Housing Authority of the City Of Los Angeles
Year 2019 Agency Plan

FINAL AGENCY PLAN

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

September 27, 2018
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Prepared by:
Juan A. Garcia, Systems & Procedures Supervisor

Housing Authority of the City of Los Angeles (HACLA)
2600 Wilshire Blvd
Los Angeles, CA 90057
www.hacla.org
Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

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

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

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

- **Update of the Housing Authority’s Section 8 Administrative Plan and Public Housing Admission and Occupancy Policy (ACOP);**
- **Emphasis on Public Housing Revitalization and Redevelopment;**
- **Certification of Consistency with the City of Los Angeles Consolidated Plan; and**
- **Profile of Current Housing Authority Resources.**
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A. PHA Information

A.1 General Information

PHA Name: Housing Authority of the City of Los Angeles
PHA Code: CA004
PHA Type: ☑ Small ☑ High Performer
PHA Plan for Fiscal Year Beginning: January 2019
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: ☑ Annual Submission ☐ Revised Annual Submission

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

☐ PHA Consortia: N/A

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

Copies of the 2019 Draft Agency Plan are made available for review at:

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

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

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

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

HUD Programs Under PHA Management

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Units or Families Served at Year Beginning 2018</th>
<th>Expected Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Housing</td>
<td>6,971</td>
<td>266</td>
</tr>
<tr>
<td>S8 Vouchers &amp; Portability</td>
<td>31,866</td>
<td>1,593</td>
</tr>
<tr>
<td>HUD-VASH(^1)</td>
<td>2,659</td>
<td>319</td>
</tr>
<tr>
<td>Non-Elderly Disabled</td>
<td>270</td>
<td>14</td>
</tr>
<tr>
<td>Family Unification Program</td>
<td>172</td>
<td>9</td>
</tr>
<tr>
<td>Tenant Protection</td>
<td>1,165</td>
<td>58</td>
</tr>
<tr>
<td>Mainstream Year 5</td>
<td>69</td>
<td>3</td>
</tr>
<tr>
<td>Welfare to Work</td>
<td>241</td>
<td>12</td>
</tr>
<tr>
<td>Project-Based Voucher</td>
<td>3,579</td>
<td>179</td>
</tr>
<tr>
<td>WL Limited Preference Homeless</td>
<td>3,919</td>
<td>196</td>
</tr>
<tr>
<td>WL Limited Preference TBSH(^2)</td>
<td>722</td>
<td>36</td>
</tr>
<tr>
<td>WL Limited Preference HVI(^3)</td>
<td>253</td>
<td>13</td>
</tr>
<tr>
<td>S8 Homeownership</td>
<td>34</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>75</td>
<td>4</td>
</tr>
<tr>
<td>Continuum of Care</td>
<td>2,865</td>
<td>264</td>
</tr>
<tr>
<td>New Construction</td>
<td>1,695</td>
<td>85</td>
</tr>
<tr>
<td>Section 8 Moderate Rehabilitation</td>
<td>1,285</td>
<td>64</td>
</tr>
<tr>
<td>HOPWA(^4)</td>
<td>161</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total Expected Turnover</strong></td>
<td></td>
<td><strong>2,836</strong></td>
</tr>
<tr>
<td><strong>Grand Total Section 8 Programs</strong></td>
<td><strong>51,030</strong></td>
<td><strong>2,546</strong></td>
</tr>
</tbody>
</table>

\(^1\) 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?

Y   N

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

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

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

i. Statement of Housing Needs

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

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

Section 8 - Rental Rate Data

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

Public Housing - Admission & Deconcentration Policy

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

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

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

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

5. The Housing Authority shall provide in its Annual Plan an analysis of Deconcentration and Income Mixing for each fiscal year. The analysis will identify those sites whose average incomes are below 85% and above 115% the Authority’s average income for covered properties. Incomes that are above 115% of the Authority’s average but still below 30% of the area median income shall not be considered “higher income.” The analysis shall provide explanations as to why sites are outside of the 85% - 115% range and strategies the Authority will implement to address if needed.

In accordance QHWRA, 40% of all new admissions to the public housing program are at or below 30% of the AMI. Additionally, 40% of new admissions are at or below 50% AMI, and the remaining 20% cannot exceed 80% AMI per federal regulations. Given these restrictions, the term “higher-income” within public housing is a slight misnomer.
The HACLA operates a community-wide wait list and applicants are offered up to three locations once they are certified for eligibility to the program. Units offered are based on the available vacancies on the day of offer. All offers made are “blind” offers – there is no consideration or factoring of the applicants race, ethnicity, or any other protected classification (outside of basic eligibility criteria).

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

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

#### Financial Resources
Planned Sources and Uses

<table>
<thead>
<tr>
<th>Sources</th>
<th>Planned $</th>
<th>Planned Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Federal Grants (FY 2018 grants)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Public Housing Operating Fund</td>
<td>18,422,603</td>
<td>Operations</td>
</tr>
<tr>
<td>b) Public Housing Capital Fund</td>
<td>21,050,260</td>
<td>Capital Improvements</td>
</tr>
<tr>
<td>c) Annual Contributions for Section 8 Tenant-Based Assistance</td>
<td>536,792,915</td>
<td>Housing Assistance</td>
</tr>
<tr>
<td><strong>2. 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>79,115,878</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>2,142,325</td>
<td>Workforce Training</td>
</tr>
<tr>
<td><strong>3. Public Housing Dwelling Rental Income</strong></td>
<td>34,748,184</td>
<td>Operations</td>
</tr>
<tr>
<td><strong>4. Non-Federal Sources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Payment in Lieu of taxes</td>
<td>2,717,740</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>695,568,698</td>
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</tbody>
</table>
iv. Rent Determination.

Rent Determination

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

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

Voucher Payment Standards

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

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

Homeownership Capacity Statement

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

a) Safety and Crime Prevention:

Public Housing

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

vi. **Pet Policy**

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

Significant Amendment/Substantial Deviation

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

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

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

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

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?

<table>
<thead>
<tr>
<th>Y</th>
<th>N</th>
</tr>
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<tr>
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</tr>
</tbody>
</table>

(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>
</tr>
<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>
</tr>
<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>
</tr>
<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,</td>
<td>6/1/2018</td>
</tr>
<tr>
<td>Project Name</td>
<td>Address</td>
<td>Unit Count</td>
<td>Family Type</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------------------------</td>
<td>------------</td>
<td>------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>MDC-J D Project</td>
<td>9901 S. Alameda Street Los Angeles, CA 90002</td>
<td>95</td>
<td>Extremely, Very, and Low Income Families</td>
<td>8/1/2018</td>
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</tr>
<tr>
<td>Jordan Downs Phase 1a</td>
<td>2101 E. Century Blvd. Los Angeles, CA 90002</td>
<td>50</td>
<td>Extremely, Very, and Low Income Families</td>
<td>6/1/2018</td>
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<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 1</td>
<td>415, 417, 419 &amp; 421 N. Hawaiian Avenue</td>
<td>27</td>
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<td>5/21/2018</td>
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<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 2</td>
<td>1001, 1015, &amp; 1027 West E Street</td>
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<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 4</td>
<td>1001, 1015, &amp; 1027 West D Street</td>
<td>20</td>
<td></td>
<td>4/27/2018</td>
<td></td>
</tr>
<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 5</td>
<td>1002, 1016, &amp; 1028 West D Street</td>
<td>19</td>
<td></td>
<td>4/30/2018</td>
<td></td>
</tr>
<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 6</td>
<td>307, 315, &amp; 327 N. Wilmington Bl</td>
<td>22</td>
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<td>5/7/2018</td>
<td></td>
</tr>
<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 7</td>
<td>310, 322, &amp; 340 N. Hawaiian Ave.</td>
<td>24</td>
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<td>5/7/2018</td>
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<tr>
<td>PBV Dana Strand IV - A, Camino del Mar Lot 8</td>
<td>1102, 1116, &amp; 1130 West D Street</td>
<td>22</td>
<td></td>
<td>5/16/2018</td>
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</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>Homeless &amp; Chronically Homeless Families and Individuals</td>
<td>7/1/2018</td>
<td></td>
</tr>
</tbody>
</table>
i. HOPE VI or Choice Neighborhoods (CN) Implementation Grants

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

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

Jordan Downs Redevelopment

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

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

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

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

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

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

In March 2015, the 21-acre property was annexed into the City of Los Angeles. Environmental remediation of this property started in May 2015 and by November 2016, the Department of Toxic Substances Control (DTSC) issued a Remedial Action Completion Certificate (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 is anticipated to be completed by the end of 2018 while phased occupancy is projected to begin in the fall of the same year.

Phase 1B achieved financial closing in June 2018 and construction began shortly thereafter. This phase will include 133 affordable units and 2 manager units.

Phase 1C is an 113,000 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 take approximately one year, with interior tenant improvements completed for retailers to begin operations by late 2019.
HACLA is working with The Michaels Development Company and BRIDGE Housing on the planning and predevelopment of four projects in the second redevelopment phase of the Jordan Downs Redevelopment project. The projects include - 91-unit Phase S3 (formerly known as Phase 2A), 80-unit Phase -Area H (formerly known as Phase 2B), 81-unit Phase S2 (formerly known as Phase 2-MDC), and 134-unit Phase-Area G.

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

HACLA applied unsuccessfully for a Choice Neighborhood (CN) Implementation grant from HUD in FY 2013, FY2015 and in FY2016. As HACLA was unsuccessful in receiving a grant under these prior year applications, HACLA and its Master Developer partner intend to carefully review and consider applying for future funding cycles for CNI Implementation Grant funds and/or successor programs to support the redevelopment of the new Century Boulevard and Jordan Downs.. HUD is making approximately $150 million available for the CN program under the Consolidated Appropriations Act of 2018.

**Rancho San Pedro**

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Rancho San Pedro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000404/ CA004000404417</td>
</tr>
<tr>
<td>Number of Units</td>
<td>478</td>
</tr>
</tbody>
</table>

In 2015, HACLA, with the support of CD15, conducted a Feasibility Study of Rancho San Pedro on the market conditions and possible development scenarios for revitalizing Rancho San Pedro. In 2017, HACLA began working with the residents and community stakeholders in furtherance of a long-term plan for Rancho San Pedro. The residents and community stakeholders have been engaged 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, 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.

ii. Mixed Finance Modernization or Development:

Miscellaneous

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

Pueblo Del Sol

Pueblo del Sol (Phases I and II) is at the end of its 15-year tax credit compliance period. HACLA has 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 through one of its non-profit instrumentalities anticipates exercising the Purchase Option in late 2018.

iii. Demolition and/or Disposition

Jordan Downs Redevelopment

In June 2016, HACLA received HUD approval for its Jordan Downs Multi-phased Demolition and Disposition Application to demolish and dispose of 630 Public Housing units within the Jordan Downs AMP in accordance with the phasing plan of the overall redevelopment; with the balance of 70 units already incorporated in the Rental Assistance Demonstration Program. Prior to the submission, HACLA carried out extensive consultation with the residents of Jordan Downs, the Jordan Downs Agency-wide Resident Council, the Resident Advisory Board, and the Jordan Downs
Advisory Committee through a series of meetings in October and November 2015 in compliance with all required federal regulations.

The Demolition/Disposition application excluded the 70 Rental Assistance Demonstration (RAD) units that have a Commitment to Enter into a Housing Assistance Payment (CHAP) award and are undergoing RAD conversion under a separate process. The Demo/Dispo application also excludes 14 single-family scattered site units.

<table>
<thead>
<tr>
<th>Demolition/ Disposition Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Development name: <strong>Jordan Downs</strong></td>
</tr>
<tr>
<td>1b. Development (project) number: <strong>CA004000416</strong></td>
</tr>
<tr>
<td>2. Activity type: Demolition ☒ Disposition ☒</td>
</tr>
<tr>
<td>3. Application status (select one)</td>
</tr>
<tr>
<td>Approved ☒ Submitted, pending approval ☐ Planned application ☐</td>
</tr>
<tr>
<td>4. Date application approved, submitted, or planned for submission:</td>
</tr>
<tr>
<td>Submitted - 3/14/2016</td>
</tr>
<tr>
<td>Approved - 6/3/2016</td>
</tr>
<tr>
<td>5. Number of units affected: <strong>630</strong></td>
</tr>
<tr>
<td><strong>Bedroom Type</strong></td>
</tr>
<tr>
<td>One Bedroom</td>
</tr>
<tr>
<td>Two Bedroom</td>
</tr>
<tr>
<td>Three Bedroom</td>
</tr>
<tr>
<td>Four Bedroom</td>
</tr>
<tr>
<td>Five Bedroom</td>
</tr>
</tbody>
</table>

None of these units are UFAS units.

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

7. Timeline for activity: |
| a. **Actual** or projected start date of activity: **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 191 units of newly built rental affordable housing. The new units will be built in two phases; Phase I will consist of up to 94 units and is being designed to accommodate all existing residents currently living onsite. Phase II will consist of up to 97 units and will provide new affordable family units.

Based on discussions with the Department of City Planning, HACLA believes the entitlements could be achieved through a less onerous and time consuming approach through the City’s Density Bonus Ordinance. 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.

Over the past two years, HACLA and Related have conducted several meetings with residents of Rose Hill Courts and other community members to understand their needs and concerns and incorporate them into the redevelopment concept. All residents received RIN notices in 2017. Residents and community stakeholders were also informed about the plans to study the New Construction option. An interactive design charrette and an open house were held with residents and the larger community to show the planning and conceptual design for the new construction project and solicit feedback. 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**

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<th>2. Activity type: Demolition ☒ Disposition ☒</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>3. Application status (select one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved ☐</td>
</tr>
<tr>
<td>Submitted, pending approval ☐</td>
</tr>
<tr>
<td>Planned application ☒</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Date application approved, submitted, or planned for submission:</th>
</tr>
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<tbody>
<tr>
<td><strong>Planned for Submission - 12/1/2018</strong></td>
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</table>

<table>
<thead>
<tr>
<th>5. Number of units affected: <strong>100</strong></th>
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</table>

<table>
<thead>
<tr>
<th>6. Coverage of action (select one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Part of the development -</td>
</tr>
<tr>
<td>☒ Total development(s) -</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. Timeline for activity:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Actual or <strong>projected</strong> start date of activity: <strong>02/01/2019</strong></td>
</tr>
<tr>
<td>b. Actual end date of activity: <strong>TBD</strong></td>
</tr>
</tbody>
</table>

### Rancho San Pedro

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Development name:</td>
<td><strong>Rancho San Pedro</strong></td>
</tr>
<tr>
<td>1b. Development (project) number:</td>
<td><strong>CA004000404/ CA004000417</strong></td>
</tr>
<tr>
<td>2. Activity type:</td>
<td>Demolition ☒ Disposition ☒</td>
</tr>
<tr>
<td>3. Application status (select one)</td>
<td>Approved ☐ Submitted, pending approval ☐ Planned application ☒</td>
</tr>
<tr>
<td>1. Date application approved, submitted, or planned for submission:</td>
<td><strong>Planned for Submission – 7/1/2019</strong></td>
</tr>
<tr>
<td>5. Number of units affected:</td>
<td><strong>478</strong></td>
</tr>
<tr>
<td>6. Coverage of action (select one)</td>
<td>Part of the development - ☐ Total development(s) - (phase demo/ dispo per phasing plan to be determined)</td>
</tr>
</tbody>
</table>
| 7. Timeline for activity: | a. Actual or **projected** start date of activity: **7/01/2020**  
  b. Actual end date of activity: |

---

### iv. Conversion of Public Housing

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

The conversions of the 70 RAD units are part of the initial redevelopment phases which include replacement of 157 existing public housing units with 250 new units comprised of RAD units, Section 8 Project Based Vouchers, Low Income Housing Tax Credits units' that are deed restricted to between 30% and 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 will be making 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) $3,007.25* 101 = $303,732.25</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>
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<tr>
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<tr>
<td>Five Bedroom</td>
<td>1</td>
<td>0</td>
<td>Unit reconfiguration*</td>
</tr>
</tbody>
</table>

If performing a Transfer of Assistance: NA

Note:

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

HACLA shall comply with all applicable requirements of PIH Notice 2012-32, REV-2, REV-3 as may be amended from time to time (the “RAD Notice”) and PIH 2016-17 (HA), as may be amended from time to time (the “RAD Relocation Notice”). The Authority has included the Resident Rights, Participation, Waiting List and Grievance Procedures provisions of these notices for reference as an attachment, and each notice shall be deemed to be fully incorporated herein, but in the event of a conflict, the applicable provisions of the RAD Notice and RAD Relocation Notice shall control.
HACLA will be applying for 60 additional RAD units to be converted in future Phases 4 and 5 of the Jordan Downs redevelopment under the 2016 CNI application and is awaiting HUD approval.

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

**Rose Hill Courts**

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

<table>
<thead>
<tr>
<th>Name of Public Housing Development: Ramona Gardens</th>
<th>PIC Development ID: CA004000401</th>
<th>Conversion Type: Project Based Vouchers (PBV)</th>
<th>Transfer of Assistance: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>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) $2,955.97 *11 = $32,515.67</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>3</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>7</td>
<td>6</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Three Bedroom</td>
<td>3</td>
<td>2</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>Four Bedroom</td>
<td>0</td>
<td>0</td>
<td>Unit reconfiguration*</td>
</tr>
<tr>
<td>If performing a Transfer of Assistance:</td>
<td>NA</td>
<td></td>
<td>NA</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.
Potential Watts Acquisition RAD Conversion/ Transfer to HACLA Asset Management

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

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Jordan - Scattered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000416</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>14</td>
</tr>
</tbody>
</table>

Between late 2010 and 2013, HACLA purchased a total of twenty nine (29) Townhomes/Duplex properties comprising thirty four (34) units in the Watts community. These properties were purchased from Restore Neighborhood Los Angeles (RNLA), the City's Housing & Community Investment Department's (HCID) sub-recipient of Neighborhood Stabilization Program (NSP) funds, as well as private developers using HUD Replacement Housing Factor funds and now are additions to HACLA's public housing stock in the Watts area.

HACLA is exploring the long term options of either transferring these properties to HACLA Asset Management for administration via third party management or a RAD conversion under a HACLA non-profit instrumentality ownership and third party property management. 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

HACLA has submitted letters of interest for the following properties.

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Pueblo Del Sol Phase 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000222</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>120</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Pueblo Del Sol Phase 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000227</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>122</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Development</th>
<th>Lankershim/87th Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number</td>
<td>CA004000851</td>
</tr>
<tr>
<td>Number of Units to be converted to RAD</td>
<td>57</td>
</tr>
</tbody>
</table>
HACLA may submit RAD application for Rancho San Pedro in FY2019.

<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.

vi. **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 2,550 vouchers in support of the City of Los Angeles Permanent Supportive Housing Program (PSHP) which consolidates the efforts of various City departments to assist in the provision of supportive housing for the homeless population of the City of Los Angeles. Additional vouchers may be awarded depending on the response to Housing & Community Investment Department (HCIDLA) Notice of Funding Availability for the PSHP and the needs of the community.

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

---

5 Homeless Initiatives as of July 2017
**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 180 to 190 PBV units, depending upon the density achieved.

**Rancho San Pedro**

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

**Dana Strand Redevelopment**

In 2016, the Housing Authority entered into ground lease agreements with Mercy Housing and Abode communities and began the construction of the final phase IV of the redevelopment of the former Dana Strand Village. The project is comprised of 176 service-enhanced, deeply affordable rental homes from 1 Bedroom to 3 Bedroom units, including 25,000 square feet of open and recreational space, that complement Phases I through III. Phase 1 (Harbor View) and Phase 2 (Wilmington Townhomes) have been completed, both consisting of Low Income Housing Tax Credits (LIHTC) and public housing units. The 100 unit phase III, New Dana Strand Senior project was developed as an affordable housing community serving very low income and extremely low income seniors. Phase IV was developed as affordable multifamily rental housing in two sub-phases comprising 88 units each under two separate Limited Partnerships. Both sub-phases have received 87 Project Based Vouchers. The construction is scheduled to be completed in mid FY2018.
vi. Other Capital Grant Programs

B.3 Progress Report

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

Vision Plan

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

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

The Vision Plan Goals are:

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

Through a competitive RFP solicitation process, in September 2016, HACLA procured a consultant team to assist in developing the Vision Plan and related community outreach strategies. HACLA and the consultants are working on a detailed data-driven matrix to compare and evaluate key aspects of its public housing and asset portfolio and current programs to guide the revitalization strategy and prioritize sites for different types and levels of investment. Comparison research on organizational and financial models are also being carried out which will inform the implementation strategy for the Vision Plan and a database of community organizations are being created for future partnerships.
In 2017, HACLA and the consultants led a multi-faceted community engagement process with residents/RACs, neighborhood partners advocates/affordable housing partners, funders, and local agencies to solicit input for the Vision Plan. This 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 is being incorporated into the final plan document, anticipated to be approved by the end of 2018.

Immediately following adoption, HACLA will begin 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 2018 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 2018 through 2022 was approved by HUD on August 27, 2018.

Note: Supporting Documents

All supporting documents for FY 2019 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 2019 FINAL AGENCY PLAN
### ATTACHMENTS

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

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

C. Eligible for Admission

11. Applicants will be provided the opportunity to provide any facts and documents they deem relevant for the HACLA to consider regarding mitigating circumstances for past conduct/history that my otherwise deem a member of a household or an Applicant as ineligible for admission. Such facts include, but are not limited to, the time, nature, and extent of the past conduct; evidence of rehabilitation; and evidence of the prospective resident’s participation in, or willingness to participate in, an appropriate social service or counseling program.

E. Changes Prior to Unit Leasing

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

Changes reported must be in writing or via any on-line applicant portal that may be in operation.

An Applicant or Co-Applicant will not be allowed to remove the other from the application without the express written permission of the person being removed or without proof of the other person’s death or permanent placement in a long-term skilled nursing or related facility.

H. Splitting of an Application

1. At any time before the interview, the Applicant and Co-applicant can split their application and their place(s) on the waiting list shall be appropriately adjusted.

The Co-applicant will retain the date of when he/she was initially placed on the application.
2. Under no circumstances will an application be split between either the Applicant or Co-applicant and any other household members.

* * * * *

L. Local Preferences

1. Applicant families who qualify for a local preference shall have preference for admission.

2. Definition of a Local Preference

   a. Preference shall be given to applicant families whose head or co-head is:

      (1). working at least 20 hours per week at the State’s minimum wage and has been employed for a minimum of 6 months prior to the determination of eligibility; or

      (2). is—attending an one or more accredited institution[s] of higher learning (college, trade school, vocational school) the equivalent of full-time (full-time is defined by the policies or guidelines of the learning institution), and the course of study is expected to lead to employment; or

      (3). is—working and attending an one or more accredited institution[s] of higher learning, and the combined total is at least 20 hours per week; or

      (4). otherwise equally income self-sufficient; or

      (5). an active member in or veteran of a United States military service (Army, Navy, Air Force, Marine Corps, or Coast Guard); or

      (6). Families whose family head or cohead, or whose sole member, are disabled or age 62 years of age and older will also receive this preference.

* * * * *

Q. Application Procedure; Offers of Housing

* * * * *

In accordance with HUD’s Public Housing Occupancy Guidebook, the selection of applicants and assignment of units shall be as follows:
3. If an application is withdrawn due to the applicant's refusal to accept up to three offers of suitable housing the applicant is ineligible to be placed on the active waiting list unless a new application is made during an open application period.

An offer made, but not expressly accepted during the offering period, shall be deemed a refusal. "Expressly accepted" means that the applicant has signed a lease (rental agreement) for the unit referred.

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 handicap such as:

S. Offers of Accessible Units or Units with Accessible Features

1. Accessible units or units with accessibility features which are vacant and available for occupancy shall be offered to qualified applicants and residents who have requested and have verified a disability-related need for those units. Priority is determined as follows:

   a. A current resident family with a member with disabilities living at the same site;
   
   b. A current resident family with a member with disabilities who lives at other sites; and
   
   c. An applicant family with a member with disabilities who needs the accessibility features.
   
   d. If no family of the appropriate bedroom size accepts the unit, the unit will be offered following the above three priorities to a family of the next bedroom size down requiring the accessibility features.

III. RENT DETERMINATIONS

A. Rent Choice

Once a year, families will be offered a choice in the type of rent method their monthly tenant rent will be determined. The choices are between the Income Based method or Flat Rent. Choice of rent is not applicable to families with
members who do not have eligible immigration status ("Mixed Families").

[NOTE: This section was not stricken but instead moved to D below.]

A. **Initial Occupancy**

The initial amount of the family's rent payment will be determined on the information verified during the application process, provided that information is not older than 120 days from the date of the rent determination.

In the event the 120-day limitation has been exceeded, the income and other information will be re-verified prior to calculation of the initial rent level. Income will be included according to the definitions included in Exhibit 201:1A.

For Written Third Party documents that were provided by the family, the documents must not be older than 60 days prior to the reexamination date or date requested by the Authority.

* * * * *

D. **Rent Choice**

* * * * *

4. **Rent Calculation for Over-Income Households**

1). **Effective January 1, 2019,** households whose gross annual income exceeds 120% of the AMI income limit published annually by HUD (“over-income threshold”) will be considered “over-income” households.

2). **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.

