Final Agency Plan

Housing Authority of the City of Los Angeles
Year 2020 Agency Plan

Final Agency Plan

- Annual Plan for Fiscal Year 2020
- 5 Year Plan for Fiscal Years 2020 - 2024

September 26, 2019
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Executive Summary

[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 and a new five-year plan. Listed below are some of the primary goals that the Housing Authority currently plans to pursue in the upcoming year and on the new 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;**
- **HACLA’s core focus is on preserving and increasing the supply of affordable housing in perpetuity, strengthening communities in which those housing units are located, and increasing access to supportive programs and services;**
- **Establishes a multi-layered framework for achieving long-term financial and organizational sustainability and creating a value system that guides every decision and action HACLA takes;**
- **Invest in leadership, community health and wellness, public safety, and trauma-informed service delivery to enhance residents’ well-being and overall quality of life;**
- **HACLA will focus its efforts on building sustainable neighborhoods that incorporate green design, high-efficiency standards, and enhanced access to needed goods and services. Central to these activities will be minimizing displacement of current residents and developing a contract/charter for right to return.**
- **Value human capital as a key to success, capitalize on HACLA’s expertise, and maximize leverage of HACLA’s investments and funding.**
- **Tap into innovative thinking, internally and externally. Develop organizational infrastructure for a 21st century approach to public housing.**
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.**
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 2020**
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): **49,832**
Other S8 Housing Assistance Programs: **7,837**
Total Combined: **64,610**
PHA Plan Submission Type: ☑ 5-Year Plan Submission
☐ Revised 5-Year Plan 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>
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<td></td>
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</tbody>
</table>
5-Year Plan Information

Mission

HACLA will collaborate with residents and public, non-profit and private entities to create viable, healthy communities and to empower able residents to achieve financial independence. We will achieve the above while maintaining strong internal controls and developing and maintaining a strong culture of mutual respect, fiscal responsibility, and ethical behavior by our employees, residents and other key stakeholders.

Goals and Objectives

In an effort to improve its properties, the Housing Authority will pursue all available federally assisted housing opportunities, and seek private and other public resources – this includes the option for debt-leveraged financing opportunities or Choice Neighborhoods Initiative (CNI) and other HUD programs. HACLA will explore and evaluate other options and programs that may assist in this effort including the Rental Assistance Demonstration (RAD) program.

The Housing Authority will strive to continue to maintain its designation of “High Performer” under SEMAP and under PHAS. It will work to improve the specific factors listed below:

For Public Housing, improve the following:

- Improve resident quality of life and promote self-sufficiency through the implementation of various human capital development initiatives
- Target capital expenditures to those capital needs identified by recent Physical Needs Assessments (PNA)
- Prepare portfolio wide strategy for the long-term viability of HACLA affordable housing stock
- Explore the feasibility of public housing or homeownership programs within the context of revitalization activity. Due to insufficient federal and other funds, the HACLA has had to reduce the amount of services that are available to residents.
- Implement a community engagement process with public housing residents and other stakeholders on the public housing budget development process.
For Section 8, improve or work for the following goals:

- Apply for additional vouchers if made available by HUD
- Seek partnerships with entities to further the goal of creating additional housing opportunities
- Explore all available avenues to de-concentrate low income families with the goal of expanding mixed income communities
- Review voucher payment standards and revise as necessary
- Apply for additional Veterans Affairs Supportive Housing (VASH) vouchers if they become available
- Expand the FSS program and the homeownership program by seeking additional HUD funding
- Provide voucher mobility counseling
- Conduct outreach efforts to potential voucher landlords
- May Project-base up to 4,500 Section 8 tenant-based vouchers
- Explore the possibility of increasing the number of employed persons in assisted families
- Explore the possibility to provide or attract supportive services to improve assistance to recipients’ employability
- Provide or attract supportive services to increase independence for the elderly or persons with disabilities

For both programs:

- The HACLA completed full implementation of Automated Clearing House (ACH) direct deposit for Housing Assistance Payments (HAP) to landlords and has started the implementation of direct Walk-in Payments (WIPs) rent payments via ACH for public housing residents. These changes are being implemented to expedite payments, contribute to the environment, decrease fraud, and adhere to current industry best practices.
- Provide ongoing staff training on annual reviews, rent collections, rent calculations, verification, performance standards PHAS and SEMAP
- Implement regulatory changes on a timely basis
- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status or disability

- Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status or disability

- Undertake affirmative measures to ensure accessible housing to persons with disabilities regardless of unit size required

The HACLA will participate in any of the following initiatives or funding opportunities if they help meet HACLA’s goals and mission:

- Choice Neighborhoods Initiative Funding (CNI)
- Rental Assistance Demonstration (RAD)

HACLA will participate in such initiatives if they meet most of the following criterion:

- Provide one-for-one replacement
- Represent no significant negative impact to resident/participant
- Increase and/or preserve affordable housing stock
- Provide additional revenues for the HACLA

The Housing Authority will conduct outreach meetings with the community prior to participation or submission of any application for any program that meets the criterion outlined above.

Progress Report

- In 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. HACLA also previously received approval for RAD conversion of 70 units in Jordan Downs AMP and in FY2017 and FY2018, achieved closing of the initial two phases of the Jordan Downs redevelopment that included these 70 RAD units. In 2016, HACLA also received a Multi-phase award for 120 additional RAD units to be converted in future phases. Any of the additional units converted under RAD will be relinquishing their Section 18 Demo/Dispo approval. In 2019, HACLA received a Commitment to Enter into a HAP (CHAP) for 101 units that will be developed in four of the next phases.
• In 2017, HACLA received CHAP award for RAD conversion of 11 units at Rose Hill Courts. HACLA will seek Section 18 Demo/Dispo approval for the remaining 89 units.

• In FY2017, HACLA submitted a $1.3 million Choice Neighborhoods (CN) Planning and Action Grant application for the Rancho San Pedro public housing site. In early 2018, HACLA was awarded the HUD CN grant, which will help finance planning and community engagement activities and limited community and economic development activities.

• 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 developed and adopted a twenty-five (25) year Vision Plan in FY2018.

Violence Against Women Act (VAWA) Goals

➢ See section Safety and Crime Prevention (VAWA).

Significant Amendment or Modification

➢ See section on Significant Amendment

Resident Advisory Board (RAB) Comments

➢ See Attachment 3 of the Final and Final Draft

Certification by State or Local Officials

➢ See Attachment 4 of the Final and Final Draft
PHA Plan Elements & Agency Plan Availability:

Copies of the 2020 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 (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 Admission and Continued Occupancy Policy (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.
# PHA Inventory

## HUD Programs Under PHA Management

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Units or Families Served at Year Beginning 2019</th>
<th>Expected Annual Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Housing</td>
<td>6,941</td>
<td>282</td>
</tr>
<tr>
<td>S8 Vouchers &amp; Portability</td>
<td>30,424</td>
<td>1,521</td>
</tr>
<tr>
<td>HUD-VASH(^1)</td>
<td>2,693</td>
<td>333</td>
</tr>
<tr>
<td>Non-Elderly Disabled</td>
<td>305</td>
<td>15</td>
</tr>
<tr>
<td>Family Unification Program</td>
<td>182</td>
<td>9</td>
</tr>
<tr>
<td>Tenant Protection</td>
<td>1,112</td>
<td>56</td>
</tr>
<tr>
<td>Mainstream Year 5</td>
<td>74</td>
<td>4</td>
</tr>
<tr>
<td>Welfare to Work</td>
<td>222</td>
<td>11</td>
</tr>
<tr>
<td>Project-Based Voucher</td>
<td>4,164</td>
<td>208</td>
</tr>
<tr>
<td>WL Limited Preference Homeless</td>
<td>3,837</td>
<td>192</td>
</tr>
<tr>
<td>WL Limited Preference TBSH(^2)</td>
<td>615</td>
<td>31</td>
</tr>
<tr>
<td>WL Limited Preference HVI(^3)</td>
<td>210</td>
<td>11</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>73</td>
<td>4</td>
</tr>
<tr>
<td>Continuum of Care</td>
<td>3,157</td>
<td>299</td>
</tr>
<tr>
<td>New Construction</td>
<td>1,578</td>
<td>79</td>
</tr>
<tr>
<td>Section 8 Moderate Rehabilitation</td>
<td>1,188</td>
<td>59</td>
</tr>
<tr>
<td>HOPWA(^4)</td>
<td>269</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total Expected Turnover</strong></td>
<td></td>
<td><strong>2,843</strong></td>
</tr>
<tr>
<td><strong>Grand Total Section 8 Programs</strong></td>
<td><strong>57,077</strong></td>
<td><strong>2,546</strong></td>
</tr>
</tbody>
</table>

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1 VASH – Veterans Affairs Supportive Housing Program  
2 TBSH - Tenant Based Supportive Housing Program  
3 HVI – Homeless Veterans Initiative  
4 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?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</td>
</tr>
<tr>
<td>N</td>
<td>Financial Resources.</td>
</tr>
<tr>
<td>N</td>
<td>Rent Determination.</td>
</tr>
<tr>
<td>N</td>
<td>Homeownership Programs.</td>
</tr>
<tr>
<td>N</td>
<td>Pet Policy.</td>
</tr>
<tr>
<td>N</td>
<td>Substantial Deviation.</td>
</tr>
<tr>
<td>N</td>
<td>Significant Amendment/Modification</td>
</tr>
</tbody>
</table>

(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
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 applicant’s 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 the “Housing Opportunity Through Modernization Act” or “HOTMA”) that place restrictions on the ability for “over-income” households to remain as residents of public housing. The HACLA is now required to begin to notify those higher income households of their “over-income” status. HUD has not provided guidance on how rents for these families are to be set following the two-year window they have once they have been formally notified of their over income status.
## Financial Resources

### Planned Sources and Uses

<table>
<thead>
<tr>
<th>Sources</th>
<th>Planned $</th>
<th>Planned Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Federal Grants (FY 2018 grants)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Public Housing Operating Fund</td>
<td>$20,383,844</td>
<td>Operations</td>
</tr>
<tr>
<td>b) Public Housing Capital Fund</td>
<td>$21,028,738</td>
<td>Capital Improvements</td>
</tr>
<tr>
<td>c) Annual Contributions for Section 8 Tenant-Based Assistance</td>
<td>$573,352,088</td>
<td>Housing Assistance</td>
</tr>
<tr>
<td>2. <strong>Other Federal Grants</strong></td>
<td></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>$80,772,849</td>
<td>Housing Assistance</td>
</tr>
<tr>
<td>a) Healthy Marriage Promotion and Responsible Fatherhood Grant</td>
<td>$50,000</td>
<td>Resident Services</td>
</tr>
<tr>
<td>b) WIA Cluster (Adult, Youth, Dislocated Worker)</td>
<td>$892,686</td>
<td>Workforce Training</td>
</tr>
<tr>
<td>3. <strong>Public Housing Dwelling Rental Income</strong></td>
<td>$37,011,812</td>
<td>Operations</td>
</tr>
<tr>
<td>4. <strong>Non-Federal Sources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Payment in Lieu of Taxes</td>
<td>$2,778,022</td>
<td>Resident Services and Safety</td>
</tr>
<tr>
<td>b) AB 1913 Housing Based Day Supervision</td>
<td>$528,793</td>
<td>Resident Youth</td>
</tr>
<tr>
<td><strong>Total Resources</strong></td>
<td><strong>$736,798,832</strong></td>
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</tbody>
</table>
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]
Safety and Crime Prevention (VAWA)

a) Safety and Crime Prevention:

Public Housing

Site security and safety were rated as high concerns from the residents that participated in the HACLA’s Vision Plan process. To address these concerns the HACLA remains committed to the implementation and maintenance of safety and security measures which can be of assistance to law enforcement in reduction of criminal activity. The HACLA has replaced a costly and outdated camera systems at those sites that currently have surveillance equipment (Imperial Courts, Nickerson Gardens, Jordan Downs, Avalon Gardens, Estrada Courts, Pico Gardens/Las Casitas and Mar Vista Gardens) the HACLA will be utilizing PILOT and LOMOD funds to install a new system at 12 of the large public housing sites with the exclusion of Jordan Downs and Rose Hills Courts due to those sites undergoing redevelopment projects. The HACLA will also continue to apply for additional grants and funding sources to expand its security and ensure the safety of its residents. 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 them self 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.
Pet Policy

The Housing Authority has not revised its Keeping of Animal Policy since the last Agency. 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 Keeping of Animal Policy was developed with the input of residents and the Resident Advisory Board.

Public Housing is looking to update its policy to ensure we are in compliance with local ordinances regarding service dogs.

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:

a. 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;

b. Changes to the construction and rehabilitation plan for each approved RAD conversion; and

c. 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?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

- Hope VI or Choice Neighborhoods (CN) Implementation Grant.
- Mixed Finance Modernization or Development.
- Demolition and/or Disposition.
- Conversion of Public Housing to Tenant Based Assistance.
- Conversion of Public Housing to Project-Based Assistance under RAD.
- Project Based Vouchers.
- Units with Approved Vacancies for Modernization.
- Other Capital Grant Programs (i.e., Capital Fund Community Facilities)
- 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>127th St. Apartments</td>
<td>548 W. 127th Street Los Angeles, CA 90044</td>
<td>40</td>
<td>40</td>
<td>Chronically Homeless Individuals</td>
<td>6/1/2018</td>
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<tr>
<td>PATH Metro Villas - Phase 1</td>
<td>345 N. Westmoreland Los Angeles, CA 90004</td>
<td>36</td>
<td>27</td>
<td>Homeless &amp; Chronically Homeless Disabled Individuals</td>
<td>6/30/2018</td>
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<tr>
<td>Mosaic Gardens at Westlake</td>
<td>117 S. Lucas Ave. Los Angeles, CA 90026</td>
<td>63</td>
<td>32</td>
<td>Homeless &amp; Chronically Homeless Families and Individuals</td>
<td>5/1/2018</td>
</tr>
<tr>
<td>El Segundo Apartments</td>
<td>535-611 West El Segundo Blvd, Los Angeles, CA 90061</td>
<td>25</td>
<td>19</td>
<td>VASH Homeless &amp; Chronically Homeless Veterans</td>
<td>6/1/2018</td>
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<tr>
<td>El Segundo Apartments</td>
<td>535-611 West El Segundo Blvd. Los Angeles, CA 90061</td>
<td>15</td>
<td>12</td>
<td>Homeless &amp; Chronically Homeless Families, disabled, high utilizers of County services</td>
<td>6/1/2018</td>
</tr>
<tr>
<td>Jordan Downs Area H</td>
<td>2062 99TH PLACE, LOS ANGELES CA 90002</td>
<td>49</td>
<td>0</td>
<td>Extremely, Very, and Low Income Families</td>
<td>12/31/2019</td>
</tr>
<tr>
<td>Rose Hill Courts Phase 1</td>
<td>4446 Florizel Street, Los Angeles, CA 900023</td>
<td>77</td>
<td></td>
<td>Extremely, Very, and Low Income Families</td>
<td>12/31/2020</td>
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<tr>
<td>Jordan Downs Phase S2</td>
<td>1000 Grape Street Los Angeles CA, 90002</td>
<td>63</td>
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<td>8/31/2021</td>
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<tr>
<td>Jordan Downs Phase S3</td>
<td>2101 East 101st Street Los Angeles CA, 90002</td>
<td>48</td>
<td>0</td>
<td></td>
<td>8/31/2021</td>
</tr>
<tr>
<td>King 1101 Apartments</td>
<td>&quot;1101-1107 W. MLK, Jr Blvd. Los Angeles, CA 90037&quot;</td>
<td>18</td>
<td>10</td>
<td>Homeless &amp; Chronically Homeless Families and Individuals</td>
<td>7/1/2018</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 from the County of Los Angeles 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 (RACR) confirming the finalization of all soil-related remediation activities. The Remedial Action Plan was finalized and approved by DTSC in July 2017. A small portion of the commercial site at Alameda and 97th Street is impacted by off-site soil vapor gas and in April 2018, DTSC and HACLA negotiated, finalized and recorded a Land Use Covenant outlining the allowable development uses on the commercial site. In May 2018, DTSC approved a set of Design Documents and an Operations & Maintenance manual to establish the standard for construction of a vapor intrusion mitigation system within the foundation of selected commercial structures and to guide the future operations and maintenance of that system.

Phase 1A of the redevelopment project, comprising 115 units, achieved financial closing in March 2017 and commenced construction in May 2017. Construction activities has taken more time than projected and is anticipated to be completed by August 2019 while phased occupancy is projected to begin starting in June 2019.

Phase 1B achieved financial closing in June 2018 and construction began shortly thereafter. This phase will include 133 affordable units and 2 manager units. Construction is projected to be completed by December 2019 while phased occupancy is projected to begin starting in Fall 2019.

Phase 1C is an 115,000 square-foot neighborhood retail center. HACLA continues to work with an experienced urban commercial retail developer, Primestor Development, Inc., on developing this phase. Phase 1C achieved financial closing in June 2018 and began construction shortly thereafter. Construction of the structures (“shell”) is expected to be complete in July 2019, with interior tenant improvements completed for retailers by December 2019, to begin operations by end of the year 2019.

Phase Area H is an 80 units comprised of 1, 2, 3 & 4 bedroom units and will be developed by BRIDGE Housing as part of the Phase 2 redevelopment. The project will include 49 PBV units, 30 RAD units and 1 manager unit. The Project will be funded primarily through 9% LIHTC federal and state tax credit, conventional financing, along with Prop IIG and Authority Gap funding.
BRIDGE Housing applied to the California Tax Credit Allocation Committee’s First Application Funding Round for 9% LIHTC in March 2019 and is awaiting the award.

Phase S2 of the redevelopment is an 81 units project consisting of 63 PBV units, 17 RAD units and one managers unit. S3 will be using Transformative Climate Communities (TCC) funds as primary gap financing. Other anticipated funding source include a 4% LIHTC and conventional financing.

Phase S3 of the redevelopment is an 92 unit project consisting of 48 PBV units, 25 RAD units, 18 tax credit units and one managers unit. S3 will be a funded with federal and state tax credit and AHSC for primary gap financing in addition to a 9% LIHTC and conventional financing. S3 submitted their Affordable Housing and Sustainable Communities (AHSC) application February 2019 and has received favorable feedback as the project has passed its eligibility threshold. Both projects are under architectural design as well as continued phasing evaluation for the entire project.

HACLA is working with The Michaels Development Company and BRIDGE Housing on the planning and redevelopment of the community center and installation of its new central parks. This effort will include the redesign and reprogramming of the existing center as well as providing green space to the new community. Homeownership opportunities are also being vetted within the community as well as its permanent placement.

As part of the redevelopment project and to ensure the success of the overall new community, HACLA worked 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 retained a qualified contractor to implement the plans. BOE issued a Notice to Proceed on May 1, 2017 and completed the roadway extension project in September 2018.

HACLA applied unsuccessfully for a Choice Neighborhood (CN) Implementation grant from HUD in FY 2013, FY2015 and in FY2016. The FY2016 CN NOFA required City of Los Angeles to be a co-applicant and since the City had not come to terms with the HUD’s Office of Fair Housing and Equal Opportunity in resolving the compliance issue with the Americans with Disabilities Act, HACLA’s CN Implementation Grant application was deemed ineligible for receiving discretionary funding. 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 Jordan Downs.
In 2015, HACLA, with the support of Council District (CD) 15, 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 through a series of visioning exercises 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.

In FY2017, HACLA released a two stage Request for Proposal seeking compelling proposals from developers to transform the Rancho San Pedro (RSP) public housing site into a vibrant mixed-income/mixed-use community that interconnects with the neighborhood. In late August, 2017, HACLA BOC approved the selection of the Richman Group (Richman) and their One San Pedro Collaborative partners for the Rancho San Pedro Redevelopment and authorized HACLA to enter into a 90-day Exclusive Right to Negotiate a Master Development Agreement with Richman, that could be extended by two 90-day periods, if need be. HACLA and City Council District 15 organized a series of meetings with city partners, community stakeholders and the Rancho San Pedro RAC to kick off these redevelopment planning activities and has set up a Rancho San Pedro Community Advisory Committee and a new Community Coach Program for public housing residents as part of the community engagement process. To further garner resources for the transformation effort, in FY2017, HACLA submitted a $1.3 million Choice Neighborhoods (CN) Planning and Action Grant application for the Rancho San Pedro public housing site. In early 2018, HACLA was awarded the HUD CN grant, which will help finance planning and community engagement activities and limited community and economic development activities. Through the CN process, HACLA has identified over 30 partners that will serve on taskforce committees and work with HACLA through the planning process.

The development team has continued the engagement process by introducing density charrettes and the starting of the Peoples Planning School. In an effort to further its reach into the community with transparency One San Pedro Collaborative will be opening a permanent office in San Pedro in May 2019. HACLA and the Development team are also working on completing the transformation and human capital plan by end of year 2019 in conjunction with its submission date to HUD on February 2020. The development team has started its environmental and physical due diligence investigation and will be vetting out homeownership opportunities within the community this year.
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) reached the end of its 15-year tax credit compliance period. HACLA analyzed its options related to exercising its Option to Purchase and Right of First Refusal with respect to the improvements located on the property. HACLA exercised the Purchase Option in December 2018 for both Phases The Authority is currently negotiating a rehabilitation/re-syndication with Related California and intends to enter into a Development and Disposition Agreement for each phase. Both phases are contemplated to be 4% LIHTC transactions, and HACLA will be the bond issuer. On or before the respective closings, projected to occur in FY2020 and staggered by a few months, HACLA intends to carry out a RAD conversion of the public housing units and a PBV conversion of eligible Tax credit units for the two phases.

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>
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</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)

7. Timeline for activity:
   a. **Actual** or projected start date of activity: **05/01/2017**
   b. Projected 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.

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 further amended in October 2017 and extended to July 2019.

Based on the extensive studies of the rehabilitation approach carried out over two years, HACLA concluded that this approach would not allow a good portion of our existing families to return to Rose Hill Courts because of restrictive right-sizing requirements. Current Rose Hill Courts residents need more one-bedroom units (at least 30 additional one-bedroom units are needed) and these cannot be created through the rehabilitation process. Additionally, almost 50% of the residents qualify as senior or disabled and the rehabilitation would not provide fully accessible units. Lastly, due to the deteriorated condition of the existing buildings the rehabilitation became cost-prohibitive and would not provide the benefits of a new building such as larger units, modern amenities etc.

Therefore, in September 2017, HACLA obtained approval from its Board to examine the option of demolition and new construction including adding density to the development. Under this option, HACLA and Related propose to demolish the existing 100 units of public housing and replace...
them with up to 185 units of newly built rental affordable housing. The new units will be built in two phases; Phase I will consist of up to 89 units and is being designed to accommodate existing residents currently living onsite. Phase II will consist of up to 96 units and will provide new affordable family units.

HACLA is working on the environmental review process and entered into a Memorandum of Understanding ("MOU") with the City of Los Angeles (Department of City Planning) ("City"), to designate HACLA as the lead agency under the California Environmental Quality Act ("CEQA"). The City of Los Angeles Housing and Community Investment Department will function as the Responsible Entity assuming federal responsibilities under 24 CFR Part 58 for the NEPA review of the Project. The CEQA/NEPA Environmental Review processes were initiated in 2018 and a public scoping meeting for the EIR/EIS was held in October 2018. The Draft EIR/EIS have been prepared and circulated in September 2019. HACLA has been working on the Section 106 process with the State Historic Preservation Office and concluded the AB52 consultation with Native American Tribes.

Pursuant to discussions with the Department of City Planning, HACLA will seek entitlements for achieving these densities through a less onerous and time consuming approach through the City’s Density Bonus Ordinance. The entitlement package is currently being prepared and will be submitted to City Planning around the time the draft EIR/EIS is released.

The Relocation Planning process for the new construction option has begun and a meeting was held in February 2019 with the residents describing the process and their relocation rights. The Relocation consultant has completed the interviews with the residents and the info collected from the interviews are being incorporated into the relocation plan. The draft Relocation Plan will be circulated for public review before being adopted by the Board later this year.

Over the past three 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. All residents have received RAD Information Notices (RIN). Residents and community stakeholders were also informed about the plans to study the New Construction option. Numerous interactive design charrette and open houses were held with residents and the larger community to show the planning and conceptual design for the new construction project and to solicit feedback which were then incorporated in the revised design. HACLA also maintains ongoing communication with the LA32 Neighborhood Council and provides regular updates to CD14 staff.

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.
# Demolition/Disposition Activity Description

1a. Development name: **Rose Hill Courts**  
1b. Development (project) number: **CA16004000408**

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:  
   - **Planned for Submission – 12/1/2019**

5. Number of units affected: up to **100**

6. Coverage of action (select one)  
   - Part of the development -  
   - Total development(s) – ✓

7. Timeline for activity:  
   a. Actual or **projected** start date of activity: **06/01/2020**  
   b. Actual end date of activity: **TBD**
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>
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</thead>
<tbody>
<tr>
<td>1a. Development name: <strong>Rancho San Pedro</strong></td>
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<tr>
<td>1b. Development (project) number: <strong>CA004000404/ CA004000417</strong></td>
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<td>2. Activity type: Demolition ✔️ Disposition ✗</td>
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<tr>
<td>3. Application status (select one)</td>
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<tr>
<td>□ Approved</td>
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<tr>
<td>□ Submitted, pending approval</td>
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<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 – 7/1/2021</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) – <em>(phase demo/dispo per phasing plan to be determined)</em></td>
</tr>
<tr>
<td>7. Timeline for activity:</td>
</tr>
<tr>
<td>a. Actual or <strong>projected</strong> start date of activity: <strong>7/01/2023</strong></td>
</tr>
<tr>
<td>b. Actual end date of activity:</td>
</tr>
</tbody>
</table>
Potential Watts Acquisition Section 18 Disposition/Transfer to HACLA Asset Management

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 transferring these properties to HACLA Asset Management for administration via third party management and carrying out a Section 18 Disposition under a HACLA non-profit instrumentality ownership and third party property management. Before taking any steps, HACLA would conduct resident meetings to discuss the plans and secure approval from the Board of Commissioners.

### Demolition/Disposition Activity Description

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Development name: <strong>Jordan - Scattered</strong></td>
<td>1b. Development (project) number: <strong>CA004000999/ CA004000416</strong></td>
</tr>
<tr>
<td>2. Activity type:</td>
<td>Demolition □ Disposition ✗</td>
</tr>
<tr>
<td>3. Application status (select one)</td>
<td></td>
</tr>
<tr>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>Submitted, pending approval</td>
<td>□</td>
</tr>
<tr>
<td>Planned application</td>
<td>✗</td>
</tr>
<tr>
<td>2. Date application approved, submitted, or planned for submission:</td>
<td><strong>Planned for Submission – 3/1/2020</strong></td>
</tr>
<tr>
<td>5. Number of units affected:</td>
<td><strong>34</strong></td>
</tr>
<tr>
<td>6. Coverage of action (select one)</td>
<td></td>
</tr>
<tr>
<td>□ Part of the development -</td>
<td></td>
</tr>
<tr>
<td>✗ Total development(s)</td>
<td></td>
</tr>
<tr>
<td>7. Timeline for activity:</td>
<td></td>
</tr>
<tr>
<td>a. Actual or <strong>projected</strong> start date of activity:</td>
<td><strong>7/01/2020</strong></td>
</tr>
<tr>
<td>b. Actual end date of activity:</td>
<td><strong>TBD</strong></td>
</tr>
</tbody>
</table>
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>60</td>
</tr>
</tbody>
</table>

Although HACLA’s FY2013, FY2015 CNI applications were denied, HUD reserved HACLA’s request 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 Multi-phase award for up to 60 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 (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 and, Low Income Housing Tax Credits units that are deed restricted to between 30% and 50% of AMI. 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 in March 2017 and on the Phase 1B RAD transaction in June 2018.

