Conviction for drug-related criminal activity; or • Preponderance of evidence demonstrates household member engagement in drug-related criminal activity while in assisted housing regardless whether evicted or convicted. 13.4.2</td>
<td>Required ban, with discretion, PHA must establish standards that allow the PHA to terminate if the PHA determines that any family member has violated the family’s obligation under 982.511 not to engage in any drug-related criminal activity. 24 CFR 982.553(b)(i)(iii). Evidentiary standard: PHA may terminate assistance for criminal activity by a household member if the PHA determines, based on a preponderance of the evidence that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity. 24 CFR 982.553(c)</td>
<td>Terminate only for conviction, (but never terminate for a juvenile conviction), and never on basis of eviction of “preponderance of evidence.” Commentary HUD does not require PHAs to terminate based on drug-related criminal activity. Terminations are discretionary. As written, the ban is discriminatory because it terminates people based on eviction, arrest or incarceration or other evidence rather than only conviction. Low-income people of color are disproportionately arrested and incarcerated for offenses they did not commit. HACLA should never terminate without a conviction. While HUD authorizes termination based on a preponderance of the evidence, HUD neither requires it, nor defines “preponderance of evidence.” HACLA could limit “preponderance of evidence” to convictions. Never ban based on juvenile convictions.</td>
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<td>6. Illegal drug use (Participant)</td>
<td>Terminate assistance for</td>
<td>Required ban, with discretion, PHA must establish standards that allow PHA to terminate assistance if PHA determines that:</td>
<td>Terminate only for conviction for illegal drug use, and never based on eviction.</td>
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| | • Any eviction from assisted housing due to illegal drug use; or | • Household member currently engaged in illegal use of drug; or | **Commentary**
| | • Conviction for illegal drug use | • Household member has pattern of illegal use that interferes with health, safety or peaceful enjoyment of other residents. | HUD does not require PHAs to terminate based on drug-related criminal activity. Terminations are discretionary. Typically, eviction proceedings do not provide sufficient due process for a finding of illegal drug use because tenants usually are unrepresented. And even where they are, the representation does not meet the due process standards in a criminal prosecution. |
| | HACLA may provide assistance for non-culpable family members in accordance with Section 13.10 (household member who was culpable may not reside in the unit) so long as illegal drug use did not result in eviction. | |
| | Participants using medical marijuana will be issued a warning that use of medical marijuana may be grounds for termination of assistance. | |

**13.4.3. Required ban, with discretion.** PHA must establish standards that allow PHA to terminate assistance if PHA determines that:
- Household member currently engaged in illegal use of drug; or
- Household member has pattern of illegal use that interferes with health, safety or peaceful enjoyment of other residents. **24 CFR 982.553(b)(1)(i).**
### 13.5 VIOLENT CRIMINAL ACTIVITY

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<td>7. Violent criminal activity (Applicant)</td>
<td>Two year ban if any household member is convicted of a felony for a violent criminal activity (against persons or property), or, three year ban if based on preponderance of evidence, the applicant has engaged in such activity, regardless whether convicted. 13.5.2.</td>
<td>No required ban. PHA may prohibit admission if currently engaged in, or has engaged in violent criminal activity a reasonable time before admission. 24 CFR 982.553(a)(2)(ii)(A)(2).</td>
<td><strong>Eliminate ban.</strong> Commentary HUD does not require PHAs to deny applicants because of prior “violent criminal activity.” Denials are discretionary. HACLA should never deny based on preponderance of evidence or on anything other than a conviction. In addition, a preponderance of the evidence standard disproportionately impacts people of color because they are more likely to be targeted for suspicion or arrest. Furthermore, it is illogical that a lesser standard of proof (preponderance of evidence v. conviction) carries a longer ban. HACLA’s rule does not distinguish between major and minor violations, treating a murderer the same as someone who breaks the window of an abandoned building.</td>
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“Violent criminal activity” is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonable likely to cause, serious bodily injury or property damage. 13.5.2, citing 24 CFR 5.100
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<td>8. Violent criminal activity (Participant)</td>
<td>Terminate assistance if • Evicted from assisted housing due to violent criminal activity; • Any household member convicted of violent criminal activity; or • Based on preponderance of evidence, household member has engaged in violent criminal activity. <strong>13.5.3.</strong></td>
<td>Required termination, with discretion. “PHA must establish standards that allow PHA to terminate assistance” if any household member has engaged in violent criminal activity. <strong>24 CFR 982.553(b)(2).</strong></td>
<td><strong>Terminate assistance only for a conviction for violent crime.</strong> <strong>Commentary</strong> HUD does not <em>require</em> PHAs to terminate for violent criminal activity. Never terminate based on evictions, arrests, or preponderance of evidence. To do so, disproportionately impacts people of color. HACLA’s rule does not distinguish between major and minor violations, treating a murderer the same as someone who breaks the window of an abandoned building.</td>
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## 13.6 OTHER CRIMINAL ACTIVITY

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<td>9. Sex Offender Registry (Applicant &amp; Participant)</td>
<td>Ban based on any household member’s placement on any State lifetime sex offender registry.</td>
<td>Required ban/termination. PHA must establish standards that prohibit admission to household member who is subject to a lifetime registration requirement under a State sex offender registration. In this screening, PHA must perform criminal history background check. 24 CFR 982.553(a)(2)(i).</td>
<td>Ban based on sex offender registry is statutorily mandated. Already at HUD minimums.</td>
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<td><strong>13.6.1. and 13.6.2</strong></td>
<td>“HUD requires the HACLA to prohibit admission of the family if any member of the household is subject to a lifetime sex offender registration requirement in any State.” (Applicants) 13.6.1</td>
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<td>At its sole discretion, HACLA may provide assistance to non-culpable family members in accordance with 13.10.</td>
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<td>10. Participant engaged in “other criminal activity”</td>
<td>“Regardless of date of activity, if a household member engages in criminal activity (including sex offenses) while a participant in an assisted housing program, HACLA must immediately pursue termination of assistance to the extent allowed by HUD requirements, the lease, and state or local law.” 13.6.2.</td>
<td>No required denial. PHA’s may deny or terminate assistance if “any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program” 24 CFR 982.552(c)(iv)</td>
<td>Eliminate cited paragraph. Commentary 13.6.2 language is too broad, calling for termination when alleged to engage in any “criminal activity”. Then it goes on to make the untrue statement that “HACLA must immediately pursue termination.” HACLA should eliminate this entire paragraph.</td>
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## 13.7 ALCOHOL ABUSE

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| 11. Criminal conduct related to alcohol (Applicant) | One year ban if HACLA has reasonable cause to believe that household member engaged in criminal conduct involving alcohol or conviction involving use of alcohol. Exception: HACLA may admit family if household member: (1) Completed supervised alcohol rehabilitation program; or (2) Currently in supervised alcohol rehabilitation program. 13.7.1. | Required ban, with discretion. “The PHA must establish standards that prohibit admission to the program if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.” 24 CFR 982.553(a)(3) | Require a conviction to establish “reasonable cause”.  
Commentary  
Even when a homeless applicant has a conviction, HACLA should consider circumstances and grant a reasonable accommodation. 24 CFR 982.552(c)(2)(i) |
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<td>12. Alcohol abuse (Participant)</td>
<td>Terminate assistance if alcohol abuse is contributing factor to eviction or, even where there is no eviction, if a preponderance of evidence demonstrates that alcohol abuse may threaten health, safety or right to useful enjoyment of premises. At its sole discretion, HACLA may provide assistance to other household members.</td>
<td>Required ban, with discretion., “The PHA must establish standards that allow termination of assistance for a family if the PHA determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.” 24 CFR 982.553(b)(3)</td>
<td>Require a conviction for an alcohol-related crime.&lt;br&gt;<strong>Commentary</strong>&lt;br&gt;HUD does not require PHAs to terminate based on alcohol abuse.&lt;br&gt;&lt;br&gt;HACLA should never terminate assistance for mere alcohol use or based on evictions. Typically, eviction proceedings do not provide sufficient due process for a finding of illegal drug use because tenants usually are unrepresented. Even when tenant is represented, eviction proceeding does not meet the due process standards in a criminal prosecution.&lt;br&gt;&lt;br&gt;HACLA should interpret “may threaten health, safety or right to peaceful enjoyment” to mean only behavior that results in a conviction where it is threatening to another person.&lt;br&gt;&lt;br&gt;HACLA should consider circumstances in favor of people who would be homeless if not for this housing.</td>
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### 13.8 OTHER FAMILY ACTION OR FAILURE TO ACT

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| 13. Participants who are evicted for serious or repeated lease violations | Terminate assistance for eviction for serious or repeated violation of lease. Serious violation includes damage over $1,000, even if family reimburses landlord. **13.8.1** | Required ban, with discretion. “The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.” [982.552(b)(2)] | Define “serious violation of lease” with a list of specific examples, and should specifically exclude:  
- Damages of less than $5,000  
- Damages where family reimburses landlord  
- No-fault eviction  
- Failure to pay rent  
- Mere repeated violations  
*Commentary*  
Do not terminate assistance for formerly homeless participants. Only in extreme cases should termination be in first instance. Goal should be to keep people in housing.  
“Serious violation of the lease” is undefined by HACLA and HUD, potentially exposing participants to termination for any eviction as “serious violation of the lease” is boilerplate language in most Unlawful Detainer complaints. |

- Family’s failure to accept a new lease  
- Failure to move when the owner requires the tenant to move due to the owner’s desire to  
  - Remove the unit from the rental market  
  - Terminate the Section 8 contract  
  - Enable sale of the property  
  - Rent at a higher rate, to rent to a family member, to perform major rehabilitation  
  - Comply with a government agency’s order to vacate  
- Other reasons beyond the control of the family.
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<td>14. Damages to the Unit</td>
<td>Terminate and ten-year ban when family vacates assisted unit leaving damages (caused by the family or its guests) that are not normal wear and tear and in excess of $1,000 (as estimated by HACLA inspector). Ban applies even if family reimburses landlord. HACLA considers such damage a serious violation of lease. 13.8.1.3</td>
<td>Required ban, with discretion. “The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.” 982.552(b)(2) HACLA may deny or terminate program assistance if the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease. 982.552(c)(1)(vi)</td>
<td>Do not consider property damage a “serious violation of lease” when potentially terminating assistance. Provide reasonable accommodation for all people with mental illness. Commentary HUD requires ban for “serious violation of lease” but does not define the term. HACLA should eliminate this ban by eliminating property damage from its definition of a “serious lease violation.” Landlords typically interpret normal wear and tear exceedingly narrowly so that they deem almost any damage as beyond normal wear and tear. In addition, at end of lease, landlords typically allege damages beyond wear and tear whether they exist. Ten-year ban is draconian.  - Would ban a family when child spilled paint from an art project on a wood floor that required sanding and refinishing.</td>
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<td>15. Failure to submit consent forms</td>
<td>The HACLA must deny or terminate assistance for failure to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5, Subpart B (Disclosure and Verification of Social Security Numbers and Employer Identification Numbers; Procedures for Obtaining Income Information) and 24 CFR Part 5, Subpart F (Section 8 and Public Housing Family Income and Family Payment; Occupancy Requirements for Section 8 Project-Based Assistance) and within the framework of the HACLA’s policy and procedure.</td>
<td>Required ban. The PHA must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms. <strong>982.552(b)(3)</strong></td>
<td>Rule already at HUD minimums.</td>
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<td>16. Failure to establish citizenship or immigration status</td>
<td>The HACLA must deny or terminate assistance for failure to submit evidence or failure to establish evidence of citizenship or eligible immigration status in accordance with 24 CFR Part 5, Subpart E (Restrictions on Assistance to Noncitizens) and within the framework of the HACLA’s policy and procedure.</td>
<td>“Part 5 of this title provides a statement of circumstances in which the PHA must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status, and the applicable informal hearing procedures.” <strong>982.552(b)(4)</strong></td>
<td><strong>No rule change.</strong> However, due to heightened fears surrounding immigration issues after the November 8, 2017 Presidential election, we ask that if immigration issues come up, HACLA be very clear that it is not adding any obligations related to immigration and that it does not report people to ICE. Advocates have heard stories of participants that misinterpreted HACLA requests for normal forms as support for anti-immigrant policies.</td>
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<td>17. Violation of a family obligation in federally-assisted housing</td>
<td>May deny or terminate for violation of HUD family obligation in federally-assisted housing. 13.8.5</td>
<td>No required ban. PHAs may deny program assistance...if the family violates any family obligation under the program. 24 CFR 982.552(c)(1)(i).</td>
<td>Eliminate ban.</td>
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<td>(Application and Participant)</td>
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<td>Under 982.551, Family Obligations include:</td>
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<td>• Supplying information that PHA or HUD determines necessary and that it be true and complete, including related to:</td>
<td>HUD does not require PHAs to deny or terminate assistance because of violations of family obligations.</td>
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<td>• Citizenship or immigration status</td>
<td>HACLA should never deny admission to a homeless or formerly homeless applicant because of prior violations of family obligations.</td>
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<td>• Reexaminations of family income</td>
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<td>• Social security numbers</td>
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<td>• Responsibility for breach of Housing Quality Standards caused by the family (982.404)</td>
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<td>• Allowing a PHA inspection</td>
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<td>• Not committing a serious or repeated lease violation</td>
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<td>• Provide notice of move or lease termination</td>
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<td>• Give PHA a copy of owner eviction notice</td>
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<td>• Unit is sole residence of family</td>
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<td>• PHA approves family composition</td>
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<td>• Family promptly notifies PHA if family member no longer resides</td>
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<td>• PHA consents to live-in aide or foster child</td>
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<td>• Profit-making in the unit but only as incidental to being a residence</td>
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<td>• No sublease, transfer or assignment of unit</td>
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<td>• Family must promptly notify PHA of any absence from unit</td>
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<td>• Family must not own interest in unit</td>
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<td>• Not commit fraud or bribery</td>
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<td>• Not engage in drug-related or violent or other criminal activity that threatens health, safety or peaceful enjoyment of others in vicinity.</td>
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<td>• Not use alcohol in way that threatens health, safety or peaceful enjoyment in vicinity</td>
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<td>• May not receive another housing subsidy.</td>
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<td>18. Threatened abusive or violent behavior to PHA personnel (Applicant and Participant)</td>
<td>Termination and/or ten-year ban if HACLA determines, in the exercise of reasonable judgment, that any household member has engaged in or threatened abuse or violent behavior toward any HACLA employee. 13.8.6</td>
<td>No required ban. PHA <em>may</em> deny or terminate program assistance if family has engaged in or threatened abusive or violent behavior. 982.552(c)(1)(ix).</td>
<td><strong>Eliminate ban.</strong> Commentary HUD does not require PHAs to deny applicants because of behavior to PHA personnel. Denials are discretionary. The ban is overbroad. It does not distinguish between serious and non-serious, verbal or physical behavior. Nor does it make allowance for people with mental illness. Moreover, a ten-year ban is draconian. HACLA should never impose bans for words.</td>
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<td>19. Applicant provides false or inaccurate information to PHA</td>
<td>Ten-year ban if any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program. Fraud includes intentionally and willfully providing false or misleading information on any HACLA forms, such as forms that collect family composition and income information, and/or intentionally and willfully providing other false or misleading information relevant to determining a family’s eligibility for assistance or the amount of assistance. 13.8.7</td>
<td>No required ban. PHA’s may deny or terminate assistance if “any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program” 24 CFR 982.552(c)(iv)</td>
<td>Eliminate ban, or require conviction for denial. Commentary HUD does not require PHAs to deny applicants based on false or inaccurate information. HACLA has dramatically broadened HUD’s categorization of fraud to include false or misleading information. This is like to capture homeless applicants who may inadvertently provide inaccurate information or do so as a result of shame, fear or mental illness. Eliminate ban as duplicative. It is already a violation of a family obligation to commit fraud or bribery. See 24 CFR 982.551 and HACLA Admin Plan 13.8.5. Never ban based on anything other than conviction.</td>
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<td>20. Participant provides false or inaccurate information to PHA</td>
<td>Terminates assistance for the family if any member of the participant family commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program. 13.8.7</td>
<td>No required ban. PHA’s may deny or terminate assistance if “any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program” 24 CFR 982.552(c)(iv)</td>
<td>Eliminate ban. Commentary HUD does not require PHAs to deny applicants based on false or inaccurate information. Eliminate the ban. Homeless applicants may inadvertently provide inaccurate information. People with mental illness may provide false information as a result of their mental illness.</td>
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<td>21. Applicant previously terminated from Sec. 8</td>
<td>Three-year ban if terminated for cause. Permanent ban for second termination. Exception to ban if terminated because of: • Failure to notify HA and owner in writing before moving out/ending lease. • Failure to notify HA of absence from unit. • Violation of HQS inspection due to nonpayment of utilities or not allowing HA to inspect unit. 13.8.8.</td>
<td>No required ban. PHAs may deny admission if PHA ever terminated assistance. 24 CFR 982.552(c)(iii).</td>
<td>Eliminate ban. Eliminate permanent ban for second termination. Commentary HUD does not require PHAs to deny admission for prior termination from Sec. 8. All homeless people have previously failed in housing. HACLA must not make prior success in Section 8 a condition of eligibility—this would disqualify any homeless person who had previously been in Section 8.</td>
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<td>22. Applicant previously evicted in federal assisted housing</td>
<td>Three-year ban if evicted from federally assisted housing. Permanent ban for second eviction. Exceptions Eviction for: (1) Failure to accept new lease; or (2) Failure to move when owner requires due to reasons beyond tenant’s control. 13.8.9</td>
<td>No required ban. PHAs may deny program assistance… • If any member of the family has been evicted from federally assisted housing in the last five years. 24 CFR 982.552(c)(ii).</td>
<td>Eliminate ban. Commentary HUD does not require PHAs to deny applicants because of prior eviction. Denials are discretionary. All homeless people have previously failed in housing. HACLA must not make prior success in Section 8 a condition of eligibility—this would disqualify any homeless person who had previously been in Section 8.</td>
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| 23. Failed to pay public housing authority. (Applicant & Participant) | **Lifetime** ban as long as family owes money to any PHA. (PHA must be able to document) Allows participation if family repays full amount owed to all PHAs within 30 days of notice of denial. Under 13.1, HACLA may allow participation if family executes a repayment agreement for amount owed. 13.8.10.1 and 13.8.10.3. Denies admission to families that are porting if owes money to any PHA, even if even though the family may have entered into an agreement to repay the PHA. 13.8.10.2. | No required ban. PHA *may* deny program assistance if family currently owes rent or other amounts to a Public Housing Authority or landlord under HAP contract. 24 CFR 982.552(c)(1)(v) and (vi) and (vii). | **Eliminate ban**.  
*Commentary*  
HUD provides HACLA with discretion; HACLA is not required to deny or terminate for money owed. HACLA should never deny or terminate a homeless person or formerly homeless person solely for money owed. Denying housing to a homeless person will ultimately cost more in health, mental health, jail, court, police and other costs when the person is left on the street. HACLA’s exception that allows people to pay back the debt is not helpful to homeless people because they are likely unable to pay back the debt. City should fund account that reimburses HACLA for applicant debt. |
August 16, 2017