3). **Following two (2) consecutive years of exceeding the over-**
income threshold, the over-income household shall pay the higher of the following for rent:

a) The applicable Fair Market Rent (FMR) as established by HUD for the Section 8 program for the bedroom size for the City of Los Angeles, or

b) The amount received by the Housing Authority in the form of subsidy and capital funds per unit for the development where the household resides.

4). If at any time during the two-year period the over-income household’s income falls below the over-income threshold, the household will no longer be characterized as an over-income household subject to this provision. Should the household’s income once again exceed the over-income threshold, a new two (2) consecutive year period shall commence.

Rent for such over-income households may be subject to additional changes pending HUD regulatory changes.

(Subsequent renumbering of remaining subsections F, H, and H to G, H and I)
year cycle, the new/changed source will be verified via third party and subsequently on the same schedule as the household’s original fixed income sources.

During the interim review years, the HACLA will apply a verified cost of living adjustment (COLA) or current rate of interest to previously verified fixed income amount. The COLA or current interest rate applicable to each source of fixed income must be obtained either from a public source or from tenant-provided, third-party generated documentation.

(Subsequent renumbering following)

F. Effective Date of Reviews

1. Annual Reexaminations

2. Interim Reviews (including Specials)

3. Additional 30-Day Notification of Rent Increases - Special Cases

In accordance with California Civil Code Section 827, families experiencing an increase in rent greater than 10% for reasons other than a change in family composition or income shall be provided an additional 30-days before such a rent increase will be effective.

IX. ADDITIONS/DELETIONS TO THE HOUSEHOLD COMPOSITIONS

B. Deletions to the Family Composition

4. For all deletions of a Resident for reasons other than death, permanent placement in a medical care/retirement facility, or for other non-voluntary reasons, the Resident who is to be deleted must provide the Authority with written notice of their intent to permanently vacate and relinquish all their rights to occupy the rental dwelling or have the medical care/retirement facility verify the inability to return to the unit. A Resident may also be removed from the household in accordance to Section XII F of the Rental Agreement.
F. Temporary Out of the Residence

1. As used herein, “Temporary” means out of the residence for more than 30 consecutive days.

2. A resident or Household Member who is temporarily out of the residence shall be removed from the lease whenever the Resident or Household Member:
   a. Fails to participate in any review and no reasonable date to return can be ascertained, or
   b. The resident or Household Member established legal residence elsewhere.

3. In the case of minors, no minors shall be removed from the household except in accordance with Section VII B 3 above, and where the minor’s right to return to the household has been legally terminated.

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), providing the remaining family member(s) meet the then existing suitability 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.

XI. THE RESIDENT IS PERMANENTLY PLACED IN A NURSING/RETIREMENT HOME (BOARD & CARE) AND THE STATUS OF THE REMAINING HOUSEHOLD MEMBERS

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, and (ii) the Resident gives up his/her rights in writing or the facility or other third party has verified that the individual 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), provide 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.

XII. COMMUNITY SERVICE AND SELF SUFFICIENCY REQUIREMENT

* * * * *

C. Definitions

* * * * *

2. Exempt individuals: Individuals exempt from this requirement include those adults who are:
   a. 62 years of age or older;
   b. Blind;
   c. Disabled (as defined in Section III D #4 below);
   d. Is the primary caregiver to someone 62 years or older, blind or disabled;
   e. Is engaged in work activities (as defined in Section III C);
   f. Is exempt from the CalWORKS or other State of California's Welfare-to-Work program, or
   g. Is a participant in a Welfare-to-Work program and is in compliance with the requirements of such program.

* * * * *

F. Verification

1. All adult residents of HACLA public housing sites must provide verification of either compliance with this requirement or exemption. Verification of compliance may include:

   a. Completion of the appropriate HACLA form;
   b. Copy of school enrollment confirmation;
   c. Copy of most recent paycheck stub;
   d. Copy of participation compliance with CalWORKS (welfare) or other
welfare-to-work activities, or
e. Other third party verification.

2. Date of verification documentation must be at least 30 days before the date of the annual lease review.

3. *Exemption status for those members over the age of 62 years old, blind or disabled as defined by Section C 4 above will not be re-verified annually.*

* * * * *

H. Compliance Review

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2. The HACLA will provide each family a list of adult members of the household within 60 days prior to the annual lease renewal. The notice will indicate the *At the time of the annual recertification, the HACLA will provide the family a list of adult household members’ status as to exemption from, in compliance with, or need to comply with the community service regulation. The notice will also and will provide instructions as to how household members may come into compliance or claim exemption from this provision.*
ATTACHMENT 2

Changes to the Section 8 Administrative Plan
Section 1.2 Relation to the Agency Plan

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

The Section 8 Administrative Plan is developed in accordance with Section 8 and other Federal regulations and also serves as the policy document for managing rental housing assistance funds provided by HUD for McKinney Act the McKinney-Vento Homeless Assistance Act programs (such as the Continuum of Care Program) and such other programs as may be developed by Congress to provide rental assistance.

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Section 1.10 Organization of the Section 8 Department

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Special Programs Operations and Administration

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The Special Programs Administration (SPA) Office processes applications, determines eligibility and completes initial contracting for the following programs: Shelter Care (SPC), Continuum of Care (CoC), Housing Opportunities for Persons with Aids (HOPWA), Moderate Rehabilitation Program (MRP), Moderate Rehabilitation Single Room Occupancy (MRS), Disaster Housing Assistance Program (DHAP) and Homeownership (HO). SPA handles all participant and owner activities, which include reexaminations, contract rent adjustments, contract cancellations and terminations, for the SPC CoC, HO, MRP and MRS programs. SPA converts HOPWA certificate contracts to Housing Choice Voucher Program contracts after the initial periods end. The office performs all administrative duties, such as processing grant agreements, renewals, contracts, annual progress reports and RFPs, for the above referenced programs as well as the Homeless and PBA programs. The office oversees case management activities for the Family Self Sufficiency (FSS) program and administration of the New Construction program. In addition, this office conducts informal reviews as requested by its applicants and pre-hearing conferences for its participants.

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Section 2.10.5 Denials & Terminations - HACLA Discretion To Consider Circumstances

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

**Section 2.10.6 Re-verifying the Need for Reasonable Accommodations**

Once the need for a reasonable accommodation has been verified staff does not re-verify the need except when there is another change in circumstances.

**Examples, include but are not limited to**.

**3.1 Open Application Periods**

If the waiting list is closed and applicant families currently on the housing choice voucher waiting list do not qualify for any limited preference, HACLA will open the waiting list only to applicants who qualify for the limited preference(s) as identified in Section 5.17.1, Priority 1 Preference - Special Programs and Other Referrals, of this Administrative Plan, to ensure full utilization of the HACLA’s housing assistance programs. These provisions apply to the following limited preferences:

- Homeless Program, as identified in Section 3.2.1.2.3 of this Administrative Plan.
- Tenant-Based Supportive Housing Program, as identified in Section 3.2.1.2.11 of this Administrative Plan.
- Homeless Veterans Initiative, as identified in Section 3.2.1.2.14 of this Administrative Plan
- Shelter Plus Care Continuum of Care Referral to the Housing Choice Voucher Program, as identified in Section 18.6.14 of this Administrative Plan.

**Section 3.3.4.2.2 Shelter Plus Care Continuum of Care Program**

This program is designed to link rental assistance to supportive services for homeless persons with disabilities (primarily chronic mental illness, substance abuse and AIDS) and their families. The rental assistance can be provided through one of four assistance programs: tenant-based assistance, project-based assistance, sponsor-based assistance or MRP-SRO based assistance.

The HACLA does not maintain a waiting list for the homeless in the Shelter Plus Care Continuum of Care (CoC) program. In accordance with HUD’s guidance and technical assistance, HACLA
will transition to the following applicant referral process using a phased approach that takes into account existing partner wait lists and contracts. The S+C the CoC Program uses the Coordinated Entry System to fill at least four out of five vacancies. Alternate, equivalent comprehensive assessment systems, including but not limited to the Department of Health Services internal assessment or the 10th decile triage tool, may also be used with approval of the HACLA. Remaining vacancies are filled with referrals received from contractors who have an MOU or contract with the HACLA to submit referrals. HACLA will evaluate the referral process and make changes to the process in order to meet program and utilization objectives. The Shelter Plus Care CoC contracted Community Based Organizations (CBOs), Non-Profit Organizations (NPOs) or government agency must provide to the participants supportive services which have a value at least equal to the value of the rental assistance.

The HACLA monitors the performance of participating organizations to ensure, by means of quarterly and annual reports, that appropriate levels of service are being provided.

Upon the recommendation of the Shelter Plus Care CoC Provider and with the approval of the family, eligible families with no or very low supportive service needs may be added to the Section 8 tenant-based waiting list with a local preference of Priority 1.

[See Chapter 18, Special Procedures for the Continuum of Care (CoC) Shelter Plus Care (S+C) Program, of this Administrative Plan.]

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Section 5.15 Admission Of Low Income Families – Special Eligibility Criteria

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

* * *

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

* * *

Section 5.17.1 Priority 1 Preference – Special Programs and Other Referrals

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1. Referrals from HACLA Owned Units (Section 3.2.2.1 of this Administrative Plan).
2. HOPWA to Housing Choice Voucher (Section 3.2.1.3.1 of this Administrative Plan).
3. Victims of Declared Disasters (Section 3.2.2.2 of this Administrative Plan).
4. Displacement Due to Government Actions (Section 3.2.2.3 of this Administrative Plan).
5. Underhousing in MRP-SRO Units (Section 16.7 of this Administrative Plan).
6. Underhousing in Continuum of Care Components: TRA, PRA, and SRA in SRO Units (Section 18.6.9 of this Administrative Plan).
7. LAHSA Supportive Housing Program to Housing Choice Voucher (Section 3.2.1.2.15 Transitional Housing Conversion of this Administrative Plan).
8. PBV transfer to Housing Choice Voucher (Section 17.39 of this Administrative Plan).
9. Readmissions and Reasonable Accommodations (Section 6.18 of this Administrative Plan).
10. HUD-VASH to Housing Choice Voucher (Section 21.4.3 of this Administrative Plan).
11. Shelter Plus Care Continuum of Care Referral to the Housing Choice Voucher Program (Section 18.6.14 of this Administrative Plan).
12. Family Unification Program – Eligible Youth to Housing Choice Voucher (Section 3.2.1.2.4 of this Administrative Plan).
13. Shelter Plus Care—Continuum of Care Surviving or Remaining Members of a Family (Section 18.6.13 of this Administrative Plan)

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

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The HACLA does not screen applicants to the Shelter Plus Care (S+C) Continuum of Care (CoC) program for criminal history. For admission criteria for the SPC CoC program see Section 18.6.2, Screening for Criminal History and Grounds for Denials. For referrals to the HUD-VASH program see Chapter 21 for special screening requirements.

* * *

6.11 Admission of Additional Members to an Existing Household

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In the tenant-based program, prior to allowing the addition of the household member, the existing head of household must secure the owner’s written permission to add the new member to the household, unless the new member of the household is a minor dependent child (birth, adoption or court-awarded custody). If this cannot be obtained, the original head of household is given a voucher to search for housing which will accept the newly designated household.

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Section 6.12.2, Implementation of HUD PIH Notice 2014-25 2012-33, Over Subsidization in the Housing Choice Voucher Program,

* * *

Section 6.17.2 Allowable Absence from the Unit

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[See also Chapter 18 of this Administrative Plan for Special Procedures for the Shelter Plus Care Continuum of Care Program relating to allowable absences from the unit. In the Shelter Plus Care Continuum of Care program absences may be allowed for up to 180 days.]

* * *

Section 7.11.1 Bonds

To determine the current value of a bond in the absence of third party verification from a broker staff may use the website [https://www.treasurydirect.gov/BC/SBCPrice](https://www.treasurydirect.gov/BC/SBCPrice) [www.publicdebt.treas.gov/sav/savcalc.htm](http://www.publicdebt.treas.gov/sav/savcalc.htm). This treasury department calculator provides the issue price of the bond, total interest earned to date, current value and current interest rate. The current value is used as the net value of the bond (asset). Annual income is the current value times the interest rate. If the interest rate column is blank, it means the bond is no longer paying interest. Printed calculator page results may be used as a third party verification.

When redeeming Series I or EE bonds, there is a three month interest penalty if the bonds are cashed in sooner than 5 years after the issue date.

Note: Some savings bonds are no longer paying interest. Series I and EE bonds reach final maturity after 30 years. Series HH bonds after 20 years. (See the website [https://www.treasurydirect.gov/indiv/research/securities/res_securities_stopped_earninginterest.htm](https://www.treasurydirect.gov/indiv/research/securities/res_securities_stopped_earninginterest.htm) [www.publicdebt.treas.gov/sav/savstop.htm](http://www.publicdebt.treas.gov/sav/savstop.htm).) The following bonds no longer pay interest as of April 2005:

- Series E **All issues** issued May 1941 through March 1965
- Series E issued December 1965 through March 1975
- **Series EE January 1980 through April 1988**
- Series H **All issues** issued June 1952 through March 1975
- Series HH issued January 1980 through **April 1998** March 1985
- Savings Notes **All issues** issued May 1967 through October 1970

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Section 7.11.6 Mutual Funds and Stocks

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For Transaction-Fee mutual funds the HACLA accepts the following transaction fees (from [https://www.tdameritrade.com/pricing.page](https://www.tdameritrade.com/pricing.page) tdwaterhouse) as the costs for liquidation in absence of information from the family’s broker.

* * *
Section 7.11.7.1 Market Value of a Single Family Residence

In determining the market value of a single family residence or a condominium in the Southern California area where no third party broker or real estate agent’s information is available on the unit, the HACLA shall determine the market value by:

- Determining the square footage of living space from a vesting, and
- Multiplying the square footage times the median sales price per square foot for the appropriate area as determined from the CoreLogic Data Quick / L.A. Times website at https://www.corelogic.com/insights/southern-california-home-resale-activity.aspx www.dqnews.com.

* * *

Section 8.10 Portability Responsibilities

The HACLA follows the requirements of PIH Notice 2016-09 2011-03 and expects other PHAs to do the same. The HACLA will not provide billing arrangements or make payments except in accordance with PIH Notice 2016-09 2011-03 or subsequent written HUD guidance on portability.

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Section 10.8.3.2 HOPWA & CoC+€ Tenant-based Tenancies - All Reexaminations

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10.10.2 Transfers within a Project

Transfers within a project may be approved if one of the following circumstances exists:

1. The size of the family changes and the unit is no longer appropriate to the family’s needs according to the “Minimum Number of Persons” column of the table at 10.8.2 Subsidy Standards for Housing Conversions Section 10.10.1, Occupancy Standards—Project-based Units (allowing for any exception required due to the sex of family members) [See also Section 10.10.4 10.10.5, Overhoused Families in Project-based Units]; or
2. The unit is no longer appropriate to the family’s needs according to the “Maximum Number of Persons” column of the table at Section 10.8.2 Subsidy Standards for Housing Conversions 10.10.1, Occupancy Standards—Project-based Units, or

* * *

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, or repair of public housing or conversion of assistance to long-term, project-based Section 8 rental assistance
contracts, including 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 the HACLA’s Public Housing Program. These standards are expressed in Section 10.10.1, Occupancy Standards – Project-based Units, of this Administrative Plan.

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. Section 10.10.1, Occupancy Standards – Project-based Units, (including the table and subparagraphs 1 through 5 only) govern the size of the voucher to which the family is entitled and the subsidy standards of Section 10.8, Subsidy Standards – Tenant-based Programs, where they conflict with Section 10.10.1, Occupancy Standards – Project-based Units, shall not apply.

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 Section 10.10.1, Occupancy Standards – Project-based Units. 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 relocates who hold a tenant-based voucher except that the minimum family size is calculated according to the occupancy standards requirements of Section 10.10.1, Occupancy Standards – Project-based Units.

* * *

Section 10.12 Subsidy Standards – Continuum of Care Shelter Plus Care (S+C) Program

In general, Contractors in the S+C CoC program must abide by the subsidy/occupancy standards for the project-based programs as stated in Section 10.10, Subsidy Standards – Project-based Programs, above. However, see also Chapter 18, Special Procedures for the Shelter Plus Care (S+C) Continuum of Care (CoC) Program, of this Administrative Plan.

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Section 10.13 Exceptions to Subsidy Standards

In determining the unit size for a particular family, the HACLA grants an exception to its subsidy standards only to accommodate the verified need for a live-in aide or as a reasonable accommodation to qualified applicants and participants with disabilities. Per PIH Notice 2014-25 “Although families are not required to move from an assisted unit when the number of bedrooms in the unit exceeds the number of bedrooms for which the family is eligible, the payment standard must conform to the PHA’s subsidy standards at the
family’s next annual recertification after the change in family composition.”

* * *

Section 10.13.3 Live-in aide

If a live-in aide is approved, one additional bedroom (and only one) shall be allocated to the family unit size in addition to the number of bedrooms determined by the normal application of the Table 1 standards. The family shall not receive a voucher that allocates an additional bedroom for a live-in aide until all the requirements of Section 6.12.2, Implementation of HUD PIH Notice 2014-25 2012-33, Over Subsidization in the Housing Choice Voucher Program, have been met.

* * *

10.17.1 Tenant-based Programs and Project Based Assistance Program

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For public housing conversions to long-term, project-based Section 8 voucher rental assistance contracts, including Rental Assistance Demonstration, families shall be required to pay a security deposit equal to the greater of the tenant portion of monthly rent or $50.

* * *

Section 10.17.3 Continuum of Care Shelter Plus Care Program

For security deposits in the Continuum of Care program see Chapter 18, Special Procedures for the Shelter Plus Care (S+C) Continuum of Care (CoC) Program, of this Administrative Plan.

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11.11 Inspection Standards

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The Los Angeles HUD Area Office has approved criteria variations in the Housing Quality Standards for use by the HACLA. These approved variations are set forth in the following HQS Training Bulletins which may be obtained at the Section 8 Administrative Offices.

1 Smoke Detectors (Rescinded)
2 Electric Water Heater (Rescinded)
3 Strapping Water Heater (Rescinded)
5 Smoke Detectors: Required Locations
6 Safety Tips (Rescinded)
7 Water Heater (Rescinded)
8 Location of Water Heaters (Rescinded)
9 10 Keys to Good Inspections (Rescinded)
10 Comparable Rents (Rescinded)
58 How to Handle Major Deficiencies (Rescinded)
59 Expired Elevator Certificates (Rescinded)
60 Exterior Deteriorated Paint
61 Hot Water Heaters in Garages
62 Stairway Lighting
63 Tenant’s Housekeeping (Rescinded)
64 Safety Tips (Rescinded)
65 Ground Fault Circuit Interrupter GFCI-GFI (Rescinded)
66 Portable Fire Extinguishers (Rescinded)
67 Lead Based Paint Visual Inspections Requirements (Rescinded)
68 Quick Release Mechanism (Rescinded)
69 Portable Closets (Rescinded)
70 Adequacy of Heating Equipment (Rescinded)
71 Locks on Bathroom Doors (Rescinded)
72 Owner Certification for Inaccessible Water Heaters and Furnaces (Rescinded)
73 Property Addresses (Rescinded)
74 Utilities on at the Time of Initial Inspections (Rescinded)
75 Owner’s Certification for Smoke Detectors (Rescinded)
76 Signaling Systems/Visual Smoke Detectors (Rescinded)
77 Handrails (Rescinded)
78 Ceiling Heights (Rescinded)
79 Room Dimensions (Rescinded)
80 Streamlined Elevator Certification Process
81 Quick Release Mechanism
82 Required Locks on Entry Doors
83 Required Certificate of Occupancy (Rescinded)
84 Carbon Monoxide Detectors

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11.19 Changes in Rent to Owner

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In the tenant-based program, an owner must notify the HACLA at least 60 days in advance of any proposed rent increase (or a shorter period if specified in the HUD required tenancy addendum). In addition to meeting HUD requirements, any increase in the rent to owner must also meet the requirements of the City of Los Angeles Rent Stabilization Ordinance (hereafter called “RSO”) No. 152,120 as amended, or any succeeding or superseding local or State mandated rent control law or ordinance. If the rent increase is approved after regulatory provisions are met, the Housing Authority will complete an interim reexamination.

***

Section 11.21.2 Project-based and Sponsor-based Programs

If the owner does not correct all HQS deficiencies within the time frame prescribed by the HACLA and the unit has been abated for more than 60 days, the HACLA may require the owner (or
Contractor in the S+C program) to transfer the participant to an appropriate unit within the project that meets the HQS. The HACLA terminates the subsidy for the vacated unit and may take other action as allowed by the HAP Contract. If the owner or Contractor has no unit available, the HACLA may terminate the subsidy and take other action as allowed under the HAP Contract. The HACLA will safeguard the rights of the participant for continued assistance in accordance with HUD program regulations.

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Section 11.23 Payment at Vacate

For all vacates in the tenant-based programs including the tenant-based components of the Continuum of Care Shelter Plus Care and HOPWA programs, the HACLA pays the landlord the Housing Assistance or Rental Assistance Payment through the end of the month in which the family vacates the unit. [See the subsections below for special circumstances.]

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Section 11.23.1 Owner Evictions and Assistance Payments

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Notwithstanding the above, no housing assistance or rental assistance payment will be made to an owner if the unit has been abated due to failure of the owner to correct HQS deficiencies which are the owner's responsibility. [In project-based assistance and in the project-based and sponsor-based components of the S+C program, correction of all HQS deficiencies is the owner's (or Contractor's) responsibility.] The owner (or Contractor) may, however, apply for a rebate of abated payments in accordance with Section 11.18.6, Tenant Prevention of Owner's Work to Correct Deficiencies, above, if the family prevented the owner from correcting HQS deficiencies.

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11.23.2 Project/Sponsor-based Contracts and Vacancy Loss

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For vacancy loss provisions in the Project-based Voucher program, see Section 17.42 Vacancy Payment, of this Administrative Plan.

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12.3.3 Interim Reexaminations

An interim reexamination is a reexamination conducted when there is a change in rent to owner (See Section 11.19, Changes in Rent to Owner, of this Administrative Plan for
applicable provisions) or at the request of a participant family when the family reports a change in circumstances which it feels could result in a decrease in the Total Tenant Payment (TTP). The family must provide documentation needed to verify program eligibility within thirty (30) days of the HACLA request date.

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Section 12.7.7 Restrictions on Moving When Hearing Decision is Pending

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For Homeless, HUD-VASH, Project-Based Voucher, Shelter Plus Care Continuum of Care and Moderate Rehabilitation program participants, S8 staff must review the participant file, identify the referring agency and contact the agency to inform them about the termination proceedings.

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Chapter 13 TERMINATIONS AND DENIALS

With the exception of the Shelter Plus Care Continuum of Care and HUD-VASH programs, the provisions of this chapter apply to all programs. Shelter Plus Care Continuum of Care program exceptions are contained in Chapter 18. HUD-VASH program exceptions are contained in Chapter 21.

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Section 13.1 Discretion To Consider Circumstances and Reasonable Accommodation for Persons with Disabilities Disabled

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

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Section 13.5.1 Domestic Violence, Dating Violence, Stalking and Sexual Assault

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The HACLA may, however, terminate assistance to individuals who engage in criminal acts of physical violence against family members or others. In this regard see Section 13.5.2 13.5.3, Violent Criminal Activity - Participants, below.
**13.6.2 Lifetime Sex Offender Registration – Participants**

The HACLA terminates assistance for the family if any member of the household is subject to a lifetime sex offender registration in any State and was admitted after June 25, 2001 regardless of the effective date of the registration requirement.

Regardless of the date of admission, if *if* a household member engages in criminal activity (including sex offenses) *is subject to a lifetime sex offender registration requirement* while a participant in an assisted housing program, HACLA must immediately pursue termination of assistance to the extent allowed by HUD requirements, the lease, and state or local law.

**Chapter 17 SPECIAL PROCEDURES FOR THE PROJECT BASED ASSISTANCE (PBV) PROGRAMS**

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

**Section 17.16 Term of PBV Contracts**

The initial term of the Housing Assistance Payments (HAP) PBV master contract with the owner shall *may* be up to 15 **20** years *per PIH Notice 2017-21*. The term of the contract must be subject to the future availability of sufficient appropriated funding under the HACLA’s ACC.

At the HACLA’s sole option and upon the request from the PBV owner within six months before the expiration of the contract, the PBV Contract may be extended, but always contingent upon the future availability of appropriated funds and the contractor’s satisfactory PBV program performance, for such periods as the HACLA deems appropriate and in accordance with HUD regulations and instructions. HACLA must determine that the extension of the contract is appropriate to achieve long-term affordability of the housing or to expand housing opportunities. HACLA may renew PBV contracts in five years increments up to an aggregate total of **20** years beyond the term of the original PBV contract.

An existing PBC Contract will be reviewed and extended in accordance with the terms of the existing PBC Contract and PBC program regulations. Depending on the availability of appropriated funds, HACLA may renew PBC Contracts for terms up to five years, to an aggregate total including the original term and all extensions of 15 years. At the HACLA’s sole discretion and upon the requests of an owner, HACLA may renew a PBC Contract as a PBV Contract in accordance with the regulations governing the PBV program at 24CFR Part 983.
For the non PSHP-PBV program, the HACLA shall maintain a **separate waiting list for each PBV site**. The PBV owner shall refer families to the HACLA for placement on the site-based list. The HACLA monitors compliance with this requirement, single-, merged-PBV waiting list.