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 (also known as S3) and 2B (also known as Area H) and received the Commitment to enter into HAP (CHAP) awards for these two projects. HACLA has requested HUD to transfer 13
units from the Phase 2A (S3) CHAP to Phase 2B’s CHAP and made RAD applications for expanding Phase 2A (S3) RAD authority, Phase Area G and Phase MDC totaling 101 units for all four future projects.

Below, please find specific information related to the Public Housing Development selected for the 101 RAD Units that will be converted as part of Phase 2A (S3), 2B (Area H), Area G and 2 MDC (S2):

<table>
<thead>
<tr>
<th>Name of Public Housing Development: Jordan Downs</th>
<th>PIC Development ID: CA004000416</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units: 101</td>
<td>Pre-RAD Unit Type: Family</td>
<td>Post-RAD Unit Type if different: Family</td>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for Jordan Downs multiplied by total number of units in project) $3,001.19 * 101 = $303,120</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>2</td>
<td>9</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>27</td>
<td>42</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>52</td>
<td>43</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>19</td>
<td>7</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Five Bedroom</td>
<td>1</td>
<td>0</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>If performing a Transfer of Assistance:</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:

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

HACLA has applied for 60 additional RAD units to be added to its multi-phase RAD award for future Phases 4 and 5 of the Jordan Downs redevelopment and is awaiting HUD approval.

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

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 certifies that all phases of the Jordan Downs Redevelopment Project complies with the Site selection requirements set for at 24 CFR § 983.57, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, including implementing regulations at 24 CFR § 1.4(b)(3), Section 504 of the Rehabilitation Act of 1973 including implementing regulations at 24 CFR § 8.4(b)(5), and the Americans with Disabilities Act. HACLA certifies that the sites selected are suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

**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>Total Units: 11</td>
<td>Pre-RAD Unit Type: Family</td>
<td>Post-RAD Unit Type if different: Family</td>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for Rose Hill Courts multiplied by total number of units in project) $2,949.59 *11 = $32,445</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>Unit reconfiguration*</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>5</td>
<td>7</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>4</td>
<td>3</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>1</td>
<td>0</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>If performing a Transfer of Assistance:</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

**Lankershim/87th Street/The Manchester Apartments**

In August 2018, HACLA submitted the RAD application for Lankershim/87th. In November 2018, HACLA was awarded a Commitment to enter into a Housing Assistance Payments Assistance (CHAP) contract with HUD for 55 units. The CHAP was subsequently amended and split into two CHAPs, with 29 units to be converted as part of CA004000851A for Lankershim Apartments and 26 units to be converted as CA004000851B to The Manchester Apartments (also known as 87th).

HACLA shall comply with all applicable requirements of PIH Notice 2012-32, REV-3 as may be amended from time to time (the “RAD Notice”). Both properties underwent substantial rehabilitations which were completed in 2010, and, therefore, no rehabilitation or tenant relocation is necessary for this conversion, which is intended to be a program conversion only.

HACLA hosted several informational meetings to inform residents of the upcoming conversion, answer any questions and provide update on the status.

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

Below, please find information for Lankershim Apartments

<table>
<thead>
<tr>
<th>Name of Public Housing Development: Lankershim Apartments</th>
<th>PIC Development ID: CA004000851A</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units: 30 Pre-RAD Unit Type: Senior &amp; Disabled</td>
<td>Post-RAD Unit Type if different: Same as Pre-RAD</td>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for Lankershim Apartments multiplied by total number of units in project) $1,030.47 * 30 = $30,914</td>
<td></td>
</tr>
<tr>
<td>Bedroom Type 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>
<td></td>
</tr>
<tr>
<td>One Bedroom 24</td>
<td>23</td>
<td>1 unit is non-dwelling unit and will not be converted as it’s designated for onsite management staff</td>
<td></td>
</tr>
<tr>
<td>Two Bedroom 6</td>
<td>6</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

If performing a Transfer of Assistance: NA
Below, please find information for the Manchester Apartments

<table>
<thead>
<tr>
<th>Name of Public Housing Development: The Manchester Apartments</th>
<th>PIC Development ID: CA004000851B</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units: 27 Pre-RAD Unit Type: Senior &amp; Disabled</td>
<td>Post-RAD Unit Type if different: Same as Pre-RAD</td>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for The Manchester Apartments multiplied by total number of units in project) $1,030.47 *27 = $27,823</td>
<td></td>
</tr>
</tbody>
</table>

<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>27</td>
<td>26</td>
<td>1 unit is non-dwelling unit and will not be converted as it’s designated for onsite management staff</td>
</tr>
</tbody>
</table>

If performing a Transfer of Assistance: NA

**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>

HACLA is exploring the long term options of either transferring these properties to HACLA Asset Management for administration via third party management, a RAD conversion, or Section 18 Demolition/Disposition under a HACLA non-profit instrumentality ownership and third party property management. For either change, HACLA would conduct resident meetings to discuss the plans, prepare written responses to resident comments, and secure approval from the Board of Commissioners.
Other Properties

Pueblo Del Sol (Phase I and II)

HACLA will be submitting two separate RAD applications for the conversion of the 242 public housing units within Phase I and Phase II of the Pueblo Del Sol properties. The RAD conversion will be conducted concurrently with a re-syndication and rehabilitation of these properties.

HACLA intends to transfer the assistance of a de minimis amount of public housing units using the De Minimis Reduction allowed under the RAD program, by no more than the greater of five percent of the number of units within Phase I and II and the HACLA portfolio units converted or in the process of being converted thus far under RAD, to a Section 8 PBV HAP contract.

Below, please find information for the Pueblo Del Sol Phases I and II

<table>
<thead>
<tr>
<th>Name of Public Housing Development: Pueblo Del Sol I</th>
<th>PIC Development ID: CA004000222</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units: 120</td>
<td>Pre-RAD Unit Type: Family</td>
<td>Post-RAD Unit Type if different: Same</td>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for Pueblo Del Sol I multiplied by total number of units in project) $1,436.09*120 = $172,331</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>Two Bedroom</td>
<td>59</td>
<td>55</td>
<td>4 units will be converted to Section 8 PBV under the De Minimis Reduction</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>47</td>
<td>43</td>
<td>4 units will be converted to Section 8 PBV under the De Minimis Reduction</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>14</td>
<td>14</td>
<td>N/A</td>
</tr>
<tr>
<td>If performing a Transfer of Assistance:</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Bedroom Type
- Two Bedroom: 59 to 55, 4 units will be converted to Section 8 PBV under the De Minimis Reduction
- Three Bedroom: 47 to 43, 4 units will be converted to Section 8 PBV under the De Minimis Reduction
- Four Bedroom: 14 to 14, N/A
<table>
<thead>
<tr>
<th>Name of Public Housing Development: Pueblo Del Sol II</th>
<th>PIC Development ID: CA004000227</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units: 122</td>
<td>Pre-RAD Unit Type: Family</td>
<td>Post-RAD Unit Type if different: Same</td>
<td>Capital Fund allocation of Development: (Annual Capital Fund Grant for Pueblo Del Sol II multiplied by total number of units in project) $1,448.28 * 122 = $176,690.19</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>Two Bedroom</td>
<td>54</td>
<td>49</td>
<td>5 units will be converted to Section 8 PBV under the De Minimis Reduction</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>48</td>
<td>44</td>
<td>4 unit will be converted to Section 8 PBV under the De Minimis Reduction</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>20</td>
<td>19</td>
<td>1 units will be converted to Section 8 PBV under the De Minimis Reduction</td>
</tr>
<tr>
<td>If performing a Transfer of Assistance:</td>
<td>NA</td>
<td></td>
<td>NA</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.

HACLA may submit a RAD application for Rancho San Pedro in FY2020.

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Rancho San Pedro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000404</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>478</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.

HACLA certifies that all properties converting under RAD complies with the Site selection requirements set for at 24 CFR § 983.57, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, including implementing regulations at 24 CFR § 1.4(b)(3), Section 504 of the Rehabilitation Act of 1973 including implementing regulations at 24 CFR § 8.4(b)(5), and the Americans with Disabilities Act. HACLA certifies that the sites selected are suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.
Voluntary Compliance Agreement (VCA), Orders, and Rulings Certification:

HACLA is currently subject to the following VCAs:

- **Obakhume, Jennifer v. Housing Authority of the City of Los Angeles**, HUD Case Nos. 09-18-3937-8, 09-18-3937-4, 09-18-3937-D
- **Yuryeva v. Housing Authority of the City of Los Angeles**, HUD Case No. 09-19-6401-8
- **Gude v. HACLA, et al**, HUD Case Nos. 09-17-9181-8, 09-17-9181-4, 09-17-9181-6, 09-17-9181-D
- **Muhammad v. Housing Authority of the City of Los Angeles**, HUD Case No. 09-17-7184-8
- **Ariel v. Housing Authority of the City of Los Angeles**, HUD Case No. 09-15-1447-8

In accordance with the requirements of H-2019-09/PIH-2019-23 (HA), Rental Assistance Demonstration REV-4, Attachment 1D, Paragraph 5, HACLA certifies that compliance with the above referenced Voluntary Compliance Agreements will not be negatively impacted by HACLA’s current RAD conversion activities. HACLA also certifies that it is not currently subject to a consent order or consent decree, final judicial ruling, or administrative ruling or decision.

Project-Based Vouchers Statement:

The Housing Authority, subject to approval by its Board of Commissioners, may project-base up to 5,000 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 4,001 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

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5 Homeless Initiatives as of April 2019
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.

**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 up to 170 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 August 8, 2016 the Housing Authority in partnership with Mercy Housing and Abode Communities, completed the construction of the final phase IV of the redevelopment of the former Dana Strand Village. The project comprised 176 service-enhanced, deeply affordable rental homes from 1 Bedroom to 3 Bedroom units, including 25,000 square feet of open and recreational space. Completion of this final phase fulfilled HACLA’s 15-year vision for the redevelopment of the Dana Strand public housing site, replacing it with a well-planned urban village comprising a total of 512 modern residential units and high quality amenities and services. The final phase achieved 100% lease-up in early 2019.
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.

In 2017, HACLA and the consultants led a multi-faceted community engagement process with residents/Resident Advisory Council (RAC)s, neighborhood partners advocates/affordable housing partners, funders, and local agencies to solicit input for the Vision Plan. This was accomplished through a three-pronged approach: (1) Resident Outreach achieved through over 40 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.

In 2018, HACLA presented the draft Vision Plan strategies to the Board of Commissioners and the feedback received was being incorporated into the final plan document, completed in Jan 2019 and officially introduced to all HACLA staff at a February 2019 State of the Agency meeting.

Immediately following adoption, HACLA has begun staff training and plan implementation of the strategies and actions set forth for year one and beyond.

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 - None**
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 2019 Capital Grant funding year, the Housing Authority projects receiving $21,050,260 in Capital Grant funds. HACLA will transfer 14% of its award to public housing operations to supplement the ordinary maintenance and operations of the public housing developments. Another 7% 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 $500,000 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 $3,050,000 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 $13,000,000 will be used for major capital projects including: upgrade of plumbing systems (gas, water and sewer lines), upgrade of electrical systems (wiring, panels and outlets), roof replacements at Imperial Courts and Pueblo Del Rio and the demolition, disposition and relocation activities associated with Jordan Downs redevelopment. Included in the $13 million is the reservation of $350,000 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 2020 through 2024 was approved by HUD on August 27, 2018.

Note: Supporting Documents

All supporting documents for FY 2020 Agency Plan can be viewed at the Housing Authority’s Central offices located at:

2600 Wilshire Blvd. 3rd Floor
Community Engagement Department
Los Angeles, CA. 90057
## YEAR 2020 FINAL AGENCY PLAN ATTACHMENTS

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ATTACHMENT 1

Changes to the Public Housing Admission & Continued Occupancy Policy (ACOP)
PROPOSED CHANGES TO 2020 ADMISSIONS AND OCCUPANCY POLICY

I. ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS

A. Nondiscrimination

1. It is the policy of the Housing Authority of the City of Los Angeles, hereinafter referred to as HACLA or the Authority, to comply fully with the following:

* * * * *

- The Americans with Disabilities Act; and
- The Violence Against Women Act (VAWA)
- California’s Unruh Act; and
- California’s Fair Employment and Housing Act

2. The Authority will comply with any legislation protecting the individual rights of applicants or staff, which may subsequently be enacted.

The Authority shall not discriminate because of race, color, sex, age, religion, national origin, ancestry, disability, handicap, sexual orientation, marital status, source of income, or familial status, genetic information, gender, gender expression, or gender identity in the leasing, rental or other disposition of housing or related facilities (including land) included in any development or developments under its jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

3. The Authority shall not on account of race, color, sex, age, religion, national origin, ancestry, disability, handicap, sexual orientation, marital status, source of income, or familial status, genetic information, gender, gender expression, or gender identity.

* * * * *
C. Eligibility for Admission

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

2. The applicant, or at least one member of the applicant's family, must be a citizen, or have eligible immigration status. Where some family members are not citizens, nationals or do not have eligible immigration status, assistance shall be subject to proration.

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

In addition, the applicant must not have had an application for housing with the HACLA denied within the last 12 months.

7. In accordance with HUD guidelines and in order to avoid admitting residents whose presence might be damaging to the health, safety and welfare of the residents, the HACLA will evaluate all applicants against the following additional criteria (applicable to all adult members of the applicant's household):

b. Does the applicant have a poor past performance in meeting financial obligations, especially rent from subsidized housing? At a minimum, the applicant shall:

(1). Have a consistent record of timely rent payments during the immediate three years prior to the evaluation.

Applicants who have had 2 or more evictions from subsidized housing for non-payment of rent in the immediate three years prior to the evaluation will be denied admission.

(2). Not have a consumer debt balance (excludes medical bills and student loans) such that the minimum monthly
payments exceed 60% of the gross income of the household.

* * * * *

D. Application Procedure Requirements

1. Any applicant wishing to apply for admission must submit a written application to the HACLA Application Center. The application must be signed by the head of the household who must be at least 18 years of age or have minor status removed by marriage or previous court order, and may be completed and submitted to the HACLA Application Center.

2. All applications will be dated and time marked as received in their complete form.

* * * * *

E. Changes Following Initial Certification and Prior to Unit Leasing

Any changes to the household composition or income following initial certification and prior to the Applicant signing a lease with the HACLA must be reported by the Applicant to the Application Center for recertification.

* * * * *

F. Removal of Applicant from the Waiting List

* * * * *

e. The applicant failed to keep a scheduled interview or failed to respond to the HACLA regarding information that is necessary to process the application or to remain on the waiting list.

For these applicants, the HACLA will notify the applicant via first class mail that they have 10 working days to reschedule the interview or to provide the requested information. The applicant will be removed from the waiting list if they failed to respond within the period.

The HACLA will consider mitigating circumstances such as health problems or lack of transportation when determining to withdraw an application from the waiting list.

f. If calculated rent would exceed the monthly gross income for the applicant household.
G. Reinstatement to the Waiting List

HACLA will reinstate applicants who have been withdrawn from the waiting list based upon proof of mitigating circumstances, including but not limited to: such as health problems, medical or disability related reasons, or lack of transportation to attend scheduled interviews, lack of permanent mailing address due to homelessness, or if interview appointment conflicted with employment, school, or childcare schedules.

* * * * *

K. Determination of Eligibility and Notification of Applicants

Each applicant determined to be eligible will be promptly notified in writing of his/her eligibility and informed, if possible, of the approximate date he/she will be offered housing subject to suitability unit availability. A copy of this notification will be retained in the application file.

* * * * *

L. Local Preferences

2. Definition of a Local Preference

* * * * *

c. Priority among each preference shall be given to families of veterans or servicemen service members of the United States armed forces.

* * * * *

e. Exception for Disabled Applicants Whose Sole Disability Is Drug or Alcohol Related

Applicants whose sole disability is drug or alcohol dependent shall not be considered disabled for the purpose of determining preference. The provision in paragraph 2, e applies to these applicants.

* * * * *

4. Prior to executing a Rental Agreement, the applicant must provide the HACLA with verification that by the applicant’s current status he/she qualifies for a local preference or priority maintain any preference status previously verified by HACLA during eligibility determination.
N. Method of Applying Local Preferences/Income Targeting

5. Exception For Single Applicants and Disabled Applicants Whose Sole Disability is Drug or Alcohol Related

See H, 2, e and f of this subsection.

Q. Application Procedure; Offers of Housing

4. In carrying out the above plan, any applicant who is able to provide clear and convincing evidence that an offer was refused or deemed refused as a result of an undue hardship or disability such as, but not limited to:

(f). Serving on a jury which has been sequestered; or

(g). The unit offered to the applicant is not available for occupancy;

or

(h). The unit lacks features needed for a reasonable accommodation due to disability related need for a member of the applicant's household.

6. Regardless of the number of units available, an applicant will not be offered a unit at a development they have previously refused under the existing application.

II. VERIFICATION HIERARCHY

A. The HACLA shall use the following five methods of verifying information.
C.3. Written Third Party Verification

Through written third party verification, the Authority submits the request for verification directly to the income source and the income source resubmits the information directly to the Authority either via mail, fax, or email.

D.4. Oral Third Party Verification

If the income source does not respond to the Authority’s written verification request within ten (10) business days, staff are to contact the source to get the information requested. All contact attempts are to be documented on the Verification Log and the information recorded on the appropriate verification form.

III. RENT DETERMINATIONS

* * * * *

E. Other Rental Amounts

* * * * *

2. Rent adjustments due to reductions in welfare grant amount:

* * * * *

b. If the family’s welfare grant is reduced because of the expiration of the CalWORKS time limits or the resident’s inability to locate employment after completing the requirements, the rent shall be based on the amount of welfare actually received. Section II, B would apply.

* * * * *

4. Rent Calculation for Over-Income Households

1). Effective January 1, 2019, households whose gross adjusted annual income as determined by an annual or interim reexamination exceeds the 120% AMI income limit published annually by HUD – will be considered “over-income” households.

2). Twelve (12) months after the initial over-income determination, an annual or interim reexamination must be
conducted. If the family's income continues to exceed the over-income limits, the family On the second annual reexamination following January 1, 2019, an over-income household will be provided written notification of their over-income status and an estimate as to what their rent would be at their next annual reexamination.

* * * * *

G. Individual Relief for Utilities (Electric and Natural Gas)

Residents with excess utility charges for utilities provided by HACLA, or billings in excess of the utility allowance for utilities billed directly to the Resident, can request relief from HACLA if the excess utility consumption is due to special circumstances. HACLA shall approve the relief if it is necessary for the special needs of an elderly resident, for residents who are ill or disabled, or if it is needed due to other special factors affecting utility usage not within the control of the Resident.

IV. MINIMUM RENT FINANCIAL HARDSHIP PROVISIONS

* * * * *

F. Long Term Financial Hardship

* * * * *

4. The family receiving the financial hardship exemption will be subject to Special rent reviews as set in Section XI, Periodic Examinations.

* * * * *

VII. PERIODIC REEXAMINATIONS

* * * * *

3. Earned Income Disallowance (EID) Review

In households where the increased income of a family member(s) is being disregarded from the rent calculation, in accordance with HUD regulations, due to the EID, recalculation of the rent will depend on the tolling period for that member. Families who have members subject to the EID will be scheduled for 30, 60, or 90 day reviews as appropriate when a member’s EID tolling period has changed.

See Exhibit 201:1D
E. General Reexamination Requirements

1. Annual Reexaminations

At the time of an annual reexamination, the head of the household will be required to submit an Application for Continued Occupancy (Lot-27) along with verification and documentation of income, family composition, assets, deductions, and employment. Following receipt of this documentation, a determination of eligibility for continued occupancy will be made using the following criteria:

a. The family must continue to qualify as a family as defined in CFR 24, Section 5.403, and outlined in Exhibit 201:1A.

e. The family must be in compliance with the eligible immigration status ("Residency Rule") requirements as described in Section 201:8 and related Exhibits.

c. A family’s rent level must not exceed the total gross monthly income for the household.

F. Effective Date of Reviews

1. Annual Reexaminations

a. If the Resident is entitled to a rent decrease as a result of the annual reexamination of income, the decrease shall be made effective the first day of the month following the month in which the annual review was conducted provided the change has occurred and has been verified in accordance with HUD rules and regulations.

VIII. TRANSFERS

A. General

1. The Authority does not transfer any family to any particular apartment, community, neighborhood or development because of race, color, sex, religion (creed), disability, familial status, national origin, ancestry, sexual orientation, marital status, source of income, or age, genetic information, gender, or gender identity.
B. Types of Transfers

There are two types of transfers: Emergency and Routine. Depending on the reasons for transfer, each transfer may also be:

C. Emergency Transfers

2. Request and Approval of Emergency Transfers

   d. *Except in the case of VAWA, a* A Resident may be denied an emergency transfer if the Resident or household member materially contributes to the situation or condition that gave rise to the need for an emergency transfer.

D. Routine Transfers

3. Prerequisite for Inter-programmatic requested transfer

   a. Request for transfers into the public housing program from participants in another HACLA administered housing program shall require the following:

      (1). Approval from the Director of Housing Services;

      (2). In addition to the requirements under Section ¥G VIII F 2 a - e of this policy, all adult household members shall be required to undergo criminal background and credit checks required of new admissions; and

      (3). Units offered to inter-programmatic transfers will be in accordance with the HACLA’s procedures for new admissions as administered by the Application Center.

   b. Request for inter-programmatic transfers shall take precedence over all transfers except emergency and reasonable accommodation transfers.
5. Compensation For Move

b. Unless required by law or regulations, all other transfers shall be non-compensable, unless the Authority determines the resident cannot afford to pay for the move. Where the Authority determines the Resident cannot afford to pay for the move, the Authority shall have the choice of either:

ε (1). Provide moving services to the Resident; or

d (2). Allow the Resident to move themselves and reimburse the Resident for all actual and reasonable out of pocket expenses connected with the move.

e (3). If the Authority determines that the Resident, Household Member, or a guest of the Resident’s family created, caused, or contributed to the Authority requiring the move, the Resident shall reimburse the Authority for any and all costs connected with the move.

E. Emergency Transfer Priority and Placement

1. Emergency Transfers

F. Transfer List Priority and Placement

2. Routine Transfers

1. a. Each development Housing Services shall maintain a transfer waiting list for all non-emergency transfers. The Authority will order the list first by priority and then by date and time of placement on the list.

2. b Except as required or limited by law, the priority of transfers shall be:
Those required as a result of demolition, disposition repair, alteration, rehabilitation or modernization of units and then by those required to alleviate social conflicts.

Required transfers shall have priority over requested transfers.

Required transfers shall have precedence over new admissions.

* * * * *

Subsequent renumbering: 3, 4, and 5 become c, d, and e. G becomes F

G. F. Transfer Approvals

2. Resident Requested Routine Transfers

Should the site manager approve the transfer, the Authority will offer the Resident the unit. The Resident will have up to five (5) business days to accept or reject the offer. If the Resident accepts the offer, the Resident will be dropped from all transfer lists. Should the Resident refuse to accept the unit the Authority will skip over the Resident without affecting the Resident’s placement on the transfer list. However, if the Resident refuses a second offer made at that particular site, the Resident shall be dropped from that site’s transfer list.

IX. ADDITIONS/DELETIONS TO THE HOUSEHOLD COMPOSITIONS

B. Deletions to the Family Composition

3. No minor Household Member shall be deleted from the Rental Agreement unless the Resident gives the Authority a certified copy of a court order one of the following showing that someone other than the Resident or a Household Member has full custody and control of such minor:

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

c. *Other proof of legal custody to someone other than the Resident or Household Member, or*

d. *A notarized statement by a parent or other person having legal custody removing the minor from the public housing unit along with a copy of the minor’s birth certificate or other related documentation.*

X. **THE DEATH OF THE RESIDENT AND STATUS OF THE REMAINING HOUSEHOLD MEMBERS**

* * * * *

B. When (i) a Resident to a *Public Housing Rental Agreement* dies, (ii) there is no one else with a Resident status on the Rental Agreement, and (iii) there is at least one adult Household Member in possession of the Residence, the Authority shall execute a new Public Housing Rental Agreement with the remaining adult family member(s), provided the remaining family member(s) meet the then existing admission requirements to the Authority’s public housing program (it is up to the household member(s) to determine who will be head and/or co-head). **Any other additions to the household at that time shall be as household members only.**

C. Where the Resident to a *Public Housing Rental Agreement* dies leaving only minor Household Members in possession of the Residence, the Authority shall execute a new *Public Housing Rental Agreement* with any court appointed guardian of such minors, providing such guardian, and their family (if any), meet the then existing admission requirements to the Authority’s public housing program. Specifically, without limitation, this shall require the processing of an application by the Authority’s application center and the passing of the Authority’s criminal screening procedures by all proposed adult occupants of the Residence. **The Guardian(s) will be the Resident(s) (Head and Co-Head of Households). All other additions to the household at that time shall be as household members only.**
XI. THE STATUS OF THE REMAINING HOUSEHOLD MEMBERS WHEN THE RESIDENT IS PERMANENTLY PLACED IN A NURSING/RETIREMENT HOME/BOARD & CARE OR OTHERWISE INVOLUNTARILY REMOVED FROM THE UNIT

When (i) a Resident to a Public Housing Rental Agreement is permanently placed in a Nursing/Retirement Home (Board & Care) or similar facility or is unable to return to the rental unit for other involuntary reasons, as long as the involuntary reason does not make the Resident otherwise ineligible for admission; and (ii) the Resident gives up his/her rights in writing or the facility or other third party has verified that the individual Resident will not be returning to the unit, (iii) there is no one else with a Resident status on the Rental Agreement, and (iv) there is at least one adult Household Member in possession of the Residence, the Authority shall execute a new Public Housing Rental Agreement with the remaining adult family member(s), provided the remaining family member(s) meet the then existing admission requirements to the Authority’s public housing program (it is up to the household member(s) to determine who will be head and/or co-head). Specifically, without limitation, this shall require the processing of an application by the Authority’s application center and the passing of the Authority’s criminal screening procedures by all remaining adult Household Members. Any other additions to the household at that time shall be as household members only. Nothing in the section shall be construed as affecting the rights under VAWA for the remaining family member(s).
ATTACHMENT 2

Changes to the Section 8 Administrative Plan
Revise Section 2.3 Objective III: Ensuring Equal Opportunity to Applicants for Section 8 and Other Assisted Housing Programs to read as follows:

2.3 Objective III: Ensuring Equal Opportunity to Applicants for Section 8 and Other Assisted Housing Programs

The HACLA ensures that there is no discrimination against families because of race, color, sex, religion (creed), disability, familial status, national origin, ancestry, sexual orientation, marital status, source of income, or age, *handicap, genetic information, gender, gender expression or gender identity*. In addition, no person is excluded from participation in or is denied the benefits of any program operated by the HACLA because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

Revise Section 2.9 Objective IX: Providing Accessibility for Persons with Disabilities to read as follows:

2.9 Objective IX: Providing Accessibility for Persons with Disabilities

It is the policy of the HACLA to comply fully with the *following*:

- *The* Fair Housing Act;
- Section 504 of the Rehabilitation Act of 1973 and
- The Americans with Disabilities Act;
- *Title VI of the Civil Rights Act of 1964*;
- *Executive Order 11063 on Equal Opportunity in Housing*;
- *The Age Discrimination Act of 1975*;
- *The Violence Against Women Act (VAWA)*;
- *California’s Unruh Act*; and
- *California’s Fair Employment and Housing Act*

Revise Section 2.10.5 Denials & Terminations - HACLA Discretion to Consider Circumstances to read as follows:

2.10.5 Denials & *and* Terminations - HACLA Discretion to Consider Circumstances
Revise Section 3.2.1.2.2 Family Unification Program (FUP) to read as follows:

3.2.1.2.2 Family Unification Program (FUP)

The Family Unification Program provides housing assistance to income eligible families for whom the lack of adequate housing is a primary factor in the separation or imminent separation of children from their families. Youths at least 18 years old and not more than 21 years old (have not reached their 22nd birthday) who left foster care at age 16 or older and who do not have adequate housing are also eligible to receive housing assistance under the FUP.