Mr. Douglas Guthrie  
c/o Intergovernmental & Community Relations  
Department  
Housing Authority of the City of Los Angeles  
2600 Wilshire Blvd  
Los Angeles, CA 90057  
Via electronic email to eric.brown@hacla.org

Re: Comments to HACLA’s 2018 Draft Agency Plan

Dear Mr. Guthrie

On behalf of the Legal Aid Foundation of Los Angeles we wish to use this opportunity to comment on the Housing Authority of the City of Los Angeles’ (HACLA) 2018 Draft Agency Plan. The Plan contains several draft modifications to the Section 8 Administrative Plan, Admissions and Continued Occupancy Policy (ACOP), and the public housing lease among other policies and programs. This comment letter concerns the ACOP, the public housing lease, and the Violence Against Women Act (VAWA) changes.

I. Use of Criminal Records in Public Housing

We have signed onto and endorse the comments letter, dated August 1, 2017 on behalf of Inner City Law Center (ICLC), and other community partner, addressing the criminal records admissions rules in the administrative plan. The August 1, 2017, goes in great detail the barriers that HACLA’s Section 8 policies on the use of criminal records present to homeless people and individuals at risk of becoming homeless. We ask that HACLA consider the August 1, 2017 comments to the extent that may also apply to HACLA’s public housing policies. We have included a table as an exhibit outlining HACLA’s public housing admissions and terminations policies as they concern criminal records and ask that to the extent there’s any discretion on the part of the housing authority that the policies be aligned with the United States Department of Housing and Urban Development (HUD) mandates.

The August 1, 2017, makes clear that homeless people, who are the most in need of permanent supportive housing, are more likely to:
• Have had arrests or other interactions that could constitute a “preponderance of evidence” of criminal conduct;
• Have mental illness, trauma, or other conditions
• Owe money to a housing authority
• Have been accused of a serious lease violation, whether or not it occurred;
• Unintentionally give inaccurate information.

In addition, homeless people are more likely to have had eviction on their records, many of which are likely a consequence of a failure to timely respond to the unlawful detainer complaint. HACLA’s rules regarding public housing program impose significant barriers on homeless individuals, even though these individuals are homeless for the very reasons HACLA would disqualify them. Many homeless individuals or individuals who are not permanently house struggle with disabilities and are African American or Latino/a, and thus are more likely to experience other forms of discrimination such as employment discrimination or police profiling. HACLA’s public housing rules would have an adverse impact on the basis of race and disability to the extent the rules rely on or perpetuate other societal forms of discrimination. For instances, and as discussed below, HACLA’s rules to the pertaining to the use of criminal records will likely perpetuate the adverse effects of discriminatory police encounter when the record is the reason for denial or termination of public housing.

In sum, and as the August 1, 2017, letter argues, HACLA’s admissions and termination rules, particularly those identified below, obstruct efforts to house the homeless and thus compound our efforts to find common sense solutions to the emergent homelessness problem.

a. HACLA Imposes Denial and Termination Rules that are Stricter than HUD mandates.

i. Rules Regarding Prior Evictions

On prior evictions from HACLA, the ACOP states, “The applicant’s previous lease with HACLA (if any) must not have been terminated for cause within the previous: (a) 24 months for a default in payment of rent or charges; (b) 120 months for a termination due to drug related criminal activity or criminal activity including crimes of physical violence to persons or property, crimes that adversely affected the health, safety, or welfare of other tenants, or termination for failing to report family income or composition; or (c) 60 months for all other terminations.” See ACOP (I)(C)(7)(a). The rule is overly broad. On one of the spectrum, the rule would apply to applicants who have unlawful detainer judgments on the merits and, on the other end, the rule would apply to applicants who vacated their units on termination notices. The overbroad nature of the rule creates a risk that it would implemented arbitrarily and capriciously.

This rule is also not mandated by HUD. 24 CFR 960.204(a)(1) states, “The PHA standards must prohibit admission of an application to the PHA’s public housing program for three years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity.” The regulation is silent as to terminations for reasons other than drug-related criminal activity.

Moreover, while HACLA generally provides grievance rights to residents served with terminations, HACLA does not provide grievance rights to residents who are terminated for reasons related to alleged criminal activity by a household member, guest, or invitee. Because notices to terminate do not always provide a specific factual basis for HACLA’s determination, a resident who faces a termination for alleged criminal activity is trapped between having to decide whether to fight the eviction, often times without legal representation against a HACLA attorney, or vacate the unit and have no other opportunity to challenge the termination. The collateral consequence of a 10-year bar...
from public housing is a steep price to pay on an unchallenged, potentially erroneous termination notice.

Similarly, HACLA’s rule regarding prior evictions for nuisance or breach of contract imposes a significant barrier to housing for individuals who are homeless. It states, “Applicants with prior evictions for nuisance and/or breach of lease agreement within the past three years will be denied admission.” See ACOP (I)(A)(2). The rule’s overly broad terms “nuisance” or “breach of lease agreement” can likely lead to discriminatory effects. For instance, tenants with disabilities who have service or support animals face a risk of eviction where the lease provides for no pets. A landlord who evicts a tenant on a breach of contract basis for having a support animal and prevails will cost that tenant with disabilities the opportunity to reside in public housing for a period of three years. Take also the example of a tenant with disabilities that manifest symptoms that others may perceive to be nuisance behavior. Should a landlord succeed in obtaining an unlawful detainer judgment against the disabled tenant, under HACLA’s rules they are barred from public housing for a period of three years.

Because this rule does not look at whether there was judgment on the merits, the rule will over­include eviction judgments where no answers or responses were filed by or on behalf of the tenant. An unscrupulous landlord who impedes proper service of an unlawful detainer complaint against the tenant may also succeed in barring that tenant from public housing for a period of three years. That is enough time for a tenant to fall into homelessness where they are likely to encounter the police or incur mental injuries.

We thus respectfully ask that HACLA align public housing rules regarding prior evictions or termination from public housing with the minimums per 24 CFR 960.204(a)(1).

b. HACLA’s Public Housing Admission Rules Regarding the Use of Criminal Records

HACLA’s ACOP admission rule regarding criminal histories states, “Excluding only crimes committed while a minor or crimes committed more than 10 years ago, HACLA may only obtain information related to any conviction by a prospective resident for any serious felony as defined by CA Penal Code 11105.03.” See ACOP (I)(A)(2).e This rule is stricter than HUD’s regulation on denial of admissions due to criminal activity or drug use. 24 CFR 960.204(a)(2) states, “The PHA must establish standards that prohibit admission of a household to the PHA’s public housing program if:

i. the PHA determines that any household member is currently engaging in illegal use of drug (For purpose of this section, a household member is ‘currently engaged in’ the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current); or

ii. the PHA determines that it has reasonable cause to believe that a household member’s illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.”

24 CFR 960.204(a)(3) imposes a permanent bar on persons convicted of methamphetamine production and 24 CFR 960.204(a)(4) imposes a permanent bar on life-time registered sex offenders. The regulations, however, do not ban individuals who have committed serious felonies within the past 10 years. While HACLA’s rule does not provide that these individuals are categorically banned from public housing, conceivably the information is relevant only to the extent it will be used to deny admission. If HACLA relies on the felony convictions to deny admissions, we ask HACLA ban only those who are “currently engaged in illegal” drug use as required by 24 CFR 960.204(a)(2).
1. Has a family member committed fraud in connection with any Federally assisted housing program, including the intentional misrepresentation of information related to their application or benefits derived thereof?

2. Is there a history of criminal activity involving crimes of physical violence to persons or property or other criminal acts which might have an adverse effect on the health, safety, and welfare of other residents?

3. Is there a history of any drug-related or violent criminal activity which might have an adverse effect on the health, safety, and welfare of other residents?

4. Does the individual have felony conviction or release from custody, as an adult, that occurred within the last 5 years (excluding incarceration time) involving alcoholic beverages or a controlled substance?

5. If the individual has a conviction meeting any of the criteria set forth in 3, 4, and 5 above, then please provide all summary criminal history information including convictions set forth in 3, 4, and 5 without regard to when the individual was convicted.

Again 24 CFR 960.204(a)(2) prohibits the admission of individuals who are “currently engage in illegal use of drug.” The regulation does not bar admissions to persons who allegedly committed fraud in connection with any federally assisted housing program or person with criminal histories involving crimes of physical violence to persons or property or other criminal acts which have an adverse effect on health, safety or the welfare of other residents. The regulation also does not bar admission to individuals with a history of drug-related or violent criminal activity, individuals with felony convictions that occurred over within the last 5 years, or individuals with convictions regardless of when the convictions occurred. If HACLA is not relying on these inquiries to deny admissions to public housing, there is no need for the inquiries. However, if HACLA is relying on these inquiries to deny admission, such practice exceeds HUD minimum mandate.

What is worrisome is that the inquiries contain ambiguous terms that increase the likelihood of arbitrary or capricious denials. The terms “committed fraud” is ambiguous as to what constitutes “committed.” It is unclear if it’s asking whether an applicant has been accused of committing fraud or convicted of fraud. The inquiries asking about an applicant’s “history of criminal activity” or “history of any drug-related or violent criminal activity” are also ambiguous and overbroad as to time. While the ACOP limits the inquiries regarding criminal or drug-related activity to 10 years prior, the inquiry on its face makes no such limitation. Importantly, the term “activity” is ambiguous. Would an arrest report constitute a reportable activity? Is the inquiry limited to only convictions? Or does the inquiry also reach into an applicant’s confidential treatment history? This inquiry tows a fine line between HACLA’s need to provide safe housing and disability discrimination. The final inquiry asking for a summary of criminal history information including conviction without regards to dates of occurrence is also over broad and ambiguous. Is the inquiry asking about arrests or only criminal convictions? Notably the inquiry seeks information that is of little relevance given the ACOP 10 year look-back on criminal histories.

Lastly, HACLA’s public housing rules and inquiries regarding criminal histories contravene HUD’s fair housing guidance on the use of arrest records. In that guidance, HUD states, “The purpose of this Notice is to inform PHAs and owners of other federally-assisted housing that arrest records may not be the basis for denying admission, terminating assistance or evicting tenants, to remind PHAs and owners that HUD does not require their adoption of “One Strike” policies, and to remind them of their obligation to safeguard the due process rights of applicants and tenants.”
The guidance makes clear that arrest records are unreliable and thus should not be issued to make a decision regarding an admission or termination. “HUD has reviewed relevant case law and determined that the fact that an individual was arrest is not evidence that he or she has engaged in criminal activity. According, the fact that there has been an arrest for a crime is not a basis for the requisite determination that the relevant individual engaged in criminal activity warranting denial of admission, termination of assistance, or eviction.” The guidance explains that arrest records can be unreliable because they “are often inaccurate or incomplete (e.g., by failing to indicate whether the individual was prosecuted, convicted, or acquitted), such that reliance on arrests not resulting in conviction as the basis for denying applicants or terminating the assistance or tenancy of household or household member may result in unwarranted denials of admission to or eviction from federal subsidized housing.”

The guidance explains that a PHA’s reliance on arrest reports is limited by the Fair Housing Act and other civil rights requirements. “PHAs and owners must ensure that any screening, eviction, or termination of assistance polices and procedures comply with all applicable civil rights requirements contained in the Fair housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and Titles II and III of the Americans with Disabilities Act of 1990, and the other equal opportunity provisions listed in 24 C.F.R. 5.105.” The guidance warns against “inconsistent application of standards or decisions based on partial or inaccurate information” because that would “result in liability under federal civil rights laws.” Indeed, the broad scope of the inquiries listed above and their ambiguous terms give rise to a likelihood of inconsistent decisions or decisions based on partial or inaccurate information. Importantly, individuals with disabilities and people of color who are more likely to have arrest records due to racial profiling are adversely impacted by HACLA’s use of arrest records in its decision-making. To avoid this outcome, we ask that HACLA align its rules regarding the use criminal record with 24 CFR 960.204(a)(2).

II. Proposed Changes to the Public Housing Lease Agreement on Licensees

The Proposed Agreement includes a change to Section 1(B), Household Members and Authorized Occupants, which states that “[a]ll Household Members shall occupy the residence as licensees with no right of possession to the Residence.” Proposed Agreement, Page 1. The proposed language is not only ambiguous but it is also inconsistent with HUD Regulations and State law.

a. HACLA’s Attempt to Classify Household Members as “licensees” is Inconsistent with HUD Regulations and State Law

This new provision is inconsistent with HUD regulations. In particular, 24 C.F.R. § 966.4(d)(1) provides explicitly that “[t]he lease shall provide that the tenant shall have the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease.” This provision grants exclusive use and occupancy to the tenant, as well as the members of the household that are authorized to reside in the unit, or as HACLA defines them, “Household Members.” This is inconsistent with the HACLA Proposed Agreement, which provides only that “[t]he Resident shall have the right to the exclusive use and occupancy of the Residence as a private dwelling. “ Proposed Agreement, Page 1.