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

* * *

17.35 Security Deposit

The HACLA does not place any requirements on collection of security deposits. Owners shall comply with state and local laws governing the collection and return of security deposits and payment of any interest on security deposits. **The owner shall not collect a security deposit in excess of the local private market practice, or in excess of amounts charged by the owner to unassisted tenants.**

The HACLA has no liability or responsibility for payment of any amount owed by the family to the owner.

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17.37 Family Right to Move

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The **family can vacate the PBV unit once HACLA provides** will provide the family with a voucher of appropriate size for the same duration and under the same conditions as it provides vouchers for families in the tenant-based program.

If the family terminates its tenancy before the end of its initial one year term, the family forfeits its right to tenant-based assistance. **A family or member of the family is not required to give advanced written notice, with a copy to the HACLA, of intent to vacate the PBV unit if the family has been living in a unit for less than one year and the family moved to protect the health or safety of a**
victim of domestic violence, dating violence, sexual assault, or stalking. If tenant-based assistance is not available at this time, the HACLA must give the family priority to receive the next available opportunity for tenant-based assistance, even if they have left the unit to protect the family’s safety.

* * *

17.44.8 Establishment of Waiting List

For public housing projects converting to Section 8 assistance through HUD’s Rental Assistance Demonstration (“RAD”) program, there shall be a preference established on the RAD Waiting List for applicants currently on the Public Housing Waiting List wishing to be added to the RAD or PBV Waiting List for the replacement units. To inform residents on the Public Housing Waiting List about this opportunity, the HACLA will mail formal notices to at least the first 5,000 households on the Public Housing Waiting List. Individuals on the Public Housing Waiting List who wish to be added to the RAD Waiting List shall maintain their original public housing application date. If a lottery is utilized, the Public Housing Waiting List applications will be sorted from all other applications and drawn first for available units. Once their numbers have been assigned, the remaining slots will be filled by drawing from the non-Public Housing Waiting List pool.

The HACLA considers the best means to transition applicants from the current public housing waiting list as provided by PIH Notice 2012-32 revision 3 as amended or superseded from time to time.

* * *

17.44.9 Resident Participation and Funding.

For public housing conversions to long-term, project-based Section 8 voucher rental assistance contracts, including the Rental Assistance Demonstration, residents 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. Project Owners must provide $25 per occupied replacement PBV unit annually for resident participation, of which at least $15 per occupied unit shall be provided to the legitimate resident organization at the property.

* * *

Chapter 18 SPECIAL PROCEDURES FOR THE CONTINUUM OF CARE PROGRAM

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

As of December 31, 2017 all awards made to the Housing Authority under Shelter Plus Care were renewed under the Continuum of Care Program.

In the Shelter Plus Care (S+C) Continuum of Care (CoC) program, rental assistance may be provided through four components, Tenant-based Rental Assistance (TRA), Project-based Rental Assistance (PRA) Sponsor-based Rental Assistance (SRA), or Moderate Rehabilitation for Single Room Occupancy (SRO) dwellings.

In accordance with Section 3.3.4.2.2, Shelter Plus Care Continuum of Care Program, of this Administrative Plan, the HACLA receives referrals from the Coordinated Entry System, an alternate, equivalent comprehensive assessment system or partnering agencies to fill vacancies for this program. Accordingly, Chapter 3, Applications, Referrals and Programs, and Chapter 5, Managing the Applicant Waiting List, of this Administrative Plan generally do not apply to the S+C CoC program.

In accordance with 24 CFR 582.5, an eligible person is a homeless person with disabilities (primarily persons who are seriously mentally ill; have chronic problems with alcohol, drugs, or both; or have AIDS and related diseases) and, if also homeless, the family of such a person. Only very low income families are eligible for assistance except that low income families may be assisted under the SRO component. Income eligibility is determined in accordance with 24 CFR 5 subpart F.

The Shelter Plus Care Continuum of Care Manual of Policy and Procedure outlines overall procedures for administering the Shelter Plus Care Continuum of Care Program.

* * *

Section 18.1 Method for Selecting Grant Participants - Request for Proposals Process

Immediately after the HACLA has decided to compete under a HUD Notice of Fund Availability (NOFA) for the Shelter Plus Care (S+C) Continuum of Care (CoC) Program, the HACLA uses a Request for Proposals (RFP) procedure to solicit organizations who may wish to participate in the program.

The RFP is conducted in accordance with the procurement policies as determined by the HACLA General Services Department. The RFP procedure is contained in Section 16.1, Method for Selecting Owners, - Request for Proposals Process, of this Administrative Plan which is modified by Section 18.2 below.

The HACLA may publish a consolidated RFP which simultaneously requests proposals for all components of the S+C CoC program and for the non-CoC S+C Moderate Rehab - SRO Program.

* * *
Section 18.4 Procedures for Managing Funds Provided by HUD for the CoC S+C Program

* * *

Section 18.4.1 HUD Advisory on Rent Reasonableness in the CoC S+C Program

* * *

Section 18.4.2 Identification and Selection of Units

For the Project-based, Sponsor-based and SRO-based components, proposers identify site locations in the context of the RFP process. For the Tenant-based component, the CoC S+C participant locates the unit consistent with any constraints on location imposed by the Contractor and approved by the HACLA.

* * *

Section 18.4.6 Rent Calculations - Determining the Rental Assistance Payment

The HACLA determines applicant eligibility for all Continuum of Care Shelter Plus Care components and performs regular, special and interim determinations of income and rent in accordance with HUD regulations for the Continuum of Care Shelter Plus Care and Section 8 programs as described in this Administrative Plan.

* * *

Section 18.4.7 Adjustment to Rents

The HACLA may make adjustments to rents charged for assisted units in accordance with the terms of the HACLA Contract with the Contractor, subject to HUD requirements and regulations, and subject to the availability of funds. Under no circumstances may an adjustment to rent result in the servicing of fewer clients by a Contractor than is required under the terms of the HACLA Contract, or of the Grant Agreement as approved by HUD. [See also 18.4.1, HUD Advisory on Rent Reasonableness in the CoC S+C Program, of this Administrative Plan.]

* * *

Section 18.4.8 Change in the Number of Units

With the prior written approval of the HACLA, and subject to HUD requirements and funding availability, and subject to the units passing a HACLA inspection, a Contractor may substitute units on a one for one basis or increase (or decrease) the number of units or clients to be served under the CoC S+C Grant Agreement and the HACLA Contract. However, any change in the number of units or clients to be serviced may not result in the Contractor serving fewer clients than agreed upon in the original HACLA Contract and under the terms of the original Grant Agreement.

* * *
Section 18.4.9 Safeguards to Prevent Misuse of Funds

Unless otherwise required by HUD, the HACLA employs the same safeguards to prevent misuse of funds in the Continuum of Care Shelter Plus Care program as it does in its Section 8 programs.

* * *

Section 18.5 Interjurisdictional Agreements

The HACLA may enter into agreements with other agencies, including other local Public Housing Agencies (PHAs), to administer all, or portions of, their HUD approved Continuum of Care Shelter Plus Care programs.

Any such agreement must be in writing and must receive the prior approval of the HACLA’s Board of Commissioners.

The agreement shall set forth the responsibilities of the parties, any amounts or manner of compensation to be provided by the parties and any Board-approved variations to the policies and procedures set forth in this Administrative Plan regarding the administration of the HACLA’s CoC S+C program.

* * *

Section 18.6.1 Outreach

In accordance with HUD’s guidance and technical assistance, HACLA will transition to the following applicant referral process using a phased in approach that takes into account existing partner waitlists and contracts. The CoC S+C Program uses the Coordinated Entry System to fill all at least four out of five vacancies.

* * *

Section 18.6.2 Screening for Criminal History and Grounds for Denials

The HACLA does not screen applicants to the S+C program for criminal histories. An applicant to the CoC S+C program is denied assistance for the following reasons:

* * *

Section 18.6.3 Portability

The Continuum of Care Shelter Plus Care Program does not provide portability options. All participants in the HACLA’s CoC S+C Program are required to reside within the City of Los Angeles Continuum of Care geographic area as a condition of participation.

* * *
Section 18.6.6 Family Absences

Rental Assistance Payments may only be paid to the owner during the lease term and while the family is residing in the unit. The family may, however, be absent from the unit for brief periods.

A participant in the S+C CoC Program may be absent from a unit for any reason for up to 30 consecutive days. Periods of absence between 31 and 180 consecutive days are termed “extended absence.”

The Contractor is required to report to the HACLA any extended absence or anticipated extended absence of the CoC S+C participant from the unit and the reason for the absence. Extended absence may be approved by the HACLA for reasons of health, rehabilitation, convalescence, incarceration or the personal needs of the family.

* * *

18.6.7 Limitations on Moving

The limitations on moving as set forth in Section 12.2, Limitations on Moving, of this Administrative Plan, do not apply to CoC S+C participants except those in the Tenant-based component of CoC S+C.

* * *

18.6.8 Transfer Between Components

A participant may transfer or be transferred between components of the CoC S+C program managed by the same Contractor or transfer or be transferred to an approved CoC S+C unit managed by another Contractor only with the mutual agreement of the participant, the Contractor(s) and the HACLA. Except in the Tenant-based component, the CoC S+C program does not create any right of the participant to move from a unit assisted under CoC S+C with continued assistance.

* * *

18.6.9 Underhousing

If there is a change in the family composition that results in the family being underhoused, the CoC S+C Contractor must attempt to house the family in an available CoC S+C unit of appropriate size in any of their grants. If such unit is not available, the HACLA must attempt to provide assistance through another CoC S+C Contractor’s grant. If a unit in CoC S+C is not available, the HACLA must issue the family a tenant-based Section 8 voucher if funding is available.

* * *
18.6.10 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 components in accordance with Section 18.6.8, Transfer Between Components, above or, if such an accommodation is not available, may be issued a Continuum of Care tenant-based certificate. If CoC S+C Tenant-based Rental Assistance is unavailable, the HACLA must issue the family a tenant-based Section 8 voucher if funding is available.

* * *

18.6.11 Family Obligations

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

- In the Tenant-based component, the Shelter Plus Care—Continuum of Care Tenant Based Family Obligations;

* * *

18.6.12 Terminating Participants

The HACLA provisions contained in Chapter 14, Complaints and Hearings, of this Administrative Plan apply to participants in all components of the CoC S+C program.

Contractors in the CoC S+C Project-based, Sponsor-based and SRO components are encouraged to exercise judgment and examine all extenuating circumstances in determining whether lease or program violations are serious enough to warrant termination.

* * *

18.7 Tenant-based CoC S+C Component (TRA)

For the Tenant-based component of CoC S+C, the HACLA follows the regulations established by HUD for the tenant-based program and the policies incorporated into this Administrative Plan except as noted below. Where there is a conflict between regulations for the tenant-based program and the CoC S+C regulations, the CoC S+C regulations prevail.

* * *

Section 18.7.1 Housing Choice Voucher Program

The HACLA may provide Housing Choice Vouchers for any tenant-based component of the S+C program by establishing rules for the use of vouchers which will ensure there is no conflict with the requirements of HUD regulations for the S+C program.

* * *
18.8 Project-based (PRA) and Sponsor-based (SRA) CoC S+C Components

For the Project-based and Sponsor-based components of CoC S+C, the HACLA follows the policies incorporated into this Administrative Plan except as noted below. Where there is a conflict between the CoC S+C regulations and this Administrative Plan, the CoC S+C regulations prevail.

* * *

18.8.3 Tenant Caused Damages During Occupancy

The owner is required to maintain the assisted units so that they comply with Housing Quality Standards. The HACLA does not terminate the family from the CoC S+C program due to tenant caused deficiencies in the unit. The owner may terminate the assisted tenancy in accordance with the terms of the lease.

* * *

18.9 Sponsor-based S+C Component (SRA)

In addition to the policies applicable to the Sponsor-based component set forth in Section 18.8, Project-based (PRA) and Sponsor-based (SRA) CoC S+C Components, above, the contents of this section apply to the SRA component.

* * *

18.9.2 Tenant Transfer Between Units

Once approved by HACLA, the Contractor may, if it is deemed in the best interests of the participant, or necessary to management of the units under the HACLA Contract, or to enable appropriate provision of services including supervision of the participant, require the participant to move from one assisted unit to another assisted unit under the control of the Contractor and approved under the HACLA Contract. The Contractor must abide by the terms of the assisted lease in effecting any such transfer. All units must pass a HQS inspection prior to the approval of an assisted lease.

* * *

18.10 Moderate Rehabilitation for Single Room Occupancy (SRO) Component

For the Single Room Occupancy (SRO) component of Continuum of Care (CoC) Shelter Plus Care (S+C) the HACLA follows the regulations established by HUD for the SRO program and the policies incorporated into this Administrative Plan except as noted below. Where there is a conflict between regulations for the SRO program and the CoC S+C regulations, the CoC S+C regulations prevail.

* * *
18.10.3 Authority Reimbursement for Unpaid Rent or Damages

The HACLA follows the regulations of the MRP/SRO program as set forth in 24 CFR Part 882, Subpart H - Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals, and allows the Contractor to receive payment for unpaid rent and damages, where so claimed by the owner and verified by the HACLA, but in an amount not to exceed that provided in 24 CFR Part 578 - Continuum of Care Program 582—Shelter Plus Care.

* * *

18.10.4 Payment for Vacated Unit

The HACLA makes payment for a vacated unit in the CoC S+C SRO component in accordance with Section 18.8.5, Payment for a Vacated Unit, above.

* * *

20.1.2.1 Basic Requirements for Participation

In addition to the eligibility requirements for families, families must not owe any money and/or be delinquent in repayment of any money owed to the HACLA or to any other Public Housing Agency (PHA), be a current Section 8 participant who has been in the unit for at least 12 months. Participants who have received a 90 days notice to move will not be admitted to the Homeownership Program. They must also meet one of the following requirements:

1) Be a current HACLA Section 8 participant who is an elderly family or a disabled family as defined by 24 CFR 5.403(b); or

2) Be a current HACLA Section 8 participant, who is not an elderly family or a disabled family, and who is a recent graduate of HACLA’s Family Self-Sufficiency (FSS) program within the last two years; currently enrolled in the HACLA’s Family Self-Sufficiency (FSS) program and in compliance with their FSS Contract of Participation (CoP); or

* * *
ATTACHMENT 3

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

September 27, 2018
HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

AGENCY PLAN RESPONSE TO COMMENTS RECEIVED

NOTICE TO RESIDENTS AND PROGRAM PARTICIPANTS

September 27, 2018

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 2019 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. Responses to all comments received are part of the Final & Final Draft Agency Plan document and are available at www.hacla.org.

BACKGROUND

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

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

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 March 26, 2018 and continued into August 16, 2018. The events, communications and activities relevant to the Housing Authority’s Agency Plan public process include:

- Held Agency Plan pre-Draft and post publication meetings with:
  - With Resident Leaders (RAB) on April 5, 2018, and June 14, 2018
  - With the Housing Authority Resident Advisory Council (HARAC) on April 5, 2018, and July 19, 2018

- Conducted two advocate meetings, one on March 26, 2018 during the development of the Draft Agency Plan, and another on June 25, 2018 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 16, 2018. The Public Hearing was attended by 46 residents, Section 8 participants, advocates, and other interested persons. Everyone in attendance was accommodated and everyone wishing to speak had an opportunity to do so.

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

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

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

Written Comments

Written comments on the Draft Agency Plan were received at many of the public housing site meetings, regional Section 8 meetings and from attendees of the August 16, 2018 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:

- March 26, 2018 Pre Agency Plan Advocates Meeting
- April 5, 2018 Pre Agency Plan Resident Leaders Meeting
- June 14, 2018 Pre Agency Plan HARAC Meeting
- June 19, 2018 -- August 6, 2018 14 meetings at public housing sites & five Section 8 Meetings
- June 25, 2018 Post Publication Advocate Meeting
- July 19, 2018 Post Agency Plan HARAC Meeting
- August 16, 2018 Board of Commissioners Public Hearing

Oral comments on the 2019 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 2019 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:
ACOP Changes & Capital Fund Uses

Comment: I am very happy with the proposed changes and Capital Fund activities. The replacing of the gas lines, plumbing and giving veterans priority.

Response: Thank you for your comment and your support for the proposed policy changes and the Capital Fund plan activities.

Admissions

Comment:

- Are there preferences for those who are disabled?
- What are the preferences/priorities?

Response: Local preference for admission had gone to families whose head and/or co-head are either employed, attending school (or a combination there of), senior, and/or disabled. The change proposed is adding the status of veteran to be an equal preference to those listed.

*After Hours Assistance

Comment: Residents need better after hour assistance.

Response: Residents should notify their site manager when there is a problem with the maintenance service they have received.

Agency Plan

- Outreach Meetings

Comment: I am very happy with these meetings, they are very informative.

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

Comment: Mr. Juan Garcia did an excellent job presenting the material. The overhead projection of the plan and the hand outs are very helpful. Thank you so much for the housing/rent subsidy, I would be living in a storage unit without it.
Response: Thank you for your comment and your participation in the Agency Plan process.

Public Hearing

*Comment: HACLA should provide transportation for residents to the Agency Plan Public Hearing.

*Response: HACLA conducts outreach meetings at all Public Housing developments and at five Section 8 locations, comments are collected throughout these meetings and at all management offices. The Public Hearing is the last opportunity for the public to provide comment and it is an opportunity for the public to speak directly to our commissioners but comments can be made at the outreach meetings, by calling (213) 252-1855, by mail or filling out a comment card and submitting it at the management office. Although we encourage the public from attending the public hearing to provide comments, attendance is not mandatory or necessary to communicate support or object to the proposed changes.

Capital Funds

- **Jordan Downs Relocation Assistance**

*Comment: It’s really alarming to see that 6.6 million out of the capital fund is going towards relocation activities at Jordan Downs. HACLA should pay the developer the relocation assistance and the money that's being used for the capital fund should be used to upgrade other public housing sites since many, many sites need additional repairs.

*Response: HACLA is responsible for the relocation activities at Jordan Downs as per the requirements of the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (“URA”) and corresponding relocation requirements at 49 CFR Part 24, HUD Handbook 1378, California Government Code 7260, and Title 25 of the California Code of Regulations. HACLA is using the Demolition or Disposition Transitional Funding (DDTF) which provides 5 years of funding for units removed from HACLA’s inventory due to demolition or disposition activities including the Independent Square and New Pico Gardens projects. While these grants are provided under the umbrella of Capital Funds, HACLA is not using direct Public Housing Capital Funds for funding these relocation activities.

Community Gardens

*Comment: There needs to be more clarity over Community Gardens especially as they relate to REAC inspections. HACLA needs to create a model at Mar Vista that shows designated areas. HACLA needs to establish designated areas and a process to ask permission to grow our remove. This would be in line with the city’s goal of sustainability. Currently, residents get a seven day notice, but they don’t know or it is not clear what it is for. HACLA needs to post Community Gardens Guidelines on their website.
Residents have been notified by numerous means as to how they can have gardens outside of their unit and can continue to seek guidance and understanding from site management.

Community Service Policy:

Comment: Please explain the community service recertification requirements?

Response: The Community Service requirement has been in existence since 2001. Adult household members who do not qualify as “exempt” from having to comply with the community service requirement must provide proof that they have completed the 8-hours a month of community service and/or self-sufficiency related activities.

If a member of the household has not provided such proof, a work out plan will be entered into to provide the person the ability to make up the hours and come into compliance. If that person fails to comply with the workout plan, the family's lease may not be renewed.

*Contributions

Comment: HACLA needs to be more open to public contributions through the RAC to have food banks.

Response: RACs should work with their assigned Intergovernmental Affairs liaisons to resolve such matters.

Downsizing policies and mixed-status families

Comment: Mixed families requesting to downsize to a smaller unit, should be given priority due to the impact of the increase in the Flat Rent/Max Rent.

Response: At this time we are not adopting such a preference.

*Earned Income Disallowance (EID)

Comment: Inform residents about the benefits of Earned Income Disallowance.

Response: Tenants have been notified in the past and will continue to be notified as they qualify.

Fixed Income

Comment: It does not make sense to do the verification annually when the incomes of residents do not change every year.
Congressional and HUD rules require that household income and/or family composition are reviewed annually. Even for those on fixed income, the rent would be adjusted based upon any cost of living increases to the fixed income amount.

Fraud

*Comment: Need to investigate resident who sublease their units.

Response: If you suspect that another unit has unauthorized residents or is being subleased, please notify the management office for your site and it will be investigated.

Full Time Student Preference

Comment: How did HACLA decide to include the full time student preference over other residents who are on the wait list but are not enrolled as a student?

Response: Fulltime enrollment in school has been one of the preferences for admission for over 15 years. The belief is that those individuals who are committed to complete their education will be more likely become employed. The change is being made to not penalize those who attend multiple schools due to inability to get the needed classes at one school.

Harassment

*Comment: People who are harassed are afraid to complain.

Response: Unfortunately there is not enough information in this comment to provide specific guidance other than encourage residents to report harassment (either if from another resident or a HACLA staff person) to the site manager or his/her direct supervisor (Assistant Director).

Head of Household Passing

Comment: HACLA should be more sensitive in dealing with residents who have experienced the death of a head of household.

Response: HACLA strives to provide the best customer service and understands how traumatic the loss of a family member is. However, as an administrator of a federal housing programs, the HACLA is required to adhere to the rules of the program. One of those rules is that we are to collect the rent. If there is a change in a household’s situation that would cause their rent calculation to change, they are to report such changes to the management as required by their lease agreement.

Site management can work with a family on a case-by-case basis when there is a hardship. This does not mean that the family’s rent responsibility is excused.
High Income Families

Comment: Concerns over the information included in the Public Hearing presentation regarding directives from HUD make it really problematic for tenants and community when they are included at the last minute without giving an opportunity to review and comment. There needs to be a better way to communicate the change because this that creates distrust between the Housing Authority and the community.

Response: Unfortunately the changes were publish by HUD after the publication of the Draft Agency Plan (Federal Register - Vol. 83, No. 144 - Thursday, July 26, 2018). HUD required that within six months the change be implemented, the only way to comply with the regulations was to include it in the Final Draft. The intent of including the information in the Public Hearing presentation was to make the public aware of the change. This change currently only affects about 25 families living in Public Housing, if their income situation remains the same they would not have to make a decision for at least two years from now.

Home Ownership

Comment: Are there any HACLA programs to assist residents with purchasing a home?

Response: No, the HACLA does not have the funds to offer a homeownership program for the public housing program.

Housing Base Units

*Comment: Can HACLA turn Housing Base units into Section 8.

Response: Not quite sure what is meant by this question. IF this is referring to the RAD program, then yes, through RAD, public housing units may be converted to project-based Section 8 units.

Lease – Additions to the Household

Comment:

- * When a head of household is undocumented the adult children with eligible immigration status should be able to become co-heads.
- For the past three years we have asked the question about the head and co-head of the household. For example, if we have a son who is 22 years old how can we make him the co-head? Why does one have to wait until someone passes away to designate another household member as the co-head?
- If the head and co-head of the household pass away can another adult in the unit be made the head? Can they still reside in the unit during the process? Please clarify.
- * If the head of household passes away will the other persons in the lease be turned away (evicted).
- * If only children are left in the household after a death, would they be evicted?
* And what happens if the children cannot pass the criminal background check will they become homeless?
* As a parent what can I do to prevent my child from being evicted if I the head of household pass away?

**Response:** A public housing unit is not something that can be inherited or passed on to someone other than the legal Residents (head and/or co-head) of the household who are the signatories on the lease. Federal regulations and the HACLA lease specify that public housing units cannot be “assigned” to others – even to an adult household member. As such, the only way that a unit may transfer into the possession of someone other than the legal Resident is if the remaining Resident is no longer able to remain in the unit for other than voluntary reasons (such as death or placement into a nursing type home). Under those circumstances if there are remaining members of the household a new head of household may be established assuming they pass the criteria for eligibility of the program.

**Lease Changes and Family Formation**

**Comment:**

- A comment was received to provide for more broad leeway to remove a head of household. Additionally, the commenter requested that the lease be changed to replace the phrase “licensees” with “tenants”.

- Since the implementation of the lease changes tenants report having difficulties adding family members to the lease, and maintaining the tenancies of their adult children after they turn 18. HACLA should bring their standard public housing lease into line with California landlord-tenant law.

**Response:** The changes being proposed in the ACOP for 2019 does provide for greater flexibility to remove a head of household and replace with another adult in the case of the head being involuntarily removed from the unit and placed in a long-term care facility. At this time we are not considering additional changes to our Rental Agreement.

A public housing unit is not something that can be inherited or passed on to someone other than the legal Residents (head and/or co-head) of the household. Federal regulations and the HACLA lease specify that public housing units cannot be “assigned” to others. As such, the only way that a unit may transfer into the possession of someone other than the legal Resident is if the remaining Resident is no longer able to remain in the unit for other than voluntary reasons (such as death or placement into a nursing type home). Under those circumstances if there are remaining members of the household a new head of household may be established assuming they pass the criteria for eligibility of the program.
**LEP Participants**

**Comment:** HACLA must provide meaningful language access to its Limited English Proficient participants and needs to thoroughly assess its practices in this area. Across language groups there are a significant number of reports of serious lapses in language assistance from HACLA. Advocates have witnessed inaccurate and incomplete interpretation by HACLA interpreters in critical situations such as Section 8 termination proceedings.