Applicants are certified and referred by the Los Angeles County Department of Children and Family Services (DCFS) or by entities designated by the DCFS. The number of slots for the FUP is limited by the amount of funding specifically allocated by HUD.

*For vouchers awarded under the Notice of Funding Availability (NOFA) for Fiscal Years (FY) 2017 and 2018 (FUP NOFA for 2017 and 2018), housing assistance will be provided in partnership with Public Child Welfare Agencies (PCWAs) to two groups:

1. **Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family’s child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care; and**

2. **Youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday), who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act, and are homeless or are at risk of becoming homeless at age 16 or older. As required by statute, a FUP voucher issued to such a youth may only be used to provide housing assistance for the youth for a maximum of 36 months.**

Revise Section 3.2.1.2.7 Mainstream Housing Program to read as follows:

3.2.1.2.7 Mainstream Housing Program

Section 8 rental vouchers are provided along with supportive services to enable eligible families consisting of adults with disabilities to rent affordable private housing of their choice in a non-segregated environment. In addition, the Mainstream Program assists persons with disabilities who face difficulties in locating suitable housing in the private market.

*For vouchers awarded under the Notice of Funding Availability (NOFA) for Fiscal Year 2017 (FR-6100-N-43), the target voucher recipients are any household that includes one or more non-elderly person with disabilities transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.*
Revise Section 4.3 Preparation of Contract or Memorandum or Understanding (MOU) to read as follows:

4.3 Preparation of Contract or Memorandum or Understanding (MOU)

Revise Section 5.20 PBA MRP, MRP-SRO, HOPWA and Tenant-based Section 8 Screening to read as follows:

5.20 PBA PBV, MRP, MRP-SRO, HOPWA and Tenant-based Section 8 Screening

The HACLA screens all applicants and referrals to its PBA PBV, MRP, MRP-SRO, HOPWA and tenant-based Section 8 programs and all proposed additions to an existing household in these programs by requiring each adult member of the proposed household to sign a consent form which authorizes a check of criminal history records.

Revise Section 5.21 Additional Project-based Screening to read as follows:

5.21 Additional Project-based Screening

This Section 5.22 and its subsections will be implemented in accordance with procedures being reviewed by General Counsel as part of the HACLA’s due diligence review.

Revise Section 7.2.2 Electronic Verification (EV) to read as follows:

7.2.2 Electronic Verification (EV)

* * *

In accordance with Chapter 127:1 of the HACLA Manual of Policy and Procedure and PIH Notice 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System dated August 4, 2017, EV can be used as the sole source of income verification only when there is no contradictory information, the client does not dispute use of the data and the EV data comes from a source that updates data monthly.

Revise Section 10.8.3.2 HOPWA & CoC Tenant-based Tenancies - All Reexaminations to read as follows:

10.8.3.2 HOPWA & CoC Tenant-based Tenancies - All Reexaminations
Revise Section 10.11 Public Housing Relocations - Subsidy Standards to read as follows:

10.11 Public Housing Relocations - Subsidy Standards

Notwithstanding any other provisions of this Chapter 10, families assisted under the HACLA Public Housing Programs who are provided vouchers as a means of receiving temporary (or permanent) assisted housing due to the renovation, demolition, reconstruction, repair of public housing or conversion of assistance to long-term, project-based Section 8 rental assistance contracts, including a project in which the Housing Authority has an ownership interest or over which the PHA has control, Rental Assistance Demonstration (RAD), may be issued a voucher in accordance with the bedroom subsidy/occupancy standards of Section 10.8.1 Subsidy Standards for New Admissions for Admissions and Continued Occupancy of the HACLA’s Public Housing Program (MPP Chapter 201:1).

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If the family decides not to return to public housing when offered the opportunity to do so, or if public housing units are not available, the family retains its voucher. For so long as the family remains in the tenant-based program, the subsidy standards contained in Section 10.8.1 Subsidy Standards for New Admissions apply.

*Once households have moved into Replacement Units or have utilized their initial Section 8 voucher to find a unit in the private market, they will become subject to Section 10.8.1 Subsidy Standards for New Admissions for any future moves or unit-sizing requests.*

A Public Housing relocatee, at his/her request, (but only in conjunction with a request to move or a landlord’s requirement to enter into a new or revised lease and contingent upon the move and/or execution of a new or revised lease) may receive a voucher of larger size when the family size exceeds the “Maximum Number of Persons” column of the occupancy standards table in Section 10.8.1 Subsidy Standards for New Admissions. The relocatee may also receive a voucher of larger size when the family composition requires a larger bedroom size in accordance with the other requirements of Section 10.10.1, Occupancy Standards – Project-based Units.

Section 10.8.3, Subsidy Standards for Continuing Participation, applies to Public Housing relocatees who hold a tenant-based voucher.
Revise Section 14.7.2 Action on Receipt of a Request for an Informal Hearing to read as follows:

14.7.2 Action on Receipt of a Request for an Informal Hearing

The following action will take place on receipt of a request for an informal hearing:

* * *

Revise Section 14.7.8.1 Introductory Remarks to read as follows:

14.7.8.1 Introductory Remarks

The hearing officer insures that a working tape recorder recording device is activated and:

* * *

Revise Chapter 17 to read as follows:

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

The HACLA operates a project-based voucher (PBV) program. This Chapter sets forth HACLA policy for the PBV programs program as required by regulation. This Chapter does not eliminate any requirements of PBV regulations (24 CFR Part 983) and must be read in conjunction with those regulations.

* * *

Revise Section 17.17 Agreement to Enter into HAP Contract (AHAP) to read as follows:

17.17 Agreement to Enter into HAP Contract (AHAP)

For new construction or rehabilitated housing, the owner must provide HACLA with the minimum required evidence of housing completion described in 24 CFR § 983.155(b)(1). HACLA also the AHAP must require requires that the owner submit a City of Los Angeles Certificate of Occupancy for all units covered by the AHAP as evidence of housing completion, pursuant to 24 CFR § 983.155(b)(2). At HACLA’s the discretion, a Temporary Certificate of Occupancy or other evidence that the units comply with local requirements including, but not limited to, code, fire, habitability, and zoning requirements may be submitted as evidence of housing completion. The HACLA shall not enter into any PBV Contract for any rehabilitated or newly constructed units until certificates of occupancy have evidence of housing completion has been received.

* * *
Revise Section 17.18 Inspection Before a PBV Contract Is Executed or Amended to read as follows:

17.18 Inspection Before a PBV Contract Is Executed or Amended

The following applies for inspection before a PBV Contract is executed or amended:

* * *

Revise Section 17.34 Owner Termination of Tenancy or Refusal to Renew the Lease to read as follows:

17.34 Owner Termination of Tenancy or Refusal to Renew the Lease

If the owner terminates the tenancy for good cause, which shall include a termination for a family failing to meet FSS or supportive service requirements, or failing to move from an accessible unit when required, the family is terminated from the Section 8 program in accordance with Chapter 13, Terminations and Denials, of this Administrative Plan.

* * *

17.45 Requests for Reasonable Accommodation

If the HACLA approves a reasonable accommodation that would require the family to move to another unit, the family may be transferred between PBV units within the same building or under the management of the same PBV owner serving the same target population without losing the family’s Section 8 subsidy. If an accommodation is required but the owner does not have a suitable unit available, the family may then be transferred to a PBV unit managed by another owner participating in the PBV program and serving the same target population without losing their Section 8 subsidy. If no adequate PBV unit is available, the HACLA may issue the family a tenant-based Housing Choice Voucher as a reasonable accommodation if funding is available.

Revise Section to read as follows: 18.6.3 Portability

18.6.3 Portability: Mobility Options for Families with Tenant-Based Rental Assistance

The Continuum of Care Program does not provide portability options. All participants in the HACLA’s CoC Program are required to reside within Los Angeles Continuum of Care (LA CoC) geographic area as a condition of participation. Participant families receiving assistance under the Tenant Based Rental component may move outside of the LA CoC’s geographic area and continue receiving housing assistance under the LA CoC program if the following conditions are met:
1. The decision of the participant family to move to housing outside of the LA CoC’s geographic area is made in consultation with the sponsor agency and the HACLA.

2. The sponsor agency ensures that supportive services will be provided to the family.

3. The HACLA conducts HQS inspections and reexaminations of the family’s income, and ensures the participant is reported in the Homeless Management Information System (HMIS) of the LA CoC.

The sponsor agency and/or the HACLA can deny a family’s request to choose housing or move outside of the LA CoC’s geographic area if either party will not be able to meet its statutory and regulatory program requirements.

* * *

21.13 VAWA Protections

In the HUD-VASH program, when a veteran’s family member is receiving protection as a victim of domestic violence, dating violence, sexual assault, or stalking, and the veteran is the perpetrator of such violence, the victim must continue to be assisted.

Upon termination of the perpetrator’s HUD-VASH voucher due to the perpetrator’s acts of domestic violence, dating violence, sexual assault, or stalking, the victim receiving protections under 24 CFR Part 5, Subpart L should be given a regular HCV if one is available, and the perpetrator’s HUD-VASH voucher should be used to serve another eligible veteran family. If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the HUD-VASH voucher. In the case of the victim utilizing the HUD-VASH voucher upon termination of the perpetrator, this HUD-VASH voucher must be issued to another eligible veteran family when a regular HCV becomes available.
ATTACHMENT 3

Response to Comments
(only in Final & Final Draft Versions)
RESPONSE TO COMMENTS

September 26, 2019
HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

AGENCY PLAN RESPONSE TO COMMENTS RECEIVED

NOTICE TO RESIDENTS AND PROGRAM PARTICIPANTS

September 26, 2019

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 2020 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](http://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.

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 January 31, 2019 and continued into August 14, 2019. 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:
  
  o With Resident Leaders (RAB) on March 21, 2019, and June 20, 2019
  
  o With the Housing Authority Resident Advisory Council (HARAC) on January 31, 2019 and July 18, 2019
  
- Conducted two advocate meetings, one on March 25, 2019 during the development of the Draft Agency Plan, and another on July 25, 2019 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 14, 2019. The Public Hearing was attended by 64 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 61-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 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:

- January 31, 2019 Pre Agency Plan HARAC Meeting
- March 21, 2019 Pre Agency Plan Resident Leaders Meeting
- March 25, 2019 Pre Agency Plan Advocates Meeting
- June 20, 2019 Post Publication Resident Leaders Meeting
- July 18, 2019 Post Publication HARAC Meeting
- July 11, 2019 -- August 1, 2019 14 meetings at public housing sites & five Section 8 Meetings
- July 25, 2019 Post Publication Advocate Meeting
- August 14, 2019 Board of Commissioners Public Hearing

Oral comments on the 2020 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 20202020 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:
Affordable Housing Income Limits

Comment: How much money does a family of 4 have to make to qualify for affordable housing?

Response: HUD sets the income limits for eligibility to admission to the Section 8 and Public Housing programs. Generally, a family cannot exceed the 80% of the Area Medium Income for their family size for Los Angeles. HUD adjusts these levels annually (usually in the spring) and the HACLA has to adjust accordingly. The 2019 income limits for both programs are posted on the HACLA website (www.hacla.org) under each program’s pages.

Affordable Housing and Sustainable Communities Program

Comment: What is AHSC?

Response: Administered by the Strategic Growth Council and implemented by the Department of Housing and Community Development (HCD), the AHSC Program funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas (“GHG”) emissions. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds. Please visit the following link to obtain more information about the program: http://www.hcd.ca.gov/grants-funding/active-funding/ahsc.shtml.

Agency Plan

*Comments: In March HACLA asked what we wanted to be removed not change or added in the Agency Plan.

Response: We apologize for any misunderstanding, in Accordance with HUD Regulation and as part of the Agency Plan process, HACLA in the beginning of each year meets with Resident Leaders prior to the development of the Agency Plan. Resident Leaders at this meeting can provide suggestions on what policy changes they would like HACLA to consider in the development of the Agency Plan. This includes consideration for modification or removal of current policy or implementations of new policies. HACLA must comply with HUD regulations and is only able to implement changes on limited policies.

- Public Hearing

Comments: Will transportation be available for residents?

Response: Unfortunately, due to budgetary restraints, transportation is not made available to the Public Hearing. However, comments can be made at each public housing development,
Section 8 Offices, HACLA headquarters and you can email or mail them to HACLA Community Engagement Department at 2600 Wilshire Blvd. 3rd Floor, Los Angeles CA. 90057.

Comment: What time does it start?

Responsible: The Public hearing began at 5:00 p.m., this information as well as the location is included on the first page of the Agency Plan Draft. This year the meeting was held at the Los Angeles Convention Center.

Air Conditioning

Comment: What will happen if I have an air conditioner in my unit. Why am I getting a letter? What can we do about the heat?

Response: Residents may install window air conditioning units that are appropriate for their window openings as long as there remains at least one window that is accessible for exit in case of an emergency. Not all window openings can accommodate air conditioning units, however, there are portable air conditioning units on the market that may be used.

Allowance Cost

Comment: How are the allowance cost calculated?

Response: We assume that this question is in reference to utility allowances. Such allowances are based on an initial study that set consumption levels. The allowances have been adjusted occasionally to reflect increase in utility rates. The HACLA has completed an undated utility allowance study and will be implementing a new schedule for allowances in January 2020. Residents will receive a separate notice about the new allowances and will have a chance for comment.

Annual Review

*Comment: Please inform the residents constantly about credits/deductions that may apply during their annual recertification. Many residents are unaware of the wide variety of credits/deductions that may apply to them. Many individuals are paying higher rents and these credit/deductions may assist them.

Response: Residents are to provide all the information requested on the application for recertification. Based upon this information site staff can accurately apply any eligible deductions or exclusions a household can qualify for. If a resident has a question as to how their rent was calculated, they can request a meeting with the site assistant manager to have he/she explain their calculations.
Annual Review Calculations

**Comment:** What are residents to do when the rent is higher than the family’s earnings? The adjustments/increases are drastic, and we want clarification as to why they increase so much.

**Response:** HUD made changes to the setting of the “Max Rent” for the purposes of prorating the rents for mixed families. Since the Max rent is now tied to the Fair Market Rents that HUD sets for the Section 8 program, the rent level will continue to increase annually. The Housing Authority does not have discretion in how these rents are determined.

**Applicant – Public Housing**

**Comment:** My daughter applied three years ago, can she get an apartment?

**Response:** Depending on the bedroom size, it can take many years to get housed. The HACLA has over 98% occupancy at all its sites. There are over 50,000 families on the list for less than 400 units that vacate annually. Depending on the bedroom size needed, the wait can be over 10 years (especially for a one bedroom).

**Comment:** I am being evicted can you house me?

**Response:** The HACLA does not have a program for emergency housing. The public housing wait list is open. In addition, HUD has other types of assisted properties throughout Los Angeles that you may apply for – visit https://resources.hud.gov/ to see of these other options.

**Board of Commissioners (BOC)**

*Comment:* Commissioners you are the patrons of HACLA, you have to take time to review all of the plan not only when HACLA just comes and presents it to you.

**Response:** The Board is responsible for thoughtfully deliberating issues and policy proposals. The Board is also responsible for being alert to the need for new or changed policy. Every Board member devotes the time and study necessary for a thorough and thoughtful exploration of issues and options prior to making crucial decisions that will have great impact on the agency’s constituents. The Board also seeks to consider multiple perspectives when making these decisions.

The Board received a copy of the 2020 Draft Agency Plan and Summary of Changes for review and comment approximately one (1) month prior to the Agency Plan Public Hearing. The Public Hearing gives the Board an opportunity to hear comments and suggested changes or concerns from residents and advocates. After hearing all of the comments, the Board can then instruct or make suggestions to staff regarding possible changes to policy language.

**Comment:** The previous BOC would work more with the community.

**Response:** The current Board understands that community engagement works best where it is an ongoing cumulative process enabling relationships and trust to build and strengthen overtime.
As a result, the Board of Commissioners play an important role in planning for, participating in and adopting community engagement as a crucial mission strategy for HACLA.

The Board encourages staff to forge relationships with residents and stakeholders by maintaining open, transparent discussions with the community on a consistent basis. The Board welcomes all residents and stakeholders to attend HACLA's monthly Board of Commissioners meeting at which time they are encouraged to inform the Board of any issues or concerns related to HACLA. The Board also holds two Board meetings offsite, rotating to various Public Housing Developments annually to encourage community involvement. Furthermore, Board members attend several community events throughout the year, providing an opportunity to directly engage with its constituents, foster open communication, discuss service needs, develop solutions and build much needed relationships.

Capital Funds

Comment: Where do the funds go? How are funds distributed?

Response: Capital Funds are budgeted based upon the needs of the sites. The HACLA has conducted a Physical Needs Assessment (PNA) which identified capital needs over a 20 year period. The results of this study as well as regular input from HACLA site staff and resident surveys and work orders regarding emergent and urgent needs are factored into identifying how such projects get addressed each year. Emergency needs at one site may bump a planned project at another site.

Coheads

*Comments: Need to allow household member to be cohead.

Response: The only times that a household member can become a head or a co-head is if the remaining head of household dies or is otherwise involuntarily removed from the unit. Public housing units are not an inheritable right and federal regulations prohibits one resident “assigning” the unit to another person.

Consideration of Prior Evictions Due to Drug Related Criminal Activity – Applicants Section 8

Comment: Under 13.4.1 Prior Evictions Due to Drug Related Criminal Activity, households will be denied services if they experience a prior eviction involving a drug related criminal activity within the past three years. While federal guidelines permit agencies to consider additional circumstances for these cases (24 C.F.R. 982.553(a)(1)), current HACLA policy applies a significantly narrower standard by limiting this consideration to cases that involve the illegal personal use of a drug. We recommend that the HACLA expand these considerations from the more limited standard of “illegal personal use of a drug” to “any drug-related criminal activity,” to ensure that households that are otherwise eligible for housing have a fair opportunity to show evidence of drug rehabilitation or the removal of circumstances that led to the eviction. In
addition, we recommend that drug rehabilitation programs are inclusive of low-barrier and hard reduction models.

**Response:** The Housing Authority has policies in place to address mitigating circumstances, including but not limited to reasonable accommodations. See Section 8 Administrative Plan, Section 2.10.5 Denials & Terminations - HACLA Discretion To Consider Circumstances and Section 13.1 Discretion to Consider Circumstances and Reasonable Accommodation for Persons with Disabilities.

Section 8 Administrative Plan provisions are

13.4.1.1 Prior Evictions For Drug Related Criminal Activity

* * *

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.

In accordance with program regulations, the Housing Authority considers mitigating circumstances for illegal personal use of a drug to balance the right for health, safety and peaceful enjoyment of the premises by other residents.

**Continuum of Care (CoC) Program**

**Comment:** At the guidance of the U.S. Department of Housing and Urban Development (HUD) and under the new Los Angeles Continuum of Care (LA CoC) policy, all new CoC-funded supportive housing projects are available to DedicatedPLUS eligible individuals. This policy change modified eligibility requirements with the intent to more effectively target permanent housing resources toward households with the highest needs. As such, we request that language in “Chapter 18: Special Procedures for the Continuum of Care Program,” 18.6.2 Screening for Criminal History and Groups for Denial, and other areas is updated to reflect new eligibility standards for the program.

**Response:** The eligibility standards outlined under Section 8 Administrative Plan, Section 18.6.2 are general HUD program requirements for all housing assistance programs to prevent fraud, waste, and abuse, including an applicant requirement to meet HUD’s definition of chronic homelessness.
A Dedicated Plus project is permanent supportive housing project where 100% of the beds are dedicated to serve individuals, households with children, and unaccompanied youth that at intake meet one of the following categories:

1. experiencing chronic homelessness as defined in 24 CFR 578.3;
2. residing in a transitional housing project that will be eliminated and meets the definition of chronically homeless in effect at the time in which the individual or family entered the transitional housing project;
3. residing in a place not meant for human habitation, emergency shelter, or Safe Haven and had been admitted and enrolled in a permanent housing project within the last year but were unable to maintain a housing placement and met the definition of chronic homeless as defined by 24 CFR 578.3 prior to entering the project;
4. residing in transitional housing funded by a Joint TH and PH-RRH component project and who were experiencing chronic homelessness as defined at 24 CFR 578.3;
5. residing and has resided in a place not meant for human habitation, Safe Haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions and the individual or head of household meet the definition of ‘homeless individual with a disability; or
6. receiving assistance through a Department of Veterans Affairs (VA)-funded homeless assistance program and met one of the above criteria at initial intake to the VA’s homeless assistance system.


Coordinated Entry System (CES)

Comment: Is the Coordinated Entry System doing self-processed? Who is protecting the participation in the CES?

Response: The Coordinated Entry System (CES) facilitates the coordination and management of resources and services through the crisis response system. CES allows users to efficiently and effectively connect people to interventions that aim to rapidly resolve their housing crisis. CES works to connect the highest need, most vulnerable persons in the community to available housing and supportive services equitably. For additional information or to ask any questions regarding the system, go to their webpage at https://www.lahsa.org/ces/.

Criminal Record Screening Policies Public Housing

Comment: HACLA must verify the accuracy of criminal background records and provide a Public Housing Applicant a copy of the records and an opportunity to dispute them before denying admission. Federal law requires the PHA to provide a copy of the criminal record and an opportunity to dispute the accuracy and relevance of the record. HACLA should stop using the Sheriff’s designation to make determinations of eligibility; obtain accurate and reliable background
information and verify that it pertains to the applicant; and notify the household of an intended denial and provide the subject and a copy of the criminal record.

HACLA’s ACOP should clearly define its criminal record screening policy, specify a look-back period for crimes, and provide applicants information regarding rights and protections. HACLA’s tenant criminal records screening policy lacks any defined look-back period, and is vague, overbroad, and potentially discriminatory. HACLA should identify the specific factors considered by HACLA in its determination as to whether to accept or deny an applicant. The policies should further specify due process procedures following an initial proposed denial.

HACLA should consider creating a matrix specifying which crimes will be subject to further review. This matrix should also delineate a look-back period for each category of crime. For serious felony convictions, we recommend that HACLA implement a look-back period of at most five years, although a three-year look-back period is best practice for these types of offenses. Also, the policy should provide as much clarity as possible surrounding denials for criminal background information to the applicant so they can adequately prepare the application and any mitigating evidence.

Specifically, the policy should identify the categories of mitigating evidence that can be brought forth by an applicant, including but not limited to: evidence of community ties; evidence of volunteer work; information regarding an applicant's support networks; information regarding an applicant's employment history; and any evidence of rehabilitation. The policy should include specifics about its appeals process and any concomitant notice periods. The policy should indicate that arrests, deferred entry of judgment and pre-trial diversion records, juvenile records, and expunged, dismissed, and sealed records are not bases for denial.

Finally, the policy should specifically set forth that all screening and denial processes are subject to a reasonable accommodation process, and that victims of domestic violence, sexual assault, and related crimes as set forth in 34 U.S.C.A. § 12491 will not be denied admission to public housing based on acts arising out or relating to their status as victims of those crimes. While protections for applicant survivors of domestic and sexual violence and applicants with disabilities are already part of HACLA’s broader policies, applicants may not understand how to navigate this process absent guidance from an attorney or advocate.

Finally, a copy of HACLA's tenant criminal record screening policy should be attached to any pre-denial notice sent to an applicant. These recommendations are safeguards against inappropriately and discriminatorily screening out qualifying tenants under HACLA’s existing policies. While these recommendations are in response to HACLA's public housing policies and practices, NLSLA recommends that they be implemented program-wide.

(To see the full comment please refer to NLSLA’s letter at the end of the responses to comments.)

Response: Prior to fully denying admission, the HACLA provides applicants/adult household members the opportunity for an informal hearing at which time the individual whose criminal records are in question can provide any documentation regarding mitigating circumstances that should be considered as well as submit for further more intensive background check. On average, only 6% (average of 143) of all criminal background checks done annually come back with a positive hit. Of those that do on average 43% request an informal review. Of those that do
request a review, 45% are admitted into the program (17% of those who request a review fail to attend the meeting). The HACLA is reassessing and designing the forms and cover letter that are sent to applicants to better explain the process based upon the input that we received from the Neighborhood Legal Services of Los Angeles.

California Penal Code 11105.03 grants HACLA with the authority to conduct criminal background checks as well as the window of time that we are able to consider to look back. The list of items that it authorizes reporting on is quite extensive but we will aim to summarize it for a revised coversheet. Additionally, it does restrict what we can do with the actual records – as such we do not mail the report to the individual but will provide him/her with it at the time of any informal hearing.

If any incident that appears on a record is related to a VAWA offence and the applicant is the victim of the violence, that will not be held against them.

**Denial of Assistance due to Illegal Drug Use or Being Convicted of any Crime Involving the Use of Alcohol – Applicants**

**Comment:** We urge the HACLA to remove discretionary policies that bar applicants who have been convicted of a crime related to alcohol, or convicted of an illegal use of a drug, or possession of an illegal drug for personal use within one year of the initial interview. These restrictions exceed statutory requirements for denying housing assistance and close off households that may otherwise have limited options for housing.

**Response:** As evidenced in the low denial rates as provided above, we do not feel that our policies are overly prohibitive. Applicants may request an informal review where they can provide documentation of mitigating circumstances as well as documentation of successful completion of any treatment programs or related facts.

**Department of Water and Power Charges (DWP)**

**Comment:**

- Why are residents being charged such a high amount by the Department of Water and Power to treat waste?