Moreover, HUD regulations that provide that the Residence is provided to the tenant and authorized members of the household is inconsistent with HACLA’s proposed addition. Despite HACLA’s attempt to define Household Members as “licensees,” because the HUD regulation provides the household members with exclusive use and occupancy rights to the Residence, under California law, this distinguishes household members from “licensees.” See Sprinks v. Equity Residential Briarwood Apartments, 171 CalApp.4th (2009).
HACLA’s addition of the “licensee” provision seems to evidence an intent by HACLA that is impermissibly inconsistent with HUD regulations and will cause confusion amongst tenants and potentially judges that hear Unlawful Detainer actions brought by HACLA against Public Housing tenants. This provision should not be included in the new Agreement.

b. Language Under Changes in Circumstances is Ambiguous

The proposed Public Housing lease includes a new section, Section b, under the Change in Circumstances, which provides that “[t]he Resident shall notify Management of any ‘Change in Circumstances’ within thirty (30) days of such change.” The new addition requires the tenant to notify Management when “[a] Resident or Household Member is temporarily out of the residence. As herein, ‘temporary’ shall mean for more than 30 consecutive days.” Housing Authority of the City of Los Angeles, Proposed Changes to the Public Housing Rental Agreement (“Proposed Agreement”), Page 1.

This provision is similar to, but not identical to, another provision under Section D, “Use of Residence.” The provision in Section D requires that “[t]he Resident shall give prompt prior written notice to Management in the event the Resident will be absent from the Unit for more than 30 calendar days.” Section D also provides that “[t]he Resident shall notify Management in advance when the Resident will be absent from the Residence for more than seven (7) consecutive days.”

The similarity of these terms and their location in different parts of the lease, make it difficult for a tenant to navigate when Management must be notified about an absence from the Residence. This should be clarified, particularly in light of HACLA’s position that an individual may be evicted from their housing based on a failure to notify the Housing Authority of an absence from the Residence.

III. No Precise Definition of Guest in the Lease or ACOP

HACLA forbids public housing residents from allowing individuals to take occupancy for a period of 14 days within a 12 month period without HACLA’s permission. Page 4 section D of the public housing lease states, “Residents may provide reasonable accommodations for their guests or visitors, but shall promptly obtain Management’s written approval for the presence of any such person who occupies the residence for more than fourteen (14) days during any 12-month period.” The ACOP and public housing lease do not provide definitional distinctions between the terms “guest” or “unauthorized occupant.”

While HUD regulations 24 C.F.R. Section 5.100 defines the term “guest” as someone “temporarily” staying in the unit, the definition does not specify what constitutes “temporary.” Given HACLA’s rules regarding the criminal activity of a household member’s guests or unauthorized occupant, and the risk of arbitrariness associated with an undefined term, it is imperative that HACLA announce a precise definition of a guest as one that is distinct from unauthorized occupant. A precise definition enables tenants to better defend themselves against terminations or evictions due to a guest’s conduct, and help avoid the likelihood that entire families become homeless due to a single actor’s conduct. As such, we ask that the term “guest” be clearly defined.

1 The use of Unit here, as opposed to the term “Residence”, which is defined and appears throughout, is confusing, particularly because Unit is capitalized and appears to be a defined term, but is not otherwise defined in the agreement or the ACOP.
IV. Grievance Procedures Issues in Public Housing Raise Due Process and Other Concerns

a. HACLA Terminates Public Housing Tenancies on the Basis of Criminal Arrests Without Providing Tenants Grievance Rights

HACLA’s ACOP states, “Except for an eviction where pursuant to the grievance policy the resident is not entitled to a grievance hearing, no resident will be evicted without the HACLA first providing that resident a written notice of rental agreement termination in which it stated the reasons for the termination and advising the resident of his/her right to request a hearing in writing in accordance with the resident grievance procedure.” See ACOP(XIII)(A). HACLA’s Grievance Procedure prohibits grievances regarding “any violent or drug related criminal activity on or off the premises.” The public housing lease states, “The resident shall not have any right to a grievance hearing before Management in matters concerning a termination of tenancy or eviction that involves; (A) any criminal activity that threatens the health, safety, or right to peaceful enjoyment of Housing Authority owned or operated real property by other residents or employees of Management, or (B) any drug-related criminal activity.”

Evidently HACLA does not afford public housing tenants grievance rights for terminations based on a household member’s, guest’s, or invitee’s alleged criminal activity. 24 CFR 966.51(a)(2)(i) states, “PHA may exclude from the PHA administrative grievance procedure under this subpart any grievance concerning a termination of tenancy or eviction that involves: (A) any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA; (B) Any violent or drug-related criminal activity on or off such premises; or (C) any criminal activity that resulted in felony conviction of a household member.” While the regulation gives HACLA the discretion to withhold grievance hearings for terminations based on alleged criminal activity, the regulation does not require that a hearing be withheld.

As discussed above, a decision to terminate based on an arrest report carries significant risks. Arrest reports often contain inaccurate information and because Latino/as and African American are more likely to have an arrest due to factors such as a police officer’s implicit biases, Latino/as and African Americans are more likely to be terminated for criminal activity. Moreover, while HUD regulations permit the withholding of a grievance hearing for terminations based on criminal activity, HUD guidance makes clear that the use arrest reports in a termination decision is limited by federal law. “As with admissions decisions, federal law requires that PHAs provide public housing, project-based Section 8, and Section HCV tenants with notice and the opportunity to dispute the accuracy and relevance of a criminal record before they evict or terminate the tenant’s assistance on the basis of such record.” Although HACLA relies on the state unlawful detainer process to meet due process, a tenant’s only opportunity to contest an erroneous arrest report is through that court process. That carries significant risks especially for an unrepresented tenant. For tenants who with limited English proficiency or disabilities, challenging an unlawful detainer based on a household member’s, guest’s or invitee’s arrest record carriers steep risks and impediments.

By providing grievance rights to all public housing residents regardless of the basis of termination, HACLA will give public housing residents the opportunity to challenge potentially erroneous information. We therefore ask that HACLE provide grievance rights to all public housing tenants including those who are face termination due to alleged criminal activity. An eviction, especially one predicated on erroneous information, creates significant collateral consequences, including a 10 year ban from public housing. Rules such as the one that deprive grievance rights for public housing residents contribute to the City’s homelessness problem because of the risk of error that criminal records carry and fears that tenants associate with the unlawful detainer process. HACLA’s rule limiting grievance rights along with rules that ban admissions based on criminal histories, make...
homelessness for public housing residents a real probability. This is especially true for low income families whose only recourse to housing is publicly-subsidized housing and who struggle with disabilities, language access, and other forms discrimination, including discrimination by employers, educators, and law enforcement.

b. HACLA’s Limits the Introduction of Evidence Despite HUD Regulations That Allow a Public Housing Tenant to Present Arguments and Evidence at their Hearing

The Section H(3) of the Grievance Procedure states, “Documents not provided in accordance with the Grievance Procedure may not be presented at the time of Formal Hearing.” The Grievance Procedure provides the Tenant and HACLA the opportunity for each side to request “documents” and “regulations” ten (10) days prior to a hearing. However, in the absence of an affirmative request by HACLA, the Grievance Procedure does not require the tenant to exchange documents or regulations ten (10) days prior to a formal hearing. Despite this limitation, HACLA has interpreted the Grievance Procedures rule regarding the production of “document” and “regulations,” to mean that a tenant’s failure to produce such information ten (10) days before a hearing results in their exclusion. This is practice is an affront to the tenant’s due process rights as guaranteed under 24 CFR 966.53 and hearing rights under 24 CFR 966.56.

Under 24 CFR 966.53 an element of due process includes the “opportunity for the tenant to refuse the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have.” With respect to the presentation of evidence and arguments at a hearing, 24 CFR 966.56(b)(4) states that a tenant shall be afforded at the hearing, “the right to present evidence and arguments in support of the tenant’s complaint, to controvert evidence relied on by the PHA or project management, and to confront and cross-examine all witnesses whose testimony or information the PHA or project management relies.” The Grievance Procedure thus contravene a tenant’s grievance rights under HUD regulations to the extent the Grievance Procedure limits a tenant’s right to present at their hearing documentary evidence or arguments based on any regulation. Importantly, because grievances are routinely initiated by HACLA’s notice of an adverse decision, HACLA and not the tenant is the party that would more likely be in possession of evidence to support the adverse decision. We thus ask that HACLA include language in the Grievance Procedure clarifying that only HACLA, and not the tenant, is subject to the rule on the exclusion of evidence or regulations not shared with the tenant 10 days prior to a grievance hearing.

c. Public Housing Tenants are Denied the Opportunity to Bring or Have a Representative Speak on their Behalf at Informal Grievances

LAFLA has been informed that on occasion, public housing residents have been denied the opportunity to bring a representative to the informal conference held with management at their development. This is an outright violation of these residents’ rights as well as HACLA’s own policies. Efforts should be taken to clarify for public housing managers that residents are entitled to have a representative with them at their informal conference with management. For tenants with limited English proficiency or disabilities, this practice by the housing authority presents a serious impediment to accessing the housing authorities’ programs on an equal basis. As such, the housing authority has created—for no conceivable reason—a fair housing issue in the context of informal grievances. We thus request that the housing authority permit public housing tenants to bring representatives and allow those representatives to speak on their behalf.
V. Practice of Suspending Participants Pending a Section 8 Grievance Hearing

LAFLA has learned that HACLA has a practice of suspending” participants’ vouchers when hearings are pending. This has been problematic for LAFLA clients, particularly when circumstances have required them to vacate their current units voluntarily before a hearing has been held. The suspension of assistance for a low-income participant who has already vacated their unit, or who is required to vacate their unit while a hearing is pending, amounts to a de facto termination, denying such participants their due process and informal hearing rights. Participants in the Housing Choice Voucher program are entitled to an informal hearing in all but exceptional cases when the termination of their assistance is proposed. 24 C.F.R. § 982.555. Furthermore, HACLA’s own Section 8 Administrative Plan does not appear to allow for such a practice; the Administrative Plan provides that “[a] voucher may be suspended or tolled only if there is a Request for Tenancy Approval (RFTA) in process.” HACIA Section 8 Administrative Plan § 10.4 at p. 10-4. In at least one case, HACLA’s purported “suspension” of a participant’s voucher, and failure to promptly complete the informal hearing and review process, led the participant to be homeless for over a year due to HACLA’s refusal to issue a voucher prior to resolution of the hearing process.

There are myriad reasons a participant, through no fault of their own, may need to vacate their current unit before HACLA has completed its hearing process for a proposed termination, and the mere proposal of termination should not cause a participant to suffer adverse housing consequences before their due process rights have been exhausted. A common example of a Section 8 tenant needing to voluntarily vacate their unit while a termination is pending is the situation where local limitations on eviction do not apply and property owners are legally allowed to terminate a Section 8 participant’s lease agreement for business reasons upon 90 days’ notice. Given current voucher utilization rates, low vacancy rates and rising rents in Los Angeles, participants are frequently forced to move out of their current units at the expiration of such a notice to avoid adverse legal consequences, and may become homeless for a period of time before they are able to secure replacement housing. If a participant in this situation is also facing a pending termination of their housing assistance, and their voucher is “suspended,” it locks them into such homelessness and renders them unable to search for replacement housing until HACLA has afforded them a hearing and issued a decision. Based on LAFLA’s experience, this process can last for months, and can be extended by months more when hearings are postponed, rescheduled, etc.

As such, we urge the housing authority to cease its practice of suspending participants’ Section 8 vouchers during the pendency of their termination hearings.

VI. The Violence Against Women Act (VAWA) Rules Regarding Emergency Transfers in Cases of Domestic Violence Are Inadequate

The draft of the 2018 Agency Plan states that HACLA has implemented changes pursuant to VAWA, including allowing for the bifurcation of the public housing lease. While LAFLA commends the HACLA’s changes in policy, these changes do not do enough the safety of HACLA’s beneficiaries, and do not amount to full compliance with VAWA’s protections.

Accommodating the well-being and safety needs of domestic violence survivors is a primary goal of LAFLA. Although the HACLA provides for domestic violence as an exception to limitations on moving, HACLA does not do enough to ensure the safety of its beneficiaries. HACLA must respond in a timely manner to reports of domestic violence by providing the victim with a new voucher or temporary place to stay, such as a motel room paid for by the HACLA where a transfer unit in Section 8 or public housing is not immediately available.
Although the HACLA stresses that it acts quickly in instances of domestic violence, the proposed language in the section regarding Emergency Transfer Placement of the 2018 Public Housing ACOP does not provide a specific timeline as to how long it can or should take to get a domestic violence survivor into a new unit. Rather, the provision states that the HACLA will engage in a number of transfer attempts (not limited to the three attempts made for non-domestic violence emergency transfer requests) until an available unit is located within the program. While LAFLA appreciates the exception made to the number of unit transfer offers made for victims of domestic violence, it is highly likely that it may take a prolonged period of time for HACLA to locate an appropriately sized unit for a victim of domestic violence and his or her family members. The HACLA should propose a clear time period during which a unit transfer to another public housing unit will be done. If by the end of that time period, a unit transfer is not available due to lack of an appropriate unit for the family, the HACLA should warrant that the participant will be housed temporarily at a motel or other suitable arrangement at the HACLA’s expense until a subsidized unit becomes available.

LAFLA has had firsthand experience working with and representing clients whose lives were placed in danger by the HACLA’s failure to timely issue a new voucher, or timely move a client into a new unit in Section 8 or Public Housing. One such client reported a domestic violence incident to the HACLA and waited a year to receive a transfer to another unit. During this year, she remained at risk of violence by her abuser.

LAFLA urges HACLA to incorporate a specific timeline by which a victim must be relocated. HACLA must commit to providing safe housing for domestic violence survivors and their minor children within a standard timeframe. LAFLA feels that an appropriate and fair timeline would be HACLA committing to issuing a new voucher or moving the domestic violence survivor into a new unit in Section 8 or public housing within 1 week of the domestic violence incident. This timeframe would balance the administrative challenges with the safety concerns of victims. If necessary to accomplish this requirement, we suggest that the HACLA set aside a number of its vouchers for domestic violence survivors. In crafting an emergency transfer plan that is more protective of victims, the HACLA should review HUD’s Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (form HUD-5381), and Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking form (form HUD-5383).

As you may be aware, HUD has proposed to amend 24 CFR section 5.2009 to add paragraph (c), which states in relevant part, that it “encourages covered housing providers to undertake whatever actions permissible and feasible under their respective programs to assist individuals residing in their units who are victims of domestic violence…to remain in their units or other units under the covered housing program or other covered housing providers, and for the covered housing provider to bear the costs of any transfer, where permissible.” By adopting a transfer policy with a specified timeframe, HACLA would accomplish the protections created by VAWA for domestic violence survivors.

CONCLUSION

We respectfully request you consider the above-discussed comments in the process of adopting or modifying the draft agency plan. Should you have any questions, please feel free to contact me at (213)640-3970 or at jmarrero@lafla.org.
Sincerely,

[Signature]

Joel Mattero
Attorney
July 31, 2017

Mr. Douglas Guthrie  
c/o Intergovernmental & Community Relations Department  
Housing Authority of the City of Los Angeles  
2600 Wilshire Blvd  
Los Angeles, CA 90057

Dear Mr. Guthrie,

On behalf of the Drug Policy Alliance (DPA), a local and national organization that advocates to end the war on drugs and to build new drug policies grounded in science, compassion, health and human rights, we would like to thank you for providing us with the opportunity to comment on the Housing Authority of the City of Los Angeles’s (HACLA) 2018 Draft Section 8 Administrative Plan.

We recognize the importance of stability that comes directly from permanent supportive housing as paramount for those families and communities confronting multifaceted and extreme challenges to homelessness and poverty. Many of these challenges intersect with mental illness, social exclusion, stigmatization and problematic substance use. California and its voters are disposed to address these issues through permanent supportive housing initiatives and services. The passage of Proposition HHH allots much-needed resources to this cause in addition to the ever-important Section 8 voucher program.

The Drug Policy Alliance would like to propose some changes to the Draft Section 8 Administrative Plan, specifically addressing drug-related criminal activity in Chapter 13: Termination and Denials, to promote positive, productive outcomes with long-term benefits for everyone in Los Angeles. Currently, the factors that HACLA uses to deter people from gaining public housing assistance are usually the same factors that put those people in a place of the most need. Therefore, the current bases for determining eligibility or termination of assistance is counter-productive.