The LEP policy needs to be strengthened within the administrative plan, within both written policies and in practice by HACLA caseworkers, in the course of termination proceedings, and recertification procedures.

Additionally, a number of clients have reported that their case advisors do not provide them with adequate interpretation during recertification appointments, or fail to provide vital housing documents in their native language even after indicating that they are LEP.

**Response:** HACLA staff have been trained on the agency’s LEP policy and regularly review the implementation of the policy. What would be very helpful to enable us to correct such lapses is for advocate representatives to notify the operating department that is violating the policy when it happens with specifics (employee, language involved, and means in how the policy has been violated or not implemented). This will enable us to best identify where the weakness is, areas to stress in future training, identify staff who need immediate retraining and or reprimand.

**Management Communication**

*Comment:* Management needs to provide better communication during the annual review process and to communicate all of the forms required of residents.

**Response:** As with the comment above, specifics will be helpful in addressing where we are failing. Is it systematic or isolated in certain offices or personnel? Such general statements are limiting in their effectiveness in helping us improve services.

**Mixed Income Families**

*Comment:* We want financial support for these families, some are paying up to 80% of Market Rate, and it is not fair.

**Response:** Rents for mixed families are determined by congressional law and HUD regulations. The HACLA does not have an option to calculate the rent any differently than is being administered. It is also important to keep in mind that any funding a family receives (such as regular on-going donations) would be reportable and counted as income which would have the effect of increasing the rent owed.
Parking

Comment:

- * Give residents assigned parking based on the unit’s bedroom size.
- * Need more parking.
- * Some residents have multiple cars.
- * Assign parking

Response: When these properties were built, car ownership was not as prevalent, and it was even rarer that there would be multiple cars per unit as exists today. Unfortunately, for the HACLA to create more parking we would have to either remove open space or remove dwelling buildings. Spending money on parking rather than maintaining the actual buildings and units would not be an effective use of the limited funds available for maintaining the properties.

Parking Signs Information

* Comment: The contact information on parking signs needs to be updated.

Response: It would be helpful in responding if there was more context to this comment. Please contact your site management if you have any questions or suggestions regarding the signage.

Pests

*Comment: Pest Exterminations needed when you have a persisting problem.

Response: The HACLA regularly schedules units for treatment and will schedule additional treatment if needed. Resident housekeeping play a big role in preventing infestation. 1) Frequent removal of trash, and the elimination of clutter will deny roaches and vermin (mice) places to live and breed (interior and exterior); 2) Putting food away after meals and storing food in covered containers; 3) Keeping cooking and food preparation areas clean as grease, leftovers and crumbs attract insects, pests and vermin.

Following pest control services, residents will need to clean up any remains of infestation. Cockroaches like to live along door frames, in cabinets, and drawers.

Pets

Comment:

- * Pets are good for children but HACLA needs to require that owners clean up after them.
- * Residents need to clean up after their pets.

Response: Residents who are authorized to have dogs or cats as pets or service/companion animals due to a disability need are required to clean up after their animal in accordance with
their agreement with the HACLA. Repeated violation can be grounds for termination. Having an unauthorized animal can also be grounds for termination.

**Plumbing**

**Comment:** The sewer drain when washing dishes gets clogged.

**Response:** Call the 1-800 number when you have plumbing problems.

**Privatization of Public Housing Resources**

**Comment:** Housing is a human right, and therefore the government has a responsibility to provide for and guarantee that right. Direct public intervention is more effective and equitable than a public-private partnership or direct subsidies to private corporations. We continue to oppose the privatization of public housing resources, and call on HACLA to consider privatization only as a last resort when the only other option is complete dissolution of a public housing resource. In all other cases, public housing should be preserved, improved, and expanded.

* Against privatization, if HACLA privatizes people will end up on the streets.

**Response:** The majority of HACLA’s public housing sites are close to 70 years old, were constructed as temporary housing and do not meet current standards for unit size, parking, ADA regulations or in-unit amenities. HUD is our primary source of funding for regular maintenance and capital investments in these public housing sites and has reduced its contributions to public housing, leaving HACLA in the position of managing properties that do not provide adequate income from tenant rents and HUD subsidies to cover the costs of proactive site management, regular maintenance and major system overhauls. HUD holds deeds of trust on all of HACLA’s public housing sites and has provided housing authorities with limited pathways to make larger investments in their properties. The only two paths to substantially revitalize public housing sites are through a RAD Conversion or an application for Section 18 Demolition/Disposition. In order to get HUD approval, the project has to be financially feasible, which typically requires that the units be converted into Section 8 units. Section 8 Project Based Voucher units or RAD Project Based Voucher Units increase the potential for higher rent values and thus greater HUD subsidies to each unit. HACLA does not believe that conversion of public housing units (or Section 9) to Section 8 constitutes “Privatization.” RAD provides similar tenant protections, grievance procedures, leases, support of tenant leadership and HUD subsidies to tenants so residents will not see significant changes in their rent requirements. HACLA continues to own the underlying property and under any ground lease structure retains reversionary rights to all buildings and improvements once the lease term ends. Additionally, HACLA participates as a managing general partner or limited partner in the ongoing ownership of the rehabilitated or newly constructed units. HACLA’s intent is not to “Get rid of public housing” but to preserve our housing and affordability levels for current residents and future generations of tenants. The only means to do this is using Section 8 Project-Based Vouchers and RAD unless HUD decides to invest significantly more money into traditional public housing.

As HACLA contemplates new redevelopment plans and implements existing redevelopment plans for its public housing sites, the Authority will require a one-for-one replacement of the existing
units with rents structured at 30% of a households’ adjusted income and will ensure the right to return for current families who are in compliance with their current lease. HACLA retains the public’s interest and ownership in all redevelopment projects.

HACLA is also analyzing opportunities to continue to proactively support the development of more affordable housing in the City of Los Angeles utilizing all of its existing resources. Through the Vision Plan process, HACLA has prioritized strategies for new construction, as well as acquisition and rehabilitation projects that would produce net new affordable housing in addition to preserving existing affordable housing.

RAC Certifications

*Comment: RACs need to receive certifications from HACLA at the Leadership Trainings.

Response: HACLA will look for opportunities to provide RACs certifications for RAC Leadership trainings.

RAC Trainings

*Comment: Thank you for the trainings they are very educational.

Response: Thank you for your comment, HACLA will continue to provide Leadership Training to all RACs.

RAD

❖ What is RAD and what does it entail? Under RAD what management company will come in as a partner? Will RAD result in a semi-privatized site?
❖ What are the requirements to live in RAD properties? What requirements would we as current residents need to meet to qualify under RAD?
❖ Does RAD mean that HACLA will separate from HUD?
❖ Does RAD mean privatization? It seems like you do not want to call it privatization but it is.
❖ We oppose HACLA using RAD
❖ RAD demolishes, remodels and disposes of Public Housing.
❖ This program after three years converts to Tax Credits.
❖ RAD has not been presented to any of the public housing and you, as commissioners, you should be supervising any program that is brought to us through housing.

Response: The Rental Assistance Demonstration (RAD) is a program of the Department of Housing and Urban Development (HUD) that seeks to preserve affordable housing. RAD allows PHAs to convert a public housing property’s HUD funding to either: (a) Section 8 project-based voucher (PBV); or (b) Section 8 project-based rental assistance (PBRA). HACLA intends to convert the units to the PBV platform since HACLA is already the administrator of the HCV program. This
conversion of funding to long-term Section 8 contracts lets PHAs make needed repairs while ensuring permanent affordability for these units, improve the quality and standards for all units, develop more ADA compliant units and more affordable units in general.

HACLA is currently contemplating RAD conversions at the following redevelopment projects: Jordan Downs, Rose Hill Courts and Rancho San Pedro. These projects will be redeveloped in partnership with Development partners and upon redevelopment, will be managed by either third party management companies, HACLA or a HACLA affiliate or an affiliate of the Development Company. However, regardless of who is managing the converted units, HACLA employees will be given first priority and preference for any of the management positions and HACLA has to approve all house rules, leases, management agreements, leasing plans, unit inspections, wait lists, and eligibility screenings. Residents will have the right to return to your development once construction is completed and will not lose their housing assistance because of RAD conversion. Since Section 8 programs also set rents at 30% of income like in public housing, most residents will not have rent increases because of RAD. However, if a resident is paying a flat rent in public housing, they will most likely have to pay more in rent over time. In these cases, the new rent will be phased in over a three year period, meaning that the resident will only pay a little more each year.

When the property converts, residents will sign a new Section 8 lease. The property owner cannot rescreen residents as a condition to sign this lease, as lease-compliant residents have a right to remain in their converted unit or move to a new constructed/rehabbed unit. RAD keeps many of the resident processes and rights available under public housing, such as the ability to request a grievance process and the timelines for termination notification. In public housing, as well as for PBV or PBRA units, the tenant lease will renew each year, unless good cause exists not to renew the lease. If the lease is not renewed, residents have the right to file a grievance and request a hearing, unless the right is not provided under the terms of the lease, usually due to criminal activity. Residents will also have a right to organize resident organizations. Project owners must provide $25 per occupied unit each year to support resident participation, $15 of which must be provided to resident organizations.

Under RAD conversion, the HUD subsidy goes from Section 9 (PH platform) to a Section 8 platform. RAD conversions can just be simple unit rehabilitations or can include new construction. HACLA can self-develop or develop in partnership with other development partners. Currently, HACLA chooses to partner with developers in cases where additional resources are necessary to initiate a project and development partners bring additional financial resources, and development expertise to the project. The only change under a RAD conversion is that HACLA’s role will change from a public housing manager to a Section 8 Administrator. For the redevelopment projects, HACLA will also continue to be the ground lessor of the redevelopment sites that include Section 8 and RAD units and the Ground Lease provides strong protections for the Authority’s oversight of the redeveloped project and its management and operations during the term of the Ground lease.

Whether the RAD units have an overlay of tax credits or not, in order to receive PBV or PBRA funding, property owners will enter into a Housing Assistance Payment (HAP) Contract. For PBV, the initial HAP Contract term will be at least 15 years (or up to 20 years with the PHA’s approval). When these contracts end, the HAP contracts must be renewed [for at least up to an additional 20 years]. Therefore, the units will be preserved over the long-term as affordable housing for
HACLA has been following the following HUD requirements for its RAD conversion. A PHA must first apply to HUD before it can begin a RAD conversion. Before submitting a RAD application to HUD, a PHA must have at least two meetings with residents of properties submitted for a conversion to discuss the proposed conversion plans and solicit feedback. Under the current RAD Notice, before the first resident meeting, the PHA must provide a RAD Information Notice (called a RIN) to each resident that explains the residents’ rights, provides basic program information, and facilitates residents’ engagement with the PHA. A RAD conversion must be documented in the PHA’s annual or five year plan. If the RAD conversion isn’t already described in the PHA plan, the PHA needs to prepare a significant amendment to the PHA plan. Any changes to a PHA plan must go through a public comment process, which includes a public meeting.

Please see detailed information on resident rights under HACLA’s RAD conversions included as an attachment to this Agency plan.

**RAD Allowances**

- Will there be allowances (such as those for individuals with disabilities) under RAD?

**Response:** The calculation of rent under RAD is similar to that in the public housing programs. The RAD program follows the same allowances for deductions and exclusions of certain types of expenses related to disabilities and medical costs.

**RAD Staffing**

- We are concerned about what will happen to HACLA employees under RAD.
- Does this mean we will not have an onsite manager?

**Response:** HACLA intends for its public housing site staff to be absorbed into various HACLA operations. HACLA is also working with Development partners especially for the Rancho San Pedro redevelopment, in providing opportunities for HACLA employees to work at the redeveloped sites. Under the Vision Plan, HACLA is looking for opportunities to also expand its management expertise and ability to manage redeveloped properties, small sites and sites with a variety of funding sources. The Pathway component of HACLA’s Vision Plan will invest in developing and training its employees to lead the transformation and to effectively use its program resources by leveraging their extensive knowledge of the agency’s programs and the community it serves. If tax credit units are included in the redevelopment, HACLA must have on-site managers and assistant managers that live on the property instead of being located at an office on the property during business hours.

- RAD Units

**Comment:** How many of the new RAD housing will be public housing?
**Response:** HACLA intends to convert its properties to a Section 8 platform either as Section 8 Project Based Voucher units or RAD Project Based Voucher Units. The proportion of Section 8 PBVs and RAD PBVs at any of the sites proposed for redevelopment or rehabilitation, will be determined by the need for RAD units, HUD disposition policies, and financial feasibility of each project. HUD technically categorizes RAD as a Section 8 program not a Section 9 program but because of all the special regulations and policies that are part of the RAD program, it has similar tenant rights and obligations as Section 9 housing.

**Redevelopment**

**Comment:** Will residents be moved out of their units in places like Jordan Downs?

**Response:** HACLA is using a Build-First model intended to minimize the long-term displacement of its current residents. As each phase gets redeveloped, all residents in good standing from the future phase will be moved into the newly constructed Project units. 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.

**Comment:** How many units does Jordan Downs have and how many will there be after the redevelopment is completed? How many units will be low income, affordable and unrestricted? Will the unrestricted units be low income? Will all the low income, affordable and unrestricted units be mixed together?

**Response:** Jordan Downs has 700 public housing units. HACLA purchased an adjacent 21-acre vacant property which allows for the redevelopment and expansion of Jordan Downs. The redeveloped community could potentially have up to 1,800 new affordable and market-rate homes. HACLA will ensure one-for-one replacement of 700 public housing units as a Section 8 PBV or a RAD unit. In addition, there will be a mix of at least 350 more deeply affordable rental units, 200 unrestricted units, and approximately 150 for-sale affordable and market rate units. The unrestricted units will have rents at whatever levels the market will support. While the current market rate levels are low, which is why both Phase 1A and 1B do not have any unrestricted units, HACLA anticipates future phases will incorporate some amount of unrestricted units when the market rents have risen enough to support the development of these units. There will not be differences in the level of quality between low income, affordable and unrestricted units within a project and the units will be blended and not segregated to ensure a true mixed income character. The for-sale housing will be developed on a separate phase and similarly could have a mix of affordable and market rate homes.

**Comment:** The concerns regarding displacements and the issues of 1 for 1 replacement were addressed thanks to all the work done by many of the advocate groups.

**Response:** Thank you for your comment
Pueblo Del Sol

Comment: Pueblo Del Sol has a 15 year contract, did it already expire? Will it be renewed?

Response: The 15 year Tax Credit term ends in 2018. The intent is for the Housing Authority to exercise its purchase option or right of first refusal and resyndicate and refinance the project.

Star Apartments

- Tenant Meeting

Comment: When will it be possible to have a tenant meeting at the Star Apartments with HACLA?

Response: A tenant information session was scheduled for Wednesday, September 12th 2018 from 10:30AM - 11:30AM to discuss program guidelines and address concerns that participant families may have. It is worth noting that the Housing Authority conducts annual reexaminations on site for all 58 Project Based Assistance projects.

- Reasonable Accommodations

Comment: There is zero accommodation for the outside of the units with regard to people who are disabled, especially those people who are in wheelchairs. In other words, we can't enter the building.

Response: The PBV Owner installed accessibility pad for convenience only, but it was not required by ADA requirements. Later on it was deactivated due to security issues. However each participant family has a key to enter the property and the entrance is ADA compliant.

- Community Kitchen Access

Comment: There is no access to the community kitchen on the weekends and past 5:00 PM during the week. There's also no parking for those of us who pay rent there.

Response: The PBV lease between the participant family and the PBV Owner includes policies for community space use. It states that the community space is open during the hours that management staff is on site. The PBV lease also provides that parking for residents is not an amenity provided by the PBV Owner.

Reasonable Accommodations

- Staff Training

Comment: HACLA must require that all public housing on-site managers and especially frontline staff, such as office managers, assistant managers, Section 8 case advisors, and other staff who spend significant time directly serving participants, to engage in yearly HUD-certified fair housing training. The training must include rigorous training on how to properly handle reasonable accommodation requests under federal and state disability laws. The Agency Plan is
an opportunity to address how HACLA is planning to bring their practice in line with federal law and HACLA’s guidelines.

Response: Public housing staff regularly receive training on 504 issues. If there is a specific case or issue you have or feel that a HACLA staff person has not followed the policy, please bring that to our attention when it occurs so that it can be investigated and corrections made if warranted.

- Disability Identification & Timely Processing

Comment: HACLA needs to be proactive on situations dealing with mentally disabled individuals and provide assistance to accommodate their disability. HACLA should identify available social services that can be provided to help disabled participants comply with program requirements.

HACLA must improve its identification and provision of reasonable accommodation requests by unrepresented section 8 participants. HACLA’s Non-Discrimination on the Basis of Disability and Reasonable Accommodation Policy states that HACLA will be “thorough and prompt in reviewing accommodation requests and will explain the basis of any denial,” our clients have experienced a far different reality when it comes to HACLA’s handling of reasonable accommodation requests.

Response: HACLA staff are regularly trained on 504 issues. As stated above, if there is a specific case or issue you have or feel that a HACLA staff person has not followed the policy, please bring that to our attention when it occurs so that it can be investigated and corrections made if warranted. The preponderance of 504 cases are dealt with effectively, timely, and in favor of the client.

- Clearer Guidelines & Timeframes

Comment: HACLA needs to provide clearer guidelines and timeframes on common issues faced by participants, including reasonable accommodation requests related to domestic violence in the household, participants who may be mentally incapacitated, and how and when HACLA staff inform participants of the reasonable accommodation process in the course of working with a participant.

Response: Please see previous responses.

Reasonable Accommodation Process

Comment: Many Reasonable Accommodations are being denied, or the request is not being acknowledged as a legitimate request. Residents are required to fill out specific forms and provide documentation. Sometimes these requests are difficult or impossible because of the disability itself that was the initial cause for the request, putting tenants in a “Catch 22.” Most of these cases are for evictions or being summoned to court for an Unlawful Detainer action. HACLA staff are using the Unlawful Detainer process to resolve issues that could be resolved without going to court and without the stress and cost in time and treasure that this process imposes on tenants.
On February 22 the Commission heard a report showing that HACLA files over 500 Unlawful Detainer cases per year, while only 36 resulted in evictions last year — and this number does not include voluntary agreements to move out, or the number of eviction notices filed that do not move to trial. We believe this shows that the Unlawful Detainer process is being over-used as a replacement for “doing the job right” on the front end, and one of the most obvious places where we can make improvements is making better use of the reasonable accommodation process. Example sited (see letter for specific example information).

**Response:** The majority of all requests for a reasonable accommodation based upon a verified or self-certifiable/apparent disability are approved. HACLA has equal responsibility to ensure that limited resources (such as Section 8 HAP for units with more bedrooms that the family size warrants or for the limited number of large public housing units as well as to ensure program compliance - such as completion of annual reviews) are administered in accordance with federal guidelines as well as ensuring that those with disabilities are given access to the programs. Within the public housing programs, there is no relationship between the unlawful detainer process and the denial of reasonable accommodation requests.

As previously stated, if there is a situation that a HACLA employee is not following HACLA policy, please bring it to the attention of the program director as it occurs so that corrections can be made if warranted.

**Reasonable Accommodations Policy Public Hearing Presentation**

**Comment:** We should not be having public policy that is still not fully thoroughly cooked, so the reasonable accommodation piece should not be left so vague. It leads to many different types of interpretations.

**Response:** As there is no part of the HACLA’s Reasonable Accommodation policy being submitted for revision during this agency plan process, it is unclear as to what this comment is directed. HACLA’s reasonable accommodation policy was last updated in 2013 after very intensive input and vetting by members of the advocate community who specialize in rights for the disabled. We greatly appreciated their input and participation in that process and would invite them to participate again in any future updates.

**Rent**

**Comment:** The rent is too high. There must be equal treatment on rent calculations.

**Response:** Rent is calculated based on the laws set by congress and the regulations set by HUD for the public housing and Section 8 programs. HACLA does not have an option to reduce the rents arbitrarily.

- **Rent Calculations**

*Comment:* Why is it that when you do the calculation of the rent, you use the previous taxes?
Response: HUD regulations require that we project (predict) how much a person will earn the following year. We use past income information to predict what they will earn the upcoming year.

- Mixed Income Families

*Comment:* If a resident has a work permit does that make them eligible for assistance and not to be treated as a mixed income family.

Response: Having a work permit is not necessarily in and of itself equivalent to having eligibility status for receiving federal public housing assistance. There is a specific list of which types of immigration status are eligible for federal housing assistance. That list is defined by Section 214 of the Housing and Community Development Act of 1980, as amended.

*Comment:* If a family pays the Flat Rent but has an undocumented individual in the household, will they have to pay more.

Response: It would depend on other aspects of the household composition and total income. Generally for a mixed family, if the total adjusted household income is above the flat/max rent then the family would pay the standard 30% formula for rent. Please ask your site management during your next annual recertification interview to review how your rent is calculated.

- Rent Changes & Credits

Comment: Why does HACLA take three to four months when the rent is being lowered yet rent increases take place immediately? Why do rent increase occur in 30 days but it takes months for HACLA to give rent credits.

Response: This is not the general practice. Reductions in rent due to a change in income may be delayed if verification of the reduction is not timely received.

- Rent Checks Lost

Comment: Why are rent checks getting lost?

Response: HACLA has no control over the performance of the US Mail. In an effort to provide residents with alternatives to mailing in rent, the HACLA has already initiated multiple alternative methods to paying rent. This includes the automatic withdraw of rents for those who have banking accounts and the WIPs card (under WIPs residents can pay their rent directly to the same vendor where they purchase a money order and the payment will be posted that same day). In the fall of 2018, the on-line portal will be activated which will allow residents to sign up, for reoccurring or one-time payments of rent or other charges electronically using banking accounts, credit cards, or prepaid cards.
Resident Advisory Councils (RACs) and 24 CFR §964

Comment: We are concerned that the current implementation of 24 CFR §964 regarding residents’ rights to organize and Resident Advisory Councils do not live up to the spirit of §964, and very well may not meet the legal requirements. They encourage HACLA to examine the scope of its §964 implementation policies and practices, with the goal of achieving as much autonomy and self-determination as possible.

- Dissolving RACs Unilaterally

Over the years, we have seen multiple instances that appear questionable under §964, including HACLA staff unilaterally informing RACs that they have been dissolved, or individual members being informed that they have been stripped of their positions (including recently the president of the HARAC), without any action by the respective resident body, or even information being provided to residents who had voted for these representatives about what happened, how and why.

Response: HACLA has taken action to dissolve a Board under the terms of the RAC MOU. These terms are agreed to and signed by the development’s RAC. As for the removal of members, these actions few and far between are within HACLA’s authority based on repeated violations of Resident Participation Procedures, Bylaws and in some instances misconduct. The HACLA is within its discretion to take action to remove a member when it finds sufficient grounds.

- RAC Elections

We have also observed HACLA staff playing very strong roles in coordinating RAC elections, including HACLA staff being present during voter information sessions and elections themselves hosted by the League of Women Voters, comments by LWV staff that they simply do what HACLA staff directs them to do, and HACLA using suspiciously-timed Unlawful Detainers to disqualify potential candidates from standing for election (because residents who are in the eviction process are not considered to be “in good standing”).

Response: HACLA has meticulously followed regulations regarding RAC elections and has hired an independent outside election consultant, the League of Woman Voters. Nevertheless, HACLA is required to monitor the election process under Federal regulation. A review of the election procedures found no irregularities.

Security & Security Cameras

Comment:

- Need more security.
- Need security cameras in the development.

Response: HACLA to improve security is installing security cameras at all of our public housing developments.
Self Sufficiency Goals

**Comment:** Please explain the self-sufficiency goals.

**Response:** HACLA and HUD encourage our residents to become self-sufficient, HACLA is continuously looking for ways to provide services and educational trainings to help our residents become self-sufficient.

Space Use Policy

**Comment:** The Space Use Policy needs to be updated because it violates resident’s rights to assembly and free speech and their right to organize because it is onerous for resident organizations to use the space. 24 CFR §964 clearly states that public housing residents have the right to invite partner organizations to work with them, and that partner organizations should not be impeded when responding to residents' requests for assistance. Many other concerns about the Space Use Policy and its implementation were communicated.

When the Space Use Policy was adopted, HACLA stated a willingness to re-visit the Space Use Policy in a future Agency Plan. The Space Use Policy has, overall, decreased residents' use and enjoyment of the premises altering the lease of longer-term residents. It has infringed on residents' ability to organize, and increased conflict between residents and the organizations they work with.

The policy is onerous and it violates rights to assembly, free speech and residents rights to organize. Public housing residents are no less entitled to exercise these rights than anybody else, and the Space Use Policy infringes on these rights.

Characterization of advocacy groups as “external organizations” is used as justification for the requirement to comply with burdensome regulations. Many of the advocacy groups are made up of residents who determine the agenda and priorities. HACLA is impeding grassroots organization through the use of this policy.