**Response:** While HACLA pays for normal water usage charges on behalf of its public housing residents, there are certain additional LADWP charges that may be billable to public housing residents. HACLA encourages public housing residents who feel that they are being inappropriately billed by the LADWP to provide copies of their LADWP bills to their site managers, who may be able to assist in getting the charges removed. However, ultimately LADWP billing for individual public housing units is a matter that must be resolved between LADWP and the residents themselves.
Disposition and Displacement

**Comment:** What is the difference between “disposition” and “displacement”?

**Response:** Disposition is a HUD process used by public housing agencies to dispose public housing project or a portion of a public housing project. The PHAs will have to certify that proposals for disposition meet one of the legal reasons for disposition, and sign a certification form stipulating to other specific regulatory requirements in areas such as relocation, civil rights, and financial reporting. Displacement is when families have to move due to a redevelopment.

Elderly Preference

**Comment:** HACLA should give a preference to the elderly.

**Response:** Households where the head and/or co-head are seniors already have a preference for admission to the public housing program.

Tenant Eligibility (ACOP)

**Comment:** We applaud the HACLA’s proposal to remove the consideration of consumer debt balances for applicant evaluations. The prevalence of consumer debt, particularly when coupled with low and stagnant incomes, makes this threshold extremely challenging for households who are otherwise at high-risk of homelessness without assistance from the HACLA. In that vein, we encourage the agency to reconsider other discretionary criteria that serve as grounds for denying a household admission. In evaluating households for public housing, we strongly encourage the agency to seek information that supports the household’s suitability as a tenant rather than the consideration of past actions alone, which may or may not reflect the applicant’s ability to be a good tenant.

**Response:** In addition to the change stated above, we are also removing from the application criteria the need for a three-year timely rent payment history for non-subsidized housing. Given that realities of the housing market in Los Angeles, we did not want to unfairly penalize families who need public housing because they were unable to keep up with rent in the private market.

Evictions

* **Comment:** Why are families that create problems not evicted?

**Response:** The facts for each case will determine how the HACLA will proceed with legal actions

* **Comment:** People are being evicted because people are lying when they are requesting an emergency transfer.

**Response:** We are not sure what the context of this comment is based on. Evictions are based on violations of the Rental Agreement and HACLA policies.
Eviction due to Nuisance:

Comment: Under the current HACLA policy, a single eviction for nuisance within the past three years can automatically disqualify a household from admission. Yet, federal guidance from 2016 recognized that these nuisance and other crime-free ordinances may disproportionately impact victims of domestic violence or others with needs for emergency assistance. This guidance also urged housing providers to consider their impact in communities that are “disproportionately victimized by crime.” This caution is supported by recent research finding that these ordinances are disproportionately invoked in predominantly black neighborhoods and against women. As such, we request the removal of nuisance-related evictions from consideration.

Response: Applicants who may have poor rental histories due to VAWA related situations are not penalized for being a victim of such violence.

Eviction due to Prior Non-Payment of Rent:

Comment: Families may also be denied if they have two or more evictions for nonpayment of rent in the three years prior to evaluation. This threshold is extremely prohibitive for households struggling to pay rent in the County’s challenging housing market and are otherwise eligible for assistance if not for their inability to pay. Further, basing an applicant’s suitability as a tenant solely on past evictions is particularly concerning given the scale of eviction filings in Los Angeles and the lack of legal safeguards in place to protect low-income renters. A recent report finds that more than 500,000 court evictions were filed in Los Angeles County from 2010-2018 alone. We urge the HACLA to reconsider this requirement.

Response: Please refer to previous response on this matter. We are removing that criterion.

Family Unification Program (FUP)

Comment: Are FUP vouchers referrals based? Who can refer them? When there is a vacancy or available voucher how do they get referred?

Response: Applicants are certified and referred by the Los Angeles County Department of Children and Family Services (DCFS) or by entities designated by the DCFS. The number of slots for the FUP is limited by the amount of funding specifically allocated by HUD.

Homeless:

*Comment: There was a homeless family and a vacant unit at the Public Housing site, but they were not allowed to live in the unit. They were given information, but they did not qualify.

Response: Given the limited context to this comment, we are not sure what is being asked. HACLA requires all participants to apply and be determined eligible through its application process before being housed; we have over 50,000 families on our public housing waiting list with less than 400 units becoming vacant annually.
Housing

Comment: I don’t live in Public Housing, but I live in the area of Boyle Heights and there they are making many changes. I am being evicted and I just want an affordable apartment, I don’t want a mixed apartment.

Response: The waiting list for the public housing program remains open. The wait may be very long especially for one and two bedroom size units. Families can also go to the HUD website (https://resources.hud.gov/) and find a listing of other federally assisted multifamily buildings in the Los Angeles area that they may qualify for.

Housing Quality Standards (“HQS”) Process

Comment: The Legal Aid Foundation of Los Angeles (LAFLA) recommends changes to the HQS process, due to various actions (described in their letter) by landlords to terminate participants using the HQS inspection process. First, HACLA should not terminate the HAP contract until 180 days of abatement of HAP to the landlord, not 90 days. Second, HACLA should incorporate protections into this section that ensure that the Section 8 participant’s voucher is secure. Additionally, last year, as part of the Agency Plan process, Mr. Van Natter assured us that, in the event that if a landlord prevails in the eviction of a Section 8 participant for non-payment of the PHA’s portion of the rent during the HQS abatement process, the participant will not be terminated from the Section 8 program for a violation of the family obligations. We appreciate this assurance and assume it remains HACLA’s policy. HACLA should explicitly state this in the Administrative Plan.

Third, we have seen multiple instances in which HACLA Section 8 case advisors have affirmatively issued moving vouchers to participants whose units have entered the abatement process without their requesting one or have verbally advised the participant that they need to move out of the unit, even though the HQS deficiency may still be remedied by the landlord. Accordingly, we request that language is included in this section to state the following: “The Section 8 Case Advisor should not affirmatively issue a moving voucher to the participant(s) in the abated unit until one is requested by the participant(s), and should not otherwise advise the participant that they need to move out of the unit during the abatement process.”

Finally, language should be added to this section to require HACLA to provide Section 8 participants upon request with documents necessary to assert a defense under Scott v. Kaiuuum where the landlord illegally attempts to evict the participant for non-payment of the PHA’s portion of the rent during the abatement period. Specifically, HACLA should provide to Section 8 participants the following documents in this situation: the HAP contract between the owner and HACLA, the lease, the notices of tenant and HACLA share of the rent, inspection reports and notices, and a declaration from HACLA setting forth the basic undisputed facts relevant to this issue. Tenants have the right to access this document to assert any and all legal rights they possess that stem from the HAP contract. See Section 8 Housing Choice Voucher HAP Contract, Section 12(b) (“The tenant or the PHA may enforce the tenancy addendum (Part C of the HAP contract) against the owner, and may exercise any right or remedy against the owner under the tenancy addendum.”).

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We should note that we reviewed HACLA’s written responses to our 2019 pre-draft comments on HQS issues, and appreciate HACLA’s consideration of our comments. However, in HACLA’s written responses to our comments, we believe there are points of misunderstanding or confusion on HACLA’s part that we would like to address in a dialogue with your staff on these issues. Additionally, outside of the 2019 Agency Plan public comment process, in August 2018, LAFLA sent HACLA detailed proposed revisions to its HQS form letters that would help improve the process for both tenants and landlords. Unfortunately, we did not receive any response from HACLA on these proposed revisions, and believe this is a lost opportunity for our organizations to collaborate on an issue that deeply impacts our mutual clients.

The aforementioned proposed changes to the HQS process in the Section 8 Administrative Plan were not incorporated into the 2020 Draft Agency Plan released on June 14, 2019. At the Advocates Meeting with HACLA on July 25, 2019, LAFLA strongly encouraged HACLA to reconsider incorporating this language into the final Agency Plan. In these written comments, we again urge that HACLA incorporate our proposed revisions about the HQS process into the 2020 Agency Plan prior to HACLA’s submission of the Agency Plan to HUD. While we appreciate Mr. Van Natter’s promise to hold a meeting with advocates specifically on HQS issues in the near future, we disagree with his statement at the Advocates Meeting that our proposed revisions to the HQS process fall outside the scope of the Agency Plan public comment process. LAFLA’s proposed changes to the HQS chapter of the Administrative Plan amend existing provisions governing the HQS process, as well as revise and/or add new language to help clarify and augment tenant protections within the current process. We believe the Agency Plan process is the proper forum to address these issues. We encourage HACLA to incorporate these changes into the final Agency Plan, and to contact LAFLA to coordinate a meeting of advocates on this issue in September 2019. (To see the full comment please refer to LAFLA’s letter at the end of the responses to comments.)

Response: The Housing Authority terminates assistance 180 calendar days after the last housing assistance payment to the owner in accordance with regulatory provisions. For assisted units on abatement due to HQS deficiencies, the 90 day notice sent to participant families will be revised to clarify procedure and include timelines to address concerns regarding participant families’ unfamiliarity with the abatement timelines.

Program regulations require that participant families are holding a voucher once they have moved from its former unit or housing assistance payments ended. Voucher issuance is required to inform HUD that participant family is searching for a new unit.

Due to program requirements it is unlikely that Section 8 Advisors will affirmatively issue vouchers to move since participant families’ authorization to verify income is required. The process for voucher issuance starts at a minimum 60 days before effective date of voucher to comply with HUD requirements regarding validity of income verifications.

Section 8 Administrative Plan, Section 11.21.1, Tenant-based Programs, will be revised to clarify timelines:

If the housing assistance payments are abated because an Inspector fails to gain entry to the assisted unit at a scheduled re-inspection or because the unit fails reinspection due to
HQS deficiencies judged to be the owner’s responsibility, and the deficiencies are not life threatening, Inspection Office staff will retain a copy of the inspection documents for 30 days to allow the owner time to correct the deficiencies and request another re-inspection. If the owner does not request a re-inspection within 30 days, Inspection Office staff shall forward the inspection paperwork to the Section 8 Advisor and request termination of the HAP contract.

Upon receipt of the request, the Advisor shall notify the family and the owner in writing of the HACLA’s intent to terminate the HAP contract 180 days after the date of the notice.

**HUD Proposed Rule**

**Comment:**

- What type of comments have been submitted?
- Does this require a vote to be approved?
- Does this mean it will be implemented?
- What exactly is the process?

**Response:** Under the federal government’s Administrative Procedure Act, a number of steps must be taken before a proposed rule becomes law. The public comment period, which in the case of HUD’s proposed rule regarding mixed families ran from May 10, 2019 to July 9, 2019, occurs midway through the rulemaking process. The next step is for HUD to develop and publish written responses to the thousands of comments that were provided during the comment period. If HUD decides to go forward with the rulemaking process after considering all these comments, then HUD will write a Draft Final Rule. The Draft Final Rule must then be reviewed by the Government Accountability Office. Following this review, HUD will publish its Final Rule, along with a date at least sixty days after the time of publication when the rule will take effect. Until the Final Rule is published, it is not possible to bring a legal challenge to the rule. A number of different state and local agencies are considering challenging the rule if it is implemented, including HACLA.

The rulemaking process does not include an opportunity for public voting on the proposed rule. It is not necessarily the case that this process will result in the adoption of the proposed rule as HUD initially presented it. In fact, the rulemaking process often results in the adoption of substantially different rules than were initially proposed, and sometimes results in the agency’s decision to not create a new rule at all.

**Comment:** Hopefully the government takes into consideration all those 30,00 comments and don’t implement the proposal. Because if they do, it would be terrible that these families will be out on the streets especially for the children.

**Response:** HACLA agrees that HUD’s proposed rule regarding mixed families could have widespread negative consequences. In July 2019, HACLA CEO Doug Guthrie submitted a formal comment to HUD stating HACLA’s opposition to the proposed rule. Among other things, the letter noted that the proposed rule could worsen the homelessness crisis in Los Angeles and have other
major social costs. HACLA is hopeful that HUD will consider the potential harm to our communities and withdraw the proposed rule.

**Comment:**

- After the 30,000 comments that were received what is the next step by you are representatives.
- Do you have a plan for us?
- Or have you not thought about that?
- Will we have an answer in writing? When will you provide us with a response?
- Can we attend the meeting when you approve the plan with the response to comments?

**Response:** As noted above, no legal challenge can be brought against HUD’s proposed rule regarding mixed families until HUD publishes a Final Rule. This publication will likely not happen for several months, but in the meantime HACLA is exploring its options and remains committed to preserving the wellbeing of our communities and the families within them.

HACLA’s Board of Commissioners will be considering the Agency Plan and the public comments regarding it at its September 26, 2019 meeting at the Nickerson Gardens Boys & Girls Club, 11251 Compton Avenue, Los Angeles, CA 90059. All HACLA clients, along with the general public, are encouraged to attend that meeting.

**Comment:** Residents of San Fernando Gardens want to say thank you to Mr. Guthrie for speaking out against the proposed rule and for joining resident groups at the news conference.

**Response:** Thank you for your comment.

**Comment:** If the proposed rule gets implemented why doesn’t it only apply to new applicants?

**Response:** As written, HUD’s proposed rule would apply to both existing residents and new applicants. However, as was pointed out in many of the comments on the proposed rule, applying the rule exclusively to new applicants would create much less disruption for existing HACLA households. There is a possibility that HUD will consider these comments and present a Draft Final Rule that only applies to new applicants. It is HACLA’s position that any rule barring mixed families is discriminatory and unacceptable, but a restriction applying exclusively to new applicants would be preferable to one that also applied to existing HACLA households.

**Comment:** Do we have a right to an attorney if the proposed rule passes?

**Response:** While HACLA residents and applicants would likely not have the right to court-appointed counsel for the purpose of challenging HUD’s rule, they retain the right to obtain private counsel for such a challenge. As noted above, a number of different state and local agencies are considering challenging the rule if it is implemented, including HACLA.

**Comment:** We want to thank Mr. Guthrie on speaking out against the proposed HUD Rule and joining resident groups at the news conference.

**Response:** Thank you for your comments.
Comment: I don’t agree with the proposed rule.

Response: Thank you for your comments.

Comment: I agree with Trump’s proposal.

Response: Thank you for your comments.

Immigrant Status

Comment: According to page 6 of 10 (in the ACOP changes) the word “immigrant status” should be replaced.

Response: Under current statutes and regulations the household must maintain eligibility for participation in the public housing and Section 8 programs. One of those eligibility criterion is that at least one member of the household have eligible immigration status or is a citizen. The HACLA does not have the discretion to ignore that requirement.

Income

- Calculations

Comment: Why does HUD require the exact income? Sometimes it changes.

Response: Since rent is based upon a percentage of the household income, all income has to be reported during the annual recertification process. If during the year there is a loss of income, the family may request an interim review to have their rent adjusted.

- Income of Minors

*Comment: Does the income of minors need to be verified and is it included in the rent calculations?

Response: While the family is responsible for reporting all forms of income, the earned income of minors is not verified nor is it included in the calculation of the household’s rent. Other sources of income attributable to the child would be included in the calculation.

- Verification

*Comments: It is hard to get verification from employers. Can residents provide a statement as verification?

Response: As much as possible the HACLA is required to obtain third party verification of sources of income. Usually if the resident has current and consecutive and original paystubs we can use those and do not need to get additional documentation from the employer. Only after all other forms have been verified to be inaccessible can a certified statement of the income be accepted.
**Income Source Ordinance**

**Comment:** We applaud HACLA’s support of the recent proposed source of income ordinance before the Los Angeles City Council. This ordinance would also serve to preserve and expand affordable housing opportunities for HACLA participants in particular, by prohibiting landlords from discriminating against renters on the basis of their source of income, including Section 8 Housing Choice Vouchers. As HACLA’s report on the proposed ordinance before the City Council explains in great detail, voucher utilization rates in the City of Los Angeles are critically low, and it has become a sometimes-insurmountable ordeal for our clients to find a landlord to accept their Section 8 voucher. LAFLA has joined HACLA in expressing support of the proposed ordinance and plans to utilize every opportunity available as the ordinance is reviewed to share its potential positive impact on LAFLA clients.

(To see the full comment please refer to LAFLA’s letter at the end of the responses to comments.)

**Response:** The Housing Authority appreciates the active participation of advocate community in increasing acceptance of Section 8 vouchers.

**Jordan Downs Redevelopment:**

- **Applications for Redevelopment**

**Comment:** Where do we apply once Phase 2 is complete?

**Response:** Each phase will include replacement and non-replacement units. All residents of Jordan Downs will have the right to move into a replacement unit until all families have been accommodated. The Owner of each phase and/or HACLA will provide sufficient notices in advance when each phase will begin their lease-up process. Inquires can also be made through the leasing office for each respective phases for getting on the waitlist for tax credit and unrestricted units.

- ** Resident Verification**

**Comment:** Do residents still have to be verified when moving into the new units? Residents have already submitted their paperwork and have been verified when they were admitted to the program, why do they need to do it again?

**Response:** Yes, all residents will have to go through an income verification process. The reason for this is to ensure that all residents are placed in the appropriate income restricted units and are in compliance with tax credit and other funding rules and regulations.

Residents are required to provide this information as part of the qualification process and to make sure that the leasing agent has the most updated information.

- ** Resident Rights**

**Comment:** Will resident of Jordan Downs have the same rights once they move in to the new developments?
Response: All residents are fully protected and will be able to return to their property and pay similar rents as they are paying now. They will also enjoy similar rights including rights to organize, grievance rights and the ability to request an informal hearing if the lease is not renewed.

- Rents

Comment: Will rent continue to increase for residents in the new units? Will it go up for mixed status families as well?

Response: HACLA continues to evaluate individual rent analysis and will notify all residents of any rental changes prior to them moving into their unit. Rental increase are based on income and mixed status. Rents for families will continue to be based on their adjusted income. Most families will not pay more than 30% of their adjusted income towards rent, similar to what they are currently paying. Mixed families will continue to pay rents based on their proration. RAD offers additional rent protection as follows: if the new rent changes by more than 10%, or increases by more than $25 per month, the new rent will be phased in over three years.

Comment: My daughter is currently in college and my rent has not been increased so long as she remains in school, will that be the case in the new units?

Response: We assume this is in reference to a new unit in Jordan Downs – in which case, then your rent will be calculated in the same manner (assuming that you are not prorated). Final calculation will be dependent on the household composition and income at the time of your annual review.

- Unlisted Household Members

Comment: Many have husbands/significant others living with them in the unit but they are not listed on the lease, should they add them to their household prior to moving into a new unit?

Response: All residents should be in compliance with their current lease and ensure that all household members are listed on their lease. Families can add new members after moving to their new unit if they meet the occupancy standard of their units.

- Maximum Income

Comment: What is the maximum income for the redeveloped units?

Response: Each phase will be different depending upon the income mix within that phase. All affordable units will be restricted to at or below 80% AMI.

- Applying for Section 8

Comment: Can you apply for Section 8 right now?
Residents who have been identified to move into a particular phase will receive an option notice. Each resident will have the choice to move into 1) a redeveloped unit in the upcoming phase or 2) take a Housing Choice Voucher or 3) to move into another public housing unit, if available.

Units

*Comment: How many low-income units at Jordan Downs will be under RAD?

**Response:** HACLA currently has received multi-phase RAD award for 190 RAD units at Jordan Downs. HACLA intends to apply for an additional 60 units.

*Comment: At Jordan Downs there’s 630 public housing units and they have 70. And of these 70 units, they got converted into RAD.

**Response:** Less than ½ of all replacement units are projected to be RAD for Jordan Downs.

Comment: How many units in Jordan Down will be low income? Page 25-49 of the draft indicates there will be 250 units of RAD under Section 8, is that correct?

**Response:** Over 1,100 units will be affordable at Jordan Downs and will be either PBV, RAD or Tax credit only units. As indicated in the response to the previous question, HACLA intends to convert 250 out of the 700 public housing units at Jordan Downs into RAD units.

Comment: How many units will Jordan Downs have when the redevelopment is done?

**Response:** HACLA projects approximately 1,400 units will be created comprising affordable and market rate rental and ownership units. Of these, approximately 1,100 units will be affordable at various income levels ranging from Extremely Low, Very Low to Low Income levels.

**Keeping of Animal Policy**

*Comment: There should be regulations on pet policies.

**Response:** The Keeping of Animal Policy for the public housing program does require the owner of the animal to adhere to rules regarding keeping the dog/cat. If residents fail to adhere to the rules contained in the agreement the HACLA may take legal action against the household.

**Lease**

*Comments: How can the same child be on two different leases at the same time.

**Response:** An individual (regardless of age) may only be on the lease of one (1) assisted housing unit (regardless if the program is Public Housing and/or Section 8). If there is a minor whose parents have split custody and both parents living in federally assisted units, that minor may only be included in one of the units – the minor may not be an official member of both households.
Live in Aide

Comment: HACLA should rescind its blanket policy deeming previously-approved household members ineligible to be live-in aides. Federal and state regulations do not allow HACLA to deny a previously approved family member as a live-in aide. HACLA has used this policy to deny former and current household members as live in aides. HACLA’s contention that a household may be “cheating the system” by designating a current household member as a live-in aide lacks merit since a live-in aide has no right to inherit the federal subsidy. In order to comply with fair housing laws, HACLA should remove Section 6.21.1 of the Section 8 Admin Plan.

(To see the full comment please refer to NLSLA’s letter at the end of the responses to comments.)

Response: A person can only qualify as a live-in aide if they would have not otherwise resided in the unit, meaning they are only residing there to provide assistance to a disabled individual in the household.

LOMOD & Choice Neighborhood

Comment: I have been with in the RAC for six years and nobody has given me any explanation as to what these programs are.

Response: LOMOD is a program by which HUD’s Office of Multifamily Housing contracts with a housing authority to administer project-based Section 8 housing. From providing affordable housing in the City of Los Angeles to supporting affordable housing efforts through HUD’s Performance-Based Contract Administration initiative, the Los Angeles LOMOD Corporation has been a provider and supporter of affordable housing for over 40 years. Founded by the Housing Authority of the City of Los Angeles (HACLA) in December of 1973, L.A. LOMOD’s mission evolved and its sphere of influence expanded when it took on the role of HUD’s Performance-Based Contract Administrator for Southern California in 2003.

Today, L.A. LOMOD’s mission is to provide quality customer service to owner/agents, tenants, and the U.S. Department of Housing and Urban Development (HUD) in performing accurate contract administration services to ensure decent, safe and sanitary affordable Project-Based Section 8 housing throughout Southern California.

For additional information on LOMOD go to http://www.lomod.org/about/

The Choice Neighborhoods program leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Local leaders, residents, and stakeholders, such as public housing authorities, cities, schools, police, business owners, nonprofits, and private developers, come together to create and implement a plan that revitalizes distressed HUD housing and addresses the challenges in the surrounding neighborhood. The program helps communities transform neighborhoods by revitalizing severely distressed public and/or assisted housing and catalyzing critical improvements in the neighborhood, including vacant property, housing, businesses, services and schools.
Choice Neighborhoods is focused on three core goals:

1. Housing: Replace distressed public and assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood;

2. People: Improve outcomes of households living in the target housing related to employment and income, health, and children’s education; and

3. Neighborhood: Create the conditions necessary for public and private reinvestment in distressed neighborhoods to offer the kinds of amenities and assets, including safety, good schools, and commercial activity, that are important to families’ choices about their community.

To achieve these core goals, successful applicants have in place a comprehensive neighborhood revitalization strategy, or “Transformation Plan.” This Transformation Plan is the guiding document for the revitalization of the public and/or assisted housing units, while simultaneously directing the transformation of the surrounding neighborhood and creating positive outcomes for families.

For additional information on the CNI program visit https://www.hud.gov/cn

Mixed Families

Comment:

- HACLA needs to help these families.
- HACLA needs to remove the proposed change in the Annual Reexaminations language regarding Mixed Families. HACLA is doing HUD’s bidding by having this language in the plan.
- We are against the proposed changes regarding Mixed Families, these families should not be evicted.
- Changes in the annual reviews section of mixed status families are essentially doing the same thing the President is now proposing through HUD.
- Single women who earn less than the rent amount are going to be evicted.

Response: The changes formalizes current practices. Residents are to report all income. If a family’s rent is higher than their gross income, they will be unable to maintain program eligibility. The reference to Mixed Families will be removed.

- Applicants Eligibility

Comment: We do not agree with the proposed changes on Mixed Families eligibility or removal of the waiting list.

Response: Ultimately a family must be able to pay the rent. If a family’s rent would exceed their gross income, it would be impossible for them to maintain their eligibility.
Deportation

Comment: If a parent is removed from the country what can HACLA do to the children left behind?

Response: Families who face such possibilities should seek advice from reputable immigration social service providers. The Mayor’s Office of Immigrant Affairs (www.lamayor.org/immigration) has a listing for such agencies in their reference guide.

If a Head of Household is removed from the unit for non-voluntary reasons and there are minors in the unit, there can be a new head of household appointed (that person would have to pass all eligibility criteria). Documentation of the status of the original Head of Household would also need to be provided.

Rents

Comment: Housing is a right. The cost of living does not justify the sacrifice from a mixed status family paying more in rent. HACLA needs to help these families. I don’t agree that Mixed Families pay more rent.

Response: The prorating of rent for mixed families has been in existence for over 20 years. It is based on federal statutes and regulations and the HACLA does not have the discretion to ignore it.

Over Income Families Rent Calculations

Comment:

- What if you have a job that is not stable?
- Will you have a grace period if you have been found to be over-income?
- What if you lose your job, do you have to wait 12 months to report it?

Response: If there is a loss of income between annual reviews a family may request an interim to have their rent adjusted.

Those families that are considered “over income” will have at least a 12-month notice of their over-income status. Such families will be able to remain in the public housing unit but must pay a higher market rate rent. HUD has yet to finalize guidance for housing authorities about how such a rent is to be established. Currently there are less than 25 families that this rule would impact.

Comment:

- I don’t agree with the determination not being based on 120 percent of the gross income. HACLA needs to eliminate it or bring it down to 80 percent.
- Families who make over 120% of their gross will be evicted
**Response:** The over-income rule is not an options for the HACLA to implement as it is a rule from HUD. The rule will not require higher income families to be evicted. Those income households will be required to pay a rent based on a formula/guideline that HUD has yet to finalize.

**Owner Termination of Tenancy or Refusal to Renew the Lease**

**Comment:** We commend the agency for proposing to remove the failure to meet Family Self-Sufficiency or supportive service requirements as a good cause for tenancy (17.34 Owner Termination of Tenancy or Refusal to Renew the Lease).

**Response:** Thank you for your comments in support of the proposed change.

**Parking**

**Comment:** Parking is an issue; there are too many cars and people who are not authorized to live in the development are using the designated spots.

**Housing Services:**

**Response:** Parking continues to be a challenge at the public housing sites as the properties were built in the era when not as many families had cars and there were not as many cars per household. Site management works with the LAPD to issue warnings and citations for cars parked in HACLA lots without the proper sticker as well as to tow abandoned vehicles. Unfortunately for the HACLA to build more parking lots would mean diverting limited funds away from improvement to the dwelling units and would require either the removal of green space or dwelling buildings.