We recommend eliminating the barriers not required by the U.S Department of Housing and Urban Development (HUD) that prohibit or lead to termination of assistance based on previous drug related criminal activity. HACLA should not deny an entire family assistance based on one member’s drug-related criminal history. An entire family/household should not be punished for the actions of one member. We propose that previous engagement in drug-related criminal activity should not be a standard that leads to termination or denial of assistance as HUD provides this standard as optional (13.4.1.3). If it so happens that one member of the household is currently engaging in drug-related criminal activity, rather than terminate assistance for the whole family, HACLA could negotiate circumstances, working with the family, to address the issue. Furthermore, instead of requiring documentation of a completed drug treatment program or current enrollment, HACLA should use its resources to help place the family member into a program instead of certain homelessness. This way HACLA will help prevent more people from ending up homeless or in the criminal justice system.

In addition, HACLA should limit the grounds for termination or denial of assistance to drug convictions only regarding criminal background checks on new applicants. This would be instead of referring to evictions, reasonable cause or preponderance of evidence as an additional standard for termination or denial (13.4.2). We encourage...
HACLA to maintain that any drug-related convictions for personal use and/or possession will not be grounds for termination or denial of assistance.

Lastly, HACLA has discretion in deciding whether or not to terminate assistance to a current resident for the use of medical marijuana. We encourage HACLA to write up a new standard that better fits the current climate of marijuana regulation that Angelinos and Californians decided when they chose to pass the legalization of recreational and medicinal marijuana through Proposition 215 (2006) and Proposition 64 (2016) (13.4.3).

It is paramount that we begin to recognize substance use as a public health issue and should no longer criminalize those most vulnerable people in our communities—those with mental health disorders and problematic substance use.

For more information on the Drug Policy Alliance or our comments on HACLA’s 2018 Draft Section 8 Administrative Plan, please contact me at 213-226-6425, or at Euhernandez@drugpolicy.org. We thank HACLA’s leadership and its staff for their commitment to helping underprivileged communities and for its collaboration with government agencies and nonprofit organizations to achieve a better Los Angeles.

With gratitude,

Eunisses Hernandez
Policy Coordinator, Drug Policy Alliance
HONORABLE COMMISSIONERS, THE COMMUNITY OF MAR VISTA GARDENS IN CULVER CITY, WOULD LIKE TO INFORM YOU ALL THAT, WE AS RESIDENTS "DISAGREE" WITH THE NEW REGULATIONS HOUSING AUTHORITY OF L.A. IS TRYING TO IMPLEMENT IN CONTRACTS. THEREFORE WE ASKED YOU COMMISSIONERS NOT TO SIGN OFF BECAUSE THEY DIRECTLY VIOLATE THE RESIDENTS RIGHTS UNDER PUBLIC HOUSING, H.U.D. AND COMMUNITY WAY OF LIVING UNDER LOW INCOME. PLEASE STOP THE ABUSES OF THE ELDERLY. COMMISSIONERS PLEASE DO NOT SIGN.

THANK YOU

SIGNATURE: __________________________________________
DATE: _______________________________________________
ADDRESS: ___________________________________________
ATTACHMENT 4

Certification Forms
(only in Final & Final Draft Versions)
PHA Certifications of Compliance with the PHA Plan and Related Regulations including Required Civil Rights Certifications

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the X 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning 2018, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
   • The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
   • The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   • Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   • The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
   • The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

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**Housing Authority of the City of Los Angeles**

**CA004**

**PHA Name**

**PHA Number/HA Code**

___ Annual PHA Plan for Fiscal Year 2018

___ 5-Year PHA Plan for Fiscal Years 2015 - 2019

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

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**Name of Authorized Official**

Ben Besley  

**Title**

Chairperson, Board of Commissioners

**Signature**

[Signature]

**Date**  

SEP 28 2017

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Page 2 of 2  

form HUD-50077-ST-HCV-HP (12/2014)
Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction’s initiatives to affirmatively further fair housing that require the PHA’s involvement and by maintaining records reflecting these analyses and actions.

Housing Authority of the City of Los Angeles

PHAs Name

CA004

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012, 31 U.S.C. 3779, 3802)

Name of Authorized Official

Ben Besley

Signature

Title

Chairperson, Board of Commissioners

Date

SEP 28 2017

Previous version is obsolete

Page 1 of 1

form HUD-50077-CR (2/2013)
Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan (All PHAs)

I, ___________________________, the ___________________________,
Official’s Name General Manager
Official’s Title

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

Housing Authority of the City of Los Angeles

PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of Impediments (AI) to Fair Housing Choice of the

Los Angeles Housing and Community Investment Department (HCIDLA)

Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

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

Name of Authorized Official

Rushmore D. Cervantes

Title

General Manager

Signature

Date

Page 1 of 1

form HUD-50077-SL (12/2014)
## DISCLOSURE OF LOBBYING ACTIVITIES

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

(See reverse for public burden disclosure.)

1. **Type of Federal Action:**
   a. contract
   b. grant
   c. cooperative agreement
   d. loan
   e. loan guarantee
   f. loan insurance

2. **Status of Federal Action:**
   a. bid/offer/application
   b. initial award
   c. post-award

3. **Report Type:**
   a. initial filing
   b. material change
   
   **For Material Change Only:**
   year ________ quarter ________
   date of last report ________

4. **Name and Address of Reporting Entity:**
   - [ ] Prime
   - [ ] Subawardee
     Tier _____, if known:

5. **Congressional District, if known:**

6. **Federal Department/Agency:**

7. **Federal Program Name/Description:**

8. **Federal Action Number, if known:**

9. **Award Amount, if known:**

10. **a. Name and Address of Lobbying Registrant**
    (if individual, last name, first name, MI):

11. **Individuals Performing Services** (including address if different from No. 10a)
    (last name, first name, MI):

---

**Signature:**

**Date:**

**Print Name:** Douglas Guthrie

**Title:** President & CEO

**Telephone No.:** (213) 252-1810

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**Federal Use Only:**

Authorized for Local Reproduction

Standard Form LLL (Rev. 7-97)
INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.
Certification of Payments to Influence Federal Transactions

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

Applicant Name

Housing Authority of the City of Los Angeles

Program/Activity Receiving Federal Grant Funding

2018 Draft Agency Plan (Including Capital Fund)

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

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

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

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

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

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

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3602)

Name of Authorized Official: 

Douglas Guthrie

Title: President & CEO

Signature: [Signature]

Date (mm/dd/yyyy): 10/7/17

Previous edition is obsolete

Form HUD 50071 (01/14)

Ref. Handbooks 7417.1, 7475.13, 7485.1, & 7485.3
RESOLUTION NO. 9378

RESOLUTION APPROVING THE 2018 AGENCY PLAN FOR SUBMISSION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND APPROVING REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN AND PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY (MPP 201:1)

WHEREAS, the "Quality Housing Work Responsibility Act of 1998" (QHWRA) and Federal regulations require Public Housing Authorities to submit an Agency Plan to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Housing Authority completed a draft Agency Plan containing all of the required elements, including a Five Year Plan and Annual Plan; and

WHEREAS, The Housing Authority published a notice in seven local newspapers on June 16, 2017 advising of the availability of the draft Agency Plan for public inspection and comment and the date, time, and location of the Public Hearing; and

WHEREAS, copies of the draft Agency Plan were delivered to all Resident Advisory Councils (RAC) offices; and

WHEREAS, copies of the draft Agency Plan were available for review at 2600 Wilshire Boulevard, all large housing developments, the Asset Management Division office, and Section 8 offices; and

WHEREAS, five meetings were conducted with the Public Housing Resident Advisory Boards; on March 17, 2017 & June 16, 2017; with the Resident Leaders (RACs) and on February 17, 2017, April 21, 2017 and on August 10, 2017 with the Housing Authority Resident Advisory Council (HARAC). Additionally, fourteen Housing Authority meetings were held at the fourteen large family developments from June 16, 2017 – July 27, 2017 and five regional meetings were held with Section 8 Advisory Board members from July 14, 2017 - August 2, 2017; and

WHEREAS, two meetings were held with community advocacy groups on March 29, 2017, and July 10, 2017 and
WHEREAS, the Housing Authority Board of Commissioners held a Public Hearing on August 17, 2017; and

WHEREAS, the Housing Authority has considered the oral and written comments from all sources in the development of the Final Agency Plan; and

WHEREAS, the Final Agency Plan includes changes to the Public Housing Admissions and Continued Occupancy Policy (ACOP) in the following areas: I. ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS: A. Nondiscrimination 7.; C. Eligibility for Admission; Q. Application Procedures; Offers of Housing; VIII. TRANSFERS: C. Emergency Transfers, E. Emergency Transfer Placement, H. Management Reporting; IX. ADDITIONS/DELETIONS TO THE HOUSEHOLD COMPOSITIONS: C. Additions to the Family Composition; and

WHEREAS, the Final Agency Plan includes changes to the Section 8 Administrative Plan in the following areas: Chapter 1 GENERAL OBJECTIVES AND ORGANIZATION: 1.2 Relation to the Agency Plan; 1.3 Relationship of the Section 8 Administrative Plan to Regulations; 1.4 Significant Amendments to the Plan; 1.5 How the Section 8 Administrative Plan Is Changed; 1.6 Addition of Programs; 1.8 Objectives of the Section 8 Program; 1.9 General Organization of the Housing Authority; 1.10 Organization of the Section 8 Department; 1.11 Code of Conduct and Ethical Standards; 1.11.1– Code of Conduct Conflict of Interest Federal Requirements; 1.11.2 Conflict of Interest – State Requirements; 1.11.3 Procurement and Contracting; 1.11.4 Prohibition on Gifts and Gratuities; 1.11.5 Contract Provisions; Chapter 2 EQUAL OPPORTUNITY HOUSING PLAN; 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); 2.7.1 Section 3/MBE/WBE/LSA Policy Statement; 2.7.2 MBE/WBE Utilization; 2.7.3 Responsible Proposer Requirements; 2.7.4 Good-Faith Efforts; 2.7.5 Outreach to Vendors; 2.7.6 Compliance with Section 3 of the Housing & Urban Development Act of 1968; 2.8 Objective VIII: Maintenance of Records; 2.8.1 Record Management Policy; 2.8.2 Employee Responsibilities; 2.8.3 Privacy; Restricted Access; 2.10.1 Persons with an Obvious and/or Visible Disability; 2.10.5 Denials & Terminations - HACLA Discretion To Consider Circumstances; 3.2.1.1.2 Permanent Supportive Housing Program (PSHP) – Project Based Voucher (PBV) Project; 3.2.1.1.3 Project-based Voucher (PBV) Program; 3.2.1.2.3 Homeless Program; 3.2.1.2.11 Tenant-Based Supportive Housing Program; 3.2.1.2.14 Homeless Veterans Initiative; 3.2.1.3.1 Housing Opportunities for Persons with AIDS (HOPWA Program and HOPWA Fast Track Program); Chapter 4 SELECTION OF COMMUNITY BASED ORGANIZATIONS (CBOs) OR NON PROFIT ORGANIZATIONS (NPOs) - REQUEST FOR PROPOSALS (RFP) PROCESS; 4.2 Evaluation and Selection; 5.15 Admission of Low Income Families – Special Eligibility Criteria to read as follows:; 5.17.1 Priority 1 Preference – Special Programs and Other Referrals; 6.18 Readmissions and Reasonable Accommodations; 10.2.2 Extensions for Applicants with Disabilities; 10.2.3 Extensions
for Hardship or Good Cause; 10.8.1 Subsidy Standards for New Admissions; 10.9 Changing the Voucher Payment Standard; F. Decrease in the Fair Market Rent; 11.18 Biennial and Special Inspections; 11.18.1 Normal Period for Correction of HQS Deficiencies; 11.19 Changes in Rent to Owner; 11.19.3 City RSO – Capital Improvement and Rehabilitation Rent Surcharges; 11.19.4 City RSO - Primary Renovation Program; 11.19.5 City RSO – Just and Reasonable Rent; 11.20.1 HCIDLA LAHD Notification of a Requirement to Decrease the Rent; 11.23.2 Project/Sponsor-based Contracts and Vacancy Loss; 12.7 Family Repayment of Amounts Owed to the HACLA; 12.7.3 Limits on the Offer of a Repayment Plan; 13.1 Discretion To Consider Circumstances and Reasonable Accommodation for the Disabled; 13.4.1.1 Prior Evictions For Drug Related Criminal Activity; 13.4.1.2 Drug Related Criminal Activity Not Related to Evictions - Applicants; 13.4.1.3 Illegal Use of a Drug – Applicants; 13.5.2 Violent Criminal Activity - Applicants; 13.7.1 Alcohol Abuse – Applicants; 13.8.1.3 Damages to the Unit; 13.8.8 Termination from Section 8 Programs; 14.7.6 Rights of Discovery; Chapter 16 SPECIAL PROCEDURES FOR THE MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (MRP-SRO): 16.1 Method for Selecting Owners - Request for Proposals Process; 16.1.1 Content of Proposals; 16.1.2 Tenant Outreach; 16.4 Tenant Outreach Procedures; 16.9.6. Initial Contract Rents; 16.9.10. Homeless Preference for SRO Conversion to RAD PBV; Chapter 17 Special Procedures for the Project Based Assistance (PBV) Programs; 17.23 Biennial Annual and Other Inspections of PBV units; 17.44.1. Term of the RAD PBV Contract; 17.44.4 Conversion from Public Housing to RAD PBV; Chapter 18. Special Procedures for the Shelter Plus Care Continuum of Care Program; 18.6.11 Family Obligations; 18.6.13 Surviving or Remaining Members of a Family; 18.7.4 Statement of Family Responsibility; Chapter 21 SPECIAL PROCEDURES - HUD-VASH; 21.7 Initial Term of the Housing Choice Voucher; Glossary; and

WHEREAS, the City of Los Angeles has certified the Agency Plan is consistent with the City’s Consolidated Plan;
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners: 1) approves the 2018 Agency Plan for submission to the U. S. Department of Housing and Urban Development; 2) approves revisions to the Section 8 Administrative Plan; 3) approves the revised Public Housing Admissions and Continued Occupancy Policy; and 4) authorizes the Chairperson and the President & CEO to execute any and all certifications and/or documents required by HUD for the Agency Plan.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

APPROVED AS TO FORM:
MICHAEL N. FEUER
CITY ATTORNEY

BY: [Signature]
GENERAL COUNSEL

DATE 9-28-17

ADOPTED: SEP 28 2017

HOUSING AUTHORITY OF THE
CITY OF LOS ANGELES

BY: [Signature]
CHAIRPERSON
ATTACHMENT 5

Residents Rights under Rental Assistance Demonstration (RAD)
Resident Rights, Participation, Waiting List and Grievance Procedures applicable for conversion under Rental Assistance Demonstration (RAD)

Housing Authority of the City of Los Angeles (HACLA) projects that have received awards under the Rental Assistance Demonstration (RAD) Program are subject to the Resident Rights, Participation, Waiting List and Grievance Procedures applicable to RAD conversions, in accordance with the guidelines of PIH Notice 2012-32/H-2017-03, Rev 3 and any successor notices.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing HACLA with access to private sources of capital to redevelop its affordable housing assets. Upon conversion, HACLA's Capital Fund Budget will be reduced by the pro rata share of Public Housing Units converted as part of the RAD.

Upon conversion of the units to RAD Project Based Vouchers, HACLA will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6.C & 1.6.D of PIH Notice 2012-32 (HA)/H-2017-03, REV-3. These resident rights, participation, waiting list and grievance procedures are listed in Section A below. Additionally, Attachment 1B to PIH Notice 2012-32 (HA)/H-2017-03, REV-3 regarding Resident Provisions and Section 6 of the Fair Housing and Civil Rights Requirements and Relocation Requirements (Notice H 2016-17/PIH 2016-17 (HA)) are attached to this amendment.

A. Resident Rights and Participation

1. Right to Return. Any resident that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the Covered Project once rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance, including, but not limited to, as a result of a change in bedroom distribution, a de minimis reduction of units, the reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery. Where the transfer of assistance to a new site is warranted and approved, residents of the Converting Project will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents will be provided the option to accept a unit in the Covered Project, move to another public housing site if a unit is available or utilize a Tenant Based Voucher to relocate to another assisted unit.

2. No Re-screening of Tenants upon Conversion. Pursuant to the RAD statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at
time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Covered Project that will reside in non-RAD PBV units placed in a project that will contain RAD PBV units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units.

3. Under-Occupied Unit. If a family is in an under-occupied unit under 24 CFR 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by HACLA, the administering Voucher Agency. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR 983.260 is waived.