It is clearly articulated in 24 CFR §964 that public housing residents have the right to invite partner organizations to work with them, and that partner organizations should not be impeded when responding to residents' requests for assistance. HACLA is obstructing by restricting use of community spaces without cause and is infringing on residents' rights. This includes infringement to organizations that are not political or controversial, including health students at UCLA in Mar Vista Gardens who were denied the use of space. HACLA is also requiring pre approval of information being distributed to the community, this is not possible since some advocacy information would be ineffective on protecting residents if HACLA is able to examine.

HACLA is in violation of residents’ First Amendment rights, which guarantees the right of people to assemble and petition the government for redress of their grievances.

Residents should be able to use community spaces, as was previously the case to host birthday parties, wakes, and other important community events that have nothing to do with petitioning
the government. Removing these benefits has decreased the quality of life for all residents with no apparent public benefit.

The Space Use Policy, as it was explained by executive staff, was intended to give enhanced rights to Resident Advisory Councils (RACs), who would be exempt from many of the requirements placed on “external” organizations. We acknowledge that this may be the most appropriate way to address the issue and to ensure that residents have a mechanism to participate in the full enjoyment of their space, while also creating clear guidelines for genuinely “external” entities who want to engage with residents.

This policy will create more problems in RAD conversions as space use policies for those properties must be more expansive and include any resident organization (including multiple organizations at the same site) who all must be afforded access to available community spaces. The Space Use Policy has not been implemented in a way that allows RACs to provide a workaround for residents to access space without onerous barriers. RACs have not always been given the first right of refusal over the use of community space, making them unable to guarantee or even facilitate resident access in practice. Secondly, HACLA staff have “trained” RAC board members that they must ask management for approval of scheduling requests, essentially making them an additional layer of bureaucracy for residents requesting the use of space and treating those requests the same as “external” requests. Third, RACs should only guarantee and facilitate resident use of community space if they can do so in an impartial and equal way for all residents.

Sometimes RAC board members have used their position in arbitrary and capricious ways. This arbitrary and capricious abuse flows from HACLA itself, and is deeply connected to the shortcomings of HACLA's implementation of the §964 regulations that establish and govern Resident Councils in the first place, which we will discuss next.

Response: Community Space Use is regulated in accordance with Chapter 202:10 Use of community space pursuant to the Residential Advisory Council (RAC) Use of Space Agreement. The policy was modified to best utilize the limited community space available. Uses permitted are those that are open to all residents and that meet the requirements of allowable activities as well as liability coverage. As for your comments regarding the review of content of activities, we appreciate your comments and will be reviewing the space use protocols with management personnel.

Outside groups are able to utilize space in accordance to the policy - which includes sign off by the site’s RAC (who are the duly elected representatives of the development) and the agency having the adequate insurance coverage.

Staff Compensation

Comment: Executive staff at HACLA are compensated at or well above the HUD limits for public housing authority employees and front-line workers represented by labor unions continue to combat cuts to their pay and benefits. The concept of public housing and public assistance for housing only works in a society that values the equitable distribution of resources. Growing disparities between the highest-paid and lowest-paid HACLA employees undermine the very values that make public housing make sense.
HACLA needs to embrace closing pay gaps and disparities between its workers as central to reinforcing the same values and principles that justify the very existence of public housing authorities.

**Response:** HACLA strives to provide a living wage to all its employees. Between 2013 – 2018, represented staff saw pay increases between 5.4 and 14.0%, depending on bargaining unit. AFSCME, a bargaining unit representing primarily entry level para-professionals, received a cumulative 12.1% increase to base wages during this period of time. Notably, AFSCME’s increase was higher than the at-will/non-rep cumulative increase of 10.3%, during the same period of time.

**Staff Training**

*Comment:* Need to train staff on rent calculations and EID calculations.

**Response:** Staff receive annual training on such issues.

**Tenant Rental Payments**

*Comment:* Some residents still face significant issues with rental payments. Many still say it is more difficult to access than their own letter carrier, they don't know if they can trust outside contractors, and they don't want to pay the additional fee. Also there are residents who do use the automated system but do not always receive receipts of their payment, and sometimes their rent bills are incorrect the following month.

Due to issues with automated payments, and problems with payments sent by mail that are never received or are fraudulently cashed, or tenants are charged late fees even for rent payments that are mailed on or before the 1st of the month. We recommend HACLA allow residents to pay their rent on-site.

**Response:** HACLA has been introducing numerous options for rent payment, including the WIPs payment cards where residents pay at the same place they would purchase a money order and the payment will get credited to their account that same day and ACH automatic withdraw for those with banking account. Additional on-line payment option will debut in the fall of 2018. This will allow residents to sign up for regular monthly payment or 1-time payments via a credit or prepaid cards. Regardless of the payment method, it is the responsibility of the resident to keep a record/proof of payment (this would include date of mailing/postmark).

**Trainings**

*Comment:*

- * HACLA needs to provide Emergency Preparedness training for all sites.
- * Free First Aide Classes.
* HACLA needs to provide training for senior and disabled

Response: HACLA is coordinating with the City of Los Angeles’ Emergency Management Department to engage residents in emergency preparedness in their home and community through the Ready Your L.A. Neighborhood (“RYLAN”). City staff has already presented the program at several public housing sites and followed-up with specific RYLAN plans to help residents prepare for emergencies. These training will continue and HACLA encourages residents to participate and prepare their families for emergencies. HACLA staff is looking into no- or low-cost first aid classes for residents.

Trash Fees

*Comment: HACLA should help remove these charges. Train staff on how to calculate the trash fees.

Response: Residents are provided a reduction in their rent via a portion of the Utility Allowance to cover this charge.

Violence Against Women Act (VAWA)

Comment: HACLA needs to examine how VAWA can be expanded to ensure that victims of domestic violence do not need to choose between staying with the abuser or paying their rent.

- VAWA - Emergency Transfers

HACLA’s procedure for processing emergency transfers for victims of domestic violence under VAWA continues to be inadequate. Although HACLA provides for domestic violence as an exception to limitations on moving, HACLA does not do enough to ensure the safety of its participants. HACLA must respond in a timely manner to reports of domestic violence by providing the victim with a new voucher or temporary place to stay, such as a motel room paid for by the HACLA where a transfer unit in Section 8 or public housing is not immediately available.

HACLA should propose a clear time period during which a unit transfer to another public housing unit will be done. If by the end of that time period, a unit transfer is not available due to lack of an appropriate unit for the family, the HACLA should state that the participant will be housed temporarily at a motel or other suitable arrangement at the HACLA’s expense until a subsidized unit becomes available.

HACLA must develop a clear policy to provide assistance for tenants who are victims of domestic violence, who are in immediate danger living in their current units, and who need to be transferred to another unit as soon as possible as a result of a safety hazard.

Response: HACLA does not deny admission to, deny assistance under, terminates from participation in, or evicts from housing on the basis of or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation,
or occupancy. Additionally, HACLA notifies its applicants and participants of the required protections under VAWA 2013 at admission, when denied assistance, and with any notification of eviction or termination.

Limitations on moving do not apply to victims of domestic violence, dating violence, sexual assault, or stalking if the move is needed to protect the health or safety of the family or if any member of the family has been a victim of a sexual assault that occurred on the premises during the 90-calendar day period preceding the move.

HACLA provides victims with the contact information of local victim service providers that can assist them to create a safety plan and can connect them with resources if they need to leave the unit temporarily.

- Evictions/Unlawful Detainers

VAWA provisions have not provided real protection to victims of domestic violence in the context of protecting them from Unlawful Detainers. In the past year we have seen two cases where women were abused, finally kicked their abusers out of the household, and subsequently faced Unlawful Detainers for failure to pay rent. The failure to pay rent comes directly from the loss of the household income of their abusers.

We encourage HACLA to examine if and how you can expand your VAWA implementation to ensure that victims of domestic violence do not need to choose between continuing to be abused, or being unable to pay their rent.

**Response:** Families receiving assistance under HACLA’s housing programs generally pay rent based on the family composition and income/assets. If the perpetrator is removed, the family’s portion of the rent is adjusted to reflect the changes to the family composition. There are exceptions and there are other factors that can affect the tenant’s portion of the rent or the ability to continue receiving assistance after the removal of the perpetrator (e.g. families with members who do not have eligible immigration status or families where the perpetrator is the only qualifying member). However, it is important to emphasize that these exceptions include statutory requirements and HACLA does not have the authority to expand VAWA protections to eligibility requirements mandated by federal statute.

**Vision Plan**

**Comment:** Will all 14 public housing sites be converted to Section 8?

**Response:** The Vision Plan proposes prioritizing sites in three categories: (1) Redevelopment; (2) Substantial Rehabilitation; and (3) Light Rehabilitation. Based on the 70 plus data points analyzed as part of the study, all of the public housing sites reviewed were either recommended for Redevelopment or Substantial Rehabilitation. The Vision Plan proposes additional actions, including, “analyzing impacts of property conversions primarily to Section 8 platforms on property-specific and HACLA-wide operating income to ensure funds are adequately available to improve site functionality, expand management and service capacity, provide funding to support other HACLA priorities & administrative functions.” HACLA’s primary focus is to ensure all its properties are preserved and provide deeply affordable housing for years to come. HACLA is not tied to any
one platform to achieve this goal and will rely on further analyses to determine the best approach for each individual property.

**Water Use**

**Comment:**

- In an effort to assist the state of CA with its water conservation efforts, is there anyway HACLA can restrict excessive water usage?
- Once HACLA employees leave the site you notice that residents are being careless with their water usage by allowing it to run when using it to wash vehicles or washing their walkways. More needs to be done to curb the excessive use of water at all times not just in periods of drought.
- HACLA employees also need to be conscientious and try to conserve water usage when using it.
- Please encourage residents to use their brooms to clean their walkways as opposed to the water hose.
- We would like to know more information about how residents can and should be conserving water.

**Response:** We appreciate your concern over the use of water. During the course of the drought the HACLA has issued numerous reminders to resident regarding the need to conserve water. We have done many modifications to assist in this from installing low-flow toilets and sink and shower aerators to limiting flow from unit’s exterior hose bibs. As HACLA personnel are not at the site 24/7, residents can assist by encouraging their neighbors to not waste water.

*The City of Los Angeles Department of Water and Power (LADWP) has information on their website at www.ladwp.com.*

**Site Specific Comments**

**Avalon Gardens**

- **Park**

  *Comment:* Need a nice park like the one at Mar Vista Gardens.

  **Response:** At this time, there is no plan to utilize the limited funds available for capital repairs to develop a park.

- **Reasonable Accommodations - Plants**

  **Comment:** HACLA has asked to remove plants from the front of the unit which helps disabled household members. A Reasonable Accommodation was made and denied. I want to keep my plants in front of my unit. Other residents have their plants in front of their unit, I am being
discriminated. I was told that in seven days, if I did not move these plans from where they were I was going to be evicted.

**Response:** Residents are able to maintain plants in front of their unit in accordance with the gardening guidelines and in such a manner that they do not deny access to common areas or become a nuisance to other residents' ability to enjoy their own unit or the common areas.

- Security

*Comment:* Need more security in the development.

**Response:** HACLA is installing security cameras at all developments to increase security.

Estrada Courts

- Electrical

*Comment:* Please replace the electrical wiring in the development.

**Response:** HACLA does have plans to upgrade the electrical system at Estrada Courts. It is scheduled to commence in October 2018.

- Termites

*Comment:* HACLA needs to get rid of the termites including the ones on the windows.

**Response:** Please notify site management if you see evidence of termites or termite damage.

- Lights

*Comment:* There are many lights that are not working at the development.

**Response:** Please notify site management if you see any DWP street lights or other exterior light not working. DWP is responsible for maintaining the operation of these light.

- Trash Dumpsters

*Comment:* There is a problem with overfilled trash dumpsters. They are being filled with very large items which then leaves very little space for the regular trash. People are then leaving their trash besides the dumpster bin because they are overfilled, they need to be emptied more often.

**Response:** Residents may report illegal dumping to the City of Los Angeles Sanitation Bureau by visiting the city’s website at [www.lacity.org](http://www.lacity.org) and clicking on the My311LA link or by calling 3-1-1 directly. Resident should also report to the management office any problems with the dumpsters during regular business hours. Site management can arrange for a special pick up form the city if needed.
Gonzaque Village

❖ Trees

*Comment:* Plant more trees.

*Response:* There are no plans at this time to plant additional trees. However, HACLA has and continues to engage with community organizations, such as North East Trees, as partners in grant opportunities to beautify HACLA sites include planting trees. HACLA also has to balance the benefits of planting trees with the cost of maintaining them as funds spent for tree trimming would otherwise be used to address other essential site maintenance issues.

❖ Lighting

*Comment:* Need more lighting in the development to decrease crime and improve safety.

*Response:* At this time there are no plans to increase the lighting at the sight. Please notify site management if you see any DWP street lights or other exterior light not working. DWP is responsible for maintaining the operation of these light.

❖ Playground

*Comment:* Needs to be redone it doesn’t work it is broken.

*Response:* HACLA has plans to repair the playgrounds at the public housing sites, Gonzaque Village is included.

❖ School

*Comment:* Need to do something with the small school, it is abandon and attracts gang members.

*Response:* The module unit does not belong to HACLA. We will follow up with LAUSD to address.

Jordan Downs

❖ Redevelopment Eligibility

*Comment:* With the privatization that is occurring now or is going about to take place. I’ve heard comments that people that are not working will not qualify to live in Jordan Downs. Will this also be the case with residents who have a disability such as depression and cannot work?

*Response:* All residents in good standing will be afforded the right to return and move into a newly constructed Project unit at Jordan Downs. No Jordan Downs resident will be subject to rescreening or work requirements when they occupy their new units. Many Section 3 job opportunities are available to Jordan Downs and other public housing residents as the result of the construction and added maintenance, management and commercial jobs incorporated into
the Jordan Downs project. HACLA, its WorkSource Center and development partners have sponsored training, bootcamps and job fairs to encourage residents to apply for and fill these new positions. However, participation in these new employment opportunities is not a requirement.

Please note separately that if HUD implements work requirements for Section 8 or Section 9 tenants, that would apply to all sites and all voucher holders not just Jordan Downs.

- **Safety**

  *Comment:* More safety for woman.

  *Response:* HACLA is installing security cameras at all developments to increase security.

**Mar Vista**

- **Capital Funds**

  *Comment:*
  - Need new windows.
  - Are the gas pipe repairs part of the cap funds?
  - The earthquake safety gas valves are too sensitive. They are easily triggered and then we have to wait to get our gas turned back on.
  - When we call the gas company they do not enter the units.
  - The plumbing work was approved in the 2017 agency plan, when will the plumbing work begin?
  - Will the plumbing and electrical work be done to only some units or the entire site?

  *Response:*

  Yes the gas pipes will be upgraded at Mar Vista Gardens.

  Concerns with the safety gas valves should be brought to the management office for resolution.

  The gas company does not have access to the residents’ units, therefore a household member must be present to allow entry.

  The plumbing project is scheduled to commence in October 2018 at Mar Vista Gardens.

  The plumbing project will consist of the replacement of the gas/water/sewer lines at the entire Mar Vista site. The electrical work will consist upgrades to some electrical components for the entire Mar Vista site.
❖ Capital Fund Information

Comment:
❖ Why does the slide read “limited” when referring to capital fund projects? Does this mean that this is a reduction in capital fund projects?

Response: Capital Funds are funds provided by HUD that are limited for use on projects that benefit the whole development not just a unit. Therefore, Capital Funds may not be used for regular maintenance repairs.

HACLA receives limited capital funds, those funds have been prioritized for health and safety issues related to infrastructure (plumbing and electrical). Once completed, HACLA will address other modernization efforts at the sites.

❖ Evictions

*Comment: Stop evictions. If you are late with your rent three times you are evicted.

Response: Residents are required to pay their rent in accordance with federal statutes and regulations as well as in accordance with the lease agreement.

❖ Front Gate

Comment: The front gate needs to be locked secured to prevent unwanted entry from people that do not live at the site. Repair the gate.

Response: We will look further into the feasibility of reactivating the gate.

❖ Lights

Comment: There are many light posts that are not working, they need to be fixed. We need more lights they are running them off in the parks.

Response: Please notify site management if you see any DWP street lights or other exterior light not working. DWP is responsible for maintaining the operation of these light.

❖ Lost Money Orders

Comment: Too many rent money orders being lost when mailing.

Response: Residents who pay by mailing in money orders can ensure that their rent gets posted immediately if they utilize the WIPs payment system. Using the WIPs system, residents can pay their rent to the same location as they purchase money orders (location of participating vendors is available in management offices) and the rent will be credited to their account the same day. No need to purchase stamps or pay for proof of mailing.
Rent

Comment: Why does Mar Vista have the highest rent of all the public housing developments? We should have rent equality with the other developments. Residents are finding it difficult to pay the rent.

Response: HUD modified the method that housing authorities are to use to set the max rent for the purpose of prorating rents for mixed families to the flat rent. HUD then required housing authorities to change the setting of the flat rent to 80% of the FMR or SAFMR. These changes do not impact the great majority of residents who continue to pay 30% of their adjusted income towards rent.

Security

*Comment: The development is not safe, need more security.

Response: Mar Vista is included in the sites that will be having new camera systems installed.

Site Management Staff

Comment: We need good customer service and respect from site staff and better communication from the manager with the RAC. We need staff to provide us with alternatives on how we can comply with all of the requirements. The manager never has time for us not even to answer a phone call.

Response: If you feel that you are not being served properly by your site management, please bring it up to that person’s direct supervisor (Assistant Director for Housing Services).

Transfer

Comment: I requested a transfer to a two bedroom unit but the manager says she does not have any available yet I see a lot of vacant units in the development.

Response: Units are offered based upon multiple factors, including but not limited to the need for a unit for a transfer due to an emergency or reasonable accommodation need or to right-size families that are over or under housed. Such transfers take precedent over voluntary transfer requests.

Nickerson

Capital Funds

Lights

*Comment: Need lights near cameras to capture criminal activity.
Response: The camera installation is being done in coordination with LAPD and DWP to ensure maximum benefit.

- Youth & Residents not on the Lease Employment

Comment: HACLA should allow youth who are not in the lease to have an opportunity to get a job within HACLA to decrease crime. Residents who are not in the lease should also have job opportunities.

Response: Priority for any employment opportunity will always first go to authorized residents. Authorized residents are those who are on the lease.

Pico Gardens

Capital Funds

- Gates

Comment: Use Capital Funds to fix the gates.

Response: At this time the gates are not scheduled as a Capital Fund project.

- Wood Blinds

Comment: Need wooded blinds on windows.

Response: Given the multiple needs of the property, providing such an amenity would not be responsible. Residents may install their own window shades.

- Landscaping

Comment: Need landscaping in the development.

Response: With the severe drought that California has experienced, the reduction of watering has made an impact on the grounds.

- Debris on Grass

Comment: When the windows were made, when cutting the plastic and aluminum there was a lot of noise and a lot of aluminum stayed in the grass. HACLA should clean it.

Response: Anytime work has been done and there is not adequate cleanup, please bring it to the attention of the site manager immediately.

- Parking Attendant

Comment: We need a parking attendant at the site.
**Response:** There are no funds for such a position. Residents need to be responsible and to follow the parking guidelines or risk their vehicle being towed if parked in a HACLA parking lot without a current permit.

- **Plumbing**

**Comment:**

- The plumbing is a large problem as well as the new toilets that keep clogging.
- Pico Gardens is a newer property compared to other sites but when it was built they contracted companies that did not do the job well. This problem has cost HACLA money because they are still repairing and dealing with the faulty plumbing/electrical work that was done. The problem could also be due to the size of the tubing used in the plumbing and the items residents flush.

**Response:** Clogs and other plumbing problems at the unit level needs to be resolved at the site management level by putting in work orders.

- **Redevelopment**

**Comment:** Will Pico Gardens/Las Casitas be remodeled or demolished?

**Response:** In the Vision Plan property matrix, Pico Gardens/Las Casitas was designated for Substantial Rehabilitation but was not prioritized for immediate remodeling. Pico has the lowest combined score of Physical Condition and Operational Distress of all sites at 92.2, which means that it can function well without major investment longer than other properties in HACLA’s portfolio. Currently, there is no community support for redevelopment (0 out of 12 for community support) and moderate opportunity for increasing density so the site was not considered for redevelopment.

- **Youth Programs**

**Comment:** We realize that in South Central there are more programs available for the youth meanwhile here at Pico we only have one and it is for older youth. We have asked for more programs in the past especially for the summer when many are on vacation. We would also like to see programs that are for youth of all ages.

**Response:** As opportunities become available we would love to provide more programs at all of our sites. There are programs that the HACLA has partnered with at most sites. School age youth at Pico can participate in activities that are occurring at the Pico-Aliso Recreation Center.
Pueblo Del Rio

- **Security Cameras**

**Comment:**
- We need security cameras.
- When are you installing the security cameras?
- Where will the cameras be located?

**Response:** **HACLA with LAPD staff analyzed the development to determine the best placement of the cameras. HACLA has developed a nine months implementation schedule, all of our developments should have security cameras installed within this time period.**

- **Center**

**Comment:** When are you going to open the center?

**Response:** **We have replaced the flooring and plan to upgrade the kitchen because we acquired additional funds that could be used for that purpose.**

- **Plumbing**

**Comment:** The plumbing is no good, when is HACLA going to fix it? You have been saying for years that it will get done.

**Response:** **We are going site by site for a total of ten sites. Pueblo is in the middle so it will probably be replaced next year.**

- **Trash Cans**

**Comment:** Trash cans are too old HACLA should use Capital Funds to replace them.

**Response:** **HACLA will evaluate and determine if funding is available to replace the trash cans.**

- **Elderly Development**

**Comment:** I thought this development was for the elderly.

**Response:** **No Pueblo Del Rio is a family development, HACLA does have developments for the elderly.**

- **Nuisances**

**Comment:** Fireworks at the middle of the night.

**Response:** **Any nuisances after hours should be reported to LAPD. If you know who is violating the lease rules, please report it to your site management staff.**

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Ramona Gardens

❖ Parking

*Comment: Need to enforce Parking rules, need more parking slots and cars get blocked in.

Response: It would not be an efficient use of limited capital funds to spend on building parking lots (which would require the removal of green space and or dwelling buildings to accommodate). Residents need to be responsible and following the parking rules. Any vehicle parked in a HACLA lot without a valid permit or in such a manner to block other vehicles or fire lanes risks being towed.

❖ Youth Services

*Comment: HACLA needs to provide more youth services.

Response: Ramona Gardens has a very successful Boys and Girls Club program that operates out of the gym. Parents should visit the program to learn more about the activities being offered.

❖ Senior Center

*Comment: HACLA needs to have a senior center.

Response: There is not the funding to establish a senior center at Ramona Gardens. Residents can take advantage of the centers operated by the City are at either Lincoln Park (3501 Valley Blvd, Los Angeles, CA 90031) and the Boyle Heights Senior Center (2839 E 3rd St, Los Angeles, CA 90033).

Rancho San Pedro

❖ Disabled Housing

*Comment: Build additional housing for disabled residents in San Pedro.

Response: HACLA will ensure that the redevelopment of Rancho San Pedro will meet the accessibility requirements under Federal, State and Local laws. Each affordable housing redevelopment phase will have accommodations for disabled persons and set-aside a certain percentage of units for people with mobility impairments and with communication disabilities.

❖ Trash Bins

*Comment: Move trash bins so there is more parking.

Response: Trash bins are located in such a way as to be accessible for the City's Department of Sanitation trucks to be able to access. Unfortunately, given the layout of the sites, there are not alternative locations.
**Redevelopment**

**Comment:** Don’t want Redevelopment of Rancho San Pedro to be converted to Section 8.

**Response:** HUD holds deeds of trust on all of HACLA’s public housing sites and has provided housing authorities with limited pathways to make larger investments in their properties. The only two paths to substantially revitalize public housing sites are through a RAD Conversion or an application for Section 18 Demolition/Disposition. In order to get HUD approval, the project has to be financially feasible, which typically requires that the units be converted into Section 8 units. Section 8 Project Based Voucher units or RAD Project Based Voucher Units increase the potential for higher rent values and thus greater HUD subsidies to each unit. Currently, there are no other sources of funds other than Section 8 that can provide the same rent levels tenants currently experience under public housing. Section 8 provides the deepest level of affordability. HACLA will continue to analyze what other platforms work best to protect tenant’s rights, retain affordability, and ensure the Project’s financial feasibility. HACLA’s intent is not to “Get rid of public housing” but to preserve our housing and affordability levels for current residents and future generations of tenants. The only means to do this is using Section 8 Project-Based Vouchers and RAD unless HUD provides significantly more money for traditional public housing.

**San Fernando Gardens**

**Agency Plan**

**Comment:** The Agency Plan presentation handout was not in Spanish and 80% of the attendees don’t speak English and it was very fast.

**Response:** HACLA provides interpreters for all Agency Plan presentations and all presentations are presented simultaneously in Spanish. Thank you for your comments, we will ensure that enough handout material is made available in Spanish in all outreach meetings in next year’s process.

**Section 8 Specific Comments**

**Additions to the Household**

**Comment:** HACLA should not require Section 8 Participants to obtain the owner’s written permission to add additional household members who are the result of a birth, adoption, or court-awarded custody of a child.