**Pets**

**Comment:** I am tired of picking up after pets at the site.

**Response:** In accordance with HACLA’s Keeping of Animal Policy, only senior and disabled residents are allowed to own dogs or cats. In addressing this problem, it is important for residents to assist in identifying to HACLA those units where non-authorized dogs are being housed. It is a violation of the approval for a family to have an assistance animal, for them not to pick up after them, please let the management office know if a resident is not complying with the requirement.

**Police**

*Comment:* Why don’t police report to management when they are called for a disturbance.

**Response:** Police do not have a legal obligation to report to the site management staff when or what they did when they respond to a call.
Public Housing Units

*Comment:

- The amount of public housing is being reduced.
- We need more Public Housing and don’t make it private.

Response: Yes, through RAD conversions, Public Housing units are converted to Section 8 assisted units, however, HACLA maintains an equal amount of affordable units through this conversion process.

Rental Assistance Demonstration (RAD) - Privatization

Comment:

- What is the RAD what does the program do?
- Is RAD like Section 8, what if the household income decreases will they lose their housing?

Response: Rental Assistance Demonstration (RAD) is a voluntary program of the Department of Housing and Urban Development (HUD) that seeks to preserve affordable housing by providing Public Housing Agencies (PHAs) with access to more stable funding to make needed improvements to properties.

RAD allows for more funding flexibility, making it easier to borrow money and include the use of other funding sources like tax credits and public funds, to maintain, redevelop and improve existing public housing buildings. RAD converts units from the Public Housing Section 9 platform to the more stable Section 8 platform.

Residents will continue to pay rents based on their income. If their income goes down, so will their rents. No family living in a RAD unit will lose their housing due to a reduction in their household income.

*Comment: RAD has been in operations for several years at Jordan Downs, Rancho San Pedro, Rose Hills and Pueblo Del Sol and as of now, HACLA has not been able to give residents the proper information of what is happening. RAD is very dangerous for our communities. HACLA should inform the residents about RAD. You are only paying attention to the middle class because we don’t see these units for our people. We don’t have to do the math, because we can see how public housing is being reduced.

Response: HACLA is required by law to conduct at least two meetings with residents before making any RAD applications for that particular public Housing site. HACLA has thus far made applications at Jordan Downs, Rose Hill Courts and intends to apply for RAD conversion at Pueblo Del Sol. At all these sites, HACLA has conducted multiple meetings with the residents and prior to having the meeting, have circulated the General Information Notice and RAD Information
Notice to its residents. These documents provide a summary of the proposed plans, and describes residents rights under RAD and explains how a RAD conversion might affect the resident.

**Comment:** Do not implement RAD it will hurt Mixed Families.

**Response:** RAD conversions benefit mixed families because the RAD contract rents in Los Angeles are almost always lower than the Small Area FMRs which are the basis for determining flat rents at public housing sites. Therefore, the subsidy proration is a smaller amount in most cases and therefore, mixed families will pay similar rents or may even experience a reduction in rents.

**Comment:**

- RAD is very different than Public Housing.
- Many comments were received against privatization or RAD conversions of public housing.
  - I am against privatization.
- You should not do privatization or conversion because of the remodeling means increasing the costs and that will increase the rents. Families will not be able to pay the high rents so they will get evicted.

**Response:** RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock. This is critical given the backlog of public housing capital needs. In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed in perpetuity. A Use Agreement is also recorded under RAD further enforcing HUD’s long-term interest. This ensures that the units remain permanently affordable to low-income households. Residents benefit from a right of return, a prohibition against re-screening, and robust notification and relocation rights. Residents continue to pay 30% of their adjusted income towards the rent, maintain the same basic rights as they possess in the public housing program, and gain a new option to request tenant-based assistance if they wish to subsequently move from the property. RAD maintains the ongoing public stewardship of the converted property through clear rules requiring ongoing ownership or control by a public or non-profit entity.

**Comment:** HACLA has not provided correct information about RAD, it is a very dangerous program.

**Response:** Please see response to previous question. Additionally, HACLA will continue to conduct informational meetings and provide information on RAD to residents residing in affected sites. Moreover, HACLA will conduct additional informational meetings for the Housing Authority Resident Advisory Council (HARAC) as well as other community-based organizations including the local Neighborhood Councils.

**Comment:** RAD is only leading to privatization.

**Response:** RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock. This is critical given the backlog of public housing capital needs. In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed in perpetuity. A Use Agreement is also recorded under RAD further enforcing
HUD’s long-term interest. This ensures that the units remain permanently affordable to low-income households. Residents benefit from a right of return, a prohibition against re-screening, and robust notification and relocation rights. Residents continue to pay 30% of their adjusted income towards the rent, maintain the same basic rights as they possess in the public housing program, and gain a new option to request tenant-based assistance if they wish to subsequently move from the property. RAD maintains the ongoing public stewardship of the converted property through clear rules requiring ongoing ownership or control by a public or non-profit entity.

Comment: How long will this program last?

Response: In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed in perpetuity. A Use Agreement is also recorded under RAD further enforcing HUD’s long-term interest. This ensures that the units remain permanently affordable to low-income households.

Comment: No on RAD.

Response: Thank you for your comment.

Comment: I beg you don’t convert public housing into RAD or Section 8, it is very different from public housing. There is a great demand for homes for people with low incomes.

Response: Please see response to previous question.

Comment: You are putting what Trump wants by including RAD in the plan, I don’t know if you realize that. It will eliminate mixed families from public housing. How are we, low income families, going to pay under RAD.

Response: Residents continue to pay 30% of their adjusted income towards the rent, maintain the same basic rights as they possess in the public housing program, and gain a new option to request tenant-based section 8 assistance if they wish to subsequently move from the property. As stated above, RAD conversions benefit mixed families because the RAD contract rents in Los Angeles are almost always lower than the Small Area FMRs which are the basis for determining flat rents at public housing sites. Therefore, the subsidy proration is lower and therefore, mixed families will in most case, pay similar rents or even experience a reduction in rents.

Reasonable Accommodations

Comment: How many chances is HACLA giving residents reasonable accommodations?

Response: There is no limit to the amount of Reasonable Accommodations requests a person or family can make. However, if an accommodation has been denied after going through all possible appeals including the 504 Coordinator and there have been no changes or new information (documentation); the request should not be resubmitted.

*Comment: If a person requests a reasonable accommodation but it is not the specific accommodation they wanted. If in the future HACLA is able to grant that accommodation, can
the resident make that request. For example, a disabled person requested a ground unit but is provided a wheelchair instead.

**Response:** We assume that the statement about “provided a wheelchair instead” really was referring to HACLA providing a chair lift as we would not be responsible for providing actual wheelchairs. The request that is most made is for a ground floor “flat” unit (one with no stairs). Unfortunately, our supply of such units is very limited and to provide some comparable accommodation we have been able to install chairlifts in some units. If the resident still wants to be transferred to a flat unit, they can remain on that transfer list, but they need to keep in mind that they may be on the list for a long time.

**Rehabilitation**

**Comment:** When HACLA remodels or rehabs a development it increases the rents, low income families will not be able to pay the rent. They will be evicted.

**Response:** When a property is redeveloped under the RAD model the families rent would still be based upon their income (approximately 30% of their adjusted monthly income). Rents for mixed families would be prorated based on the HUD rent for the unit.

**Rent**

*Comment:* Lower rent from 30 to 20 percent.

**Response:** Rent calculations are based on federal regulations, HACLA is unable to adjust or determine the percentage of income it is mandated by law.

**Comment:** The rent is too high. Don’t raise the rent. I am very worried about the increase in rent because I don’t have work.

**Response:** HACLA understands the challenges our participants and residents face with increasing rent amounts in Los Angeles but rent calculations are based on federal regulations and HACLA does not have discretion on setting the amounts.

- Rent Calculations

**Comment:** I just did my annual review and my rent was increased but my son just lost his job, do I need to pay the rent amount listed in our recertification

**Response:** If there is a loss of income between annual recertifications the family should request an interim review to have their rent adjusted. However, only actual household income reductions will result in a reduction of rent.

**Comment:** You say that we need to adjust to pay the rent without considering what the residents are dealing with and struggling with.
Response: Paying rent is not an option. Rents are calculated based on federal statutes and regulations.

- Adjusted of Income

Comment:

- The adjustment of income is higher every year. Why does that happen?
- There are many single mothers who earn less than the amount of rent they are required to pay but they continue paying their rents.

Response: The rent is calculated based on the household income, eligible deductions and exclusions, and family composition. If the family experiences an increasing in income it will most likely mean an increase in the rent amount. Unless a family is a mixed households paying a prorated rent, families rents are approximately 30% of their adjusted monthly income.

Rent Changes Verification – Refunds

Comment: If a verification of a decrease in income takes 60 days to verify, will I get a refund?

Response: Rent decreases should be effective the 1st of the month following the month the change was reported. All changes will require verification of the change in income. Families can help ensure that the process is not delayed by providing all necessary documentation requested. A delay on the HACLA’s part for processing an interim change may result in a credit to the family.

Section 8 Admin Plan Reducing Barriers to Admission and Continued Housing Assistance

Comment: All residents should have the ability to live in housing free from threats to safety and health. In establishing guidelines to protect this right, we respectfully urge the agency to reevaluate policies that limit housing options for those with prior evictions and past criminal charges. Applicant standards that exceed statutory requirements and deny assistance to families, who are otherwise eligible for housing services, can push the most vulnerable households to the brink of homelessness. Here in the Los Angeles Continuum of Care, we find that upwards of 60 percent of unsheltered homeless adults have a prior experience in the criminal justice system. For many, past offenses alone do not preclude them from being good tenants and neighbors. We urge HACLA to reconsider discretionary policies around drug and alcohol use that exceeds the statutory requirements around admissions and terminations.

Response: The Housing Authority grounds for denial and termination of assistance were revised with input from stakeholders to make sure they are in accordance with HUD’s minimum requirements and the same time protect the right for health, safety and peaceful enjoyment of the premises by other residents and preserve program integrity.
Rose Hills Redevelopment

Comment: At Rose Hills there are 120 units and out of those only 11 are being built. This is a big concern because in California there is a lack of units for poor people.

Response: HACLA proposes to carry out a phased demolition of the existing 100 Unit Rose Hill Courts housing site to create a new community offering up to 185 brand new, affordable apartments with modern amenities, a large community center, ample landscaping and provision of social services. By almost doubling the density of affordable housing at Rose Hill Courts, HACLA seeks to increase the supply of affordable housing in the El Sereno neighborhood of Los Angeles.

Staff Salaries

Comment: Every year your salaries go up but your budget keeps going down/getting cut.

Response: Funding for the public housing program is dependent on federal funding levels.

Statement of Family Responsibility Section 8 Admin Plan Chapter 18.7.3

Comment: Remove this section which mandates service participation as a condition of receiving assistance under the CoC program. Supportive services should be an option for households seeking services, not a basis for tenancy. The decision to participate in supportive services should, first and foremost, be driven by the household.

Response: At the time of program admission the Housing Authority follows the Housing First approach when eligibility determinations are made. When housing assistance is provided the Housing Authority ensures, to the maximum extent practicable, that individuals and families experiencing homelessness are involved in supportive services provided in accordance with grant agreement executed by the Housing Authority. This model increases housing stability for participant families.

Thank you

Comment: HACLA receive many comments thanking the organization and the staff for all the work we do.

Response: Thank you for your comments.

Transfers

Comment:

- How do we get a transfer?
- I asked for a transfer ten years ago.
Response: Depending on the site requested, transfers can take a long time as some sites have very few vacant units annually. Additionally, transfers for reasons related to emergencies and disability related reasonable accommodation request take precedent over regular transfer requests.

✧ Transfer Requests/Reasonable Accommodations

*Comments:

✧ * A family should not be asked to move or lose their place on a transfer list when they are unable to move when they are recovering from a pregnancy.
✧ * If a person requests a transfer but is pregnant or temporarily disabled will they be able to get priority transfer once the temporary disability is over?

Response: If there is a mitigating circumstance as to why a family cannot move when a unit is offered to them, it will not be held against them in their position on the transfer list. But given the limited availability of units that we have for such transfers, it may be a long time before another such offer is made.

✧ Occupancy Standards

Comment: At our development there is one person occupying a two-bedroom apartment.

Response: Processing transfers takes time so sometimes a family may be in a bigger size unit than they are entitled and in certain situations a disabled person may have an additional bedroom as a reasonable accommodation. There is also a limited supply of one-bedroom units available to transfer such households to.

✧ Routine Transfers

Comment: Please provide clarification to the routine transfer request listed in page 9/10 of the draft.

Response: The proposed change will limit to five days the time a family will have to accept a transfer request. HACLA believes this is a reasonable amount of time and it is imperative given the housing shortages in Los Angeles that a family who wants the unit is able to be housed in it.

*Comment: What if the household is not able to give an answer within five days for example if they are in the hospital?

Response: Staff will try to communicate with the participant, in cases where the participant became disabled a reasonable accommodation would be granted for the hospitalization and the family would be offered other available units once they come out of the hospital.
Transfer Between Components Section 8 Chapter 18.6.8

Comment: Add language to section clarifying that transfers between CoC program components are managed through the Coordinated Entry System (CES). Transfers should operate in accordance with the HACLA’s policy for matching applicable units through CES (3.4.2.2. Continuum of Care Program). We request additional language to ensure a consistent application of the prioritization process.

Response: Section 18.6.8, Transfer between Components, was implemented to address reasonable accommodation requests or VAWA transfers where the family’s living in an assisted household needs to move to provide a person with a disability an equal opportunity to participate in and benefit from the programs administered by the Housing Authority or protect a VAWA victim. The Housing Authority is required to expedite administrative processes for participants that need to move under these circumstances.

Trash

Comment:
- Why do we have to pay for the trash, we are not landlords?
- HACLA should be providing the service.
- Trash costs are high ($48 a month).
- *Remove trash charge that is included in the DWP.

Response: The HACLA is prevented by the City of Los Angeles of contracting out the trash service, as such residents are charged in accordance with City Municipal Ordinance Code (Article 6.1 Sec 66.41) via their LADWP bill. Since 2012 residents are being reimbursed this amount in the utility allowance which reduces their rent by the amount equal to the City’s charges. Families can further reduce their cost for trash service by applying for the LifeLine discount – applications are available on the City of Los Angeles Sanitation Bureau’s website.

Underhoused

Comment: How long does it take for a family to be moved to another unit when there are too many members in the household for that unit size.

Response: How long depends on many variables, such as the availability of a unit that will meet the needs of the family. As previously stated, there are a limited number of vacant units annually and some sites have few large bedroom size units.

Unit Offers Applicants

Comment: How many times are you allowing people to decline an offer (not related to the reasonable accommodations)
**Response:** Applicants are offered their units from three different sites. If the applicant refuses all three offers and there is no mitigating circumstances that would prevent the acceptance of any of the units then the applicant is removed from the waiting list.

**Comment:** Reinstatement to the Waiting List: The listed procedures around waiting lists can be a barrier for households experiencing homelessness or that are otherwise housing insecure. These are households who are at high risk of being purged from a waiting list simply due to a lack of reliable address or contact information. Though HACLA policy accounts for cases of disability, clerical errors, or other circumstances that may interrupt a family’s ability to respond, it does not explicitly recognize the significant barriers to communication that may result from homelessness or other forms of housing insecurity. As such, we recommend language in **5.29 Reinstatement to Waiting List** clarifying that mitigating circumstances may include homelessness.

**Response:** Homelessness is not precluded in the policy and the intent was to keep it general enough to account for many circumstances.

**VAWA**

- **Aiding Victim**

**Comment:** Will the victim of the domestic violence be aided by the VASH voucher?

**Response:** Yes, in accordance with PIH Notice 2017-08:

In HUD-Veterans Affairs Supportive Housing (HUD-VASH), when a veteran’s family member is receiving protection as a victim of domestic violence, dating violence, sexual assault, or stalking, and the veteran is the perpetrator of such violence, the victim must continue to be assisted.

- **Definitions**

**Comment:** As written, the HACLA Administrative Plan fails to define terms and definitions for crimes covered under VAWA which include domestic violence, dating violence, sexual assault, and/or stalking. We have strong concerns that the absence of clear and distinct definitions may prevent survivors from seeking out housing protections they are entitled to by law and create cases where a relatively narrow adoption of a definition is used. As such, we urge the HACLA to include more clarity in definitions around policies for VAWA protected households’ terms, per 24 CFR 5.2003, in the upcoming agency plan. At a time when we are facing uncertainty from the federal government around these protections, it is critical that local agencies take the responsibility and explicate these protections for survivors.

**Response:** Although HACLA agrees with the benefit of informing its clients with clear and distinct definitions of the crimes covered under VAWA, HACLA does not believe adding these definitions to its policies is necessary at this time. Under the VAWA final rule, housing providers are encouraged to post certain VAWA documents where feasible and to always make them available upon request. One of these documents already includes the definitions and HACLA has these documents available for public review. More importantly, HACLA does not believe it is necessary to add the definitions to its policies because HUD is in the process of adding them to its certification form. The OMB approval for form HUD-5382 expired 06/30/17 and HUD is in the
process of renewing and modifying all of its VAWA forms. The published draft of the new HUD-5382 includes the definitions and this is one of the forms we are required to provide to all of our clients at the time of denial, admission, and termination or eviction.

- **Emergency Transfer Plan:**

  **Comment:** LAHSA commends HACLA for proposing language in the 2020 Draft Agency Plan ensuring that VAWA households cannot be denied a request for an emergency transfer. But the plan continues to lack language clearly defining emergency transfer protocols that ensure victims fleeing violence or in imminent harm can quickly access safe, comparable housing alternatives. We request that the HACLA include language that further protects the safety of these households and details transfer procedures with respect to eligibility requirements, confidentiality, transfer timing, unit availability and other safety considerations.

  **Response:** In compliance with statute and regulation, HACLA has implemented an Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. This plan informs program participants of their right to an emergency transfer if they have been victims of a covered incident and if there is a threat of imminent harm from further violence if they were to remain in the same dwelling unit assisted under HACLA’s program; or for victims of sexual assault if the incident occurred on premises within 90 days. This plan also informs program participants of their right to confidentiality, how to request a transfer, and the timing and availability of units.

- **Human Trafficking Addition**

  **Comment:** Survivors of human trafficking are acutely vulnerable to homelessness due in part to extremely limited housing options that consider the personal safety needs of victims. Recognizing the distinct housing considerations for this population, LAHSA extends housing protections afforded under VAWA to survivors of human trafficking, which includes sex and labor trafficking. In the LA CoC, nearly a quarter of unsheltered women and 42% of unsheltered transgender persons report a history of sex trafficking, illustrating the high vulnerability this population faces. We strongly urge the HACLA to extend provisions provided to VAWA households to survivors of human trafficking.

  **Response:** HACLA offers VAWA protections as required by statute and regulation. HACLA believes that victims of human trafficking are already protected under the very broadly defined covered categories, particularly, sexual assault and stalking.

- **Managing and Extending VAWA Protections**

  **Comment:** We are encouraged by the added protections for VAWA households participating in the HUD-VASH program and commend the agency for including this policy in the draft plan. While these changes represent progress in ensuring that VAWA households have access to safe and secure housing, we urge the agency to continue to ensure that housing protections are fully covered in the administrative plan and that agency services are delivered in a manner that is trauma-informed.
**Response:** As required by HUD, VAWA protections are outlined under the Housing Authority Emergency Transfer Plan.

- **Portability**

**Comment:** 8.10.1.5 Limitations on Moving, Portability limits the ability for households fleeing domestic violence, dating violence or other VAWA crimes from porting vouchers more than once in a twelve-month period. We request an exception to this policy if a move is required “to protect a victim of domestic violence, dating violence, sexual assault, or stalking” to ensure that families fleeing violence can access housing alternatives, where available, without interruption to assistance. This change brings exceptions in alignment with 12.2.2 Exceptions to Limitations on Moving, which includes an exception for VAWA households.

**Response:** As provided by PIH Notice 2017-08 "As vouchers are inherently mobile, a victim who wants to move may request an emergency transfer...If the victim requests to move outside of the PHA’s jurisdiction, the portability regulations apply."

- **Self-Certification**

**Comment:** Under federal guidelines, agencies may use their discretion to allow alternative statements or other forms of evidence for VAWA documentation, outside of HUD-approved self-certification forms (i.e. HUD-5382) and third-party statements. It is particularly critical that the verification process is trauma-informed and client-driven, to the extent allowable. When certifying their status, survivors should have choice and control over how they wish to report experiences with violence and harm, rather have their options limited to one type of self-certification.

As such, we encourage the agency to exercise this discretion, follow a trauma-informed care approach, and expand eligible documents in 6.19.5 Certification of Domestic Violence, and references to domestic violence certification thereafter, to include: “a signed statement by the victim certifying that the information provided is true and correct, and that it describes bona fide incident(s) or actual or threatened domestic violence, dating violence, sexual assault, or stalking.”

**Response:** HACLA requests from its clients seeking VAWA protections one of the three acceptable forms of documentation as determined by the final rule, where it is up the client to determine which form of verification they want to provide. HACLA declines to change its existing policy/practice at this time, but recognizes that on case by case basis, it may be necessary to exercise its discretion and consider an alternative form of documentation where justifiable.

- **Voucher Assistance**

**Comment:** For how long does the veteran lose the voucher if they were the perpetrator of the domestic violence?

**Response:** If the perpetrator of domestic violence, dating violence, sexual assault, or stalking, is the veteran, then housing assistance for the perpetrator is terminated.
PIH Notice 2017-8 states:

In HUD-Veterans Affairs Supportive Housing (HUD-VASH), when a veteran’s family member is receiving protection as a victim of domestic violence, dating violence, sexual assault, or stalking, and the veteran is the perpetrator of such violence, the victim must continue to be assisted.

Upon termination of the perpetrator’s HUD-VASH voucher due to the perpetrator’s acts of domestic violence, dating violence, sexual assault, or stalking, the victim receiving protections under 24 CFR part 5, subpart L should be given a regular HCV if one is available, and the perpetrator’s HUD-VASH voucher should be used to serve another eligible veteran family. If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the HUD-VASH voucher. In the case of the victim utilizing the HUD-VASH voucher upon termination of the perpetrator, this HUD-VASH voucher must be issued to another eligible veteran family upon the voucher’s turnover.

- Voucher Set-Aside for VAWA Households

**Comment:** We strongly encourage the HACLA to consider a set-aside of at least twenty (20) tenant-based vouchers exclusively for participants who are victims of domestic violence, dating violence, sexual assault, or stalking for purposes of an emergency program transfer. This is a policy of the San Francisco Housing Authority to ensure that dedicated housing resources are in place to VAWA households in immediate need of housing alternatives. To help the HACLA more effectively meet their responsibilities under federal law, and the emergency housing needs of victims of VAWA crimes, we strongly encourage the HACLA to consider a set-aside policy for this population.

**Response:** The Housing Authority Emergency Transfer Plan covers internal and external transfers. Due to the multiple programs administered by the Housing Authority and the various eligibility requirements it would not be feasible to provide such a waiting list limited preference since the victim of domestic violence, dating violence, sexual assault, or stalking still needs to comply with eligibility requirements for external transfer.

Per PIH Notice 2017-08 (emphasis added):

For the HCV program, the victim and PHA do not have to wait for an owner to bifurcate the lease for the PHA to offer continued assistance for the unit (where victim is planning to stay in the unit). While the family would not have to wait for bifurcation to occur, it would have to wait for eligibility to be determined if the victim was planning on moving with the assistance.

See also § 5.2009 Remedies available to victims of domestic violence, dating violence, sexual assault, or stalking,
Verification

*Comment:* Verification, it is hard to get verification from employers. Can residents provide a statement as verification?

**Response:** As much as possible the HACLA is required to obtain third party verification of sources of income. Usually if the resident has current and consecutive and original paystubs, we can use those and do not need to get additional documentation from the employer. Only after all other forms have been verified to be inaccessible can a certified statement of the income be accepted.

Waiting List

*Comment:* If a person doesn’t make enough money they don’t qualify and if a person makes too much money, they don’t qualify either.

**Response:** Income eligibility is determined based on HUD regulations generally speaking if a family’s income does not exceed 80% of the area medium income (AMI) as set by HUD, they will qualify for most of HACLA’s programs.

90 Day Notices

**Comment:** We greatly appreciated HACLA’s collaboration in responding to an increased number of cases in which private landlords attempted to illegally terminate existing Housing Assistance Payments (“HAP”) contracts with HACLA by serving Section 8 participants living in rent-stabilized units with invalid 90-day notices. It has resulted in dozens if not hundreds of Section 8 Participants from being evicted or illegally terminated.

In order to make the most of these successful efforts, we recommend that the 2020 Agency Plan include language that specifically addresses invalid 90-day notices. While our collaboration led to a steep decline in these types of notices, we continue to see clients with similar notices on a regular basis. We believe clear guidance on this issue in the Agency Plan would help to further address the problem.

(To see the full comment please refer to LAFLA’s letter at the end of the responses to comments.)

**Response:** The Housing Authority is continuously working with the Housing + Community Investment Department (HCIDLA) to address instances where a landlord issues an invalid 90-day notice.

*This is a procedural matter that does not fall under HUD requirements for administrative plan. See § 982.54(d)*

1-800 Repair Delays

**Comment:** Why does it take in some cases six months for the 1-800 number to fix the problem.
Response: On average non-emergency work orders are closed within 11 days. How long it takes to repair a unit depends on many factors. Some repairs must be completed within 24 hours others within two to three days. If you believe the repairs are taking too long, please call the Work Order Center - (800) 974-2292 to get a status update. If you believe they are not being responsive, please contact your management office so they can look in to the matter. If your site manager is being nonresponsive, please contact the assistant director for your site at 1-213-252-1820.

Specific Site Comments

Estrada Courts

- Capital Funds

Comment: I rather have money go towards fixing the pipes and gas lines. Other minor adjustments can wait.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Solar Panels

Comment: Install solar panels at Estrada Courts.

Response: The HACLA is undergoing a Physical Needs Assessment (PNA) which also has a component of it to identify any viable energy conservation measures. If the study comes back with such a recommendation, we will explore the possibility of doing so in the common buildings.

- Paint Development

Comment: HACLA should paint Estrada Courts.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Kitchen Cabinets

Comment: Replace the kitchen cabinets.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Trash

Comment: People including homeless persons are dumping large amount of trash outside the trash cans at Estrada Courts.
Response: To report illegal dumping contact the City of Los Angeles information number 311 or to report illegal dumping in progress you can call (213) 847-6000.

Gonzaque Village

- Cameras

*Comment:* Thank you for installing the cameras there was an 80 percent reduction in crime.

Response: Thank you for your comments.

Jordan Downs

- Landscaping

Comment: The grass is too tall. The trees need to be trimmed.

Response: Thank you for your comments, management staff will address the issue.

- Pests

Comment: We have a flea problem. We have termites on the windows.

Response: Whenever there is something wrong with your unit including a pests infestations, please call the 1-800 number.

- Lights

Comment: We are fearful to go out at night because there are areas with insufficient lighting. The lights are greatly needed.

Response: Please contact the site manager to advise of areas that are now well lit at night.