4. Renewal of Lease. Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR part 983 have been amended requiring Project Owners to renew all leases upon lease expiration, unless cause exists. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum, as appropriate.

5. Phase-in of Tenant Rent Increases. If a tenant's monthly rent increases by more than the greater of 10 percent or $25 purely as a result of conversion, the rent increase will be phased in over 3 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of “total tenant payment” (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases.

The below method explains the set percentage-based phase-in an owner must follow according to the phase-in period established. For purposes of this section “Calculated PBV TTP” refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the “most recently paid TTP” refers to the TTP recorded on line 9j of the family’s most recent HUD Form 50058. If a family in a project converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below.

Three Year Phase-in:

• Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion - 33% of difference between most recently paid TTP and the Calculated PBV TTP
6. Public Housing Family Self Sufficiency (PH FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs. Public Housing residents that are current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and HACLA will be allowed to use any PH FSS funds already awarded to serve those FSS participants who live in units converted by RAD. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

HACLA will administer the FSS program in accordance with FSS regulations at 24 CFR Part 984, the participants’ contracts of participation, and the alternative requirements established in the “Waivers and Alternative Requirements for the FSS Program” Federal Register notice, published on December 29, 2014, at 79 FR 78100. Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future public housing ROSS-SC grants, nor will its residents be eligible to be served by future public housing ROSS-SC grants, which by statute can only serve public housing residents.

7. Resident Participation and Funding. In accordance with Attachment 1B (attached), residents of the Covered Project with converted PBV assistance will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

8. Resident Procedural Rights. The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner’s lease, which includes the required tenancy addendum, as appropriate.

   a. Termination Notification. HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257, related to Project owner termination of tenancy and eviction, the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:
i. A reasonable period of time, but not to exceed 30 days:

   a. If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
   b. In the event of any drug-related or violent criminal activity or any felony conviction;

ii. Not less than 14 days in the case of nonpayment of rent; and

iii. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

b. Grievance Process. Pursuant to the requirements in the RAD Statute, HUD has established additional procedural rights to comply with the requirements of Section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the Project Owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual’s lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident’s rights, obligations, welfare, or status.

   a. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
   b. For any additional hearings required under RAD, the Project Owner will perform the hearing.

ii. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.

iii. The Project Owner will give residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
iv. The Project Owner will provide an opportunity for an informal hearing before an eviction.

Hearing procedures are outlined in the HACLA's Section 8 Administrative Plan.

9. Earned Income Disregard (EID). Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described above; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher Program, the EID exclusion is limited to only persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV Covered Project, the provision in section 5.617(b) limiting EID to only disabled persons is waived. The waiver and resulting alternative requirement only apply to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion (e.g., due to loss of employment); tenants that move into the property following conversion, etc.,) is covered by this waiver.

10. When Total Tenant Payment Exceeds Gross Rent. Under normal PBV rules, HACLA may only select an occupied unit to be included under the PBV HAP contract if the unit’s occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also HACLA must remove a unit from the contract when no assistance has been paid for 180 days because the family’s TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent) (24 CFR § 983.258). Since the rent limitation may often result in a family’s TTP equaling or exceeding the gross rent for the unit, for current residents (i.e., residents living in the public housing property prior to conversion and who will return to the Covered Project after conversion), HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that until such time that the family’s TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family’s TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations.. When the family’s TTP falls below the gross rent, normal PBV rules shall apply. UD is waiving, as necessary to implement this alternative provision, the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR 983.301 as modified by Section 1.6.B.5 of Notice PIH-2012-32 (HA) H-2017-03, REV-3. In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.
Following conversion, 24 CFR § 983.53(d) applies, and any new families referred to the RAD Covered Project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, HACLA must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP come to equal or exceed the gross rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that the HACLA must reinstate the unit after the family has vacated the property; and, if the project is partially assisted, the HACLA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR § 983.207 or, where “floating” units have been permitted per Section 1.6.B.10 of Notice PIH-2012-32 (HA) H-2017-03, REV-3.

D. PBV: Other Miscellaneous Provisions

1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration. HACLA agrees to any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work.

2. Additional Monitoring Requirement. The HACLA's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.

3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).

   i. The Davis-Bacon prevailing wage requirements (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) apply to all Work, including any new construction, that is identified in the Financing Plan and RCC to the extent that such Work qualifies as development. “Development”, as applied to work subject to Davis-Bacon requirements on Section 8 projects, encompasses work that constitutes remodeling that alters the nature or type of housing units in a PBV project, reconstruction, or a substantial improvement in the quality or kind of original equipment and materials, and is initiated within 18 months of the HAP contract. Development activity does not include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of substantially the same kind. Davis-Bacon requirements apply only to projects with nine or more assisted units.

   ii. Section 3 (24 CFR Part 135) applies to all initial repairs and new constructions that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. In addition, Section 3 may apply to the project after conversion based on the receipt of the use of federal financial assistance for rehabilitation activities.
4. Establishment of Waiting List. 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:

i. Transferring an existing site-based waiting list to a new site-based waiting list. If the PHA is transferring the assistance to another neighborhood, and as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project’s waiting list.

ii. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.

iii. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list.

iv. Informing applicants on a public housing community-wide waiting list on how to transfer their application to one or more newly created site-based waiting lists.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a Covered Project converting to PBV because the household’s TTP is likely to exceed the RAD gross rent, the PHA shall consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA’s remaining public housing waiting list(s) or to another voucher waiting list, in addition to transferring such household to the waiting list for the Covered Project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA
must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at other sites.

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA’s public housing community-wide waiting list have been offered placement on the converted project’s initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area, informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency’s centralized public housing waiting list who wish to be placed onto the newly-established waiting list are done so in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and the obligation to provide meaningful access for persons with limited English proficiency (LEP).

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR § 983.251(c).

5. Mandatory Insurance Coverage. The Covered Project shall maintain at all times commercially available property and liability insurance to protect the Covered Project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed property of a project.

6. Future Refinancing. Project Owners must receive HUD approval for any refinancing or restructuring of permanent debt within the HAP contract term to ensure the financing is consistent with long-term preservation.

7. Administrative Fees for Public Housing Conversions during the Year of Conversion. For the remainder of the Calendar Year in which the HAP Contract is effective (i.e. the “year of conversion”), RAD PBV projects will be funded with public housing funds. For example, if the Covered Project’s assistance converts effective July 1, 2017, the public housing Annual Contributions Contract (ACC) between the PHA and HUD
will be amended to reflect the number of units under the HAP contract, but will be for zero dollars, and the RAD PBV HAP contract will be funded with public housing money for July through December 2017. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time.

PHAs operating HCV program typically receive administrative fees for units under a HAP Contract, consistent with recent appropriation act references to “section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Work Responsibility Act of 1998” and 24 CFR § 982.152(b). During the year of conversion mentioned in the preceding paragraph, these provisions are waived. PHAs will not receive Section 8 administrative fees for PBV RAD units during the year of conversion.

After the year of conversion, the Section 8 ACC will be amended to include Section 8 funding that corresponds to the units covered by the Section 8 ACC. At that time, the regular Section 8 administrative fee funding provisions will apply.

8. Choice Mobility. One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, the HACLA must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

If as a result of participation in RAD a significant percentage of the HACLA’s HCV program becomes PBV assistance, it is possible for most or all of the PHA’s turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP contract administered by the PHA exceeds 20 percent of the PHA’s authorized units under its HCV ACC with HUD.

The alternative mobility policy provides that an eligible voucher agency would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in HACLA’s administrative plan. This alternative requirement does not apply to PBVs entered into outside of the context of RAD.

9. Reserve for Replacement. The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary costs.
maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet project requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines.

**Attachments:**

a. Attachment 1B to PIH Notice 2012-32 (HA)/ H-2017-03 REV-3
b. Section 6 of H 2016-17/ PIH 2016-17 (HA)
a. Attachment 1B to PIH Notice PIH-2012-32 (HA)/H-2017-03, REV-3
Attachment 1B – Resident Provisions in Conversions of Assistance from Public Housing to PBRA and PBV

This Attachment contains two sections, describing:

1B.1 Summary of Resident Provisions
1B.2 Resident Participation and Funding

1B.1 Summary of Resident Provisions

The following is a summary of special provisions and alternative requirements related to tenants of public housing projects converting under RAD:

- Conversion will be considered a significant amendment to a PHA Plan (see Section 1.5(E) of this Notice);
- Notification of proposed conversion, meetings during the conversion process, written response to residents comments on conversion, and notification of conversion approval and impact (see Section 1.8 of this Notice);
- No rescreening at conversion (see Section 1.6(C)(1) of this Notice for conversions to PBV and Section 1.7(B)(1) for conversions to PBRA);
- Right to return after temporary relocation to facilitate rehabilitation or construction (see Section 1.4(A)(5) of this Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice);
- Phase-in of tenant rent increases (see Section 1.6(C)(4) of this Notice for conversions to PBV and Section 1.7(B)(3) for conversions to PBRA);
- Continued participation in the ROSS-SC and FSS programs (see Section 1.6(C)(5) of this Notice, for conversions to PBV and Section 1.7(B)(4) for conversions to PBRA);
- Continued Earned Income Disregard (see Section 1.6(C)(8) of this Notice, for conversions to PBV and Section 1.7.(B)(7) for conversions to PBRA);
- Continued recognition of and funding for legitimate residents organizations (see Section 1.6(C)(6) of this Notice for conversions to PBV, Section 1.7(B)(5) of this Notice for conversions to PBRA, and below in Attachment 1B.2 for additional requirements for both programs);
- Procedural rights consistent with section 6 of the Act (see Section 1.6(C)(7) of this Notice for conversions to PBV and Section 1.7(B)(6) of this Notice for conversions to PBRA); and
- Choice-mobility option allowing a resident to move with a tenant-based voucher after tenancy in the Covered Project (see 24 CFR § 983.260 for conversions to PBV and Section 1.7(C)(5) of this Notice for conversions to PBRA).
For additional information, refer to Notice H 2016-17; PIH 2016-17 for additional information on relocation requirements under RAD.
1B.2 Resident Participation and Funding

The following provisions contain the resident participation and funding requirements for public housing conversions to PBRA and PBV, respectively.

A. PBRA: Resident Participation and Funding

Residents of Covered Projects converting assistance to PBRA will have the right to establish and operate a resident organization in accordance with 24 CFR Part 245 (Tenant Participation in Multifamily Housing Projects). In addition, a Project Owner must provide $25 per occupied unit annually for resident participation, of which at least $15 per occupied unit shall be provided to the legitimate tenant organization at the covered property. Resident participation funding applies to all occupied units in the Covered Project as well as units which would have been occupied if not for temporary relocation. These funds must be used for resident education, organizing around tenancy issues, and training activities.

In the absence of a legitimate resident organization at a Covered Project:

1. HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization; and

2. Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner.

B. PBV: Resident Participation and Funding

To support resident participation following conversion of assistance, residents of Covered Projects converting assistance to the PBV program will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development.

1. Legitimate Resident Organization. A Project Owner must recognize legitimate resident organizations and give reasonable consideration to concerns raised by legitimate resident organizations.

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84 For the purposes of this Attachment, HUD uses the term “Project Owner” to refer to the owner of a converting or Covered Project. In some instances the owner of a project could be a public, non-profit, or for-profit, e.g., mixed-finance projects).
organizations. A resident organization is legitimate if it has been established by the residents of a Covered Project, meets regularly, operates democratically, is representative of all residents in the project, and is completely independent of the Project Owner, management, and their representatives.

In the absence of a legitimate resident organization at a Covered Project, HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization; and

2. **Protected Activities.** Project Owners must allow residents and resident organizers to conduct the following activities related to the establishment or operation of a resident organization:
   a. Distributing leaflets in lobby areas;
   b. Placing leaflets at or under residents' doors;
   c. Distributing leaflets in common areas;
   d. Initiating contact with residents;
   e. Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
   f. Posting information on bulletin boards;
   g. Assisting resident to participate in resident organization activities;
   h. Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
   i. Formulating responses to Project Owner's requests for:
      i. Rent increases;
      ii. Partial payment of claims;
      iii. The conversion from project-based paid utilities to resident-paid utilities;
      iv. A reduction in resident utility allowances;
      v. Converting residential units to non-residential use, cooperative housing, or condominiums;
      vi. Major capital additions; and
      vii. Prepayment of loans.
In addition to these activities, Project Owners must allow residents and resident organizers to conduct other reasonable activities related to the establishment or operation of a resident organization.

Project Owners shall not require residents and resident organizers to obtain prior permission before engaging in the activities permitted in this section.

3. **Meeting Space.** Project Owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
   a. Residents or a resident organization and used for activities related to the operation of the resident organization; or
   b. Residents seeking to establish a resident organization or collectively address issues related to their living environment.

   Resident and resident organization meetings must be accessible to persons with disabilities, unless this is impractical for reasons beyond the organization's control. If the project has an accessible common area or areas, it will not be impractical to make organizational meetings accessible to persons with disabilities.

   Project Owners may charge a reasonable, customary and usual fee, approved by the Secretary as may normally be imposed for the use of such facilities in accordance with procedures prescribed by the Secretary, for the use of meeting space. A PHA may waive this fee.

4. **Resident Organizers.** A resident organizer is a resident or non-resident who assists residents in establishing and operating a resident organization, and who is not an employee or representative of current or prospective Project Owners, managers, or their agents.

   Project Owners must allow resident organizers to assist residents in establishing and operating resident organizations.

5. **Canvassing.** If a Covered Project has a consistently enforced, written policy against canvassing, then a non-resident resident organizer must be accompanied by a resident while on the property of the project.

   If a project has a written policy favoring canvassing, any non-resident resident organizer must be afforded the same privileges and rights of access as other uninvited outside parties in the normal course of operations. If the project does not have a consistently
enforced, written policy against canvassing, the project shall be treated as if it has a policy favoring canvassing.

A resident has the right not to be re-canvassed against his or her wishes regarding participation in a resident organization.

6. **Funding.** Project Owners must provide $25 per occupied unit annually for resident participation, of which at least $15 per occupied unit shall be provided to the legitimate resident organization at the covered property. These funds must be used for resident education, organizing around tenancy issues, and training activities.

In the absence of a legitimate resident organization at a Covered Project:

a. HUD encourages the Project Owners and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization; and

b. Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner.

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85 Resident participation funding applies to all occupied units in the Covered Project as well as units which would have been occupied if not for temporary relocation.
b. Section 6 of Notice H 2016-17/ PIH 2016-17 (HA)

Right to Return and Relocation Assistance
SUBJECT: Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.¹

¹ While this Notice addresses fair housing and civil rights requirements and relocation requirements, the fair housing and civil rights requirements are not limited to relocation issues.

² Consistent with PIH Notice 2012-32 (HA) REV-2 (PIH 2012-32 (HA) REV-2) (the “RAD Notice”), this Notice uses the term “PHA” to refer to the owner of the project prior to the RAD conversion and “Project Owner” to refer to the owner of the project after the RAD conversion.
SECTION 6. RELOCATION REQUIREMENTS

In some cases, as explained in this Section, the activities associated with the RAD transaction may require the relocation of residents. In the event of acquisition, demolition, construction or rehabilitation activities performed in connection with a RAD conversion, the PHA and/or Project Owner should plan such activities to reasonably minimize any disruption to residents’ lives, to ensure that residents are not exposed to unsafe living conditions and to comply with applicable relocation, fair housing and civil rights requirements. As discussed in Section 6.1, below, a written relocation plan is required in some circumstances and strongly encouraged for any conversion resulting in resident moves or relocation. Further, the obligations due to relocating residents under RAD are broader than URA relocation assistance and payments and RAD specifies requirements which are more protective of residents than standard URA requirements, including additional notices (see Section 6.6) and a right to return (see Section 6.2). This Notice requires that certain information be provided to all households, beginning prior to submission of the RAD application.