They contend that a landlord holding the discretion to approve or deny an additional tenant is unlawful when the additional tenant is the result of a birth, adoption, or court-awarded custody of a child. This practice they state constitutes familial status and sex discrimination under federal and California law. Additionally, landlords do not have discretion to deny addition of a minor dependent child under the Los Angeles Rent Stabilization Ordinance and federal HUD regulations.
Therefore, HACLA should modify its Administrative Plan to reflect an exception in such circumstances. HACLA needs to modify Section 6.11 to state that a tenant must “secure the owner’s written permission to add a new member to the household, unless the new member of the household is the result of the birth, adoption, or court-awarded custody of a child. In such cases, HACLA will only require notice to the owner.”

The provision on removing a member of the household should be broadened and more nuanced to include additional reasons for absence from a public housing unit.

Response: The Draft Agency Plan issued June 15, 2018 includes the following proposed amendment to the Section 8 Administrative Plan:

Section 6.11 Admission of Additional Members to an Existing Household

* * *

In the tenant-based program, prior to allowing the addition of the household member, the existing head of household must secure the owner’s written permission to add the new member to the household, unless the new member of the household is a minor dependent child (birth, adoption or court-awarded custody). If this cannot be obtained, the original head of household is given a voucher to search for housing which will accept the newly designated household.

Criminal Conduct

Comment: HACLA for the following sections should remove the preponderance of the evidence standard:

- Terminating assistance for “drug-related criminal activity” (13.4.2)
- Terminating assistance for “illegal use of drugs” (13.4.3)
- Terminating assistance for “violent criminal activity” (13.5.2)
- Terminating assistance for “alcohol abuse” (13.7.2)

Because the standard:

- Runs contrary to HUD’s own guidance
- Evictions happen with little due process
- Has a disparate impact
- HACLA’s rules further exclude much of the very population that Section 8 is now intended to serve

Response: S8 Administrative Plan provisions state:

The HACLA may deny or terminate housing assistance to any applicant or participant for any of the grounds specified in Title 24 of the Code of Federal Regulations (24 CFR) which pertain to the applicable assisted housing program. Decisions on whether to deny assistance for an applicant
family or to terminate assistance for a participant family are based on a preponderance of the evidence.

The HACLA does not rely on speculation or allegation when making a decision to deny or terminate benefits in its assisted housing programs. The HACLA relies on credible evidence. Credible evidence is defined as evidence that is based on verifiable facts that constitutes more than mere speculation or allegation.

Preponderance of the evidence is defined as: evidence which is of greater weight or more convincing than the evidence that is offered in opposition to it, that is, evidence that when taken as a whole shows that the fact sought to be proved is more probable than not. (S8 Administrative Plan, Chapter 13)

These S8 Administrative Plan provisions are based on regulation outlined by HUD for denial and termination of assistance as well as informal hearings (emphasis added):

§ 982.553 Denial of admission and termination of assistance for criminals and alcohol abusers

* * *

(c) Evidence of criminal activity. The PHA may terminate assistance for criminal activity by a household member as authorized in this section if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

§ 982.555 Informal hearing for participant

* * *

(e)(6) Issuance of decision. The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

Homelessness

Comment: They commended our leadership, our Commission, and staff and our actions in ending homelessness and for our collaboration with other government agencies and nonprofit organizations to achieve this goal. Specifically, the Section 8 Administrative Plan changes made last year which removed non-mandated eligibility barriers for Section 8 participants.

Response: Thank you for your comments, HACLA will continue to strive for excellence in providing our services to our residents and participants.
**HQS Inspections**

**Comment:** HACLA’s Housing Quality Standards Inspection Procedures need to be brought in Compliance with Applicable HUD Regulations and Guidance and Incorporate Critical Protections for Section 8 Participants at Risk of Being Displaced.

Section 8 owners are using HQS Inspections to go around rent stabilization ordinance. Due to landlord’s practice of using HQS Inspections as an excuse to terminate the lease and current housing shortages, we recommend that HACLA not terminate the HAP contract until 180 days of abatement of HAP to the landlord, not 90 days. By terminating the HAP contract within 90 days of abatement without any regard to whether the Section 8 participant has found housing, HACLA is violating HUD guidance on the proper administration of HQS procedures.

HACLA should incorporate protections that ensure Section 8 participant’s voucher is secure. For example, nowhere does HUD provide that the PHA must 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 happens only once in the course of a Section 8 participant’s tenancy, 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.

A policy should be implemented to ensure 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.

Language should be 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.”

Language should be added requiring HACLA to provide Section 8 participants upon request with documents necessary to assert a defense under the Scott v. Kaiuum case 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
- A declaration from HACLA setting forth the basic undisputed facts relevant to this issue.

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, and therefore have the right to access this document to assert any and all legal rights they possess that stem from the HAP contract.

**Response:** The Housing Authority has the policies and procedures in place to produce public documents upon request, including the HAP contract, lease agreement, notices, and inspection reports, provided privacy and confidentiality standards are met.

Regarding HAP contract termination, as provided by regulation, the Housing Authority terminates HAP contract **180 calendar days after the last housing assistance payment to the landlord** (§ 982.455). For HQS inspection the process is as follows:

1. The Housing Authority schedules the initial inspection (Notice of Inspection is sent to both parties).

2. If the unit fails to meet HQS, a re-inspection is scheduled within no more than 30 calendar days from the initial inspection date to verify that cited HQS deficiencies are corrected (Notice of Failed Inspection is sent to both parties). The notice states that if HQS deficiencies are the tenant’s responsibility, participant family may be terminated for program non-compliance. If HQS deficiencies are the landlord’s responsibility, the notice states that HAP payment will be abated if the unit fails re-inspection and the landlord is not allowed to collect the HACLA portion of the rent from the tenant.

3. If HQS deficiencies are not corrected timely and they are the landlord’s responsibility, the Housing Authority abates housing assistance payments (Notice of Abatement is sent to both parties). The notice sent to participant family at the 90 day mark is an intent to terminate housing assistance if HQS cited deficiencies are not corrected within 180 calendar days after the last housing assistance payment to landlord. The notice advises the participant family to request a voucher to move taking into account regulatory requirements for validity of income verifications to issue a voucher to move.

LAPD

**Comment:** When requests are filed for Section 8 give participants a receipt.

**Response:** Public information requests sent to HACLA’s Records Management Specialist will receive an e-mail confirmation.

Lifetime Sex Offender Registration

**Comment:** The sex offender language includes termination that as written, potentially applies to any criminal activity thus creating a new sweeping basis for termination not mandated by HUD. The language should be eliminated or corrected to fulfill some legitimate purpose.

**Response:** The Draft Agency Plan issued June 15, 2018 includes the following proposed amendment to the Section 8 Administrative Plan:
Section 13.6.2 Lifetime Sex Offender Registration – Participants

The HACLA terminates assistance for the family if any member of the household is subject to a lifetime sex offender registration in any State and was admitted after June 25, 2001 regardless of the effective date of the registration requirement.

Regardless of the date of admission, if a household member engages in criminal activity (including sex offenses) while a participant in an assisted housing program, HACLA must immediately pursue termination of assistance to the extent allowed by HUD requirements, the lease, and state or local law.

Rent Increases

Comment: When HACLA grants a rent increase to a landlord up to the payment standard the full increase should be applied to HACLA’s subsidy as required by the Section 8 statute, 42 U.S.C. section 1437f(o)(2)(A) and not some or all of that increase on the tenant.

Response: When an owner requests a rent increase to be effective on a date other than the contract anniversary date, HACLA uses the payment standard in effect on the start date of the initial lease or the effective date of the last completed annual reexamination. The Housing Authority submitted a regulatory waiver request to HUD to authorize HACLA to adjust its HAP amount for participants using the Voucher Payment Standard (VPS) effective at the time a contract rent increase requested by an owner is approved by HACLA.

Serious Violation of the Lease

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

Response: Regulatory provisions state that the Housing Authority must terminate program assistance for serious violation of the lease (§ 982.552 (b)(2), § 982.551(e)). A serious violation of the lease, includes a breach of family obligations signed by the participant family at the time of program admission or annual reexamination, such as failure to pay rent, failure to maintain property in compliance with Housing Quality Standards, failure to pay utilities for which participant family is responsible, failure to repair or pay for damage to the assisted unit caused by any household member or guest, commit criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the area near the assisted unit, anything specified within the lease as a permissible reason to the terminate tenancy, as well as reasons outlined under S8 Administrative Plan Section 13.8.1.
Terminations

**Comment:** Section 8 participants’ rights before and during termination proceedings need to be strengthened in the 2019 draft agency plan.

HACLA should revise the new rule it implemented in the 2018 Administrative Plan 14.7.6. that requires Section 8 participants facing termination to submit items to HACLA “at least five days prior” to the informal hearing. The addition of the “five day” rule is a barrier to Section 8 participants’ right to present evidence and witnesses and their right to review and copy the hearing file in termination proceedings.

HACLA needs to implement a mechanism to ensure that a participant is given written confirmation of the date and time of their hearing and/or hearing file request.

They recommend that HACLA add the following sentence to Admin Plan Section 14.7.2 as item number one under that subsection: “Upon receipt of the participant’s request for a hearing, HACLA will send a written confirmation of the date of receipt of the hearing request to the participant at the address they have on file.” Similarly, under Admin Plan Section 14.7.6, we recommend the following sentence be added the second sentence in that section: “Upon receipt of the participant’s request for the documents that are directly relevant to the hearing, HACLA will send a written confirmation of the date of receipt of the hearing file to the participant at the address they have on file.”

HACLA should incorporate language into Section 14.7 that provides written assurance that HACLA will notify participants of their right to a hearing in all of the applicable circumstances required by law and diligently respond to hearing requests received by participants immediately.

**Response:** The Housing Authority gives a participant family an opportunity for an informal hearing to consider whether applicable Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and PHA policies (§ 982.555, §8 Administrative Plan Section 14.7). All participant families scheduled for an informal hearing are notified of the time, date and place of the hearing at least ten days before its scheduled date. The Notice of Informal Hearing states that upon request the family has the right to:

- Review any of the information used by the Housing Authority in making its decision.
- Examine evidence and question any witnesses.
- An interpreter or a reasonable accommodation
- A postponement of the hearing for good cause.

The Notice also includes contact information (phone number and email) and it is mailed to the participant address on file, unless the family indicates otherwise (if they already moved out of the assisted unit).

The five day rule provides an equal opportunity to all parties involved (Hearing Officer, HACLA staff, and participant family, including any representatives) to review all documents in advance (§ 982.555 (e)(2)). As best practice, the Housing Authority follows the rules of evidence applicable to judicial proceedings (§ 982.555 (e)(5)).
If the participant family is not able to comply with the five day rule, the S8 Administrative Plan provisions state that “the hearing officer may extend the hearing for a maximum of 10 working days to allow the family additional time to provide certain information pertinent to the hearing, or to take a certain action. The hearing officer must specify to the family in writing at the hearing what material is to be provided and a date by which the material must be received.”
March 30, 2018

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

Re: Preliminary Comments for HACLA’s preparation of its 2018 Draft Section 8 Administrative Plan

Dear Mr. Guthrie:

On behalf of Inner City Law Center (ICLC), thank you for providing the opportunity to provide comments to the Housing Authority of the City of Los Angeles (HACLA) before it completes its 2018 Draft Section 8 Administrative Plan.

We commend HACLA’s leadership, its Commission, and staff for their increasing commitment to ending homelessness and for HACLA’s collaboration with other government agencies and nonprofit organizations to achieve this goal. Specifically, we commend HACLA for the Administrative Plan changes made last year which removed non-mandated eligibility barriers for Section 8 participants. However, there is more work to do to ensure that homeless Angelenos can access housing through Section 8.

SUMMARY OF COMMENTS

With the passage of Proposition HHH, the City’s elected leaders and its voters have embraced a Housing First approach and has moved forward with an unprecedented consensus around permanent supportive housing. Housing First and permanent supportive housing is ultimately the most cost-effective way to finally bring home people confronting the most extreme challenges to getting off the street.

As the City’s Comprehensive Homelessness Strategy makes clear, dedicating Section 8 vouchers to permanent supportive housing is vital to this approach. Yet many HACLA rules fly in the face of this new consensus. Optional eligibility rules that might have made sense years ago, when Section 8 vouchers were rarely used to house homeless individuals, now prevent HACLA from housing the people that the City’s elected leaders and voters expect Proposition HHH to house. The very factors that HACLA currently uses to terminate current voucher holders are often the same factors that make a person most in need of permanent supportive housing; unlike private landlords in the past, supportive housing providers seek to serve people with barriers to housing stability.
HUD gives HACLA the power to fulfill the intentions of HHH by removing optional eligibility rules that screen people out of permanent supportive housing or terminate them from the program. The chart, attached below, details where each HACLA rule differs from the corresponding HUD rules and makes recommendations on changes. Please review the chart for ICLC’s complete list of recommendations. In our comments below, we take additional space to address three specific items:

1. Terminations based on findings of criminal activity using the “preponderance of the evidence” standard.
2. Lifetime sex offender registration
3. Bans for so-called “serious lease violations”

We respectfully urge HACLA to consider making the changes we recommend so the City can fulfill the promise of its historic Homeless Strategy. In addition to these comments, Inner City Law Center incorporates by reference any written comments submitted by the Legal Aid Foundation of Los Angeles.

Sincerely,

Greg Spiegel
Inner City Law Center

Cc: Brenda Shockley
1. **CRIMINAL CONDUCT**

Criminal conduct is an understandable concern for public housing authorities; HUD requires HACLA to deny or terminate assistance for certain kinds of criminal conduct. But in several of these categories, HUD does not mandate the standard used to establish the existence of criminal conduct. HACLA has the freedom to adopt the standard that it deems appropriate. However, in several of these rules, HACLA has adopted an extremely low threshold – HACLA imposes termination based on a “preponderance of the evidence” or an eviction. HACLA currently applies this standard for:

- Terminating assistance for “drug-related criminal activity” (13.4.2)
- Terminating assistance for “illegal use of drugs” (13.4.3)
- Terminating assistance for “violent criminal activity” (13.5.2)
- Terminating assistance for “alcohol abuse” (13.7.2)

This standard allows HACLA to terminate where there has been no conviction or even prosecution. This is problematic for many reasons.

First, HACLA’s “preponderance of the evidence” standard runs contrary to HUD’s own “Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions,” in which HUD makes clear that convictions are the most appropriate evidence of criminal activity to support termination. Likewise, evictions happen with little due process: Most tenants do not have access to an attorney and are evicted even when they have a legal defense.

Second, people of color are more likely than white people to be accused and arrested for crimes they did not commit. HACLA’s preponderance of the evidence standard exacerbates that disparity by increases the consequences for discriminatory accusations – not only they are unfairly accused or arrested, HACLA will terminate their voucher. And HACLA articulates no due process protections in employing the standard. Its rules don’t explain who makes the determination of whether the standard is met, what evidence is admissible to consider, whether the accused has the right to review the evidence and with sufficient notice to properly evaluate it, whether the accused has a meaningful opportunity to rebut the evidence and whether the accused can submit their own evidence and confront opposing witnesses. Perhaps most fatally, HACLA does not ensure all accused are provided free legal counsel to defend their voucher.

Under these current standards, HACLA is acting as prosecutor and judge in determining criminal conduct and imposing the sentence. Due process protections are mandated in a criminal prosecution by the Constitution because the consequences of improper prosecutions are so dire – the loss of one’s freedom. However, the consequences here are hardly less dire – anyone who loses their voucher is likely to end up homeless. And homelessness does have life-threatening consequences.

HUD’s own guidance on the “Application of the Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions” directs PHAs to justify policies that impose a disparate impact on the basis of race. HUD reiterated existing law in its guidance when it

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stated that in the “discriminatory effects analysis, the burden shifts to the housing provider to prove that the challenged policy or practice is justified—that is, that it is necessary to achieve a substantial, legitimate, and nondiscriminatory interest of the provider.” Earlier HUD guidance recognizes that, “[in 2014] African Americans were incarcerated at a rate nearly three times their proportion of the general population. Hispanics were similarly incarcerated at a rate disproportionate to their share of the general population.”

Because HACLA’s current rules do not require the basic due process that comes with a criminal conviction, they open up the agency’s decision-making process to even greater risk of racial bias, both conscious and unconscious. As a result, HACLA’s rules further exclude much of the very population that Section 8 is now intended to serve. HACLA must not terminate for criminal activity based only on the preponderance of the evidence standard. Rather, the only way it can ensure such fatal decisions are made only after Constitutional due process protections are provided is to terminate based only on convictions.

2. **LIFETIME SEX OFFENDER REGISTRATION**

HACLA’s rule for denying or terminating assistance for registered sex offenders includes language in the second paragraph requiring termination if “a household member engages in criminal activity (including sex offenses)”. (13.6.2). As written, this rule potentially applies to any criminal activity, not just sex offenses or sex offenders, thus creating a new, sweeping basis for termination not mandated by HUD. While under the heading of “Sex Offender,” the language itself does not limit activity to sex offenses or sex offenders. In this way, this paragraph swallows all the other criminal-related rules and is exceedingly broad – it would ban any family for any activity deemed criminal without any standard of proof and without any connection to sex offenses. This likely unintentional language but should be eliminated or corrected to fulfill some legitimate purpose.

3. **SERIOUS VIOLATION OF THE LEASE**

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

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

HUD does not define what does or does not constitute a “serious violation of the lease.” Likewise, HACLA provides no definition, other than to include “repeated” violations. This is problematic considering in virtually all of the hundreds of eviction cases that ICLC defends each year, the landlord alleges serious and/or repeated lease violations as the basis for eviction. This is standard landlord attorney allegation regardless of the actual facts of the case: Landlords always assert serious and repeated lease violations. Given that most tenants in eviction actions are unrepresented and 98% of unrepresented tenants lose their eviction cases even where they have viable defenses, HACLA will categorize most evicted tenants as “serious” or “repeated” lease violators. As a result, HACLA’s broad rule functionally excludes anyone who has ever been evicted from a Section 8 unit, regardless of their culpability. Considering that we would expect homeless people to have previously failed in housing, including Section 8 housing, it is counter-productive to the goals of Proposition HHH to exclude people from housing for having previously failed in housing. The following example shows how this rule excludes people that the City needs to serve:
• A family with young children living in a federally subsidized building lost two months of cash aid due to an error by an administrative agency. As a result, they did not pay rent and were evicted by the property owner. Under HUD rules, they need not be denied subsidized housing in the future. Under HACLA rules, even though they are otherwise eligible, they face a lifetime ban from subsidized housing.

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

#### 13.4 DRUG RELATED CRIMINAL ACTIVITY

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<th>Action</th>
<th>HACLA Rule</th>
<th>HUD Requirement</th>
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<td>1. Previously evicted from federally assisted housing for drug-related criminal activity (Applicant)</td>
<td>Three-year ban after date of eviction from federally-assisted housing for drug-related criminal activity, including personal use or possession, by any household member. Possible exception: If culpable household member is in prison, and will not reside in the unit upon release. If eviction was due to illegal personal use of drug and not for any other drug-related criminal activity, HACLA may admit only if (1) applicant provides verifiable documentation that person has successfully completed a supervised drug rehabilitation program since eviction; or (2) circumstances leading to the eviction no longer exist (evicted household member died, is imprisoned, or is permanently hospitalized); and 3) eviction was due solely to individual’s illegal use of a drug and not other drug-related criminal activity. <strong>13.4.1.1.</strong></td>
<td>Required ban; “PHA must prohibit admission for three years…if any household member has been previously evicted from federally assisted housing for drug-related criminal activity”. <strong>24 CFR 982.553(a)(1)(i).</strong> Exception: PHA may admit the household if the PHA determines: (A) That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or (B) That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned). <strong>24 CFR 982.553(a)(1)(i))A; B).</strong></td>
<td><strong>Expand exception to include all drug-related criminal activity.</strong> Ban is statutorily mandated. However, HACLA may still admit households if the culpable member completes rehab or is no longer present. HACLA currently only applies this exception to evictions for illegal drug use. HACLA can further apply this exception to all drug-related criminal activity.</td>
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<td>2. Drug-related criminal activity (Participant)</td>
<td>Terminate assistance for • Any eviction from assisted housing due to drug-related criminal activity; or • Conviction for drug-related criminal activity; or • Preponderance of evidence demonstrates household member engagement in drug-related criminal activity while in assisted housing regardless whether evicted or convicted. 13.4.2</td>
<td>Required ban, with discretion, PHA must establish standards that allow the PHA to terminate if the PHA determines that any family member has violated the family’s obligation under 982.511 not to engage in any drug-related criminal activity. 24 CFR 982.553(b)(1)(iii). Evidentiary standard: PHA may terminate assistance for criminal activity by a household member if the PHA determines, based on a preponderance of the evidence that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity. 24 CFR 982.553(c)</td>
<td>Terminate only for conviction, (but never terminate for a juvenile conviction), and never on basis of eviction of “preponderance of evidence.” Commentary HUD does not require PHAs to terminate based on drug-related criminal activity. Terminations are discretionary. As written, the ban is discriminatory because it terminates people based on eviction, arrest or incarceration or other evidence rather than only conviction. Low-income people of color are disproportionately arrested and incarcerated for offenses they did not commit. HACLA should never terminate without a conviction. While HUD authorizes termination based on a preponderance of the evidence, HUD neither requires it, nor defines “preponderance of evidence.” HACLA could limit “preponderance of evidence” to convictions. Never ban based on juvenile convictions.</td>
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<td>3. Illegal drug use (Participant)</td>
<td><strong>Terminate assistance for</strong>&lt;br&gt;• Any <em>eviction</em> from assisted housing due to illegal drug use; or&lt;br&gt;• <strong>Conviction</strong> for illegal drug use</td>
<td><strong>Required ban, with discretion. PHA must</strong>&lt;br&gt;establish standards that <em>allow</em> PHA to terminate assistance if PHA determines that:&lt;br&gt;• Household member currently engaged in illegal use of drug; or&lt;br&gt;• Household member has pattern of illegal use that interferes with health, safety or peaceful enjoyment of other residents. <strong>24 CFR 982.553(b)(1)(i).</strong></td>
<td><strong>Terminate only for conviction for illegal drug use, and never based on eviction.</strong></td>
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<td>HACLA may provide assistance for non-culpable family members in accordance with Section 13.10 (household member who was culpable may not reside in the unit) so long as illegal drug use did not result in eviction.</td>
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<td><strong>Commentary</strong>&lt;br&gt;HUD does not require PHAs to terminate based on drug-related criminal activity. Terminations are discretionary. Typically, eviction proceedings do not provide sufficient due process for a finding of illegal drug use because tenants usually are unrepresented. And even where they are, the representation does not meet the due process standards in a criminal prosecution.</td>
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<td>Participants using medical marijuana will be issued a warning that use of medical marijuana may be grounds for termination of assistance. <strong>13.4.3.</strong></td>
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### 13.5 VIOLENT CRIMINAL ACTIVITY

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| 4. Violent criminal activity (Participant) | Terminate assistance if • Evicted from assisted housing due to violent criminal activity; • Any household member convicted of violent criminal activity; or • Based on preponderance of evidence, household member has engaged in violent criminal activity. 13.5.2. | Required termination, with discretion. “PHA must establish standards that allow PHA to terminate assistance” if any household member has engaged in violent criminal activity. 24 CFR 982.553(b)(2). | **Terminate assistance only for a conviction for violent crime.**  
**Commentary**  
HUD does not require PHAs to terminate for violent criminal activity.  
Never terminate based on evictions, arrests, or preponderance of evidence. To do so, disproportionally impacts people of color.  
HACLA’s rule does not distinguish between major and minor violations, treating a murderer the same as someone who breaks the window of an abandoned building. |
## 13.6 OTHER CRIMINAL ACTIVITY

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<td>5. Participant engaged in “other criminal activity”</td>
<td>“Regardless of date of activity, if a household member engages <strong>in criminal activity (including sex offenses)</strong> while a participant in an assisted housing program, HACLA must immediately pursue termination of assistance to the extent allowed by HUD requirements, the lease, and state or local law.” <a href="#">13.6.2</a></td>
<td>No required denial. PHA’s <em>may</em> deny or terminate assistance if “any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program” [24 CFR 982.552(c)(iv)]</td>
<td><strong>Eliminate cited paragraph.</strong> Commentary 13.6.2 language is too broad, calling for termination when alleged to engage in any “criminal activity.” Then it goes on to make the untrue statement that “HACLA must immediately pursue termination.” HACLA should eliminate this entire paragraph.</td>
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## 13.7 ALCOHOL ABUSE

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<td>6. Alcohol abuse (Participant)</td>
<td>Terminate assistance if alcohol abuse is contributing factor to eviction or, even where there is no eviction, if a preponderance of evidence demonstrates that alcohol abuse may threaten health, safety or right to useful enjoyment of premises. At its sole discretion, HACLA may provide assistance to other household members.</td>
<td>Required ban, with discretion. “The PHA must establish standards that allow termination of assistance for a family if the PHA determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.” 24 CFR 982.553(b)(3)</td>
<td>Require a conviction for an alcohol-related crime.</td>
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<td>Commentary HUD does not require PHAs to terminate based on alcohol abuse.</td>
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<td>HACLA should never terminate assistance for mere alcohol use or based on evictions. Typically, eviction proceedings do not provide sufficient due process for a finding of illegal drug use because tenants usually are unrepresented. Even when tenant is represented, eviction proceeding does not meet the due process standards in a criminal prosecution.</td>
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<td>HACLA should interpret “may threaten health, safety or right to peaceful enjoyment” to mean only behavior that results in a conviction where it is threatening to another person.</td>
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<td>HACLA should consider circumstances in favor of people who would be homeless if not for this housing.</td>
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## 13.8 OTHER FAMILY ACTION OR FAILURE TO ACT

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<td>7. Participants who are evicted for serious or repeated lease violations</td>
<td>Terminate assistance for eviction for serious or repeated violation of lease. Serious violation includes damage over $2,000, even if family reimburses landlord. 13.8.1.3 Does not include evictions based on: - Family’s failure to accept a new lease - Failure to move when the owner requires the tenant to move due to the owner’s desire to - Remove the unit from the rental market - Terminate the Section 8 contract - Enable sale of the property - Rent at a higher rate, to rent to a family member, to perform major rehabilitation - Comply with a government agency’s order to vacate - Other reasons beyond the control of the family.</td>
<td>Required ban, with discretion. “The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.” 982.552(b)(2) Neither HUD nor HACLA define “serious violation of the lease.”</td>
<td>Define “serious violation of lease” with a list of specific examples, and should specifically exclude: - Damages of less than $5,000 - Damages where family reimburses landlord - Failure to pay rent - Mere repeated failures to pay rent</td>
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<td>Commentary</td>
<td>Do not terminate assistance for formerly homeless participants. Only in extreme cases should termination be in first instance. Goal should be to keep people in housing. “Serious violation of the lease” is undefined by HACLA and HUD, potentially exposing participants to termination for any eviction as “serious violation of the lease” is boilerplate language in most Unlawful Detainer complaints.</td>
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<td>8. Damages to the Unit</td>
<td>Terminate and five-year ban when family vacates assisted unit leaving damages (caused by the family or its guests) that are not normal wear and tear and in excess of $2,000 (as estimated by HACLA inspector). Ban applies even if family reimburses landlord. HACLA considers such damage a serious violation of lease.</td>
<td>Required ban, with discretion. “The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.” 982.552(b)(2)</td>
<td>Do not consider property damage a “serious violation of lease” when potentially terminating assistance. Increase threshold to $5,000. Provide reasonable accommodation for all people with mental illness.</td>
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<td>13.8.1.3</td>
<td>HACLA may deny or terminate program assistance if the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease. 982.552(c)(1)(vi)</td>
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**Commentary**

HUD requires ban for “serious violation of lease” but does not define the term. HACLA should eliminate this ban by eliminating property damage from its definition of a “serious lease violation.”