- Parking

Comment: The lines indicating parking spots are no longer visible, they need to be repainted.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

Lankershim Apartments

- RAC

Comments: HACLA needs to have a RAC at the Lankershim Blvd. property and other sites so residents can be informed.
Response: HUD requires PHA to establish one or more Resident Advisory Board(s) (RAB). Currently HACLA has 14 RABs, also known as Resident Advisory Council (RAC) at its Public Housing sites. HACLA has always supported its residents’ initiatives to establish the RAC at their communities and will continue this support at all interested Public Housing developments. Residents interested at creating a RAC at their community may contact site management for information on how to initiate the process.

Imperial Courts

- CSP

Comment: Why are CSP officers not working on the weekend? There are people having parties, hanging out and making noise.

Response:

Overview of CSP teams’ work schedule:

- The CSP teams work a 4/10 schedule. The teams’ work shift generally begins at 11:00 AM, sometimes 12:00 PM. This is referred to as their “start of watch” and it changes (plus or minus a couple of hours) in response to the area’s and/or teams’ priorities for the day or week.

- Typically, the teams are divided up to provide coverage 5-6 days per week – this often excludes Sundays.

- More specifically, there are approximately 40 police officers deployed to the Watts Area but not all 40 are working each day of the week. Even when divided up to maximize coverage for a week’s period, it doesn’t mean that there are two groups of 20 operating at the same time or in the same geographic area.

- As experienced with all organizations, CSP personnel become ill, utilize vacation time, appear in court in response to a subpoena, or find themselves out of the area conducting a HACLA-CSP community program.

- In considering scheduled days-off and the nature of police work (responding to special events, emergencies, arrests & booking processes, calls for service, vehicle pursuits, etc.) providing consistent police presence daily and 7-day coverage generally is challenging at best.

- Capital Funds

Comment: Replace the windows.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.
Mar Vista Gardens

- Capital Funds
  - Asphalt and Pavement

Comment:
- You need to fix the asphalt.
- I would like to see the pavement and parking lots redone, the pavement has become gravelly and has a lot of glass deposits.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Cabinets

Comment: We need new cabinets in the kitchens.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Cameras

Comment: We need cameras, put cameras to monitor all areas.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Floors

Comment: The floors in the bedrooms are rotting.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Lights

Comment: Install more lights. Fix the lights.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Cars, trucks and bicycles

Comment: Remove old cars, trucks with junk on them and bicycles.
**Response:** Please report any abandoned vehicles to the management office so they can work with LAPD/DoT to have removed.

- Manager

**Comment:**
- Replace the manager. The manager will not give me an appointment when I request it. We want a manager that is accessible that works with the community.
- Mar Vista residents want to know the manager’s morning routine.
- We need trained staff that works with us, please bring better staff.
- I have a problem with my neighbor, and I have complained to the management office, but they ignore me.
- You want more money for funding for additional services here but you have people out here in Mar Vista Gardens not doing their jobs.

**Response:** If you are not being treated well by the manager, please contact the assistant director for the site at 213-252-1820.

**Comment:** Eighteen comment cards were received praising the manager at Mar Vista for her work ethic and devotion to the community.

**Response:** Thank you for your comments, HACLA strives to have the best workforce and appreciates the hard work our staff does every day to carry out our mission.

- Mold

**Comment:** There is mold in some of the walls of the apartments.

**Response:** Please call the Work Order Number (800) 974-2292. Residents can help in reducing the presence of mold in their units by keeping the bathroom well ventilated, cleaning up early signs of mold with a soapy solution and letting thoroughly dry, and preventing rain from entering windows.

- Park

**Comment:**
- Staff should concentrate in cleaning the park.
- We need more parks for the disabled.

**Response:** Staff clean the grounds on daily basis. At this point the HACLA is not planning on installing any additional playgrounds, but if that changes in the future we will research about the need for and viability for installing accessible play structures.
Parking

Comment: We need two parking spaces per unit. There isn’t enough parking.

Response: Due to other more pressing capital needs that directly impact the health and safety of residents, we will not be diverting limited funds available from these items to create more parking.

Police Patrol

Comment: There is no police patrol at Mar Vista Gardens.

Response: Contact the LAPD Pacific Division at 310-482-6334 to report any issues or to speak to the Senior Lead Officer assigned to the site.

Sexual Assault & VAWA

Comment: A speaker at the Public Hearing made allegations about being sexually assaulted, that others have been harassed at Mar Vista Gardens and that her VAWA rights have been violated.

Response: Due to the nature of the comment and the allegations, we are unable to respond at this time. If you have not done so already, please contact your site manager. If he/she is not responsive to you, you may contact the assistant director for your site at 213-252-1820. We are aware of the allegations made and have been working with the residents on resolving the issue.

The Housing Authority reaffirms its policy and commitment to providing housing free of harassment and discrimination, including, but not limited to sexual harassment and the protections provided under the Violence Against Women Act. The Housing Authority’s policies and/or lease also prohibits employees or residents from retaliating against residents for making a report to the Housing Authority or for participating in a complaint.

Site Maintenance

Comment:

- When you have an event the property/site gets cleaned quickly but in other times they don’t clean it.
- Spend time checking the park in the development and the areas around it (for trash etc.).
- Maintenance staff don’t do their job when the manager is not present.
- You want more money for funding for additional services here, but you have people out here in Mar Vista Gardens not doing their jobs.
- What is the first thing a supervisor needs to do when he arrives? When he is here the employees are working but when he is not around the employees are not doing their job.

Response: Due to reduced funding, there are not enough grounds crew for the sites. HACLA needs the assistance of residents to help maintain the property by picking up trash when they...
see it outside their units, not leaving items outside of the trash dumpsters, and by participating in neighborhood clean up days.

**Comment:** Back in the day residents used to be able to rent tools to clean up their yards. I think that residents should start to clean up their own yards

**Response:** Thank you for your comments.

- **Vacant Units**

**Comment:** You need to put more attention to the Waiting List at Mar Vista Gardens there are a lot of vacant apartments.

**Response:** Many of the units that appear to be vacant are undergoing additional work for making ready for releasing. The overall adjusted occupancy rate for Mar Vista is 98.8%.

- **Privatization**

**Comment:** Don't privatize Mar Vista.

**Response:** At this time there is no plan for privatization Mar Vista Gardens.

**Nickerson Gardens**

- **Capital Funds**

**Comment:** What major improvements will Nickerson Gardens receive?

**Response:** The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs. Nickerson Gardens is slated to receive gas, water, sewer and electrical upgrades.

- **One Strike Rule**

*Comment:* One strike rule is it a federal law?

**Response:** Yes, the one strike rule originated from federal statute.

**Pico Gardens**

- **Capital Funds**
  - **Recycle Trash Bins**

**Comment:** Residents want recycle trash bins.
Response: We will consider this request. It may not be feasible for the Pico Gardens site, however, Las Casitas units may be able to request cans directly from the City’s Sanitation Bureau.

- Wooden Blinds and central air conditioning

Comment: I suggest installing wooden blinds and central air conditioning inside the units.

Response: Thank you for your input. We will keep this under advisement.

- Drainage

Comment: There is a drainage problem at Pico.

Response: Please point out to the site management any areas where you see such issues occurring.

- Redevelopment - Privatization

Comment: I am worried about redevelopment, I just want to live here. I have been hearing about privatization of Pico Gardens and it scares me because I don’t want to move.

Response: There are no redevelopment activities planed for Pico Gardens for next year. And when we do a redevelopment families are able to return to their unit once the units have been redeveloped or rehabbed.

- Trash Costs

Comment: The trash fees are too high.

Response: The HACLA is prevented by the City of Los Angeles of contracting out the trash service, as such residents are charged in accordance with City Municipal Ordinance Code (Article 6.1 Sec 66.41) via their LADWP bill. Since 2012 residents are being reimbursed this amount in the utility allowance which reduces their rent by the amount equal to the City’s charges. Families can further reduce their cost for trash service by applying for the LifeLine discount – applications are available on the City of Los Angeles Sanitation Bureau’s website.

- Manager Quarterly Meetings

Comment: When is the manager setting up the next quarterly meeting? There has only been one meeting this year.

Response: Please ask your site management office.

- Assistant Manager
**Comment:** Residents are having a language barrier with the assistant manager. She does not speak Spanish. Residents needs a person who can communicate with their language. There is a problem regarding confidentiality.

**Response:** There are enough staff at this office who are bilingual who can provide effective interpretation.

- **Maintenance Charges**

*Comment:* Residents should not be charged Maintenance Charges because people don't have money to pay for them.

**Response:** If residents cause damage to their unit beyond normal wear and tear they will be charged for the repairs.

- **Cameras**

*Comment:* In Pico we didn't want cameras but HACLA installed them any way, we are very unhappy with the decision.

**Response:** Most of the residents are Pico wanted the cameras. The cameras were installed with input from LAPD to select the most appropriate locations without infringing on residents privacy.

**Pueblo Del Rio**

**Comment:** I am a single female with seven children, I can’t pay the rent, the homes cost approximately $2,500 and they don’t want children.

**Response:** Rent for the public housing program is set by federal statutes and regulations.

**Comment:** Can residents get jobs for the Capital Grant activities being completed at a site?

**Response:** Residents may apply for any job that is posted. The HACLA website has current listing of available positions - [http://www.hacla.org/careers](http://www.hacla.org/careers)

**Pueblo Del Sol**

- **RAD**

**Comment:** You are not telling Pueblo del Sol the truth about RAD.

**Response:** Before HACLA can apply to participate in RAD, HUD requires HACLA to notify all residents in a development proposed for RAD conversion about their plans and conduct at least two meetings with those residents. These meetings are an opportunity for residents to discuss the proposed conversion plans with your PHA, ask questions, express concerns, and provide comments. The PHA is required to submit resident comments and its response to them as part of the RAD application.
On July 10, 2019, HACLA sent the required HUD Resident Information Notice (RIN) and General Information Notice (GIN) to residents of both phases with regard to the proposed RAD and PBV conversion.

HACLA held its first resident meeting on July 19th, 2019 and a second round of meetings on August 12th and August 13th respectively with public housing and tax credit residents to allow another opportunity for questions and answers.

There were overwhelming participation from residents who had many questions and were primarily about the effect of this conversion as it relates to changes to their portion of the rent and their ability to come back to the property after the rehabilitation is completed. HACLA staff explained that the RAD conversion of public housing units and the plan to add regular and RAD Section 8 PBVs will not lead to any material changes in the rents to families; resident rights will be maintained after the conversion; and all residents who are in compliance with their current leases will have the right to return to the property after rehabilitation.

Comment: People from Pueblo Del Sol are very concerned and are afraid.

Response: HACLA understands that a new program will cause concerns with residents. Therefore, HACLA has had two meetings with public housing residents to explain the RAD program and discuss the tenant rights and protections that RAD offers. The preservation of the existing subsidies with RAD conversion coupled with the rights that residents have in their units and the fact that the project is not a redevelopment, ensure that residents are fully protected and will be able to return to their property and pay similar rents as they are paying now. HACLA is available to speak to any resident who has any further questions about RAD or the proposed resyndication/rehabilitation.

Comment: The contract with Pueblo Del Sol has expired and as of now you have not told the residents what is the motive, the reason behind the RAD program.

Response: RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock. This is critical given the backlog of public housing capital needs. In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed in perpetuity. A Use Agreement is also recorded under RAD further enforcing HUD’s long-term interest. This ensures that the units remain permanently affordable to low-income households. Resident grievance rights and protections under RAD are very similar to public housing rights and in addition, and has certain unique advantages such as Resident Choice Mobility which allows residents to request a voucher to move after one year, if they choose to do so.

Pueblo Del Sol I and II have completed 15 years of tax credit compliance. HACLA, as the ground lessor, has exercised its option to purchase both phases. HACLA plans to acquire the Limited Partnership Interests for both phases by the end of 2019. HACLA intends to resyndicate these properties by refinancing and obtaining a new LIHTC allocation. The new allocation of LIHTC
allows for accessing additional financing to complete rehabilitation of the units/site to address short term and long-term maintenance needs.

Comment: What is going to happen with the mixed families and low income.

Response: HACLA intends to match households to the program that suits them based on their income. As for mixed families, the requirement of at least one person in the household be a U.S. citizen is applicable under public housing and will continue for RAD. All Residents will benefit from a right of return, a prohibition against re-screening, and robust notification and relocation rights.

Comment: What problems are we going to have with mobility because once again you are going to move us to remodel the apartments. Many of us don’t agree and don’t want that proposal. We fought a lot to have these units and when we came back from Alliso Village they promised we would live in public housing. How long will this proposal last? There are no units around, where are you going to send us?

Response: HACLA is currently researching options and has hired a relocation consultant who will be responsible for finding decent, safe, and sanitary temporary housing. The goal is to keep residents as close to Pueblo del Sol as possible, but the temporary housing will be based on availability. All residents will have the right to return to the property after rehab. There will be No Permanent Displacement. As part of the rehabilitation, HACLA and the new Ownership will have to carry out ADA accessibility improvements. HACLA will check if families can be moved into an appropriate unit, be it right sized or one that is matched to accessibility needs.

Ramona Gardens

❖ Manager

Comment: How do you meet with the manager when he is never at the site?

Response: The Ramona Gardens manager also oversees Rose Hill Courts and Pico/Las Casitas. There is an assistant manager at the site who can assist you. You can also schedule a time to meet with the manager. If you do not get any response to schedule a meeting, please contact the assistant director for that site at 213-252-1820.

❖ Capital Funds

❖ Painting Development

Comment: Are you going to finish painting the development?

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.
• Cabinets and floors

Comment: Replace the cabinets and floors, they have not been fixed in over 40 years.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

❖ Gas Shut Off

Comment: Is there an automatic gas shut off at the site? If so, who turns them back on?

Response: There are automatic gas shut offs at Ramon Gardens and it is the gas company that turns them back on when they have shut down.

Rose Hills Court

Comment: The windows falling apart

Response: HACLA is aware of the condition and is working to remedy it, please remember to report any problems with your unit to the Work Order Center to report problems (800) 974-2292.

❖ Traffic Problems on City Streets

Comment: HACLA needs to install bumps, posts, maximum speed signs on one of the city streets so that drivers slow down.

Response: Most of the streets within HACLA’s developments are city streets and do not belong to HACLA so HACLA does not have the authority to implement such changes. HACLA has and will continue to communicate with the city to make such requests known to them. HACLA encourages our residents to communicate to the city their concerns and desired changes. Feel free to contact your representatives.

San Fernando Gardens

❖ Block Captains

Comment:

❖ Don’t agree with the Block Captain program.
❖ They are like police.
❖ Why is it that in other projects they took that program away?
❖ Why don’t take it away from San Fernando Gardens?
❖ It is a good program, many things have been accomplished in the past but there were rules, it was confidential. If Block Captains did not abide by the rules they would be eliminated from their position. I am very sad because all the work we did was not valued or appreciated.
Response: The Block Captain program is a program that residents volunteer and are given a stipend to do things such as distributing fliers, cleaning up the development and assisting the management on various maintenance and administrative activities. HACLA believes it is a benefit to the residents and is a cost savings measure. You can be a Block Captain, talk to the management office if you would like to participate. If there is something that you did not like that a Block Captain did, please talk to your management staff.

- Bumps on City Street

Comment: Cars are driving too fast, HACLA needs to install bumps on the street.

Response: HACLA has reached out to the city to install bumps on the street but the city says they cannot because they need emergency vehicles to be able to travel for emergencies.

- Capital Funds

  - Windows

Comment: HACLA needs to fix the windows because they are falling apart.

Response: The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

- Community Safety Partnership Program (CSP)

Comment:

- A member of POWER stated that they don’t want the CSP program.
- We have cameras and block captain.
- We need more meetings about the CSP program.
- We don’t agree with the police.
- If you are going to implement CSP, how will residents participate?
- We do not agree that CSP will bring security to the community.
- We have Block Captains that are like police, cameras and police. Now they are going to be constantly watching us.
- We want more meetings; we need to know how they are going to be working.
- We don’t agree with the police and the Block Captains because they are going to be working together.
- Hopefully the program will work but there has to be guidelines and how are the residents going to be involved? Because this is very dangerous the residents are not quiet and it is not confidential.

Response: The CSP program brings needed services to the community and has a positive effect on reducing crime and improving relations with LAPD officers. The Urban Peace Institute (UPI) is currently engaging in a systematic outreach to residents, including individual surveys, focus groups and community forums. We encourage all residents to participate by completing the surveys, participating in the focus groups and attending meetings to obtain information about the program. The San Fernando Gardens RAC participated in a series of pre-meetings regarding the
CSP program with LAPD, Councilmember Monica Rodriguez from District Seven, HACLA and other stakeholders. The RAC along with community stakeholders expressed their strong support for establishing a CSP program at San Fernando Gardens.

- LAPD

**Comment:** My disabled son who is not a gang member was stopped by police and he was put in handcuffs.

**Response:** We expect that the CSP program will improve the relations between our residents and LAPD officers.

- Maintenance Staff

**Comment:** We want you to change the person that cuts the lawns, he is not doing a good job. He does not clean the water channel so residents have to and that is not our job.

**Response:** Thank you for your comments, management staff will address the issue.

**William Mead**

- Capital Funds
  - Roofs
  - Doors
  - Air Conditioning
  - Rehab Computer Room

*Comment:* Install new roofs, doors, rehab the computer room, install air conditioning.

**Response:** The HACLA has prioritized upgrading the outdated site utilities (gas, water, sewer, electrical) with its Capital Fund dollars. Once completed HACLA will address other capital needs.

  - Windows

*Comment:* Replace the windows they are dangerous in case of emergency.

**Response:** The HACLA has programmed Capital Funds dollars for the replacement of windows at William Mead.
Mr. Douglas Guthrie  
c/o Intergovernmental & Community Relations Department  
Housing Authority of the City of Los Angeles  
2600 Wilshire Boulevard  
Los Angeles, CA 90057  
Via electronic mail to juan.garcia@hacla.org

Re: Comments for HACLA 2020 Pre-Draft Agency Plan

Dear Mr. Guthrie:

On behalf of the Legal Aid Foundation of Los Angeles, we respectfully submit these comments and recommendations for the forthcoming 2020 Draft Agency Plan for the Housing Authority of the City of Los Angeles (“HACLA”). This letter sets forth specific recommendations for HACLA to consider while developing the 2020 Agency Plan, as well as broader policy changes to consider in the context of this public comment process.

I. SUCCESSFUL COLLABORATIONS BETWEEN LAFLA AND HACLA ON EFFORTS TO PRESERVE AND EXPAND AFFORDABLE HOUSING OPPORTUNITIES

The Legal Aid Foundation of Los Angeles would like to express its appreciation to HACLA for closely collaborating with our organization in the past year to address two particular issues related to preserving affordable housing in the City of Los Angeles.

First, we greatly appreciated HACLA’s collaboration in responding to an increased number of cases in which private landlords attempted to illegally terminate existing Housing Assistance Payments (“HAP”) contracts with HACLA by serving Section 8 participants living in rent-stabilized units with invalid 90 day notices. As a result of these efforts, we can confidently state that dozens, if not hundreds, of Section 8 tenants in Los Angeles, living in affordable, rent-stabilized units, were protected from efforts by certain landlords to displace them and illegally terminate contracts with HACLA.

Specifically, in July 2018, LAFLA took immediate action to coordinate efforts with HACLA to address illegal 90-day notices served on scores of Section 8 tenants by the law firm of Dennis Block and Associates. The Section 8 tenants who received these notices all resided in apartments protected by the Los Angeles Rent Stabilization Ordinance (“LARSO”), which protects tenants from eviction without just cause. In these notices, landlords, through their counsel, informed tenants that they would be...
terminating the HAP contract at the end of the 90-day notice period due to “business or economic reasons,” which included leaving the Section 8 program to avoid administrative burdens associated with the program. At the end of the notice period, the landlords informed tenants that they would either have to pay full contract rent, or move out of the properties.

Such notices are illegal because landlords may not unilaterally terminate the HAP contract unless it is for one of the reasons provided for by federal regulations. These notices also violate the good cause requirements under LARSO.

Soon after LAFLA identified this pattern of cases, we reached out to Carlos Van Natter and Angela Adams. Over the course of several months last summer and fall, LAFLA and HACLA staff collaborated to inform tenants of the illegal nature of these notices, ensured that tenants did not needlessly move out of their units, and through persistent advocacy, successfully and dramatically decreased the number of illegal 90-day notices issued by the law firm of Dennis Block. LAFLA’s work with HACLA on this issue exemplifies the wide-ranging impact toward preserving affordable housing opportunities in Los Angeles our organizations can have when we work together to address a problem affecting our client population.

In order to make the most of these successful efforts, we recommend that the 2020 Agency Plan include language that specifically addresses invalid 90-day notices. While our collaboration led to a steep decline in these types of notices, we continue to see clients with similar notices on a regular basis. We believe clear guidance on this issue in the Agency Plan would help to further address the problem. We would be happy to discuss this proposed addition to the Agency Plan in further detail.

Second, we also applaud HACLA’s support of the recent proposed source of income ordinance before the Los Angeles City Council. This ordinance would also serve to preserve and expand affordable housing opportunities for HACLA participants in particular, by prohibiting landlords from discriminating against renters on the basis of their source of income, including Section 8 Housing Choice Vouchers. As HACLA’s report on the proposed ordinance before the City Council explains in great detail, voucher utilization rates in the City of Los Angeles are critically low, and it has become a sometimes-insurmountable ordeal for our clients to find a landlord to accept their Section 8 voucher. LAFLA has joined HACLA in expressing support of the proposed ordinance and plans to utilize every opportunity available as the ordinance is reviewed to share its potential positive impact on LAFLA clients.

II. PROPOSED CHANGES TO HACLA’S HOUSING QUALITY STANDARDS PROCEDURE

We are encouraged by HACLA’s collaboration with the public interest advocacy community on issues aimed at keeping Section 8 tenants housed, and keeping landlords in the Section 8 program. With this context in mind, LAFLA would like to take this opportunity to reiterate proposed policy changes to HACLA’s Housing Quality Standards (“HQS”) process, which we believe are also critical to these goals of keeping Section 8 tenants housed and keeping landlords in the program. Apart from illegal 90-day notices and Section 8 discrimination, problems arising out of the HQS process are among the most pressing and complex challenges our clients face in Section 8 housing. In the past three years, LAFLA has counseled and/or represented an increasingly large volume of Section 8 tenants whose housing—and livelihoods—were jeopardized because their units repeatedly failed HQS inspections, often due to no fault of their own. Below, we outline our recommended changes to HACLA’s HQS process, all of which falls within the scope of the proposed 2020 Administrative Plan.

As we detailed to HACLA in our pre-draft Agency Plan comment letter in 2018, certain landlords have utilized the HQS inspections process, as a means to force Section 8 tenants residing in a rent-controlled units out of their units, which then allows the landlord to both rent the unit to a new non-
Section 8 tenant and increase the subsequent rent in the unit to much higher levels as the result of vacancy decontrol under LARSO. Typically, the landlords who fall into this category will deliberately or negligently fail multiple HQS inspections conducted by HACLA, triggering a 90-day period of abatement of HAP payments to the landlord. Although HUD regulations provide that a HAP contract between the landlord and a public housing authority (“PHA”) will be automatically terminated after 180 days of abated HAP payments, HACLA terminates the HAP contract at the end of the 90-day abatement period if the landlord has not remedied the outstanding HQS violations within that period. See 24 CFR 982.455. As a result of the impending HAP contract termination, we have had multiple clients issued moving vouchers within the abatement period and encouraged by HACLA case workers to move out of their units prior to the HAP contract termination, regardless of whether the client affirmatively requested a moving voucher. In many cases, these Section 8 participants have moved out of the unit with a moving voucher, only to find that they are unable to use the voucher in most of Los Angeles County. As a result, these clients are displaced from rent-controlled units, and sometimes from the city or county of Los Angeles, through no fault of their own.

In certain cases, we have also seen landlords attempt to or successfully evict Section 8 participants for the alleged non-payment of full contract rent during the period of HAP abatement, even though courts in California have held that a landlord may not evict a Section 8 tenant for nonpayment of the public housing authority’s portion of rent during a period of abatement triggered by landlord-caused HQS violations. See Scott v. Kaiuum, 8 Cal. App. 5th Supp. 1, 8 (2017). In order to successfully raise this as a defense in an eviction, Section 8 participants will often need a variety of documents held by and/or testimony by HACLA, including copies of the HAP Contract, lease, notices of tenant and HACLA share of the rent, and inspection reports and notices, as well as declarations from HACLA authenticating these documents and setting forth the basic undisputed facts relevant to this issue. In our experiences, HACLA has refused to or otherwise failed to provide these documents upon the request of Section 8 participants in this highly vulnerable situation. HACLA has also failed to provide any written assurance to the participant that they will not be terminated from the Section 8 program if the landlord prevails in the unlawful detainer. In the circumstances described, the Section 8 tenant is wholly innocent, and should not face a risk of losing the voucher in the event some court does not agree that the resulting legal consequence is that the landlord cannot charge the full rent to the Section 8 tenant after the HAP contract terminates.

With these experiences in mind, we set forth the following recommendations for changes to the 2019 Agency Plan regarding Housing Quality Standards procedures:

Section 11.21.1 of the 2018 HACLA Admin Plan provides that after a landlord fails one HQS inspection, HACLA provides the owner of a property with 30 days to correct the deficiencies and request another re-inspection of the unit. If the owner does not request a re-inspection, the Inspection Office will request termination of the HAP contract. Specifically, the Admin Plan provides that:

“Upon receipt of the request, the Advisor shall notify the family and the owner in writing of the HACLA’s intent to terminate the HAP contract 90 days after the date of the notice. The family is advised to contact the Advisor within 30 days of the date of the notice to request a voucher. If the family fails to request a voucher within 30 days, the HACLA begins action to terminate the family’s participation. If the unit has not passed inspection by the proposed termination date, the HAP contract is terminated. If the family remains in the unit after the termination date, the family is responsible for the full amount of rent to the owner.” Section 11.21.1, HACLA Admin Plan.

We recommend the following changes to the aforementioned policy:
First, HACLA should not terminate the HAP contract until 180 days of abatement of HAP to the landlord, not 90 days. 24 CFR 982.455 is clear that a HAP contract is not automatically terminated until 180 days of abatement of HAP payments. Additionally, the Section 8 Housing Choice Voucher Guidebook, which governs the way in which public housing authorities administer HQS procedures, clearly states that the public housing authority has the discretion to determine the length of the abatement period. *SECTION 8 HOUSING CHOICE VOUCHER GUIDEBOOK, 10-27.* The Guidebook also specifically provides that “[t]he PHA should not terminate the contract until the family finds another unit provided the family does so in a reasonable time.” Id. Given the immense dearth of affordable housing in Los Angeles County currently, we have seen time and time again that 90 days is not a reasonable amount of time for our clients to locate alternative housing; HACLA itself acknowledged this fact when it adjusted the amount of time Section 8 participants could extend the time period to utilize a moving voucher to 270 days, the maximum amount of time allowed under HUD. By moving to terminate the HAP contract within 90 days of abatement without any regard to whether the Section 8 participant has found housing, HACLA is not acting in accordance with HUD guidance on the proper administration of HQS procedures, and doing so has negative consequences for Section 8 tenants.