Any resident who moves as a direct result of acquisition, rehabilitation or demolition for an activity or series of activities associated with a RAD conversion may, depending on the circumstances and length of time of the relocation, be eligible for relocation assistance and payments under the URA. Additionally, Section 104(d) relocation and one-for-one replacement

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Under the URA, the term “displacing agency” refers to the agency or person that carries out a program or project which will cause a resident to become a displaced person. Projects vary and, for any specific task described in this Notice, the displacing agency may be either the PHA or the Project Owner, as determined by the allocation of roles and responsibilities between the PHA and Project Owner.
housing requirements may also apply when CDBG- or HOME-funds are used in connection with a RAD conversion. The applicability of the URA or Section 104(d) to RAD conversions is fact-specific, which must be determined in accordance with the applicable URA and Section 104(d) regulations.67

Eligibility for specific protections under this Notice applies to any person residing in a Converting Project who is legally on the public housing lease, has submitted an application to be added to an existing lease, or is otherwise in lawful occupancy at the time of the issuance of the CHAP and at any time thereafter until conversion of assistance under RAD. All such residents of a Converting Project have a right to return and are eligible for relocation protections and assistance as provided by this Notice. The eligibility criteria set forth in this paragraph apply to the protections under this Notice regardless of whether residents or household members meet the statutory and regulatory requirements for eligibility under URA.68

6.1. Planning

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a Converting Project, PHAs must undertake a planning process in conformance with the URA statutory and regulatory requirements in order to minimize the adverse impact of relocation (see 49 § C.F.R. 24.205). PHAs must also ensure that their relocation planning is conducted in compliance with applicable fair housing and civil rights requirements.

The PHA shall prepare a written relocation plan if the RAD conversion involves permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year. While a written relocation plan is not required for temporary relocation lasting one year or less, HUD strongly encourages PHAs, in consultation with any applicable Project Owners, to prepare a written relocation plan for all RAD conversions to establish their relocation process clearly and in sufficient detail to permit consistent implementation of the relocation process and accurate communication to the residents. Appendix II contains recommended elements of a relocation plan.

During the planning stages of a RAD transaction and based on the results of this planning process, a PHA must submit applicable portions of the Checklist described in Section 5.3(B) to HUD, together with any required backup documentation, as early as possible once the information covered in the applicable part is known.69 All parts of the Checklist must be submitted to HUD prior to submission of the Financing Plan. The Checklist will allow HUD to assist the PHA to comply, and to evaluate the PHA’s compliance, with relocation requirements, including civil rights requirements related to relocation.


68 A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 C.F.R. 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378. See Section 6.5 of this Notice for discussion of the date of “initiation of negotiations.”

69 The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.
The following presents a general sequencing of relocation planning activities within the RAD conversion process for informational and planning purposes only. Specific requirements are set forth in the provisions of this Notice.

<table>
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<tr>
<th>Stage</th>
<th>Activities</th>
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| 1. Prior to submission of RAD application | • Determine potential need for relocation in connection with proposed conversion plans.  
• Meet with residents to discuss proposed conversion plans, communicate right to return, and solicit feedback.  
• Provide the *RAD Information Notice* (RIN) to residents as described in Section 6.6(A) of this Notice. |
| 2. After submission of RAD application | • Assess the need for relocation planning in connection with proposed conversion plans. Determine if technical assistance would be beneficial to ensuring compliance with relocation requirements.  
• Survey residents to inform relocation planning and relocation process.  
• Develop a relocation plan (see Appendix II for recommended content).  
• Prepare Significant Amendment to PHA Plan and engage with the Resident Advisory Board, residents and the public regarding Plan amendment.  

70 Alternatively, the PHA may submit a new PHA Five-Year or Annual Plan, especially if it is on schedule to do so. Under any scenario, the PHA must consult with the Resident Advisory Board and undertake the community participation process. |
| 3. Following issuance of the CHAP, or earlier if warranted | • Provide the *General Information Notice* (GIN) to residents when the project involves acquisition, rehabilitation, or demolition as described in Section 6.6(B) of this Notice and relocation may be required. |
| 4. While preparing Financing Plan | • Discuss the outlines of the conversion plans and their impact on relocation with the HUD transaction manager.  
• Refine the plan for relocation and integrate the construction schedule into the relocation strategy; seek to minimize off-site or disruptive relocation activities.  
• Identify relocation housing options.  
• Budget for relocation expenses and for compliance with accessibility requirements.  
• Submit the Checklist and, where applicable, the relocation plan.  
• If the conversion involves acquisition, at the discretion of the Project Owner issue Notice of Intent to Acquire (NOIA).  
• If a NOIA is issued, at the discretion of the Project Owner provide residents with appropriate relocation notices as |

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70 Alternatively, the PHA may submit a new PHA Five-Year or Annual Plan, especially if it is on schedule to do so. Under any scenario, the PHA must consult with the Resident Advisory Board and undertake the community participation process.
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<th>Stage</th>
<th>Activities</th>
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| 5. From RAD Conversion Commitment (RCC) to Closing                  | • Meet with residents to describe approved conversion plans and discuss required relocation.  
• The effective date of the RCC marks the date of “Initiation of Negotiations” (ION), as defined in the URA (49 § C.F.R. 24.2(a)(15)).  
• If no NOIA was provided while preparing the Financing Plan, provide residents with appropriate relocation notices as described in Section 6.6(C) through 6.6(E) of this Notice.  
• Resident relocation may begin following the effective date of the RCC, subject to applicable notice requirements. |
| 6. Post-Closing                                                     | • Ongoing implementation of relocation  
• Notify the residents regarding return to the Covered Project as described in Section 6.6(F) of this Notice  
• Implementation of the residents’ right to return |

### 6.2. Resident Right to Return

Any public housing or Section 8 assisted resident that may need to be relocated temporarily to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once rehabilitation or construction is complete. Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a project’s conversion of assistance. The Project Owner satisfies the RAD right to return to a Covered Project if the Project Owner offers the resident household either: a) a unit in the Covered Project in which the household is not under-housed; or b) a unit in the Covered Project which provides the same major features as the resident’s unit in the Converting Project prior to the implementation of the RAD conversion. In the case of a transfer of assistance to a new site, residents of the Converting Project have the right to reside in an assisted unit meeting the requirements set forth in this paragraph at the Covered Project (the new site) once the Covered Project is ready for occupancy in accordance with applicable PBV or PBRA requirements.

If proposed plans for a Converting Project would preclude a resident from returning to the Covered Project, the resident must be given an opportunity to comment and/or object to such plans. Examples of project plans that may preclude a resident from returning to the Covered Project include, but are not limited to:

- Changes in bedroom distribution which decrease the size of units such that the resident would be under-housed;\(^2\)

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\(^71\) The right to return is not a right to any specific unit in the Covered Project. Tenancies other than public housing or Section 8 assisted residents (such as commercial tenants) do not hold a right to return and are subject to standard relocation requirements applicable to such tenants under the URA.

\(^72\) See the RAD Notice for a description of the procedures that must be undertaken if a resident is over-housed.
• Where a) the PHA is reducing the number of assisted units at a property (if authorized to do so under Section 1.5.B of the RAD Notice) and b) the resident cannot be accommodated in the remaining assisted units;
• The imposition of income eligibility requirements, such as those associated with LIHTC or other program financing, under which the current resident may not be eligible; and
• Failure to provide reasonable accommodation to an individual with disabilities, in violation of applicable law, which reasonable accommodation may include installation of accessibility features that are needed by the individual with disabilities.

If the resident who would be precluded from returning to the Covered Project objects to such plans, the PHA must alter the project plans to accommodate the resident’s right to return to the Covered Project.

If the resident who would be precluded from returning to the Covered Project prefers to voluntarily and permanently relocate rather than object to the project plans, the PHA must secure informed, written consent to a voluntary permanent relocation in lieu of returning to the Covered Project and must otherwise comply with all the provisions of Section 6.10, below, regarding alternative housing options. The PHA cannot employ any tactics to pressure residents into relinquishing their right to return or accepting alternative housing options. A PHA may not terminate a resident’s lease if the PHA fails to obtain the resident’s consent and the resident seeks to exercise the right to return.

In the case of a multi-phase transaction, the resident has a right to return to the Covered Project or to other converted phases of the property which have converted and are available for occupancy at the time the resident is eligible to exercise the right to return. A relocated resident should get the benefit of improvements facilitated by the resident’s relocation and conversion and completion of future phases cannot be assured. In most cases, this means that the resident’s right to return must be accommodated within the Covered Project associated with resident’s original unit. However, in those cases where improvements to multiple phases of a site are occurring simultaneously, the PHA or Project Owner may treat multiple Covered Projects on the same site as one for purposes of the right to return. If the PHA or Project Owner seeks to have the resident exercise the right of return at a future phase, the PHA or Project Owner would need to secure the resident’s consent to such plan as an alternative housing option pursuant to Section 6.10, below.

In implementing the right of return, the Project Owner shall comply with all applicable fair housing laws and implementing regulations, including, but not limited to, the Fair Housing Act,

73 In these cases, a PHA may elect to exclude some units from the applicable financing program, for example, claiming LIHTC for a subset of the units and not claiming tax credits in connection with the units occupied by households over the LIHTC maximum eligibility of 60% of AMI.
74 Refer to the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Modifications Under the Fair Housing Act (March 5, 2008), at http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf for additional detail regarding applicable standards for reasonable accommodations and accessibility features which must be provided. If the resident has paid for installation of accessibility features in the resident’s prior unit, the PHA or Project Owner shall pay for the installation of comparable features in the new unit. Violations of law may also result in other sanctions.
Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Titles II and III of the Americans with Disabilities Act.

6.3. Admissions and Continued Occupancy Requirements

Resident households may not be denied relocation housing or the right to return based on rescreening, income eligibility, or income targeting. PHAs may only offer housing options with screening, income eligibility or income targeting requirements if the impacted residents meet the admission and occupancy policies applicable to such housing. However, whether or not in a temporary relocation situation, the household remains subject to the applicable program policies regarding continued occupancy of an assisted unit by an incumbent resident of the unit.

6.4. Types of Moves and Relocation

Any time project plans require a resident to move from their current unit, the resident is eligible for assistance as described in this Notice. Assistance may vary depending on the options provided to residents, whether the relocation is temporary or permanent and, if applicable, the length of time the resident is in temporary accommodations. In all circumstances, the move or relocation must be in compliance with applicable requirements of this Notice and consistent with applicable fair housing and civil rights requirements. Each type of move is discussed below.

A) Moves within the same building or complex of buildings

Temporary or permanent moves within the same building or complex of buildings may be appropriate given the extent of work to be completed to permit phasing of rehabilitation or construction. Moves within the same building or complex of buildings are not considered relocation under RAD and a tenant generally does not become displaced under the URA. Whether permanent (i.e., the tenant will move to and remain in an alternative unit) or temporary (i.e., the tenant will move to another unit and return to their original unit), the PHA or Project Owner must reimburse residents for all reasonable out-of-pocket expenses incurred in connection with any move and all other terms and conditions of the move(s) must be reasonable. The final move must be to a unit which satisfies the right to return requirements specified in Section 6.2 of this Notice.

75 PHAs should note that the definitions of “permanent” vary between the URA and RAD. For example, “permanent displacement” under the URA includes moves from the original building or complex of buildings lasting more than one year. The RAD Notice, meanwhile, considers “permanent relocation” to be separation from the RAD-assisted unit upon completion of the conversion and any associated rehabilitation and construction. The duration of a temporary move may exceed one year. In the case of a transfer of assistance, it is not permanent relocation under RAD when the resident must move from the original complex of buildings to the destination site in order to retain occupancy of the RAD-assisted unit.

76 An example of relocation within the same building or complex of buildings would be if one floor of a multi-story building is vacant, and the PHA is moving residents from another floor to the vacant units.

77 Failure to reimburse residents for moving or other out-of-pocket expenses and any other terms and conditions of the move which may be unreasonable may result in the resident becoming a displaced person under the URA if the resident subsequently moves from the property.
B) Temporary relocation lasting one year or less

If a resident is required to relocate temporarily, to a unit not in the same building or complex of buildings, for a period not expected to exceed one year in connection with the RAD conversion, the resident’s temporarily occupied housing must be decent, safe, and sanitary and the resident must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses include, but are not limited to, moving expenses, increased housing costs (e.g., rent and utilities), meals if the temporary housing lacks cooking facilities (e.g., during a short hotel stay, whether or not on an emergency basis) and other applicable expenses.\(^7^8\)

C) Temporary relocation initially expected to last one year or less, but which extends beyond one year

In the event that a resident has been temporarily relocated, to a unit not in the same building or complex of buildings, for a period which was anticipated to last one year or less but the temporary relocation in fact exceeds one year, the resident qualifies as a “displaced person” under the URA and as a result immediately becomes eligible for all permanent relocation assistance and payments as a “displaced person” under the URA, including notice pursuant to Section 6.6(E). This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance.

In such event, the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate with the offered URA assistance or to choose to remain temporarily relocated based on updated information from the PHA or Project Owner about when they can return to the completed RAD unit. The PHA or Project Owner must present this opportunity to the resident when the temporary relocation extends beyond one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration. In presenting such opportunity, the PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident’s right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

D) Temporary relocation anticipated to last more than one year

When the PHA anticipates that the temporary relocation, to a unit not in the same building or complex of buildings, will last more than one year, but the resident is retaining the resident’s right to return to the Covered Project, the resident is considered temporarily relocated under RAD and is eligible to receive applicable temporary relocation assistance and payments. Under the URA, the resident becomes eligible to receive applicable relocation assistance and payments as a “displaced person” when the temporary relocation period exceeds one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration, at

\(^7^8\) HUD Handbook 1378, Chapter 2, Section 2-7 governs activities subject to URA requirements and informs, but is not binding upon, any RAD activities not governed by the URA. PHAs may also refer to HUD Form 40030.
which time the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate or to remain temporarily relocated, as described in Section 6.4(C), above.

In order to allow residents to make the election earlier than required under the URA (thereby avoiding a year in temporary relocation housing prior to electing voluntary permanent relocation), if the PHA or Project Owner anticipates that temporary relocation will last more than one year, the PHA or Project Owner shall provide the resident with an initial option to (a) be temporarily relocated, retain the right to return to the Covered Project when a unit becomes available and receive assistance, including temporary housing and reimbursement for all reasonable out-of-pocket expenses associated with the temporary relocation, or (b) accept RAD voluntary permanent relocation assistance and payments equivalent to what a “displaced person” would receive under the URA. The PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident’s right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

E) Permanent moves in connection with a transfer of assistance

In cases solely involving a transfer of assistance to a new site, resident relocation from the Converting Project to the Covered Project is not, by itself, generally considered involuntary permanent relocation under RAD. However, the URA and/or Section 104(d) is likely to apply in most cases. In cases of a transfer of assistance to a new site where it has also been determined that the URA and/or Section 104(d) apply to the transfer of assistance, residents may be eligible for all permanent relocation assistance and payments for eligible displaced persons under the URA and/or Section 104(d). If the URA applies to a move of this type, the PHA or Project Owner must make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a). However, provided the transfer of assistance unit meets the URA definition of a comparable replacement dwelling pursuant to 49 C.F.R. § 24.2(a)(6), that unit could in fact represent the most comparable replacement dwelling as determined by the agency for purposes of calculating a replacement housing payment, if any, under 49 C.F.R. § 24.402.

Whether or not the URA and/or Section 104(d) apply, under RAD the residents are entitled to relocation assistance and payments, including counseling in preparation for the relocation, written notices of the relocation (including a 90-day RAD Notice of Relocation), and reimbursement for all reasonable out-of-pocket expenses, including moving expenses, incurred in connection with the move. It should be noted that the RAD relocation assistance and payments provided to transferring residents in this paragraph differ from those required under the URA and/or Section 104(d) as described above. Where both frameworks apply, the residents must receive the more extensive protections offered under either framework.

If HUD determines that the distance from the Converting Project to the site of the Covered Project is significant and the resident could not reasonably be required to move to the new site, then HUD will require the PHA to adjust project plans to accommodate the resident in an assisted unit (e.g., a public housing unit, some other project-based Section 8 unit or a market unit
with a housing choice voucher) within a reasonable distance of the site of the Converting Project. HUD will evaluate whether this requirement applies on a case by case basis, considering whether the distance would impose a significant burden on residents’ access to existing employment, transportation options, schooling or other critical services. Accommodating the resident may also be satisfied by the resident’s consent to an alternative housing option pursuant to Section 6.10. The requirement set forth in this paragraph is in addition to all protections, including, for example, the offer of comparable replacement dwellings, which are required in all instances where a transfer of assistance is subject to the URA and/or Section 104(d).