Landlords typically interpret normal wear and tear exceedingly narrowly so that they deem almost any damage as beyond normal wear and tear. In addition, at end of lease, landlords typically allege damages beyond wear and tear whether they exist.

Five-year ban is draconian.

- Given current costs of repairs, $2,000 worth of damages is not serious damage.
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<th>HUD Requirement</th>
<th>Recommendations</th>
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<td>9. Violation of a family obligation in federally-assisted housing</td>
<td>May deny or terminate for violation of HUD family obligation in federally-assisted housing.</td>
<td>No required ban. PHAs may deny program assistance...if the family violates any family obligation under the program. 24 CFR 982.552(c)(1)(i). Under 982.551, Family Obligations include:  Supplying information that PHA or HUD determines necessary and that it be true and complete, including related to:  - Citizenship or immigration status  - Reexaminations of family income  - Social security numbers  - Responsibility for breach of Housing Quality Standards caused by the family (982.404)  - Allowing a PHA inspection  - Not committing a serious or repeated lease violation  - Provide notice of move or lease termination  - Give PHA a copy of owner eviction notice  - Unit is sole residence of family  - PHA approves family composition  - Family promptly notifies PHA if family member no longer resides  - PHA consents to live-in aide or foster child  - Profit-making in the unit but only as incidental to being a residence  - No sublease, transfer or assignment of unit  - Family must promptly notify PHA of any absence from unit  - Family must not own interest in unit  - Not commit fraud or bribery  - Not engage in drug-related or violent or other criminal activity that threatens health, safety or peaceful enjoyment of others in vicinity.  - Not use alcohol in way that threatens health, safety or peaceful enjoyment in vicinity  - May not receive another housing subsidy.</td>
<td>Eliminate ban. Commentary  HUD does not require PHAs to deny or terminate assistance because of violations of family obligations. HACLA should never deny admission to a homeless or formerly homeless applicant because of prior violations of family obligations. HACLA should never terminate a formerly homeless participant for violations of family obligations.</td>
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<td>10. Threatened abusive or violent behavior to PHA personnel (Applicant and Participant)</td>
<td>Termination and/or ten-year ban if HACLA determines, in the exercise of reasonable judgment, that any household member has engaged in or threatened abuse or violent behavior toward any HACLA employee. <strong>13.8.6</strong></td>
<td><strong>No required ban.</strong> PHA may deny or terminate program assistance if family has engaged in or threatened abusive or violent behavior. <strong>982.552(c)(1)(ix).</strong></td>
<td><strong>Eliminate ban.</strong>&lt;br&gt;Commentary&lt;br&gt;HUD does not require PHAs to deny applicants based on behavior to PHA personnel. Denials are discretionary. The ban is overbroad. It does not distinguish between serious and non-serious, verbal or physical behavior. Nor does it make allowance for people with mental illness. Moreover, a ten-year ban is draconian. HACLA should never impose bans for words.</td>
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<td>11. Applicant provides false or inaccurate information to PHA</td>
<td>Ten-year ban if any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program. Fraud includes intentionally and willfully providing false or misleading information on any HACLA forms, such as forms that collect family composition and income information, and/or intentionally and willfully providing other false or misleading information relevant to determining a family’s eligibility for assistance or the amount of assistance. <strong>13.8.7</strong></td>
<td><strong>No required ban.</strong> PHA’s may deny or terminate assistance if “any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program” <strong>24 CFR 982.552(c)(iv)</strong></td>
<td><strong>Eliminate ban, or require conviction for denial.</strong>&lt;br&gt;Commentary&lt;br&gt;HUD does not require PHAs to deny applicants based on false or inaccurate information. HACLA has dramatically broadened HUD’s categorization of fraud to include false or misleading information. This is like to capture homeless applicants who may provide inaccurate information as a result of shame, fear or mental illness. Eliminate ban as duplicative. It is already a violation of a family obligation to commit fraud or bribery. See 24 CFR 982.551 and HACLA Admin Plan 13.8.5. Never ban based on anything other than conviction.</td>
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<td>12. Applicant previously terminated from Sec. 8</td>
<td>Three-year ban if terminated for cause. Permanent ban for second termination. Exception to ban if terminated because of: • Failure to notify HA and owner in writing before moving out/ending lease. • Failure to notify HA of absence from unit. • Violation of HQS inspection due to nonpayment of utilities or not allowing HA to inspect unit.</td>
<td>No required ban. PHAs may deny admission if PHA ever terminated assistance. 24 CFR 982.552(c)(iii).</td>
<td>Eliminate ban. Eliminate permanent ban for second termination. Commentary HUD does not require PHAs to deny admission for prior termination from Sec. 8. All homeless people have previously failed in housing. HACLA must not make prior success in Section 8 a condition of eligibility—this would disqualify any homeless person who had previously been in Section 8.</td>
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<td>13. Applicant previously evicted in federal assisted housing</td>
<td>Three-year ban if evicted from federally assisted housing. Permanent ban for second eviction. Exceptions Eviction for: (1) Failure to accept new lease; or (2) Failure to move when owner requires due to reasons beyond tenant’s control.</td>
<td>No required ban. PHAs may deny program assistance… • If any member of the family has been evicted from federally assisted housing in the last five years. 24 CFR 982.552(c)(ii).</td>
<td>Eliminate ban. Commentary HUD does not require PHAs to deny applicants because of prior eviction. Denials are discretionary. All homeless people have previously failed in housing. HACLA must not make prior success in Section 8 a condition of eligibility—this would disqualify any homeless person who had previously been in Section 8.</td>
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<td>14. Failed to pay public housing authority. (Applicant &amp; Participant)</td>
<td><strong>Lifetime ban</strong> as long as family owes money to any PHA. (PHA must be able to document) Allows participation if family repays full amount owed to all PHAs within 30 days of notice of denial. Under 13.1, HACLA may allow participation if family executes a repayment agreement for amount owed. <strong>13.8.10.1 and 13.8.10.3.</strong> Denies admission to families that are porting if owes money to any PHA, even if even though the family may have entered into an agreement to repay the PHA. <strong>13.8.10.2.</strong></td>
<td><strong>No required ban.</strong> PHA may deny program assistance if family currently owes rent or other amounts to a Public Housing Authority or landlord under HAP contract. <strong>24 CFR 982.552(c)(1)(v) and (vi) and (vii).</strong></td>
<td><strong>Eliminate ban or consider adopting HACoLA’s recently proposed changes.</strong> <strong>Commentary</strong> HUD provides HACLA with discretion; HACLA is not required to deny or terminate for money owed. HACLA should never deny or terminate a homeless person or formerly homeless person solely for money owed. Denying housing to a homeless person will ultimately cost more in health, mental health, jail, court, police and other costs when the person is left on the street. HACLA’s exception that allows people to pay back the debt is not helpful to homeless people because they are likely unable to pay back the debt. City should fund account that reimburses HACLA for applicant debt.</td>
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March 30, 2018

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 to HACLA’s 2018 Draft Agency Plan

On behalf of Legal Aid Foundation of Los Angeles, Neighborhood Legal Services of Los Angeles County, and Public Counsel, we respectfully submit these comments and recommendations on policy changes for the forthcoming 2019 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 2019 Public Housing ACOP (“ACOP”) and the Section 8 Program Administrative Plan (“Section 8 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’s Housing Quality Standards Inspection Procedures Need to be Brought in Compliance with Applicable HUD Regulations and Guidance and Incorporate Critical Protections for Section 8 Participants at Risk of Being Displaced.

In the past two years, LAFLA and its sister legal services organizations in Los Angeles County have seen an increase in the number of Section 8 participants who have been displaced from their homes, specifically in units under the Los Angeles Rent Stabilization Ordinance (“LARSO”), as the result of repeated, uncured landlord-caused Housing Quality Standard (“HQS”) violations. In many cases, certain landlords have utilized the HQS inspections process, in conjunction with improper eviction notices, harassment, and retaliation, as a means to force a Section 8 tenant out of their rent-controlled unit, allowing 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 Housing Assistance Payments (“HAP”) 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 non-payment 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 assert this defense in an eviction, Section 8 participants 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 setting forth the basic undisputed facts relevant to this issue. In our experiences, HACLA has refused to provide these documents upon the request of Section 8 participants in this highly vulnerable situation, and has also refused to provide any written assurance to the participant that their voucher will be preserved 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. After this, 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 existing HQS procedures in the Section 8 Admin Plan. 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 violating HUD guidance on the proper administration of HQS procedures.

Second, HACLA should incorporate protections into this section that ensure that the Section 8 participant’s voucher is secure. For example, nowhere does HUD provide that the PHA must 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 happens only once in the course of a Section 8 participant’s tenancy, 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, a policy should be implemented in this section to ensure 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 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 the *Scott v. Kaiuum* case 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, and therefore 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.”).

b. Section 8 Participants’ Rights Before and During Termination Proceedings Need to Be Strengthened in the 2019 Draft Agency Plan.

We have represented a significant number of HACLA Section 8 participants who are either facing imminent termination of their Section 8 voucher or are in pending termination proceedings. We have identified a number of HACLA policies and/or practices during the course of the termination procedure that we believe curtail or eliminate participants’ due process rights and unduly burden their ability to defend themselves and present evidence in Section 8 termination proceedings.

First, we urge HACLA to revise a new rule it implemented in the 2018 Administrative Plan that requires Section 8 participants facing termination to submit the following items to HACLA “at least five days prior” to the informal hearing: (1) documents/evidence the participant will present and (2) a list of attending witnesses the participant will bring to the hearing. 2018 HACLA Admin Plan 14.7.6. Additionally, the provision requires that the participant examine and copy “any Housing Authority documents that are directly relevant to the hearing at least five days in advance of the hearing.” Id. Prior to this 2018 revision, Section 8 participants could present documents or witnesses in a termination hearing several days before the date of the hearing. They likewise could request to review and copy the hearing file until and/or on the date of the hearing.

The addition of the “five day” rule is a barrier to Section 8 participants’ right to present evidence and witnesses and their right to review and copy the hearing file in termination proceedings. 24 CFR 982.555(e)(2)(i), which sets forth the rules on hearing procedures and discovery in Section 8 informal hearings, requires that participants are given the opportunity to review and copy the hearing file and any relevant evidence before the proceeding. Section 982.555(e)(2)(i) does not set forth a specific time period in which the participant may exercise these rights. Imposing the “five day” rule has proven burdensome on our clients in termination proceedings. For example, in certain situations, particular documents or evidence are not accessible to participant until shortly before or even the day before the hearing. Similarly, when determining which witnesses they will present at the hearing, participants often will need time up until the hearing to confirm whether their witnesses will be available to attend the hearing. In these situations, the participant may still be able to provide adequate notice to HACLA of the forthcoming evidence or witnesses ahead of time. Under the new rule, if the participant is not able to notify HACLA of their evidence or witnesses within five days, they have lost the opportunity to present evidence or testimony that may be critical to the outcome of their hearing. Accordingly, we recommend that HACLA strike the “five day” qualifier in Admin Plan Section 14.7.6.
Additionally, our clients have shared with us multiple instances in which they have requested either a hearing or a copy of their hearing file from HACLA, in person, over the phone, or in writing, only to never receive a response back from HACLA. As these proceedings are time-sensitive and there are specific timeframes in which a participant has to request either of those items, it is critically important that there be some mechanism implemented by HACLA to ensure that a participant is given written confirmation of the date and time of their hearing and/or hearing file request. Accordingly, we recommend that HACLA add the following sentence to Admin Plan Section 14.7.2 as item number one under that subsection: “Upon receipt of the participant’s request for a hearing, HACLA will send a written confirmation of the date of receipt of the hearing request to the participant at the address they have on file.” Similarly, under Admin Plan Section 14.7.6, we recommend the following sentence be added the second sentence in that section: “Upon receipt of the participant’s request for the documents that are directly relevant to the hearing, HACLA will send a written confirmation of the date of receipt of the hearing file to the participant at the address they have on file.”

Finally, we have received multiple reports of Section 8 participants requesting informal hearings after receiving notices of rent increases from HACLA based on calculations of the household income, only to never hear back from their case advisor regarding scheduling of a hearing. Per 24 CFR 982.555(a), the PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions are in accordance with law:

(i) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
(ii) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.
(iii) A determination of the family unit size under the PHA subsidy standards.
(iv) A determination to terminate assistance for a participant family because of the family's action or failure to act (see § 982.552).
(v) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

HACLA Admin Plan Section 14.7 tracks 24 CFR 982.555(a), as well as includes other situations in which a hearing is required. We recommend HACLA incorporate language into Section 14.7 that provides written assurance that HACLA will notify participants of their right to a hearing in all of the applicable circumstances required by law and diligently respond to hearing requests received by participants immediately.

c. HACLA Should Not Require Section 8 Participants to Obtain the Owner’s Written Permission to Add Additional Household Members Who Are the Result of a Birth, Adoption, or Court-awarded Custody of a Child.

Neighborhood Legal Services of Los Angeles County (“NLSLA”) regularly represents Section 8 tenants in an effort to ensure preservation of, and access to, affordable housing. To further these goals, NLSLA strongly urges HACLA to consider the following comments and modify its policies to better reflect the state of the law.
Currently, HACLA Admin Plan Section 6.11 states that a tenant must “secure the owner’s written permission to add a new member to the household.” In practice, HACLA has applied this policy even where the additional tenant is a minor dependent child. This creates a dilemma for Section 8 tenants who may need to add minor dependent children to their household.

We contend that a landlord holding the discretion to approve or deny an additional tenant is unlawful when the additional tenant is the result of a birth, adoption, or court-awarded custody of a child. Therefore, HACLA should modify its Administrative Plan to reflect an exception in such circumstances.

1. **Requiring landlord consent for the addition of tenants resulting from a birth, adoption, or court-awarded custody of a child amounts to familial status and sex discrimination under federal and California law.**

The federal Fair Housing Act makes it illegal “to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of… familial status.” Fair Housing Act § 805, 421 U.S.C. 3605.

Similarly, under the California Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act, it is unlawful for a landlord to discriminate against any person because of the person's sex, including pregnancy, childbirth or medical conditions related to them and because of the person’s familial status. See Cal. Gov. Code § 12955 and Cal. Civ. Code § 51(b), (e)(5). FEHA explicitly states that discrimination because of the presence of children whom an existing tenant has custody over, including pregnancy and pending custody proceedings, is prohibited. Cal. Gov. Code § 12955.2

Without an appropriate carve-out, Section 6.11 results in a disparate impact to the disadvantage of pregnant women, or any tenant who is expecting or seeks to have children, as compared to the population as a whole. By requiring permission for tenants to add new individuals to their household in all cases, the landlord is given unwarranted discretion as to whether or not to terminate the tenants’ lease due to their familial status. In this context, the application of Section 6.11 constitutes discrimination on the basis of sex and familial status

2. **Landlords do not have discretion to deny addition of a minor dependent child under the Los Angeles Rent Stabilization Ordinance and federal HUD regulations.**

The Los Angeles Rent Stabilization Ordinance (LARSO) and federal HUD regulations create a carve-out to the general right of landlords to approve or disapprove a prospective additional tenant due to the aforementioned protections against discrimination on the basis of familial status and sex.

LARSO states that a landlord “has the right to approve or disapprove the prospective additional tenant, who is not a minor dependent child.” L.A.M.C. § 151.009(A)(2)(b) (emphasis added). Similarly, HUD regulations state that “The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.” 24 C.F.R. § 982.551(h)(2) (emphasis added). These carve-outs exist because denial by the PHA or landlord of the addition of a minor dependent child could amount to discrimination on the basis of familial status and sex.
For these reasons, we respectfully request that HACLA modify Section 6.11 to state that a tenant must “secure the owner’s written permission to add a new member to the household, unless the new member of the household is the result of the birth, adoption, or court-awarded custody of a child. In such cases, HACLA will only require notice to the owner.”

II. PUBLIC HOUSING ACOP

a. The Provision on Removing a Member of the Household Should Be Broadened and More Nuanced to Include Additional Reasons for Absence from a Public Housing Unit.

The ACOP provides only two instances in which the Housing Authority explicitly must execute a new lease with remaining members of the tenant family: 1) the death of the head of household; or 2) when the resident is permanently placed in a nursing/retirement home, if the resident permanently gives up her/his rights in writing.

First, there may be other instances in which a head of household leaves the unit, short of death or permanent commitment to a nursing home, where the remaining members of the tenant family could and should be allowed to remain in the unit. The ACOP is silent as to what happens in those circumstances, or suggests that the tenancy would be terminated, leaving the family to become homeless, regardless of why the head of household is out of the unit for more than 30 days.

Other housing authorities explicitly address this by providing for more circumstances in which the head of household may leave the unit, and the remaining members of the household are allowed to remain. For example, the Housing Authority of the County of Los Angeles more broadly accounts for the departure of the head of household. See HACOLA ACOP, Chapter 11, Section J, pg. 137.

Second, under the existing ACOP, where an individual leaves the unit to be placed in a nursing home, the only way HACLA may execute a new lease with the remaining members of the tenant family, is if the head of household gives up their right to the unit in writing. This mandatory, affirmative statement, in writing, by the head of household ignores the reality that many tenants who leave for retirement/nursing facilities may lack capacity and therefore, are unable to give up the unit, either because they are unconscious or without legal capacity. In those circumstances, the head of household cannot “give up” the unit, even if there is no doubt they are permanently confined to a nursing facility. The remaining members of the tenant family are left in a legal limbo.

Other housing authorities address such circumstances by providing explicitly for absences for medical reasons that do not require the head of household to affirmatively give up their legal rights. For example, the Housing Authority of the County of Los Angeles provides for extended medical absences in its ACOP:

Absence Due to Medical Reasons
If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently
absent. If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current. A resident may request a reasonable accommodation to have a longer absence.

HACLA ACOP, Chapter 11, Section H, pg. 135.

With such a verification that the head of household is absent from the unit based on a medical absence and there is verified medical evidence that the family member will be permanently confined to a nursing home, this should be sufficient, and the remaining member of the tenant family should be allowed to execute a new lease and remain in the unit.

III. OTHER RECOMMENDATIONS

a. HACLA Must Improve its Identification and Provision of Reasonable Accommodation Requests by Unrepresented Section 8 Participants.

HACLA, as a federally-funded public housing authority, is obligated by law to comply fully with the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Unruh Act, and the California Fair Employment and Housing Act, with regard to handing reasonable accommodation requests submitted by individuals with disabilities. While HACLA’s Non-Discrimination on the Basis of Disability and Reasonable Accommodation Policy states that HACLA will be “thorough and prompt in reviewing accommodation requests and will explain the basis of any denial,” our clients have experienced a far different reality when it comes to HACLA’s handling of reasonable accommodation requests. In one Section 8 case, a client submitted a reasonable accommodation request to her case advisor and the manager for Special Programs related to a condition in her building that was exacerbating her mental health issues; her reasonable accommodation went unaddressed for over a year until LAFLA represented her. We have seen similar issues arise in the public housing context, with a certain participant facing imminent eviction because a HACLA on-site manager as well as other HACLA employees alleged a mentally disabled participant failed to sign a recertification form, even though his disability prevented him from doing so and a reasonable accommodation was made in the case.

We urge HACLA to provide clearer guidelines and timeframes in its Non-Discrimination on the Basis of Disability and Reasonable Accommodation Policy on common issues faced by participants, including reasonable accommodation requests related to domestic violence in the household, participants who may be mentally incapacitated, and how and when HACLA staff inform participants of the reasonable accommodation process in the course of working with a participant. Additionally, we strongly recommend that HACLA require all public housing on-site managers, Section 8 case advisors, and other staff who spend significant time directly serving participants to engage in yearly HUD-certified fair housing training that includes rigorous training on how to properly handle reasonable accommodation requests under federal and state disability laws.


Across language groups ranging from Spanish to Russian to Korean, LAFLA and other legal services agencies in L.A. have received a significant number of reports of serious lapses in language
assistance from HACLA. HACLA is obligated to provide meaningful program access to Limited English Proficient participants as required under federal, state, and local law, specifically Executive Order 13166, HUD Guidance (Federal Register 4878-N-02 - January 22, 2007), Sections 7290 et seq. of the California Government Codes (“Dymally Alatorre Act”), and California Civil Code Section 1632. While HACLA’s LEP policy states that for certain language groups it will provide free interpreters who are able to “competently tak[e] oral or spoken information provided in one language and accurately communicating that information orally in another language,” LAFLA has witnessed inaccurate and incomplete interpretation by HACLA interpreters in critical situations such as Section 8 termination proceedings. Additionally, a number of clients have reported to LAFLA that their case advisors do not provide them with adequate interpretation during recertification appointments, or fail to provide vital housing documents in their native language even after indicating that they are LEP. HACLA also made troubling statements at a recent meeting with advocates that in certain situations, participants “impliedly waive” language assistance by either evidencing that they speak some English or completing an English form. A more detailed letter and comments on HACLA’s LEP practices will be forthcoming.

c. HACLA’s Procedure for Processing Emergency Transfers for Victims of Domestic Violence Under VAWA Continues to be Inadequate.

LAFLA has repeatedly advocated for strengthened protections of victims of domestic violence in Section 8 housing for the past three years, particularly in the context of emergency transfers for those who have been recent victims of domestic violence. In past Agency Plan comment periods, LAFLA has urged HACLA to adopt clear procedures and timelines for handling emergency transfers for recent victims of domestic violence. LAFLA has had multiple clients over the past several years in which: (1) the program participant experienced an incident of domestic violence in their household or building; (2) made HACLA aware, either in person, over the phone, or in writing, of the incident and the imminent threat to their physical and mental well-being by remaining at the building or unit near or with the perpetrator; and (3) HACLA either unduly delayed or failed to respond in a timely manner to these critically urgent safety issues. In one case, an emergency transfer was not processed for the participant for over one year from the participant’s original request; in another case, HACLA failed to respond to the participant’s emergency transfer request for over one year until LAFLA represented the client.

Accommodating the well-being and safety needs of domestic violence survivors is a primary goal of LAFLA. Although the HACLA provides for domestic violence as an exception to limitations on moving, HACLA does not do enough to ensure the safety of its beneficiaries. HACLA must respond in a timely manner to reports of domestic violence by providing the victim with a new voucher or temporary place to stay, such as a motel room paid for by the HACLA where a transfer unit in Section 8 or public housing is not immediately available.