Second, HACLA should incorporate protections into this section that ensure that the Section 8 participant’s voucher is secure. For example, HUD and the operative regulations do not require the PHA to initiate termination proceedings of the Section 8 voucher if the tenant does not request a moving voucher within 30 days after being notified of the HAP contract termination. Because the abatement and HAP contract termination procedure are not frequent occurrences, there will be many situations in which a Section 8 participant will not request a moving voucher within 30 days due to unfamiliarity with the abatement timeline. HACLA should strike this language from the provision.

Additionally, last year, as part of the Agency Plan process, Mr. Van Natter assured us that, in the event that a landlord prevails in the eviction of a Section 8 participant for non-payment of the PHA’s portion of the rent during the HQS abatement process, the participant will not be terminated from the Section 8 program for a violation of the family obligations. We appreciate this assurance and assume it remains HACLA’s policy. HACLA should explicitly state this in the Administrative Plan. Doing so would provide assurances to tenants that they can proceed in the eviction proceedings without fear of losing their Section 8 in the event they do not prevail in the eviction, which in turn will help tenants remain in their housing, which also helps ensure greater Section 8 utilization.

Third, we have seen multiple instances in which HACLA Section 8 case advisors have affirmatively issued moving vouchers to participants whose units have entered the abatement process without their requesting one, or have verbally advised the participant that they need to move out of the unit, even though the HQS deficiency may still be remedied by the landlord. This improperly signals to the participant that they are required to move out of the unit, even though the HQS deficiency may still be remedied by the landlord. Accordingly, we request that language is included in this section to state the following: “The Section 8 Case Advisor should not affirmatively issue a moving voucher to the participant(s) in the abated unit until one is requested by the participant(s), and should not otherwise advise the participant that they need to move out of the unit during the abatement process.”

Finally, language should be added to this section to require HACLA to provide Section 8 participants upon request with documents necessary to assert a defense under *Scott v. Kaiium* where the landlord illegally attempts to evict the participant for non-payment of the PHA’s portion of the rent during the abatement period. Specifically, HACLA should provide to Section 8 participants the following documents in this situation: the HAP contract between the owner and HACLA, the lease, the notices of tenant and HACLA share of the rent, inspection reports and notices, and a declaration from HACLA setting forth the basic undisputed facts relevant to this issue. In a recent meeting between HACLA and legal services advocates, HACLA asserted that the HAP contract is a “confidential” document between the owner and HACLA to which the participant should not have access. However,
per the Tenancy Lease Addendum signed by all Section 8 participants that is part and parcel of the HAP contract, Section 8 participants are direct, third-party beneficiaries of the HAP contract between the owner and the PHA. Therefore, tenants have the right to access this document to assert any and all legal rights they possess that stem from the HAP contract. See Section 8 Housing Choice Voucher HAP Contract, Section 12(b) (“The tenant or the PHA may enforce the tenancy addendum (Part C of the HAP contract) against the owner, and may exercise any right or remedy against the owner under the tenancy addendum.”).

We should note that we reviewed HACLA’s written responses to our 2019 pre-draft comments on HQS issues, and appreciate HACLA’s consideration of our comments. However, in HACLA’s written responses to our comments, we believe there are points of misunderstanding or confusion on HACLA’s part that we would like to address in a dialogue with your staff on these issues. Additionally, outside of the 2019 Agency Plan public comment process, in August 2018, LAFLA sent HACLA detailed proposed revisions to its HQS form letters that would help improve the process for both tenants and landlords. These proposed revisions are attached hereto for your review. Unfortunately, we did not receive any response from HACLA on these proposed revisions, and believe this is a lost opportunity for our organizations to collaborate on an issue that deeply impacts our mutual clients.

III. REQUEST FOR MEETING AND CONCLUSION

Accordingly, as the 2020 Agency Plan public comment process begins, LAFLA would like to request a meeting with HACLA to discuss the critically-needed improvements to HACLA’s HQS process proposed herein. We believe HQS issues are at the forefront of ensuring that Section 8 tenants remain housed in Los Angeles’ rapidly changing housing market, and we feel confident that this can be another effective collaboration between our agencies. Please let us know when we can arrange such a meeting in either April or May 2019. Should you have any questions, please feel contact Natalie at (213) 640-3956 or at NAMinev@lafla.org.

Sincerely,

LEGAL AID FOUNDATION OF LOS ANGELES

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August 14, 2019

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

Via electronic mail to juan.garcia@hacla.org

Re: Comments for HACLA 2020 Draft Agency Plan

Dear Mr. Guthrie:

On behalf of the Legal Aid Foundation of Los Angeles, we respectfully submit these comments and recommendations for the forthcoming 2020 Agency Plan for the Housing Authority of the City of Los Angeles (“HACLA”). This letter sets forth specific recommendations for HACLA to consider while finalizing the 2020 Agency Plan, as well as broader policy changes to consider in the context of this public comment process.

I. SUCCESSFUL COLLABORATIONS BETWEEN LAFLA AND HACLA ON EFFORTS TO PRESERVE AND EXPAND AFFORDABLE HOUSING OPPORTUNITIES

The Legal Aid Foundation of Los Angeles would like to express its appreciation to HACLA for closely collaborating with our organization in the past year to address two particular issues related to preserving affordable housing in the City of Los Angeles.

First, we greatly appreciated HACLA’s collaboration in responding to an increased number of cases in which private landlords attempted to illegally terminate existing Housing Assistance Payments (“HAP”) contracts with HACLA by serving Section 8 participants living in rent-stabilized units with invalid 90 day notices. As a result of these efforts, we can confidently state that dozens, if not hundreds, of Section 8 tenants in Los Angeles, living in affordable, rent-stabilized units, were protected from efforts by certain landlords to displace them and illegally terminate contracts with HACLA.

Specifically, in July 2018, LAFLA took immediate action to coordinate efforts with HACLA to address illegal 90-day notices served on scores of Section 8 tenants by the law firm of Dennis Block and Associates. The Section 8 tenants who received these notices all resided in apartments protected by the Los Angeles Rent Stabilization Ordinance (“LARSO”), which protects tenants from eviction without just cause. In these notices, landlords, through their counsel, informed tenants that they would be
terminating the HAP contract at the end of the 90-day notice period due to “business or economic reasons,” which included leaving the Section 8 program to avoid administrative burdens associated with the program. At the end of the notice period, the landlords informed tenants that they would either have to pay full contract rent, or move out of the properties.

Such notices are illegal because landlords may not unilaterally terminate the HAP contract unless it is for one of the reasons provided for by federal regulations. These notices also violate the good cause requirements under LARSO.

Soon after LAFLA identified this pattern of cases, we reached out to Carlos Van Natter and Angela Adams. Over the course of several months last summer and fall, LAFLA and HACLA staff collaborated to inform tenants of the illegal nature of these notices, ensured that tenants did not needlessly move out of their units, and through persistent advocacy, successfully and dramatically decreased the number of illegal 90-day notices issued by the law firm of Dennis Block. LAFLA’s work with HACLA on this issue exemplifies the wide-ranging impact toward preserving affordable housing opportunities in Los Angeles our organizations can have when we work together to address a problem affecting our client population.

In order to make the most of these successful efforts, we recommend that the 2020 HACLA Agency Plan include language that specifically addresses invalid 90-day notices. While our collaboration led to a steep decline in these types of notices, we continue to see clients with similar notices on a regular basis. We believe clear guidance on this issue in the Agency Plan would help to further address the problem. Unfortunately, this suggestion was not incorporated into the Draft Agency Plan released on June 14, 2019. At the Advocates Meeting with HACLA held on July 25, 2019, LAFLA strongly encouraged HACLA to reconsider incorporating this language into the final Agency Plan. In these written comments, we again urge that HACLA incorporate language about this critical issue into the 2020 Agency Plan prior to its submission to HUD, so that there is clear language about the rights of Section 8 participants who are being improperly displaced by landlords with the use of illegal 90 day notices.

We continue to applaud HACLA’s support of the recent proposed source of income ordinance before the Los Angeles City Council. This ordinance would also serve to preserve and expand affordable housing opportunities for HACLA participants in particular, by prohibiting landlords from discriminating against renters on the basis of their source of income, including Section 8 Housing Choice Vouchers. As HACLA’s report on the proposed ordinance before the City Council explains in great detail, voucher utilization rates in the City of Los Angeles are critically low, and it has become a sometimes-insurmountable ordeal for our clients to find a landlord to accept their Section 8 voucher. LAFLA has joined HACLA in expressing support of the proposed ordinance and plans to utilize every opportunity available as the ordinance is reviewed to share its potential positive impact on LAFLA clients.

II. PROPOSED CHANGES TO HACLA’S HOUSING QUALITY STANDARDS PROCEDURE

We are encouraged by HACLA’s collaboration with the public interest advocacy community on issues aimed at keeping Section 8 tenants housed, and keeping landlords in the Section 8 program. With this context in mind, LAFLA would like to take this opportunity to reiterate proposed policy changes to HACLA’s Housing Quality Standards (“HQS”) process, which we believe are also critical to these goals of keeping Section 8 tenants housed and keeping landlords in the program. Apart from illegal 90-day notices and Section 8 discrimination, problems arising out of the HQS process are among the most pressing and complex challenges our clients face in Section 8 housing. In the past three years, LAFLA has counseled and/or represented an increasingly large volume of Section 8 tenants whose housing—
and livelihoods—were jeopardized because their units repeatedly failed HQS inspections, often due to no fault of their own. Below, we outline our recommended changes to HACLA’s HQS process, all of which falls within the scope of the proposed 2020 Administrative Plan.

As we detailed to HACLA in our pre-draft Agency Plan comment letter in 2018, certain landlords have utilized the HQS inspections process, as a means to force Section 8 tenants residing in a rent-controlled units out of their units, which then allows the landlord to both rent the unit to a new non-Section 8 tenant and increase the subsequent rent in the unit to much higher levels as the result of vacancy decontrol under LARSO. Typically, the landlords who fall into this category will deliberately or negligently fail multiple HQS inspections conducted by HACLA, triggering a 90-day period of abatement of HAP payments to the landlord. Although HUD regulations provide that a HAP contract between the landlord and a public housing authority (“PHA”) will be automatically terminated after 180 days of abated HAP payments, HACLA terminates the HAP contract at the end of the 90-day abatement period if the landlord has not remedied the outstanding HQS violations within that period. See 24 CFR 982.455. As a result of the impending HAP contract termination, we have had multiple clients issued moving vouchers within the abatement period and encouraged by HACLA case workers to move out of their units prior to the HAP contract termination, regardless of whether the client affirmatively requested a moving voucher. In many cases, these Section 8 participants have moved out of the unit with a moving voucher, only to find that they are unable to use the voucher in most of Los Angeles County. As a result, these clients are displaced from rent-controlled units, and sometimes from the city or county of Los Angeles, through no fault of their own.

In certain cases, we have also seen landlords attempt to or successfully evict Section 8 participants for the alleged non-payment of full contract rent during the period of HAP abatement, even though courts in California have held that a landlord may not evict a Section 8 tenant for nonpayment of the public housing authority’s portion of rent during a period of abatement triggered by landlord-caused HQS violations. See Scott v. Kaiuum, 8 Cal. App. 5th Supp. 1, 8 (2017). In order to successfully raise this as a defense in an eviction, Section 8 participants will often need a variety of documents held by and/or testimony by HACLA, including copies of the HAP Contract, lease, notices of tenant and HACLA share of the rent, and inspection reports and notices, as well as declarations from HACLA authenticating these documents and setting forth the basic undisputed facts relevant to this issue. In our experiences, HACLA has refused to or otherwise failed to provide these documents upon the request of Section 8 participants in this highly vulnerable situation. HACLA has also failed to provide any written assurance to the participant that they will not be terminated from the Section 8 program if the landlord prevails in the unlawful detainer. In the circumstances described, the Section 8 tenant is wholly innocent, and should not face a risk of losing the voucher in the event some court does not agree that the resulting legal consequence is that the landlord cannot charge the full rent to the Section 8 tenant after the HAP contract terminates.

With these experiences in mind, we set forth the following recommendations for changes to the 2020 Agency Plan regarding Housing Quality Standards procedures:

Section 11.21.1 of the 2019 HACLA Admin Plan provides that after a landlord fails one HQS inspection, HACLA provides the owner of a property with 30 days to correct the deficiencies and request another re-inspection of the unit. If the owner does not request a re-inspection, the Inspection Office will request termination of the HAP contract. Specifically, the Admin Plan provides that:

“Upon receipt of the request, the Advisor shall notify the family and the owner in writing of the HACLA’s intent to terminate the HAP contract 90 days after the date of the notice. The family is advised to contact the Advisor within 30 days of the date of the notice to request a voucher. If the family fails to request a voucher within 30 days, the HACLA begins action to terminate the family’s participation. If the unit has not
passed inspection by the proposed termination date, the HAP contract is terminated. If the family remains in the unit after the termination date, the family is responsible for the full amount of rent to the owner.” Section 11.21.1, HACLA Admin Plan.

We recommend the following changes to the aforementioned policy:

First, HACLA should not terminate the HAP contract until 180 days of abatement of HAP to the landlord, not 90 days. 24 CFR 982.455 is clear that a HAP contract is not automatically terminated until 180 days of abatement of HAP payments. Additionally, the Section 8 Housing Choice Voucher Guidebook, which governs the way in which public housing authorities administer HQS procedures, clearly states that the public housing authority has the discretion to determine the length of the abatement period. SECTION 8 HOUSING CHOICE VOUCHER GUIDEBOOK, 10-27. The Guidebook also specifically provides that “[t]he PHA should not terminate the contract until the family finds another unit provided the family does so in a reasonable time.” Id. Given the immense dearth of affordable housing in Los Angeles County currently, we have seen time and time again that 90 days is not a reasonable amount of time for our clients to locate alternative housing; HACLA itself acknowledged this fact when it adjusted the amount of time Section 8 participants could extend the time period to utilize a moving voucher to 270 days, the maximum amount of time allowed under HUD. By moving to terminate the HAP contract within 90 days of abatement without any regard to whether the Section 8 participant has found housing, HACLA is not acting in accordance with HUD guidance on the proper administration of HQS procedures, and doing so has negative consequences for Section 8 tenants.

Second, HACLA should incorporate protections into this section that ensure that the Section 8 participant’s voucher is secure. For example, HUD and the operative regulations do not require the PHA to initiate termination proceedings of the Section 8 voucher if the tenant does not request a moving voucher within 30 days after being notified of the HAP contract termination. Because the abatement and HAP contract termination procedure are not frequent occurrences, there will be many situations in which a Section 8 participant will not request a moving voucher within 30 days due to unfamiliarity with the abatement timeline. HACLA should strike this language from the provision.

Additionally, last year, as part of the Agency Plan process, Mr. Van Natter assured us that, in the event that if a landlord prevails in the eviction of a Section 8 participant for non-payment of the PHA’s portion of the rent during the HQS abatement process, the participant will not be terminated from the Section 8 program for a violation of the family obligations. We appreciate this assurance and assume it remains HACLA’s policy. HACLA should explicitly state this in the Administrative Plan. Doing so would provide assurances to tenants that they can proceed in the eviction proceedings without fear of losing their Section 8 in the event they do not prevail in the eviction, which in turn will help tenants remain in their housing, which also helps ensure greater Section 8 utilization.

Third, we have seen multiple instances in which HACLA Section 8 case advisors have affirmatively issued moving vouchers to participants whose units have entered the abatement process without their requesting one, or have verbally advised the participant that they need to move because of the HQS violations. This improperly signals to the participant that they are required to move out of the unit, even though the HQS deficiency may still be remedied by the landlord. Accordingly, we request that language is included in this section to state the following: “The Section 8 Case Advisor should not affirmatively issue a moving voucher to the participant(s) in the abated unit until one is requested by the participant(s), and should not otherwise advise the participant that they need to move out of the unit during the abatement process.”

Finally, language should be added to this section to require HACLA to provide Section 8 participants upon request with documents necessary to assert a defense under Scott v. Kaiium where the landlord illegally attempts to evict the participant for non-payment of the PHA’s portion of the rent
during the abatement period. Specifically, HACLA should provide to Section 8 participants the following documents in this situation: the HAP contract between the owner and HACLA, the lease, the notices of tenant and HACLA share of the rent, inspection reports and notices, and a declaration from HACLA setting forth the basic undisputed facts relevant to this issue. In a recent meeting between HACLA and legal services advocates, HACLA asserted that the HAP contract is a “confidential” document between the owner and HACLA to which the participant should not have access. However, per the Tenancy Lease Addendum signed by all Section 8 participants that is part and parcel of the HAP contract, Section 8 participants are direct, third-party beneficiaries of the HAP contract between the owner and the PHA. Therefore, tenants have the right to access this document to assert any and all legal rights they possess that stem from the HAP contract. See Section 8 Housing Choice Voucher HAP Contract, Section 12(b) (“The tenant or the PHA may enforce the tenancy addendum (Part C of the HAP contract) against the owner, and may exercise any right or remedy against the owner under the tenancy addendum.”).

We should note that we reviewed HACLA’s written responses to our 2019 pre-draft comments on HQS issues, and appreciate HACLA’s consideration of our comments. However, in HACLA’s written responses to our comments, we believe there are points of misunderstanding or confusion on HACLA’s part that we would like to address in a dialogue with your staff on these issues. Additionally, outside of the 2019 Agency Plan public comment process, in August 2018, LAFLA sent HACLA detailed proposed revisions to its HQS form letters that would help improve the process for both tenants and landlords. Unfortunately, we did not receive any response from HACLA on these proposed revisions, and believe this is a lost opportunity for our organizations to collaborate on an issue that deeply impacts our mutual clients.

The aforementioned proposed changes to the HQS process in the Section 8 Administrative Plan were not incorporated into the 2020 Draft Agency Plan released on June 14, 2019. At the Advocates Meeting with HACLA on July 25, 2019, LAFLA strongly encouraged HACLA to reconsider incorporating this language into the final Agency Plan. In these written comments, we again urge that HACLA incorporate our proposed revisions about the HQS process into the 2020 Agency Plan prior to HACLA’s submission of the Agency Plan to HUD. While we appreciate Mr. Van Natter’s promise to hold a meeting with advocates specifically on HQS issues in the near future, we disagree with his statement at the Advocates Meeting that our proposed revisions to the HQS process fall outside the scope of the Agency Plan public comment process. LAFLA’s proposed changes to the HQS chapter of the Administrative Plan amend existing provisions governing the HQS process, as well as revise and/or add new language to help clarify and augment tenant protections within the current process. We believe the Agency Plan process is the proper forum to address these issues. We encourage HACLA to incorporate these changes into the final Agency Plan, and to contact LAFLA to coordinate a meeting of advocates on this issue in September 2019.

III. CONCLUSION

Thank you for your consideration of LAFLA’s public comments on the 2020 HACLA Agency Plan. Should you have any questions, please contact Natalie at (213) 640-3956 or at NAMinev@lafla.org.

Sincerely,

LEGAL AID FOUNDATION OF LOS ANGELES
Mr. John King  
Director, Community Engagement  
Housing Authority of the City of Los Angeles (HACLA)  
2600 Wilshire Blvd.  
Los Angeles, CA 90057

Public Comment on the Housing Authority of City of Los Angeles (HACLA)  
2020 Draft Agency Plan

Thank you for the opportunity to submit public comment on the Housing Authority of the City of Los Angeles Year 2020 Draft Agency Plan. We value the agency’s partnership in ensuring pathways to supportive and stable housing for those at-risk of and experiencing homelessness, and in our collaborative efforts to address the severe shortage of housing for all Angelenos in need.

As these needs continue to outpace the options available to Los Angeles’ lowest-income renters, it is urgent that we continue to work toward lowering program barriers that disproportionately impact those at risk of homelessness.

As such, we respectfully highlight and recommend changes in the following three categories:

- **Clarifying Requirements for the Continuum of Care (CoC) Program**
- **Reducing Barriers to Admission and Continued Housing Assistance**
- **Managing and Extending Violence Against Women Act (VAWA) Protections**

**Clarifying Requirements for the Continuum of Care (CoC) Program**  
*(Section 8 Administrative Plan)*

At the guidance of the U.S. Department of Housing and Urban Development (HUD) and under the new Los Angeles Continuum of Care (LA CoC) policy, all new CoC-funded supportive housing projects are available to DedicatedPLUS eligible individuals. This policy change modified eligibility requirements with the intent to more effectively target permanent housing resources toward households with the highest needs. As such, we request that language in “Chapter 18: Special Procedures for the Continuum of Care Program,” 18.6.2 Screening for Criminal History and Groups for Denial, and other areas is updated to reflect new eligibility standards for the program.

Next, as a Housing First community, we know that safe, stable housing with minimal preconditions and low barriers helps keep families housed and out of homelessness. We commend the agency for proposing to remove the failure to meet Family Self-Sufficiency or supportive service requirements as a good cause for tenancy (17.34 Owner Termination of Tenancy or Refusal to Renew the Lease). To that end, we urge the HACLA to remove 18.7.3 Statement of Family Responsibility, which mandates service participation as a condition of receiving assistance under the CoC program. Supportive services should be an option for
households seeking services, not a basis for tenancy. The decision to participate in supportive services should, first and foremost, be driven by the household.

In addition, we request language added to 18.6.8 Transfer Between Components clarifying that transfers between CoC program components are managed through the Coordinated Entry System (CES). Transfers should operate in accordance with the HACLA’s policy for matching applicable units through CES (3.4.2.2. Continuum of Care Program). We request additional language to ensure a consistent application of the prioritization process.

**Reducing Barriers to Admission and Continued Housing Assistance**  
*(Section 8 Administrative Plan)*

All residents should have the ability to live in housing free from threats to safety and health. In establishing guidelines to protect this right, we respectfully urge the agency to reevaluate policies that limit housing options for those with prior evictions and past criminal charges. Applicant standards that exceed statutory requirements and deny assistance to families, who are otherwise eligible for housing services, can push the most vulnerable households to the brink of homelessness. Here in the Los Angeles Continuum of Care, we find that upwards of 60 percent of unsheltered homeless adults have a prior experience in the criminal justice system. For many, past offenses alone do not preclude them from being good tenants and neighbors.

**Applicants – Consideration of Prior Evictions Due to Drug Related Criminal Activity**  
Under 13.4.1 Prior Evictions Due to Drug Related Criminal Activity, households will be denied services if they experience a prior eviction involving a drug related criminal activity within the past three years. While federal guidelines permit agencies to consider additional circumstances for these cases (24 C.F.R. 982.553(a)(1)), current HACLA policy applies a significantly narrower standard by limiting this consideration to cases that involve the illegal personal use of a drug.

We recommend that the HACLA expand these considerations from the more limited standard of “illegal personal use of a drug” to “any drug-related criminal activity,” to ensure that households that are otherwise eligible for housing have a fair opportunity to show evidence of drug rehabilitation or the removal of circumstances that led to the eviction. In addition, we recommend that drug rehabilitation programs are inclusive of low-barrier and hard reduction models.

**Applicants – Denial of Assistance due to Illegal Drug Use or Being Convicted of any Crime Involving the Use of Alcohol**  
We urge the HACLA to remove discretionary policies that bar applicants who have been convicted of a crime related to alcohol, or convicted of an illegal use of a drug, or possession of an illegal drug for person use within one year of the initial interview. These restrictions exceed statutory requirements for denying housing assistance and close off households that may otherwise have limited options for housing.

**Participants – Termination of Assistance due to Prior Eviction**  
Similarly, we request the review of policies which deny assistance to families with a prior eviction from assisted housing resulting from the illegal use of a drug or possession of an illegal drug, or where alcohol was a contributing factor to the eviction. Evictions where alcohol may have been a contributing factor fall outside of mandatory reasons for terminating assistance under federal regulations, and therefore should be
removed as a cause for termination. We also urge the agency to reevaluate language regarding alcohol use "as a contributing factor to an eviction", which, as written, lacks clear guidelines for making that determination. Additionally, cases where an eviction resulted from the illegal use or possession of a drug should be evaluated using the same criteria in 13.4.1 Prior Evictions Due to Drug Related Criminal Activity.

**Tenant Eligibility (ACOP)**

We applaud the HACLA’s proposal to remove the consideration of consumer debt balances for applicant evaluations. The prevalence of consumer debt, particularly when coupled with low and stagnant incomes, makes this threshold extremely challenging for households who are otherwise at high-risk of homelessness without assistance from the HACLA. In that vein, we encourage the agency to reconsider other discretionary criteria that serve as grounds for denying a household admission. In evaluating households for public housing, we strongly encourage the agency to seek information that supports the household’s suitability as a tenant rather than the consideration of past actions alone, which may or may not reflect the applicant’s ability to be a good tenant.

- **Eviction due to Nuisance:** Under the current HACLA policy, a single eviction for nuisance within the past three years can automatically disqualify a household from admission. Yet, federal guidance from 2016 recognized that these nuisance and other crime-free ordinances may disproportionately impact victims of domestic violence or others with needs for emergency assistance. This guidance also urged housing providers to consider their impact in communities that are “disproportionately victimized by crime.” This caution is supported by recent research finding that these ordinances are disproportionately invoked in predominantly black neighborhoods and against women. As such, we request the removal of nuisance-related evictions from consideration.

- **Eviction due to Prior Non-Payment of Rent:** Families may also be denied if they have two or more evictions for nonpayment of rent in the three years prior to evaluation. This threshold is extremely prohibitive for households struggling to pay rent in the County’s challenging housing market and are otherwise eligible for assistance if not for their inability to pay. Further, basing an applicant’s suitability as a tenant solely on past evictions is particularly concerning given the scale of eviction filings in Los Angeles and the lack of legal safeguards in place to protect low-income renters. A recent report finds that more than 500,000 court evictions were filed in Los Angeles County from 2010-2018 alone. We urge the HACLA to reconsider this requirement.

**Reinstatement to the Waiting List:** The listed procedures around waiting lists can be a barrier for households experiencing homelessness or that are otherwise housing insecure. These are households who are at high risk of being purged from a waiting list simply due to a lack of reliable address or contact information. Though HACLA policy accounts for cases of disability, clerical errors, or other circumstances that may interrupt a family’s ability to respond, it does not explicitly recognize the significant barriers to

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communication that may result from homelessness or other forms of housing insecurity. As such, we recommend language in 5.29 Reinstatement to Waiting List clarifying that mitigating circumstances may include homelessness.

Managing and Extending VAWA Protections

We are encouraged by the added protections for VAWA households participating in the HUD-VASH program and commend the agency for including this policy in the draft plan. While these changes represent progress in ensuring that VAWA households have access to safe and secure housing, we urge the agency to continue to ensure that housing protections are fully covered in the administrative plan and that agency services are delivered in a manner that is trauma-informed.

VAWA Definitions:
As written, the HACLA Administrative Plan fails to define terms and definitions for crimes covered under VAWA which include domestic violence, dating violence, sexual assault, and/or stalking. We have strong concerns that the absence of clear and distinct definitions may prevent survivors from seeking out housing protections they are entitled to by law and create cases where a relatively narrow adoption of a definition is used. As such, we urge the HACLA to include VAWA terms and definitions, per 24 CFR 5.2003, in the upcoming agency plan.