F) Voluntary permanent relocation

A resident may elect to relinquish their right of return and consent to voluntary permanent relocation pursuant to an alternative housing option offered and accepted according to the procedures described in Section 6.10, which Section specifies protections to ensure the resident’s decision is fully informed. By selecting voluntary permanent relocation, the resident is electing to receive RAD permanent relocation assistance and payments which are equivalent to the relocation payments and assistance required to be provided to a “displaced person” pursuant to the regulations implementing the URA.

6.5. Initiation of Negotiations (ION) Date

Eligibility for URA relocation assistance is effective on the date of initiation of negotiations (ION) (49 C.F.R. § 24.2(a)(15)). For Converting Projects, the ION date is the effective date of the RCC. The ION date is also typically the date when PHAs can begin to issue RAD Notices of Relocation (except in the case of acquisitions when the PHA can issue a Notice of Intent to Acquire and RAD Notices of Relocation prior to the ION date). Any person who is in lawful occupancy on the ION date is presumed to be entitled to relocation payments and other assistance.

PHAs and Project Owners should note that prior to the ION date, a resident may be eligible as a displaced person for permanent relocation assistance and payments under the URA if HUD determines, after analyzing the facts, that the resident’s move was a direct result of the project. However, resident moves taken contrary to specific instructions from the PHA or Project Owner (for example, contrary to instructions not to move if contained in a General Information Notice) are generally not eligible as a displaced person under the URA.

6.6. Resident Relocation Notification (Notices)

PHAs and Project Owners are encouraged to communicate regularly with the residents regarding project plans and, if applicable, the resulting plans for relocation. When residents may be relocated for any time period (including, without limitation, a move in connection with a transfer of assistance), written notice must be provided to the resident heads of households, including the notices listed below as applicable. PHAs and Project Owners are also encouraged to provide

79 The notices required under Sections 6.6(B) through 6.6(E) must be delivered in accordance with URA resident notification requirements, including the requirement that the notice be personally served or delivered by certified or registered first class mail return receipt requested. All notices must be delivered to each household (i.e., posting in
additional relocation notices and updates for the residents’ benefit as appropriate for the specific situation.

To ensure that all residents understand their rights and responsibilities and the assistance available to them, consistent with URA requirements at 49 C.F.R. § 24.5 and civil rights requirements, PHAs and Project Owners must ensure effective communication with individuals with disabilities, including through the provision of appropriate auxiliary aids and services, such as interpreters and alternative format materials. Similarly, PHAs and Project Owners are required to take reasonable steps to ensure meaningful access for LEP persons in written and oral materials. Each notice shall indicate the name and telephone number of a person to contact with questions or for other needed help and shall include the number for the telecommunication device for the deaf (TDD) or other appropriate communication device, if applicable, pursuant to 24 C.F.R. §8.6(a)(2).

The purpose of these notifications is to ensure that residents are informed of their potential rights and, if they are to be relocated, of the relocation assistance available to them. Two initial notices launch this effort and provide critical information regarding residents’ rights. The first, the RAD Information Notice, is to be provided at the very beginning of the RAD conversion planning process in order to ensure residents understand their rights, to provide basic program information and to facilitate residents’ engagement with the PHA regarding project plans. The GIN, meanwhile, provides information specifically related to protections the URA provides to impacted residents. Subsequent notices provide more detailed information regarding relocation activities specific to the household, including tailored information regarding eligibility and timelines for relocation.

PHAs should note that a resident move undertaken as a direct result of the project may be eligible to receive relocation assistance and payments under the URA even though the PHA has not yet issued notices to them. Sample notices which may be used as-is or modified to fit the peculiarities of each situation are provided on the RAD website at [www.hud.gov/rad](http://www.hud.gov/rad).

**A) RAD Information Notice**

The RAD Information Notice is to be provided to residents at the very beginning of the RAD conversion planning process in order to convey general written information on potential project plans and residents’ basic rights under RAD, and to facilitate residents’ engagement with the PHA regarding the proposed RAD conversion. The PHA shall provide a RAD Information Notice to all residents of a Converting Project prior to the first of the two meetings with residents required by the RAD Notice, Section 1.8.2, and before submitting a RAD Application. This RAD Information Notice shall be provided without regard to whether the PHA anticipates any relocation of residents in connection with the RAD conversion. The RAD Information Notice must do the following:

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common areas is insufficient) and methods of delivery (e.g., certified mail, U.S. mail, or hand delivery) must be documented in the PHA’s or Project Owner’s files.
• Provide a general description of the conversion transaction (e.g., the Converting Project, whether the PHA anticipates any new construction or transfer of assistance, whether the PHA anticipates partnering with a developer or other entity to implement the transaction);
• Inform the resident that the early conceptual plans are likely to change as the PHA gathers more information, including, among other items, resident opinions, analysis of the capital needs of the property and financing options;
• Inform the resident that the household has a right to remain in the unit or, if any relocation is required, a right to return to an assisted unit in the Covered Project (which may be at the new site in the case of a transfer of assistance);
• Inform the resident that they will not be subject to any rescreening as a result of the conversion;
• Inform the resident that the household cannot be required to move permanently without the resident’s consent, except in the case of a transfer of assistance when the resident may be required to move a reasonable distance, as determined by HUD, in order to follow the assisted unit;
• Inform the resident that if any relocation is involved in the transaction, the resident is entitled to relocation protections under the requirements of the RAD program and, in some circumstances, the requirements of the URA, which protections may include advance written notice of any move, advisory services, payment(s) and other assistance as applicable to the situation;
• Inform the resident that any resident-initiated move from the Converting Project could put any future relocation payment(s) and assistance at risk and instruct the resident not to move from the Converting Project; and
• Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

B) General Information Notice (49 C.F.R. § 24.203(a))

The purpose of the General Information Notice (GIN) is to provide information about URA protections to individuals who may be displaced as a result of federally-assisted projects involving acquisition, rehabilitation or demolition. A GIN provides a general description of the project, the activities planned, and the relocation assistance that may become available.

A GIN shall be provided to any person scheduled to be displaced as soon as feasible based on the facts of the situation. In certain instances, such as when the PHA knows that a project will involve acquisition, rehabilitation or demolition, “as soon as feasible” may be simultaneous with issuance of the RAD Information Notice. For any RAD conversion involving acquisition, rehabilitation or demolition, “as soon as feasible” shall be no later than 30 days following the issuance of the CHAP. In instances where acquisition, rehabilitation or demolition is not anticipated at the time of the CHAP but project plans change to include such activities, pursuant to this Notice the PHA shall provide the GIN as soon as feasible following the change in project plans.
For RAD, the GIN must do at least the following:

- Inform the resident that he or she may be displaced for the project and generally describe the relocation payment(s) for which the resident may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced resident successfully relocate;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will not be required to move without 90 days advance written notice;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- Inform the resident that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child (see 49 C.F.R. § 24.208(h) for additional information);
- Describe the resident’s right to appeal the PHA’s determination as to a resident’s eligibility for URA assistance; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

Because of the potential confusion caused by evolving policy directions in the RAD program regarding delivery of the GIN, for actions taken prior to the issuance of this Notice, HUD will consider the facts and circumstances of each conversion, with emphasis on the underlying URA requirements, in monitoring and enforcing a PHA’s compliance with this requirement.

C) Notice of Intent to Acquire (49 C.F.R. § 24.203(d))

For conversions involving acquisition, the Project Owner (the “acquiring agency”) may provide to residents of the Converting Project a Notice of Intent to Acquire (NOIA). The NOIA may be provided no earlier than 90 days prior to the PHA’s reasonable estimate of the date of submission of a complete Financing Plan. While eligibility for URA relocation assistance is generally effective on the effective date of the RCC (the ION date), a prior issuance of a NOIA establishes a resident’s eligibility for relocation assistance and payments on the date of issuance of the NOIA and prior to the ION date.

D) RAD Notice of Relocation

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide written notice of such relocation by means of a RAD Notice of Relocation. The RAD Notice of

80 Acquisition includes a new ownership entity’s purchase of the Covered Project from the PHA, such as a purchase by a single purpose entity, an affiliate or a low-income housing tax credit ownership entity.
Relocation may not be issued until: 1) the effective date of the RCC (the ION date) if the conversion does not involve acquisition; or 2) the earlier of the issuance of the Notice of Intent to Acquire (see Section 6.6(C)) or the effective date of the RCC (the ION date) if the conversion involves acquisition. Prior to issuance of the RAD Notice of Relocation, PHAs and Project Owners should meet with each resident household to provide preliminary relocation advisory services and to determine their needs and preferences.\(^{81}\)

A RAD Notice of Relocation is not required for residents who will not be relocated. As a best practice, PHAs or Project Owners should notify residents that they are not being relocated once that determination has been made if they were previously informed by the GIN and/or by other methods that relocation was a possibility.\(^{82}\)

A RAD Notice of Relocation shall provide either: 1) 30-days’ notice to residents who will be relocated for twelve months or less; or 2) 90-days’ notice to residents who will be relocated for more than twelve months.\(^{83}\) The RAD Notice of Relocation must conform to the following requirements:

1. The notice must state the anticipated duration of the resident’s relocation.

2. The notice must specify which entity (the PHA or the Project Owner) is primarily responsible for management of the resident’s relocation and for compliance with the relocation obligations during different periods of time (i.e., before vs. after Closing).

3. For residents who will be relocated for twelve months or less:
   - The PHA or Project Owner must provide this notice a minimum of 30 days prior to relocation.\(^{84}\) PHAs or Project Owners may deem it appropriate to provide longer notice periods for persons who will be temporarily relocated

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\(^{81}\) PHAs and Project Owners should note the URA relocation advisory services requirement for personal interviews. See Section 6.7 of this Notice. In sequencing the RAD Notice of Relocation, PHAs and Project Owners wishing to offer alternative housing options pursuant to Section 6.10 should also note the additional complexity in the timeline of notices. Pursuant to Section 6.10(D), the resident can consent to an alternative housing option only after issuance of the NOIA or the effective date of the RCC and 30 days after presentation of the alternative housing options. In some cases, for example, when the resident would not otherwise be relocated for over twelve months, the RAD Notice of Relocation must include both the information described in Section 6.6(D)(3) and the information in Section 6.6(D)(4). The PHA or Project Owner should consider discussing the alternative housing options prior to issuing the RAD Notice of Relocation so that the RAD Notice of Relocation can be tailored to the resident’s situation.

\(^{82}\) The RAD program does not require a “notice of non-displacement,” which HUD relocation policy generally uses for this purpose.

\(^{83}\) The 90-day notice is required for residents relocated for more than twelve months, whether or not they intend to return to the Covered Project and whether or not they are eligible for assistance and payments as a displaced person under URA. Recipients of the 90-day notice would include those residents who have voluntarily accepted a permanent relocation option as well as those residents who are relocated within the same building or complex of buildings.

\(^{84}\) Note that residents may elect to move to the relocation housing before the 30 days have elapsed. However, a PHA may not require a resident to move prior to this time.
for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.

- The notice must explain that the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move (including, but not limited to, increased housing costs and moving costs).
- The notice must explain the reasonable terms and conditions under which the resident may exercise the right to return to lease and occupy a unit in the Covered Project.

(4) For residents who will be relocated for more than twelve months, including for residents who may wish to voluntarily accept a permanent relocation option:

- The PHA or Project Owner must provide this notice a minimum of 90 days prior to relocation of residents.85
- The notice must offer the choice to be temporarily relocated, thereby preserving the resident’s right to return, or the choice to be voluntarily permanently relocated pursuant to the procedures set forth in Section 6.10, together with guidance that the resident has at least thirty (30) days to consider the choice.
- For residents who voluntarily elect to be permanently relocated, the 90-day notice period may only begin once the PHA or Project Owner has made available at least one comparable replacement dwelling consistent with 49 C.F.R. § 24.204(a).86
- The notice must describe the available relocation assistance, the estimated amount of assistance based on the individual circumstances and needs, and the procedures for obtaining the assistance. The notice must be specific to the resident and his or her situation so that the resident will have a clear understanding of the type and amount of payments and/or other assistance the resident household may be entitled to claim.
- The notice must comply with all requirements for a URA Notice of Relocation Eligibility as described in 49 C.F.R. § 24.203(b).

(5) The notice must inform the resident that the relocation will be completed consistent with fair housing and civil rights requirements, and it must provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

For short-term relocations, the RAD Notice of Relocation may also contain the information required in the Notice of Return to the Covered Project (see Section 6.6(F)).

85 Note that residents may elect to move to the relocation housing before the 90 days have elapsed. However, a PHA may not compel a resident to move prior to this time.
86 PHAs should note that URA regulations also require, where possible, that three or more comparable replacement dwellings be made available before a resident is required to move from his or her unit.
E) **URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b))**

After a resident has been temporarily relocated for one year, notwithstanding a prior issuance of a RAD Notice of Relocation, the PHA or Project Owner must provide an additional notice: the notice of relocation eligibility in accordance with URA requirements (“URA Notice of Relocation Eligibility”). The URA Notice of Relocation Eligibility is not required if the resident has already accepted permanent relocation assistance.87

The URA Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 C.F.R. part 24 and shall:

- Provide current information as to when it is anticipated that the resident will be able to return to the Covered Project.
- Give the resident the choice to remain temporarily relocated based upon the updated information or to accept permanent URA relocation assistance at that time instead of exercising the right to return at a later time.

If the resident chooses to accept permanent URA relocation assistance and this choice requires the resident to move out of their temporary relocation housing, the URA requires that the PHA or Project Owner make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a), which comparability analysis is in reference to the resident’s original unit. The URA further requires that the resident receive 90 days’ advance written notice of the earliest date they will be required to move pursuant to 49 C.F.R. § 24.203(c).

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87 To illustrate, consider the following examples.

- Example 1: The household is expected to be relocated for 11 months. The resident would receive a RAD Notice of Relocation offering only temporary relocation. Construction delays result in the extension of the relocation such that, in fact, it exceeds 12 months. When the temporary relocation exceeds 12 months, the resident must receive a URA Notice of Relocation Eligibility offering a choice between continuation in temporary relocation status and permanent relocation.
- Example 2: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects temporary relocation, the URA Notice of Relocation Eligibility is required as an additional notice following twelve months in temporary relocation status.
- Example 3: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects permanent relocation, the URA Notice of Relocation Eligibility is not required.
- Example 4: The household can be accommodated with temporary relocation of 3 months, but has been offered and seeks to accept permanent relocation pursuant to an alternative housing option. This resident would receive a RAD Notice of Relocation under Section 6.6(D)(4) offering a choice between temporary relocation status (the default option) and permanent relocation (the alternative housing option), instead of the RAD Notice of Relocation under Section 6.6(D)(3) which would be expected absent a permanent relocation option. The URA Notice of Relocation Eligibility is not required in either case because a temporary relocation exceeding 12 months was never anticipated nor experienced.
F) Notification of Return to the Covered Project

With respect to all temporary relocations, the PHA or Project Owner must notify the resident in writing reasonably in advance of the resident’s expected return to the Covered Project, informing the resident of:

- The entity (the PHA or the Project Owner) with primary responsibility for managing the resident’s relocation;
- The address of the resident’s assigned unit in the Covered Project and, if different from the resident’s original unit, information regarding the size and amenities of the unit;
- The date of the resident’s return to the Covered Project or, if the precise date is not available, a reasonable estimate of the date which shall be supplemented with reasonable additional notice providing the precise date;
- That the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with the return relocation; and
- The resident’s options and the implications of those options if the resident determines that he or she does not want to return to the Covered Project and wants to decline the right of return.  

Reasonable advance notice shall be 15% of the duration of the resident’s temporary relocation or 90 days, whichever is less. For short-term relocations, the PHA or Project Owner may include this information within the RAD Notice of Relocation.

6.7. Relocation Advisory Services

Throughout the relocation planning process, the PHA and Project Owner should be in communication with the residents regarding the evolving plans for relocation. Notwithstanding this best practice, certain relocation advisory services, described below, are required by the URA.