Addition of Human Trafficking:
Survivors of human trafficking are acutely vulnerable to homelessness due in part to extremely limited housing options that consider the personal safety needs of victims. Recognizing the distinct housing considerations for this population, LAHSA extends housing protections afforded under VAWA to survivors of human trafficking, which includes sex and labor trafficking. In the LA CoC, nearly a quarter of unsheltered women and 42% of unsheltered transgender persons report a history of sex trafficking, illustrating the high vulnerability this population faces. We strongly urge the HACLA to extend provisions provided to VAWA households to survivors of human trafficking.

Portability:
8.10.1.5 Limitations on Moving, Portability limits the ability for households fleeing domestic violence, dating violence or other VAWA crimes from porting vouchers more than once in a twelve-month period. We request an exception to this policy if a move is required “to protect a victim of domestic violence, dating violence, sexual assault, or stalking” to ensure that families fleeing violence can access housing alternatives, where available, without interruption to assistance. This change brings exceptions in alignment with 12.2.2 Exceptions to Limitations on Moving, which includes an exception for VAWA households.

Self-Certification:
Under federal guidelines, agencies may use their discretion to allow alternative statements or other forms of evidence for VAWA documentation, outside of HUD-approved self-certification forms (i.e. HUD-5382) and third-party statements. It is particularly critical that the verification process is trauma-informed and client-driven, to the extent allowable. When certifying their status, survivors should have choice and control over how they wish to report experiences with violence and harm, rather have their options limited to one type of self-certification.
As such, we encourage the agency to exercise this discretion, follow a trauma-informed care approach, and expand eligible documents in 6.19.5 Certification of Domestic Violence, and references to domestic violence certification thereafter, to include: “a signed statement by the victim certifying that the information provided is true and correct, and that it describes bona fide incident(s) or actual or threatened domestic violence, dating violence, sexual assault, or stalking.”

Emergency Transfer Plan:
LAHSA commends HACLA for proposing language in the 2020 Draft Agency Plan ensuring that VAWA households cannot be denied a request for an emergency transfer. But the plan continues to lack language clearly defining emergency transfer protocols that ensure victims fleeing violence or in imminent harm can quickly access safe, comparable housing alternatives. We request that the HACLA include language that further protects the safety of these households and details transfer procedures with respect to eligibility requirements, confidentiality, transfer timing, unit availability and other safety considerations.

Voucher Set-Aside for VAWA Households
In that vein, we strongly encourage the HACLA to consider a set-aside of at least twenty (20) tenant-based vouchers exclusively for participants who are victims of domestic violence, dating violence, sexual assault, or stalking for purposes of an emergency program transfer. This is a policy of the San Francisco Housing Authority to ensure that dedicated housing resources are in place to VAWA households in immediate need of housing alternatives. To help the HACLA more effectively meet their responsibilities under federal law, and the emergency housing needs of victims of VAWA crimes, we strongly encourage the HACLA to consider a set-aside policy for this population.

We appreciate the opportunity to comment and look forward to continuing our work with the HACLA to ensure safe and stable housing options for all Angelenos.
August 14, 2019

Via E-mail and US Mail Correspondence

Juan Garcia
Housing Authority of the City of Los Angeles
Community Engagement Department
2600 Wilshire Blvd – 3rd Floor, Planning
Los Angeles, CA 90057
E-mail: juan.garcia@hacla.org

Re: Comments to HACLA’s 2020 Draft Agency Plan

Neighborhood Legal Services of Los Angeles County (“NLSLA”) is a non-profit agency that provides free legal assistance to over 100,000 individuals and families each year. Established in 1965, NLSLA has helped marginalized Los Angelinos in need of housing for more than half a century, providing them with the highest quality legal services, and promoting their equal access to justice.

NLSLA respectfully submits the following comments and recommendations on policy changes to the forthcoming 2020 Draft Agency Plan for the Housing Authority of the City of Los Angeles (“HACLA”). This letter sets forth specific recommendations for HACLA to consider while developing the 2020 Public Housing Admissions and Continued Occupancy Policy (“ACOP”) and the Section 8 Administrative Plan (“Admin. Plan”), as well as broader policy changes to consider in the context of this public comment process.
I. SECTION 8 ADMINISTRATIVE PLAN

A. HACLA SHOULD RESCIND ITS BLANKET POLICY DEEMING PREVIOUSLY-APPROVED HOUSEHOLD MEMBERS INELEGIBLE TO BE LIVE-IN AIDES.

Issue Background:

HACLA “must approve a live-in aide if needed as a reasonable accommodation . . . to make the program accessible to and usable by the family member with a disability.”

The federal Fair Housing Amendments Act, the state Fair Employment and Housing Act, and related sources of law require HACLA to provide reasonable accommodations to people with disabilities where necessary to provide them with equal opportunity to use and enjoy housing. Such accommodations are required so long as they are reasonable, meaning that they do not create an undue burden on the housing provider or a fundamental alteration in federal program policies. Giebeler v. M&B Associates (9th Cir. 2003) 343 F.3d 1143, 1147, citing U.S. v. California Mobile Home Park Mgmt. Co. (9th Cir. 1994) 29 F.3d 1413, 1416.

Federal regulation sets out very specific and limited reasons why a PHA may refuse to approve a particular person as a live-in aide:

At any time, the PHA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if:

1. The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

2. The person commits drug-related criminal activity or violent criminal activity; or

3. The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Notably, previous approval as a family member into the Section 8 program is not one of the enumerated discretionary bases for refusing to approve a particular person as a live-in aide.

1 24 C.F.R. § 982.316(a).
3 24 C.F.R. § 982.316(b)
Nevertheless, Section 6.21.1 of HACLA’s Admin. Plan states: “A person previously approved by the HACLA as a family member does not qualify as a live-in aide. Notwithstanding the above, on a case-by-case basis, the HACLA may consider a former family member as a live-in aide.”

Though the policy itself carves out exceptions on a case-by-case basis, the exception only applies to former family members and not current family members. Additionally, HACLA has used this policy to deny former and current household members as live-in aides without providing any rationale beyond the stated policy in the Admin. Plan. While HACLA may be able to articulate a basis for denying approval of a live-in aide based on previous family membership in a specific case, a blanket policy deeming that “[a] person previously approved by the HACLA as a family member does not qualify as a live-in aide” without determining why the reasonable accommodation request would result in an undue financial burden or fundamental alteration of the Section 8 program would amount to disability discrimination under fair housing laws.

Put another way, HACLA should be assessing every reasonable accommodation request on a case-by-case basis to determine if it amounts to an undue financial burden or fundamental alteration. If HACLA does not make such a determination, and none of the three regulatory bases for denying a live-in aide exist, HACLA must approve a live-in aide if needed as a reasonable accommodation.

The inclusion of Section 6.21.1 in HACLA’s Admin. Plan is problematic for a number of reasons. First, when the default policy is that a previously approved family member does not qualify, this opens the door for abuse and misapplication of the reasonable accommodation standard. Second, it relieves HACLA of its burden to determine whether the accommodation request is reasonable, and unjustly shifts the burden onto the participant to attempt to navigate through HACLA’s several levels of appeals when his or her disability may impede them from articulating a request for reasonable accommodation in the first place. Third, in many instances, a previously-approved household member may be the best suited to act as live-in aid for a particular participant due to the very nature of the disability. For instance, a participant with a particular physical disability may require assistance with changing, medication, or other tasks that they would feel most comfortable with a family member assisting with. Similarly, a particular mental health disability, such as anxiety or paranoia, may also necessitate that a previously-approved family member, whom the disabled individual may be most comfortable with, assist them in their daily activities.

Lastly, to the extent HACLA’s policy is based on the notion that a household may be “cheating the system” by designating a current household member as a live-in aide, this contention lacks merit. A live-in aide has no right to inherit the federal subsidy in the event the participant
household passes away or is terminated. Thus, a current household member electing to become a live-in aide relinquishes their rights to a significant benefit. Moreover, under federal regulation, a live-in aide is defined as one "who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services."⁴ In effect, HACLA must determine, and the prospective live-in aide must certify, that the person is essential to the care and well-being of a household member, that the person is not obligated for the support of the participant household, and that they would not be living there but for the disability-related needs of the household member. If HACLA makes such a determination, and the prospective live-in aide certifies as such, there would be no basis for refusing to approve a previously-approved household member as a live-in aide. Such a policy in essence requires a current household member who "would not be living in the unit except to provide the necessary supportive services" to move out of the unit simply so that they could be designated a live-in aide and then have to move back into the household. This policy is both cumbersome and discriminatory.

Recommendation:

In order to comply with applicable fair housing laws, HACLA should (1) remove Section 6.21.1 from its Admin. Plan, (2) evaluate each reasonable accommodation request on a case-by-case basis to determine whether the request poses an undue burden or fundamental alteration of the program, or otherwise falls under one of the regulatory exclusions enumerated under 24 C.F.R. § 982.316(b), and (3) approve a live-in aide if needed as a reasonable accommodation.

II. PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY

A. HACLA CRIMINAL RECORD SCREENING POLICIES

Housing is a critical need for justice-involved individuals. Justice-involved individuals often encounter significant roadblocks in obtaining housing because of their criminal records, even if their criminal history has no relationship to their ability to be a successful tenant. Studies show the lack of access to safe, affordable, and accessible housing is a high marker for recidivism. Yet many housing providers continue to maintain exclusionary policies or practices that use criminal history information in order to make housing decisions.⁵ Despite this growing trend, public housing authorities (PHAs) play a critical role in providing affordable housing, and can be instrumental in the successful re-entry of justice-involved individuals.

⁴ 24 C.F.R. § 5.403
HACLA, in fact, does have innovative and cutting edge policies in place to support the justice-involved population. For example, HACLA’s Demonstration Re-entry Program allows families on the Section 8 Housing Choice Voucher program to reunite with formerly incarcerated family members who would not otherwise be eligible to join the household.

Nevertheless, HACLA’s broader tenant criminal background screening processes as defined in its ACOP and as encountered by our clients, are concerning and out of line with federal and state policy because (1) HACLA is denying applicants admission to public housing based on alleged criminal background information without providing the applicant a copy of the record and an opportunity to dispute its accuracy, and (2) HACLA’s policy is ill-defined and lacks a look-back period. As the public housing authority serving one of the largest cities in the United States, it is imperative that HACLA bring its policies into legal compliance. Given HACLA’s more innovative policies with respect to inclusion of the justice-involved population in its Section 8 program, we know that HACLA understands the needs of this population and can be a leader in this arena.

As such, we submit the following recommendations to HACLA’s tenant criminal record screening policy.

1) HACLA MUST VERIFY THE ACCURACY OF CRIMINAL BACKGROUND RECORDS AND PROVIDE A PUBLIC HOUSING APPLICANT A COPY OF THE RECORDS AND AN OPPORTUNITY TO DISPUTE THEM BEFORE DENYING ADMISSION.

Issue Background:

When denying applications for public housing based on adverse criminal background information, federal law\(^6\) mandates that:

\textit{Before a PHA denies admission to the PHA’s public housing program on the basis of a criminal record, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.}

Federal regulation is clear that “[t]his opportunity must be provided before a denial of admission, eviction or lease enforcement action on the basis of such information.”\(^7\) Moreover, if an adverse record is discovered, HACLA has an obligation to ensure that the criminal record is

\(^6\) 24 C.F.R. Part 960.204(c) (emphasis added); 42 U.S.C. § 1437d(q)(2).

\(^7\) 24 C.F.R. § 5.903(f).
accurate and to verify that it in fact pertains to the applicant by seeking a fingerprint match.\(^8\) 

HACLA may be liable in a civil action for damages that result from any "negligent or knowing action that is inconsistent with" the statutory criminal record disclosure requirements, including failing to notify the applicant of the criminal history information collected, failing to provide the applicant with a copy of the information collected, and failing to allow the applicant the right to dispute the information.\(^9\)

Similarly, California state law requires that an applicant for housing be notified within three days of a request for an investigative consumer report that the report will be made, of the name and address of the investigative consumer reporting agency, and of their right to request a copy of the investigative consumer report.\(^10\)

HACLA’s existing practices regarding denials of applications to public housing applicants based on adverse criminal background information fail to comply with both federal and California state laws. Currently, HACLA relies on the Los Angeles County Sheriff to run background checks through the California Law Enforcement Telecommunications System ("CLETS"), and if the check produces a purported criminal record for the applicant, the Sheriff then assigns a 1, 2, 3, or 4 designation to the record. Based on the Sheriff’s designation, HACLA automatically denies applicants with a 3 or 4 designation, and sends the applicant a notice that they are "not eligible for admission" based on a "negative criminal background check" without HACLA or the applicant ever learning the details of the criminal background check. It is unclear what criteria the Sheriff’s office is relying upon in order to make this numerical designation. For example, is the Sheriff relying on expunged or reduced convictions? Is the Sheriff utilizing information in its gang databases—databases that have been highly criticized for their arbitrary and discriminatory targeting of boys and men of color? Is the Sheriff looking to juvenile or sealed records or arrest data in making their designation? None of this is clear from HACLA’s policies.

Though the denial letter notes that the applicant may request an informal review of the decision within 30 days from the date of the notice if the applicant disagrees with the determination, by that point HACLA has already denied the applicant and failed to notify the applicant of the criminal history information collected, to provide the applicant with a copy of the information collected, and to allow the applicant the right to dispute the information, in violation of federal and state law.

Additionally, HACLA’s reliance on the Sheriff’s designation system is especially troubling because HACLA is clearly failing to verify the accuracy of the record and that it actually pertains to the applicant. NLSLA clients have been denied access to public housing based on convictions


that were almost 10 years old, and others on convictions that had already been reduced to misdemeanors via Proposition 47, and therefore no longer a basis for denial under HACLA’s stated policies. HACLA’s use of the Sheriff’s designations seemingly fails to account for both the age and current status of a conviction, information that HACLA must take into account before denying a public housing applicant.

Recommendation:

In order to comply with applicable laws, HACLA should (1) stop using the Sheriff’s designations to make determinations about public housing eligibility, (2) obtain accurate and reliable criminal background information, and verify that it pertains to the applicant, and (3) notify the household of an intended denial based on a criminal record and provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record before denying the applicant. We also recommend that any pre-denial notice inform the applicant of his/her right to provide evidence of the applicant’s rehabilitation and mitigating circumstances. The pre-denial notice should include the specific types of mitigating evidence considered by HACLA. Finally, the pre-denial notice should explicitly inform an applicant of his/her right to request a reasonable accommodation. The pre-denial notice should state that an applicant has a right to bring an advocate or counsel to any subsequent informal meeting or hearing.

2) HACLA’S ACOP SHOULD CLEARLY DEFINE ITS CRIMINAL RECORD SCREENING POLICY, SPECIFY A LOOK-BACK PERIOD FOR CRIMES, AND PROVIDE APPLICANTS INFORMATION REGARDING RIGHTS AND PROTECTIONS.

Issue Background:

HACLA’s tenant criminal records screening policy lacks any defined look-back period, and is vague, overbroad, and potentially discriminatory. The relevant section of the ACOP reads:

"In accordance with HUD guidelines and California Penal Code 11105.03, in order to avoid admitting residents whose presence might be damaging to the health, safety and welfare of the residents, the HACLA will obtain criminal summary history information from State and/or Local law enforcement agencies, and the FBI on all prospective adult residents of public housing owned or operated by the HACLA for the purpose of determining resident eligibility. The HACLA will test all applicants against the following additional criteria:
a. 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?

b. Is there a history of any drug-related or violent criminal activity which would adversely affect the health, safety, wellbeing or right of peaceful enjoyment of the premises by other residents or HACLA employees?

c. Is there a history of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by others? Alcohol abuse shall only be evaluated as an aggravating factor in the context of a criminal conviction, as determined in Exhibit 201:1F hereof, or in the context of a prior housing eviction.

d. Is any family member registered as a lifetime sex offender? Such individuals are ineligible for assisted housing for life; and

e. Has any family member been convicted of producing or manufacturing methamphetamines on the premises of an assisted housing unit?

Such individuals are ineligible for assisted housing for life. This information shall be used only for the purpose of determining eligibility."

This policy is unacceptable for many reasons. First, there is no look-back period articulated in the policy, meaning that HACLA’s policy allows discretion for the agency to consider old crimes that have no bearing on whether an applicant might interfere with the health, safety and welfare of other residents. Additionally, HACLA’s reference to the Penal Code also appears to suggest that it is also considering crimes that are 10 years old. This is a remarkably overbroad policy and is most likely in violation of HUD guidance.

In its 2016 Guidance on the “Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions,” HUD recognized that criminal records-based barriers to housing are likely to have a disproportionate impact on minority housing seekers, and cautions against policies that do not consider the amount of time passed since a person’s conviction.12

"[H]ousing providers that apply a policy or practice that excludes persons with prior convictions must still be able to prove that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest...Similarly, a policy or practice that does not consider the amount of time that has passed since the criminal

11 HACLA ACOP at pp. 6-7
conduct occurred is unlikely to satisfy this standard, especially in light of criminological research showing that, over time, the likelihood that a person with a prior criminal record will engage in additional criminal conduct decreases until it approximates the likelihood that a person with no criminal history will commit an offense.\textsuperscript{13}

In fact, the Guidance cites a study that found that after six or seven years without re-offending, the risk of new offenses by persons with a prior criminal history begins to approximate the risk of new offenses among persons with no criminal record.\textsuperscript{14} More recent studies indicate that the effect of a prior criminal offense on a resident’s housing outcome declines over time and becomes insignificant after two years in the case of a misdemeanor, and after 5 years in the case of a felony.\textsuperscript{15} In households with two adults, one or more children, larger subsidies, and greater average age of adults, the likelihood of a negative housing outcome is additionally reduced.\textsuperscript{16} Indeed, HUD has suggested in its own rules and guidance from as far back as 2001 that five years is a reasonable look-back period for serious criminal offenses.\textsuperscript{17} Even a five-year look-back period is out of line with policies implemented by sister PHAs across the country, as well as tenant screening ordinances passed by many municipalities. (See Exhibit B).

Recommendation:

HACLA’s tenant criminal record screening policy should be much more defined in its ACOP. First, the policy should identify the specific factors considered by HACLA in its determination as to whether to accept or deny an applicant. The policies should further specify due process procedures following an initial proposed denial. HACLA should consider creating a matrix specifying which crimes will be subject to further review. This matrix should also delineate a look-back period for each category of crime. For serious felony convictions, we recommend that HACLA implement a look-back period of at most five years, although a three-year look-back period is best practice for these types of offenses. (See Exhibit B).

Second, the policy should provide as much clarity as possible surrounding denials for criminal background information to the applicant so she can adequately prepare her application and any mitigating evidence. Specifically, the policy should identify the categories of mitigating evidence that can be brought forth by an applicant, including but not limited to: evidence of community ties; evidence of volunteer work; information regarding an applicant’s support networks; information regarding an applicant’s employment history; and any evidence of

\textsuperscript{13} Id. at 6-7.
\textsuperscript{14} 5 Criminology and Pol’y 483 (2006).
\textsuperscript{16} https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf at p. 1
\textsuperscript{17} 66 Fed. Reg. 28, 776; 28, 770 (May 24, 2001)
rehabilitation. The policy should include specifics about its appeals process and any concomitant notice periods. The policy should indicate that arrests, deferred entry of judgment and pre-trial diversion records, juvenile records, and expunged, dismissed, and sealed records are not bases for denial.

Finally, the policy should specifically set forth that all screening and denial processes are subject to a reasonable accommodation process, and that victims of domestic violence, sexual assault, and related crimes as set forth in 34 U.S.C.A. § 12491 will not be denied admission to public housing based on acts arising out or relating to their status as victims of those crimes. While protections for applicant survivors of domestic and sexual violence and applicants with disabilities are already part of HACLA’s broader policies, applicants may not understand how to navigate this process absent guidance from an attorney or advocate. Finally, a copy of HACLA’s tenant criminal record screening policy should be attached to any pre-denial notice sent to an applicant. These recommendations are safeguards against inappropriately and discriminatorily screening out qualifying tenants under HACLA’s existing policies. While these recommendations are in response to HACLA’s public housing policies and practices, NLSLA recommends that they be implemented program-wide.

IV. CONCLUSION

We respectfully request that HACLA consider the above-discussed comments and recommendations in the process of preparing the 2020 Draft Agency Plan. Should you have any questions, please do not hesitate to contact me at 818-291-1786 or sahardurali@nlsla.org.

Sincerely,

Sahar Durali, Associate Director of Litigation and Policy
Andres Rapoport, Staff Attorney
Jarrell Mitchell, Staff Attorney
Lucia Choi, Staff Attorney

Neal S. Dudovitz, Executive Director
ATTACHMENT 4

Certification Forms
(only in Final & Final Draft Versions)
Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan

I, ___________ Rushmore D. Cervantes ___________, the General Manager

Official’s Name

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 (HACLA)

PHA Name

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

City of Los Angeles

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.

The PHA Plan aligns with actions planned to address special needs populations and supports Goal #4, Preventing and Reducing Homelessness and Domestic Violence. The Con Plan provides info on Affirmatively Furthering Fair Housing (AFH) report jointly commissioned by HACLA and the City.

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
8-30-19
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

2020 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 subrecipients shall certify and disclose accordingly.

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

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

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


Name of Authorized Official

Douglas Guthrie

Signature

Date (mm/dd/yyyy)

10/3/19

President & CEO

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1, & 7465.3
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11 Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: 
Print Name: Douglas Guthrie
Title: President & CEO
Telephone No.: (213) 252-1810
Date: 10/3/9

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.
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

PHAName

CA004

PHA Number/HACode

Name of Authorized Official

Ben Besley

Title

Chairperson, Board of Commissioners

Signature

Date

SEP 26 2019

Thereby 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)
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 ___ 5-Year and/or ___ Annual PHA Plan for the PHA fiscal year beginning _____, 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 include 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).

| Housing Authority of the City of Los Angeles | CA004 |
| PHA Name | PHA Number/HA Code |
| _____ | _____ |
| X  | Annual PHA Plan for Fiscal Year 2020 |
| X  | 5-Year PHA Plan for Fiscal Years 2020 - 2024 |

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

| Name of Authorized Official | Title |
| Ben Besley | Chairperson, Board of Commissioners |
| Signature | Date |
|  | SEP 26 2019 |

Page 2 of 2 form HUD-50077-ST-HCV-HP (12/2014)
RESOLUTION AUTHORIZING THE CHAIRPERSON & THE PRESIDENT AND CEO TO APPROVE THE 2020 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) PURSUANT TO 24 CFR PART 903

WHEREAS, the "Quality Housing Work Responsibility Act of 1998" (QHWRA) and Federal regulations require Public Housing Agencies 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 14, 2019 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, four meetings were conducted with the Public Housing Resident Advisory Boards: on March 21, 2019 and June 20, 2019 with the Resident Leaders (RACs), and on January 31, 2019 and July 18, 2019 with the Housing Authority Resident Advisory Council (HARAC). Additionally, fourteen Housing Authority meetings were held at the fourteen large family developments and five regional meetings were held with Section 8 Advisory Board members from July 11, 2019 – August 1, 2019.

WHEREAS, two meetings were held with community advocacy groups on March 25, 2019, and July 25, 2019; and

WHEREAS, the Housing Authority Board of Commissioners held a Public Hearing on August 14, 2019; 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: Eligibility for Admission and Processing of Applications, Nondiscrimination, Eligibility for Admission, Application Procedure, Changes Prior to Unit Leasing, Removal of Applicant from the Waiting List, Reinstatement to the Waiting List, Determination of Eligibility and Notification of Applicants, Local Preferences, Method of Applying Local Preferences/Income Targeting, Application Procedure; Offers of Housing; Verification Hierarchy, Rent Determinations, Other Rental Amounts, Rent Calculation for Over-Income Households, Individual Relief for Utilities (Electric and Natural Gas); Minimum Rent
Financial Hardship Provisions, Long Term Financial Hardship; Periodic Reexaminations, Earned Income Disallowance (EID) Review, General Reexamination Requirements, Annual Reexaminations, Effective Date of Reviews; Annual Reexaminations, Transfers, Types of Transfers. Emergency Transfers, Routine Transfers, Compensation For Move, Emergency Transfer Placement, Transfer List Priority and Placement, Transfer Approval, Resident Requested Routine Transfers, Additions/Deletions to the Household Composition, Deletions to the Family Composition, the Death of the Resident and Status of the Remaining Household Members, and the Status of the Remaining Household Members When the Resident Is Permanently Placed in a Nursing Home/Retirement Home/Board and Care or is Otherwise Involuntarily Removed from the Unit; and

WHEREAS, the Final Agency Plan includes changes to the Section 8 Administrative Plan in the following areas: Ensuring Equal Opportunity to Applicants for Section 8 and Other Assisted Housing Programs, Providing Accessibility for Persons with Disabilities, Denials and Terminations - HACLA Discretion to Consider Circumstances, Family Unification Program (FUP), Mainstream Housing Program, Preparation of Contract or Memorandum of Understanding (MOU), PBA, MRP, MRP-SRO, HOPWA and Tenant-based Section 8 Screening, Additional Project-based Screening, Electronic Verification (EV), HOPWA & CoC Tenant-based Tenancies - All Reexaminations, Public Housing Relocations - Subsidy Standards, Action on Receipt of a Request for an Informal Hearing, Introductory Remarks, Special Procedures for the Project Based Assistance (PBV) Programs, Agreement to Enter into HAP Contract (AHAP), Inspection Before a PBV Contract is Executed or Amended, Owner Termination of Tenancy or Refusal to Renew the Lease, Requests for Reasonable Accommodation, Portability, VAWA Protections; and

WHEREAS, the City of Los Angeles has certified that the Agency Plan is consistent with the City’s Consolidated Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners: 1) approves the 2019 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.

HOUSING AUTHORITY OF THE
CITY OF LOS ANGELES

By: ____________________________
Ben Besley, Chairperson

APPROVED AS TO FORM:

BY: ____________________________
James Johnson, General Counsel

DATE ADOPTED: 9/5/2019
26 2019
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
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full 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 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

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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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66 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.\textsuperscript{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.\textsuperscript{68}

\section*{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.\textsuperscript{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.

\textsuperscript{67} 42 U.S.C. § 4601 et seq., 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

\textsuperscript{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.”

\textsuperscript{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.\(^70\) |
| 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 |

\(^70\) 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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| 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. 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.

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;

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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

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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.78

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

78 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.\(^79\) 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.

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

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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.  

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.

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. 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. 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.\(^{88}\)

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

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\(^{91}\)
- 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.\(^{92}\)

- 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

\(^{91}\) The most recent consent must be within 180 days of the actual relocation date, as discussed in Section 6.10(D).

\(^{92}\) In the case of voluntary permanent relocation, the date of “return” may be the same as the date of relocation away from the Converting Project.
offer of alternative housing options, the PHA or Project Owner shall determine a fair and reasonable method for selection among similarly situated residents.\textsuperscript{93}

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.

\textit{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

\textsuperscript{93} 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.
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.

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.