The URA regulations require the PHA or Project Owner to carry out a relocation assistance advisory program that includes specific services determined to be appropriate to residential or nonresidential displacements. The specific advisory services to be provided, as determined to be appropriate, are outlined at 49 C.F.R. § 24.205(c). For residential displacement under the URA, a personal interview is required for each displaced resident household to determine the relocation needs and preferences of each resident to be displaced. The resident household shall be provided an explanation of the relocation payments and other assistance for which the resident may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. Advisory counseling must also inform residents of their fair housing rights and be carried out in

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88 If the resident declines to return to the Covered Project upon completion of the period of temporary relocation, the resident shall be considered to have voluntarily moved out of the property, without the benefit of further relocation assistance. For example, a PHA or Project Owner may have rented a market-rate apartment as a temporary relocation resource for a six-month period. In such a situation, the resident may decline to return to the Covered Project and choose to remain in the market-rate apartment at the expiration of the six-month period, but shall not be eligible for any further relocation assistance and payments (including rent differential payments) under this Notice, the URA or Section 104(d), if applicable, in connection with the resident’s decision to remain in the temporary housing and not return to the Covered Project.
a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Executive Order 11063 (49 C.F.R. § 24.205(c)(1)). Such advisory services under the URA may include counseling to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 C.F.R. § 24.205(c)). In addition, the PHA or Project Owner should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800-669-9777 (Voice) or 1-800-927-9275 (TDD) or at http://www.hud.gov.

6.8. Initiation of Relocation

PHAs and Project Owners may not initiate any involuntary physical relocation until both the RCC is in effect and the applicable RAD Notice of Relocation period has expired (i.e., after either 30 or 90 days’ notice as applicable depending on nature of the relocation, as described above). This prohibition applies to all types of RAD transactions, regardless of whether the RAD Notice of Relocation is provided after issuance of a NOIA (for conversions involving acquisition) or following the effective date of the RCC (for all other conversions). PHAs are advised to account for the required 30-day or 90-day written notice periods in their planning process, to ensure that notices which satisfy all applicable requirements are issued prior to taking any action to initiate relocation.

Neither involuntary nor voluntary relocation for the project shall take place prior to the effective date of the RCC, unless moves are authorized under Section 7, below (“Applicability of HCV and Public Housing Requirements”) or unless HUD provides explicit approval which will only be provided in extraordinary circumstances. The PHA must wait until the RAD Notice of Relocation period has expired before it may initiate any involuntary relocation. However, a resident may request to move voluntarily, and the PHA may honor a resident’s request to move, before the applicable 30-day or 90-day period has elapsed, provided that the PHA may not take any action to encourage or coerce a resident to make such a request. If a resident has elected an alternative housing option, PHAs are advised to ensure that any consent to voluntary permanent relocation does not expire prior to the date of the relocation, as described in Section 6.10.

HUD may use administrative data to identify and investigate projects where relocation may be occurring prior to RCC.

6.9. Records and Documentation; Resident Log

HUD may request from the PHA or Project Owner written records and documentation in order to evidence the PHA’s and/or Project Owner’s compliance, as applicable, with this Notice and the URA. HUD may request to review some or all of such records in the event of compliance

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89 For example, under fair housing and civil rights laws, the PHA and Project Owner may be required to inform residents about and provide reasonable accommodations for individuals with disabilities, such as search assistance; take appropriate steps to ensure effective communication with individuals with disabilities, such as through the provision of auxiliary aids and services, such as interpreters and alternate format documents; provide advisory counseling services in accessible locations and in an accessible manner for individuals with disabilities; and take reasonable steps to ensure meaningful access for LEP persons. See Section 4 of this Notice for more information on these requirements.

90 Chapter 6 of HUD Handbook 1378 includes guidance on URA recordkeeping requirements.
concerns, in the event a project is identified for additional review based on administrative data, in the event of audits for purposes of monitoring the RAD program as a whole, upon selection of a random sample of projects and/or at other times at HUD’s sole discretion. The records shall include resident files for all households relocated in connection with RAD and a resident log as described in this Section.

As part of such written record, the PHA or Project Owner must maintain data sufficient to deliver to HUD a resident log of every household that resides at the Converting Project at the time of the first required resident meeting on the proposed conversion pursuant to Section 1.8 of the RAD Notice (the “First Resident Meeting”) and of every household that moves into the Converting Project after the First Resident Meeting and before the conversion of assistance under RAD. If any relocation is required, the log shall track resident status through completion of rehabilitation and construction, including re-occupancy after relocation. The resident log must include, but need not be limited to, the following information:

- Name of head of household
- PHA’s resident identification number and/or the last four digits of the head-of-household’s Social Security Number
- The head of household’s race and ethnicity as reported on the HUD Form 50058 or the HUD Form 50058 MTW (the “Form 50058”). For purposes of the resident log, all references to the Form 50058 shall be to the form most recently prepared at the time of the First Resident Meeting or, for residents who moved in after the First Resident Meeting, the form most prepared at the time of the resident’s initial occupancy.
- A Yes/No indication if there is any household member reported as having a disability on the Form 50058.
- A Yes/No indication if there is any household member reported as under the age of 18 on the effective date of action of the Form 50058;
- The household’s relevant unit address, unit size and household size at the following times:
  - The time of the First Resident Meeting or the time of a resident’s initial occupancy if after the First Resident Meeting
  - The time of the issuance of the CHAP or the time of a resident’s initial occupancy if after the issuance of the CHAP
  - Proximate and prior to the PHA or Project Owner having authority to initiate involuntary relocation activities (i.e., at the time of issuance of the RCC unless otherwise approved by HUD upon extraordinary circumstances)
  - Completion of the relocation process following construction or rehabilitation and with return of all households exercising the right of return
- The household’s residence status at the time of issuance of the RCC (e.g., in residence at the Converting Project, transferred to other public housing, moved out, evicted or other with explanation)
- The household’s residence status upon completion of re-occupancy (e.g., in residence at the Covered Project/never relocated, in residence at the Covered Project/temporarily relocated and returned, transferred to other public housing, moved out, evicted, permanently relocated or other with explanation)
- The following dates for each resident household, as applicable:
  - Date of the RAD Information Notice
Date of the GIN
Date of the CHAP
Date of NOIA
Date of RAD Notice of Relocation
Date of URA Notice of Relocation Eligibility
Date of most recent consent to voluntary permanent relocation
Date of relocation away from the Converting Project or Covered Project
Dates of any intermediate relocation moves
Date of return to the Covered Project or to the household’s post-closing permanent address.

- The following information for each resident household, as applicable:
  - The type of move (e.g., the types identified in Section 6.4, above)
  - The form of any temporary relocation housing (e.g., hotel, assisted housing, market-rate housing)
  - The address and unit size of any temporary relocation housing
  - Whether alternative housing options were offered consistent with Section 6.10, below
  - Any material terms of any selected alternative housing options
  - The type and amount of any payments for
    - Moving expenses to residents and to third parties
    - Residents’ out-of-pocket expenses
    - Rent differential payments or other payments for temporary or permanent rental assistance, together with the rent and utilities (if applicable) that were the basis for the calculations
    - Any other relocation-related compensation or assistance

6.10. Alternative Housing Options

Under the RAD Notice, “involuntary permanent relocation” is prohibited and each resident must be able to exercise his or her right of return to the Covered Project. A PHA or Project Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that at all times prior to the resident’s decision, the PHA and Project Owner preserve the resident’s ability to exercise his or her right of return to the Covered Project.

A) Requirements for Any Offer of Alternative Housing Options

All residents who are similarly situated must be given the same offer of alternative housing options. If the PHA or Project Owner seeks to limit the number of households that accept the
offer of alternative housing options, the PHA or Project Owner shall determine a fair and reasonable method for selection among similarly situated residents.\footnote{For example, if the RAD conversion is financed by LIHTC and a few residents would not meet LIHTC program requirements, the PHA and Project Owner may want to offer these household alternative voluntary permanent relocation options. However, they must offer the same alternative housing options to all such households. As a second example, if the PHA and Project Owner seek to create two on-site vacancies of a particular unit size in order to facilitate temporary relocation on-site, the PHA may offer an alternative housing option of a housing choice voucher to all residents of applicable sized units (assuming that to do so is consistent with the PHA’s voucher administration policies), and conduct a lottery to select the two households which will receive the vouchers.}

In connection with any offer and acceptance of alternative housing options, the PHA or Project Owner must ensure that the residents’ decisions are: 1) fully informed; 2) voluntary; and 3) carefully documented. Any alternative housing option must include, at a minimum, all relocation assistance and payments required under this Notice, the URA and Section 104(d), as applicable, and may include other elements. Funds administered by HUD may not be used to pay any monetary elements not required under this Notice, the URA or Section 104(d).

Acceptance of an alternative housing option is considered voluntary permanent relocation and the accompanying RAD relocation assistance and payments for which the resident may be eligible must be administered in accordance with all requirements for an eligible displaced person under the URA and its implementing regulations and, where applicable, Section 104(d) and its implementing regulations.

PHAs may not propose or request that a displaced person waive rights or entitlements to relocation assistance under the URA or Section 104(d). The PHA must provide a written notice of URA or Section 104(d) relocation assistance and payments for which the resident may be eligible so that the resident may make an informed housing choice. The resident must be provided at least thirty (30) days to consider the offer of voluntary permanent relocation and the resident’s acceptance of the PHA’s offer of voluntary permanent relocation must be in writing signed by the head of the household for that unit.

\emph{B) Assisted Housing Options as Alternatives}

Alternative housing option packages may include a variety of housing options and PHAs and Project Owners shall take particular care to ensure program compliance with the regulations applicable to the alternative housing options. Examples of alternative housing options may include:

- Transfers to public housing
- Admission to other affordable housing properties subject to the program rules applicable to such properties
- Housing Choice Vouchers (HCVs) subject to standard HCV program administration requirements. PHAs must operate their HCV programs, including any HCVs offered as an alternative housing option, in accordance with their approved policies as documented in their Section 8 Administrative Plan and HUD regulations at 24 C.F.R. part 982. Any offer of an HCV as an alternative housing option must be made consistent with the
PHA’s admission preferences and other applicable policies and procedures set forth in the Section 8 Administrative Plan.

- Homeownership programs subject to the applicable program rules
- Other options as may be identified by the PHA and/or Project Owner

C) Monetary Elements Associated With Alternative Housing Options

A PHA or a Project Owner may include a monetary element in an alternative housing option package, provided that:

- Any monetary element associated with the alternative housing option shall be completely distinct from and in addition to any required RAD, URA or Section 104(d) relocation payments and benefits for which the resident is eligible (“Required Relocation Payments”).
- No funds administered by HUD may be used to pay for any monetary element associated with the alternative housing option other than Required Relocation Payments.
- Any monetary element associated with the alternative housing option other than Required Relocation Payments must be the same amount offered to all similarly situated households.94
- Any alternative housing option package must comply fully with the disclosure and agreement provisions of this Notice.

D) Disclosure and Agreement to Alternative Housing Options

In providing an offer of alternative housing options to a resident, the PHA or Project Owner must inform the resident in writing of: a) his or her right to return;95 b) his or her right to comment on and/or object to plans which would preclude the resident from returning to the Covered Project; c) the requirement that if the resident objects to such plans, the PHA or Project Owner must alter the project plans to accommodate the resident in the Covered Project; and d) a description of both the housing option(s) and benefits associated with the right of return and the alternative housing options and benefits being offered. In the description of the available housing options and benefits, the PHA or Project Owner shall include a description of any temporary housing options associated exercising the right of return and a description of any permanent alternative housing options as well as a reasonable estimate of the financial implications of all temporary and permanent options on the resident long-term.

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94 Monetary payments other than Required Relocation Payments are considered “temporary, nonrecurring or sporadic income” pursuant to 24 C.F.R. § 5.609(c)(9) and consequently are excluded from income for purposes of eligibility and assistance calculations under certain HUD programs. Residents should be reminded that monetary payments other than URA relocation payments may be taxable under the Internal Revenue Code, that monetary payments, including required relocation payments, may affect residents’ eligibility for other assistance programs and that the resident should seek knowledgeable guidance on these matters, including guidance on the taxation of monetary payments under state law.

95 In the case of a transfer of assistance to a new site a significant distance from the Converting Project as described in Section 6.4(E), the resident shall be informed of the resident’s right to return to the Covered Project at the new site and of the resident’s right to an assisted unit within a reasonable distance of the site of the Converting Project, as described in Section 6.4(E).
The written notification may request written consent from the resident to exercise the alternative housing option and receive permanent relocation assistance and payments pursuant to RAD, the URA and/or Section 104(d), as applicable, in addition to any benefits associated with the alternative housing option. As part of any voluntary consent, the resident head of household must acknowledge in writing that acceptance of such assistance terminates the resident’s right to return to the Covered Project. In order to ensure that the resident has sufficient time to seek advice and consider the alternative housing options, any consent to an alternative housing option executed within 30 days of the written presentation of the options shall be invalid.

Any offer of alternative housing options must be made in writing and the acceptance of the alternative must be voluntary and in writing. The offer of an alternative housing option must contain the following elements:

- The resident is informed of his or her right to return to the Covered Project and that neither the PHA nor the Project Owner can compel the resident to relinquish his or her right to return. The offer of alternative housing options must clearly state that acceptance of any alternative would relinquish the resident’s right to return to the Covered Project.
- The offer of an alternative housing option must be accompanied by identification of comparable housing units which the resident may use to understand the nature of housing options available to them and the rent and estimated utility costs associated with such housing options. This information must also be accompanied by a reasonable estimate of any replacement housing payment or “gap payment” for which the resident may be eligible.
- The offer of an alternative housing option must be accompanied by information regarding moving payments and assistance that would be available if the resident exercises the right of return and if the resident accepts the alternative housing option.
- Residents must be offered advisory assistance to consider their options.
- To be fully informed, the offer must outline the implications and benefits of each alternative housing option being made available (i.e., of accepting each alternative housing option as compared to exercising his or her right to return) as well as a reasonable estimate of when the resident’s relocation might occur. Implications and benefits include payment amounts, differences in rent calculations, differences in program rules, housing location, and potential long-term implications such as household housing expenses multiple years in the future.
- To be fully voluntary, the resident must have at least thirty (30) days following delivery of the written offer to consider their options. LEP persons must be provided a written translation of the offer and oral interpretation of any meetings or counseling in the appropriate language. In addition, PHAs must comply with their obligation to ensure effective communication with persons with disabilities.
- The resident cannot be asked to make a decision which will be implemented at a distant future time. Consequently, the resident may not provide written consent to an alternative housing option (and consequently, consent to voluntary permanent relocation) until after
the earlier of issuance of the NOIA or the effective date of the RCC. If a resident signs a written consent to accept an alternative housing option, that written consent is valid for 180 days. If relocation (after the applicable notice periods) has not occurred within this 180 day period, then the PHA or Project Owner must secure a new consent to accept an alternative housing option. New relocation notices are generally not required.

- The acceptance must be in writing signed by the resident head of household, including a certification of facts to document that the household is relinquishing its right to return and that the decision and the acceptance of the alternative housing option was fully informed and voluntary.
- Residents accepting alternative housing options to relinquish their right to return will be considered to have voluntarily and permanently relocated. Such residents are to be provided applicable RAD, URA and/or Section 104(d) relocation assistance and payments.

The information included with the offer of alternative housing options is to aid the resident in making decisions regarding the desirability of the alternative housing options and neither satisfies nor replaces the relocation notices and information required to be provided to residents pursuant to this Notice, the URA or Section 104(d).

While HUD does not require PHAs to submit documentation of alternative housing options offered to residents or the residents’ elections, PHAs must keep auditable written records of such consultation and decisions. HUD may request this documentation at any time, including as part of a review of the Checklist or if relocation concerns arise.

6.11. Lump Sum Payments

PHAs and Project Owners should note that certain relocation payments to displaced residential tenants may be subject to 42 USC § 3537c (“Prohibition of Lump-Sum Payments”) and must be disbursed in installments. The PHA or Project Owner may determine the frequency of the disbursements which must be made in installments. Handbook 1378, Chapter 3-7(D) provides guidance on the manner and frequency of disbursing payments subject to this requirement.

Any monetary element beyond Required Relocation Payments which may be associated with an alternative housing option described in Section 6.10, above, is not relocation assistance and is therefore not subject to the requirements regarding lump sum payments.

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96 The PHA and Project Owner should note that securing resident consent to an alternative housing option may delay the issuance of the RAD Notice of Relocation. The RAD Notice of Relocation must be specific to whether the resident will be temporarily or permanently relocated.