Although the HACLA stresses that it acts quickly in instances of domestic violence, the language in the section regarding Emergency Transfer Placement of the 2018 Public Housing ACOP does not provide a specific timeline as to how long it can or should take to get a domestic violence survivor into a new unit. Rather, the provision states that the HACLA will engage in a number of transfer attempts (not limited to the three attempts made for non-domestic violence emergency transfer requests) until an available unit is located within the program. While LAFLA appreciates the
exception made to the number of unit transfer offers made for victims of domestic violence, it is highly likely that it may take a prolonged period of time for HACLA to locate an appropriately sized unit for a victim of domestic violence and his or her family members. The HACLA should propose a clear time period during which a unit transfer to another public housing unit will be done. If by the end of that time period, a unit transfer is not available due to lack of an appropriate unit for the family, the HACLA should warrant that the participant will be housed temporarily at a motel or other suitable arrangement at the HACLA’s expense until a subsidized unit becomes available.

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

As you may be aware, HUD amended 24 CFR 5.2009(c) provides that “Covered housing providers are encouraged to undertake whatever actions permissible and feasible under their respective programs to assist individuals residing in their units who are victims of domestic violence, dating violence, sexual assault, or stalking to remain in their units or other units under the covered housing program or other covered housing providers, and for the covered housing provider to bear the costs of any transfer, where permissible.” By adopting a transfer policy with a specified timeframe, HACLA would accomplish the protections created by VAWA for domestic violence survivors.

IV. CONCLUSION

We respectfully request that HACLA consider the above-discussed comments and recommendations in the process of preparing the 2019 Draft Agency Plan. In addition to these comments, this letter also incorporates by reference any written comments submitted by Inner City Law Center. Should you have any questions, please feel free to contact me at (213) 640-3956 or at NAMinev@lafla.org.

Sincerely,

Natalie A. Minev  
Staff Attorney  
Legal Aid Foundation of Los Angeles

Shayla R. Myers  
Staff Attorney  
Legal Aid Foundation of Los Angeles
March 30, 2018

Juan A. García, Systems & Procedures Supervisor  
Intergovernmental & Community Relations Department  
Housing Authority of the City of Los Angeles (HACLA)  
2600 Wilshire Blvd, 3rd Floor, Los Angeles CA 90057

Re: Issues to consider in 2019 HACLA Agency Plan

Dear Mr. García:

Thank you for the opportunity to submit issues we wish the Housing Authority to consider while drafting its Agency Plan for 2019. On behalf of our members residing in San Fernando Gardens and Mar Vista Gardens, and based on our work with various residents from throughout HACLA’s several public housing communities, we request that HACLA consider the following issues in the 2019 Agency Plan:

- The reasonable accommodation process;
- the impacts of the changes to the standard public housing lease on family formation and housing security;
- the implementation of the Violence Against Women Act (VAWA);
- the impact of downsizing policies on mixed-status families;
- the ongoing challenges with the current options for tenants to make rental payments;
- HACLA staff compensation;
- the privatization of public housing resources;
- the impacts of the updated Space Use Policy and its implementation;
- and the integrity of Resident Advisory Council elections and operations in relation to 24 CFR §964.

We will detail the experience of our members and staff of dealing with each of these issues below.

**Reasonable Accommodation Process**

Reasonable accommodations exist to help ensure that “[n]o otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program...”¹

We have encountered multiple instances of residents of public housing requesting reasonable accommodations and being denied, or not even having their request acknowledged as a legitimate request. Often times residents are required to fill out specific forms and provide documentation. Sometimes these requests are difficult or impossible because of the disability itself that was the initial cause for the request, putting tenants in a “Catch 22.”

We encounter cases like these most often when tenants ask us for assistance with an eviction notice or court summons for an Unlawful Detainer action. Many of these cases would not require an eviction notice or court action in the first place, if HACLA staff were properly handling reasonable accommodation requests when tenants first make them. Our goal is to resolve as many issues as possible before Unlawful Detainers are filed, and to minimize the stress and fear that eviction notices and court summonses subject tenants to. Unfortunately, our members and staff often feel as if HACLA staff are taking the opposite approach: using the Unlawful Detainer process to resolve issues that could be resolved without going to court without the stress and cost in time and treasure that this process imposes on tenants.

¹ From HUD’s website: Section 504 Frequently Asked Questions.  
https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq#anchor272118

235 Hill Street Santa Monica, CA 90405 phone (310) 392.9700 fax (310) 392.9765  
email: info@power.la.org | www.power.la.org
On February 22 the Commission heard a report showing that HACLA files over 500 Unlawful Detainer cases per year, while only 36 resulted in evictions last year — and this number does not include voluntary agreements to move out, or the number of eviction notices filed that do not move to trial. We believe this shows that the Unlawful Detainer process is being over-used as a replacement for “doing the job right” on the front end, and one of the most obvious places where we can make improvements is making better use of the reasonable accommodation process.

Take one example: The case of “Ms. B” (her name and all subsequent names have been changed to protect tenants' privacy). Ms. B's adult son lives with her in a public housing unit, and he suffers from severe mental issues that lead to, among other symptoms, delusions, paranoia and extreme isolating behaviors. During their annual recertification, Ms. B made it clear that her son was unwilling and unable to sign his recertification forms. He would not leave the house to do so, and even if they had brought the form to him, he was under the delusion that he should not sign the form because of a conspiracy against him. Ms. B brought this difficulty to the managements' attention on numerous occasions, as did our staff and other POWER leaders.

Nonetheless, an Unlawful Detainer was filed and Ms. B had to go to court. HACLA's attorneys repeatedly communicated that the only resolutions to the issue would be to either have her son sign the form, to sign a notarized power of attorney for Ms. B (something that was impossible for the same reasons he would not sign the recertification form), or for her to get a court-ordered conservatorship. A conservatorship is a long and arduous process, and it falls outside the expertise of POWER and our nonprofit partners who work on eviction defense. In fact, a low-income monolingual Spanish speaker has very few resources available to her for this type of process.

The case proceeded to the point where Ms. B had no choice but to call the County Health Department, in order to try to get a medical doctor to certify what she and HACLA's staff already knew — that her son was not capable of signing the recertification form due to his disability. This resulted in Ms. B's son being placed under involuntary detention, and even after this, HACLA's attorneys would not accept this as sufficient evidence that a reasonable accommodation was in order.

In fact, in response to Ms. B's request for a “consideration of mitigating circumstances relating to an adverse action due to program violations,” which was finally accepted after she was told about the right “magic form” to fill out (after the Unlawful Detainer had already been filed), HACLA staff replied with this:

> After reviewing the pertinent facts of your request, it has been determined that you and your household member(s) have not demonstrated the ability to comply with program requirements, and as a result, your request has been denied.

We believe that Ms. B was led by staff to “request a consideration of mitigating circumstances...” when in fact her multiple verbal requests never resulted in the appropriate reasonable accommodation request being processed. HACLA's response cites as its denial what is nearly the definition of the purpose of a reasonable accommodation in the first place: that a program participant cannot comply with program requirements [due to his disability].

In Ms. B's case, there were no other factors in her eviction case. She did not have any complaints, program violations, or failure to pay rent. Yet she had to incur the expense of retaining an attorney to defend her housing rights, spend the time to show up in court and defend herself, and suffer the traumatic experience of her son being placed under involuntary detention as a result of her desperate effort to save her home.

While her son did need a medical intervention, there must be a more proactive and compassionate way to get it than to force it to happen through the threat of homelessness and displacement. Yet, in the years since her son became disabled (he was a resident prior to becoming disabled), Ms. B never received any proactive support from the Housing Authority. In our current climate, the failure of one household member to sign one form due to their disability is a terrible reason to add to the numbers of extremely-low income people living on the street, especially people who need medical attention.
It is worth noting that Ms. B's Unlawful Detainer case was resolved and HACLA dismissed the complaint, but only because they finally accepted a form that her son had marked with an “x” as a signed form. We are already working with Ms. B and her family to figure out how to prevent this from happening again next year, but we are not optimistic that HACLA’s staff will be helpful unless practices change and they learn how to properly apply the reasonable accommodation process to cases like this one.

We believe all staff, especially front-line staff, such as office managers and assistants, need better training in the reasonable accommodation process, and that the Agency Plan may be an opportunity to address how HACLA is planning to bring their practice in line with federal law and their own guidelines.

**Lease Changes and Family Formation**

When HACLA updated its standard public housing lease last year, POWER and our allies from the LA Human Right to Housing Collective repeatedly questioned the wisdom and legality of the proposed changes, especially regarding the definitions of who are tenants and who are “licensees.” Our position remains that any resident who is covered by the lease should, per California law, enjoy equal rights as a tenant in public housing.\(^2\)

Since the implementation of the lease changes we have heard stories of tenants encountering obstacles to family formation, such as difficulties adding family members to the lease, and sometimes even encountering problems with maintaining the tenancies of their adult children after they turn 18. We have also heard of long-term tenants facing the prospect of displacement due to what amount to paperwork problems.

Take the case of Ms. S. She has lived in the same public housing development for decades and is now retired. Last year her husband passed away. After this happened, HACLA management informed her that she must reapply because she was not listed as a head-of-household or co-head-of-household on her lease. She is eligible for public housing benefits, yet HACLA maintains that currently she does not have a right to the home she has lived in for years, simply because her husband passed away, despite the fact that she is not an “unauthorized occupant.” She is, and has always been, on the lease.

Furthermore, the resolution to the situation is bizarre from both her point of view, and HACLA’s. If HACLA brings an Unlawful Detainer against her, they are essentially acknowledging that she is in possession of the unit (because the purpose of an unlawful detainer is for the landlord to recover “possession,” the thing a tenant legally has by virtue of their lease). Yet what else should they do? Call the police and have her removed for trespassing? We know, as does POWER, that HACLA members would not take such a scenario lying down.

The clear answer is to acknowledge what is already true under California law. Ms. S and others like her are tenants, and they also enjoy the full rights and responsibilities of tenants, including possession and the full enjoyment of the premises. HACLA should bring their standard public housing lease into line with California landlord-tenant law.

**Violence Against Women Act (VAWA)**

POWER lacks the legal expertise to provide a concrete suggestion, but our experience has been that the VAWA provisions have not provided real protection to victims of domestic violence in the context of protecting them from Unlawful Detainers. In the past year we have seen two cases where women were abused, finally kicked their abusers out of the household, and subsequently faced Unlawful Detainers for failure to pay rent. The failure to pay rent comes directly from the loss of the household income of their abusers.

We encourage HACLA to examine if and how you can expand your VAWA implementation to ensure that victims of domestic violence do not need to choose between continuing to be abused, or being unable to pay their rent.

**Downsizing policies and mixed-status families**

As you know, the implementation of the Act of Congress to set flat rents to at least 85% of Fair Market Rent has

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placed a significant burden on mixed-status families, where on or more family members do not qualify for public housing rental assistance and the households' entire rent is pro-rated, resulting in rental payments significantly above the 30% of income standard that HUD considers “affordable.” POWER continues to work for policy solutions at the local, state and federal levels to this problem that is severely rent-burdening tenants who are very vulnerable and likely to wind up unhoused if they cannot afford their public housing rents.

In the meantime, HACLA should revisit its policy around downsizing mixed-status families. POWER has seen multiple cases where mixed-status families who are over-housed have requested downsizing, knowing that with a lower flat rent in a unit with fewer bedrooms, their pro-rated rent would decrease as well, ensuring more housing stability.

While we do not understand all of the factors that go into who gets downsized, where, and when, we can share our experience that we have seen families request downsizing for nearly a year, even as smaller units become available and are re-rented within their public housing development. Some of these families are now facing the prospect of Unlawful Detainers and displacement because they cannot pay the rent. HACLA should prioritize mixed-status families for downsizing when they are qualified for it and request it, as this will help us mitigate the impacts of ongoing flat rent and FMR increases and the subsequent rent increases that mixed-status families encounter during recertification.

**Tenant Rental Payments**

With the implementation of the off-site payment system, public residents have more options to pay their rent, but some residents still face significant issues with rental payments. While some of our members have moved to paying their rent through the automated off-site system, many still say it is more difficult to access than their own letter carrier, they don't know if they can trust outside contractors, and they don't want to pay the additional fee. We have also heard that residents who do use the automated system do not always receive receipts of their payment, and sometimes their rent bills are incorrect the following month.

We continue to see cases in which tenant rents that are sent by mail are never received and are fraudulently cashed, or tenants are charged late fees even for rent payments that are mailed on or before the 1st of the month. We recommend that HACLA respond to tenants' original request to be allowed to pay rent on-site. Our members still do not understand why this fairly straightforward option is so difficult for the Housing Authority to implement.

**HACLA Staff Compensation**

POWER members continue to be concerned that many executive staff at HACLA are compensated at or well above the HUD limits for public housing authority employees. Meanwhile, it is our understanding that front-line workers represented by labor unions such as AFSCME Local 143 continue to combat cuts to their pay and benefits.

The concept of public housing and public assistance for housing only works in a society that values the equitable distribution of resources. Growing disparities between the highest-paid and lowest-paid HACLA employees undermine the very values that make public housing make sense, and reinforce a worldview that will, in time, mean the end of public investment in the public housing authority itself, which means that eventually even the top executives will lose.

POWER members encourage HACLA to embrace closing pay gaps and disparities between its workers as central to reinforcing the same values and principles that justify the very existence of public housing authorities.

**Privatization of Public Housing Resources**

POWER members believe that housing is a human right, and therefore the government has a responsibility to provide for and guarantee that right. Furthermore, we believe a direct public intervention is more effective and equitable than a public-private partnership or direct subsidies to private corporations.

POWER members continue to oppose the privatization of public housing resources, and call on HACLA to consider
privatization only as a last resort when the only other option is complete dissolution of a public housing resource. In all other cases, public housing should be preserved, improved, and expanded.

**Space Use Policy**

When the Space Use Policy which governs who can use public housing community spaces such as community centers and social halls was adopted by the HACLA Commission in 2016, at the recommendation of HACLA staff, two things were said by staff in their report: that the policy wasn’t intended to change things, but rather to clarify what the rules already in place were; and that it would be appropriate to re-visit the Space Use Policy in a future Agency Plan.

We have now been living with the implementation of the new policy for close to two years. The policy certainly has changed things, and it is time to revisit the policy in this Agency Plan process. We have seen and heard that the Space Use Policy has, overall, decreased residents' use and enjoyment of the premises in their public housing sites, essentially altering the lease of longer-term residents. It has infringed on residents' ability to organize, and increased conflict between residents and the organizations they work with.

POWER has refrained from submitting documents that HACLA staff requested in relation to the Space Use Policy, both because the process would be onerous for a small nonprofit such as us, and because we believe the policy violates our principles. Our rights to assembly and free speech—in other words, our right to organize—is so sacrosanct that it is enshrined in our Constitution's Bill of Rights. Public housing residents are no less entitled to exercise these rights than anybody else, and we feel that the Space Use Policy infringes on these rights.

POWER challenges our characterization as an “external organization,” which has been cited many times as the justification for why we are required to apply for using community spaces and meet certain requirements that are burdensome for small nonprofits. Like our allies in the LA Human Right to Housing Collective, our public housing chapters have internal leadership structures that guide our work within their neighborhoods, meaning we are organizations made up of residents, and those same residents determine our agenda and our priorities.

In the case of POWER, 7 of our 11 board members are residents of public housing, and another is a project-based Section 8 resident. These individuals constitute our legal, corporate identity. Our Executive Director, who directs all staff, in turn serves at the pleasure of a board where public housing residents have a super-majority. While it is true that our scope of work goes beyond issues impacting a single public housing site, or HACLA in general, this has no bearing on the fact that we are made up of, driven by, and work for public housing residents.

Most importantly, the same requirements that HACLA has asked of POWER would presumably be asked of any residents looking to organize a group to work on a specific issue or set of issues, and the requirements that are onerous to us would be impossible for new, grassroots organizations. In other words, the Space Use Policy is designed, in part, to ensure that no more grassroots organizations like POWER can be formed by public housing residents in the future.

It is clearly articulated in 24 CFR §964 that public housing residents have the right to invite partner organizations to work with them, and that partner organizations should not be impeded when responding to residents' requests for assistance. We believe POWER's relationship with residents meet this criteria, and the continued obstruction of using community spaces without cause is infringing on residents' rights when those same residents have requested our assistance. At the same time, we have witnessed other instances of this infringement extending even to organizations that could not possibly be construed as “political” or “controversial.”

For many years, residents of Mar Vista Gardens have partnered with public health students and professors from UCLA to bring various public health programming to their community. Since the Space Use Policy went into effect, this has become harder and harder for both the residents and the UCLA students. Two years ago, the students and residents had to go off-site to a nearby elementary school (which was more than happy to open its doors with little paperwork) simply to present information on smoking cessation. The event was a success, but resident participation
was significantly depressed because HACLA forced their residents and the students the asked for help to go off-site.

Last year, HACLA staff used the Space Use Policy, and the obscurity and ambiguity in how to comply with it, to nearly shut down the partnership altogether when residents and students simply tried to put on a health fair, intending to give residents eye exams, share information on dental health, and help connect families with mental health resources. HACLA staff demanded paperwork that also wasn't initially available anywhere, and demanded that UCLA students submit information for pre-approval, ignoring the fact that the students were simply providing residents with information they had requested. The students felt uncomfortable giving HACLA veto authority over the information they would present to residents, because residents had asked for the information. Like POWER staff, the UCLA students felt they were accountable to the residents, not to HACLA staff.

POWER, likewise, has been asked (and ordered) by management and other HACLA staff to submit our agendas to them. This letter itself should make it apparent why this is not a demand we can comply with. POWER works to help low-income community leaders develop strategies and build the power necessary to confront the governmental and corporate powers that have a direct impact on their lives. Due to our large number of public housing resident members, that power we are working to confront is often the Housing Authority itself. If we are, for instance, planning on using a legal, press and organizing strategy to oppose an eviction that HACLA is perpetrated and that the community believes violates its values, we are not going to share that information with the very same manager who instigated the eviction in order to be able to discuss it.

HACLA staff have communicated to our staff that they feel a responsibility to ensure that the information that residents are receiving is “accurate,” and have cited the Space Use Policy as the reason they are allowed to request and review our materials, but this far exceeds their mission as housing providers. This paternalistic attitude from government officials is, in fact, the point of the First Amendment, which guarantees the right of people to assemble and petition the government for redress of their grievances.

Additionally, residents have reported that they can no longer use their community spaces for birthday parties, wakes, and other important community events that have nothing to do with petitioning the government. These activities are just as meritorious a use for residents as any other, as all people have a right to culture, and removing this benefit has decreased the quality of life for all residents with no apparent public benefit.

The Space Use Policy, as it was explained by executive staff, apparently intended to give some enhanced rights to Resident Advisory Councils (RACs), who would be exempt from many of the requirements placed on “external” organizations. We acknowledge that this may be the most appropriate way to address the issue and to ensure that residents have a mechanism to participate in the full enjoyment of their space, while also creating clear guidelines for genuinely “external” entities who want to engage with residents.

We reiterate that this will become more problematic as HACLA contemplates converting units into Rental Assistance Demonstration (RAD) and project-based Section 8 units, as space use policies for those properties must be more expansive and include any resident organization (including multiple organizations at the same site) who all must be afforded access to available community spaces.

In any case, in practice, the Space Use Policy has not been implemented in a way that allows RACs to provide a workaround for residents to access space without onerous barriers. First of all, RACs have not always been given the first right of refusal over the use of community space, making them unable to guarantee or even facilitate resident access in practice. Secondly, HACLA staff have “trained” RAC board members that they must ask management for approval of scheduling requests, essentially making them an additional layer of bureaucracy for residents requesting the use of space and treating those requests the same as “external” requests. Third, RACs should only guarantee and facilitate resident use of community space if they can do so in an impartial and equal way for all residents. Unfortunately, this has not been the case. Sometimes RAC board members have used their position in arbitrary and capricious ways.
We do not fault the resident leaders themselves. This arbitrary and capricious abuse flows from HACLA itself, and is deeply connected to the shortcomings of HACLA’s implementation of the §964 regulations that establish and govern Resident Councils in the first place, which we will discuss next.

**Resident Advisory Councils (RACs) and 24 CFR §964**

We continue to be concerned with the fact that the current implementation of 24 CFR §964 regarding residents' rights to organize and resident councils do not live up to the spirit of §964, and very well may not meet the legal requirements.

Over the years, we have seen multiple instances that appear questionable under §964, including HACLA staff unilaterally informing RACs that they have been dissolved, or individual members being informed that they have been stripped of their positions (including recently the president of the HRAC), without any action by the respective resident body, or even information being provided to residents who had voted for these representatives about what happened, how and why.

We have also observed HACLA staff playing very strong roles in coordinating RAC elections, including HACLA staff being present during voter information sessions and elections themselves hosted by the League of Women Voters, comments by LWV staff that they simply do what HACLA staff directs them to do, and HACLA using suspiciously-timed Unlawful Detainers to disqualify potential candidates from standing for election (because residents who are in the eviction process are not considered to be “in good standing”).

POWER members who have served in leadership roles on RAC boards have shared that HACLA staff are deeply involved with RAC scheduling, agendas and training, and that RAC boards do not truly control their own budgets. RAC board members tend not to understand the distinction that the RAC board is the elected leadership of the RAC, but the RAC as a corporate body consists of every resident of a development. This distinction is critical, because the RAC is the official voice of residents in important decisions, such as the Agency Plan process, and they also facilitate many aspects of resident life on a daily basis.

Returning to the example of the Space Use Policy, if RAC board members and HACLA staff properly understood that the RAC constitutes **all** residents, then there would be no problem asking the RAC to facilitate resident use of community space. The board would see themselves as servants who work to facilitate residents' requests to organize, to bring benefits to their community, and to celebrate resident life and culture. RAC boards who do not impartially and equally work to facilitate all residents' requests in a fair manner would have to face the consequence of losing legitimacy and possibly their positions because residents, not HACLA staff, have decided to rescind their mandate.

A cursory review of 24 CFR §964 will reveal that resident councils “may” do all kinds of things, including that they “may” form a jurisdiction-wide council (the HRAC) and that they “may” partner with the Housing Authority. On the other hand, residents' daily experience is that the RAC represents a small clique of residents who may or may not have real popular support, and that there are all sort of things they “must” do because HACLA staff has instructed them to do so. If this situation is not the result of numerous outright violations of 24 CFR §964, it is at least a failure to live up to the spirit of the law. We encourage HACLA to examine the scope of its §964 implementation policies and practices, with the goal of achieving as much autonomy and self-determination as possible.

In closing, on behalf of POWER's board and public housing members, we thank you for the opportunity to submit comments. Please do not hesitate to contact us with your questions.

Sincerely,

Bill Przylucki, Executive Director
Cc: HACLA Commissioners;
LA City Mayor Eric Garcetti;
LA City Councilmembers Monica Rodriguez & Mike Bonin;
People's Action;
LA Human Right to Housing Collective;
AFSCME Local 143
August 16, 2018

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 to HACLA’s 2019 Final Agency Plan

The Legal Aid Foundation of Los Angeles (“LAFLA”) respectfully submits these comments and recommendations on policy changes for the final 2019 Final Agency Plan for the Housing Authority of the City of Los Angeles (“HACLA”). This letter follows our earlier letter to HACLA dated March 30, 2018 (attached hereto for your reference as “Attachment A”) that set forth specific recommendations for HACLA to consider for the Public Housing ACOP and Section 8 Program Administrative Plan, as well as broader policy changes to consider in the context of this public comment process. We appreciate HACLA’s ongoing engagement and willingness to consider feedback on the Agency Plan from legal advocates, especially with regard to the revisions it has already incorporated into the Plan in response to our earlier comments. We submit this letter to reiterate the importance of the remaining proposed revisions and their impact on our clients.

I. SECTION 8 ADMINISTRATIVE PLAN

a. HACLA’s Housing Quality Standards Inspection Procedures Need to be Brought in Compliance with Applicable HUD Regulations and Guidance and Incorporate Critical Protections for Section 8 Participants at Risk of Being Displaced.

In the past two years, LAFLA and its sister legal services organizations in Los Angeles County have seen an increase in the number of Section 8 participants who have been displaced from their homes, specifically in units under the Los Angeles Rent Stabilization Ordinance (“LARSO”), as the result of repeated, uncured owner-caused Housing Quality Standard (“HQS”) violations. In many cases, certain landlords have utilized the HQS inspections process, in conjunction with improper eviction notices, harassment, and retaliation, as a means to force a Section 8 tenant out of their rent-controlled unit,
allowing 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 Housing Assistance Payments (“HAP”) 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 non-payment 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 assert this defense in an eviction, Section 8 participants 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 setting forth the basic undisputed facts relevant to this issue. In our experiences, HACLA has refused to provide these documents upon the request of Section 8 participants in this highly vulnerable situation, and has also refused to provide any written assurance to the participant that their voucher will be preserved 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.

On June 25, 2018, HACLA met with legal advocates in the community to discuss forthcoming changes regarding the 2019 Draft Agency Plan. At that meeting, LAFLA raised the issue of including language in the 2019 Administrative Plan that protects a Section 8 participant’s program assistance from termination in the situation in which the participant is being evicted by the landlord for non-payment of the HAP, and the non-payment is triggered by abatement for an owner-caused HQS deficiency. Carlos Van Natter and Angela Adams, director and associate director of HACLA’s Section 8 program, respectively, confirmed that HACLA will not terminate a participant’s program assistance as the result of losing an unlawful detainer in which the landlord sought payment of the HAP that was triggered by abatement for owner-caused HQS violations. Mr. Van Natter and Ms. Adams agreed to incorporate language into the 2019 Administrative Plan that would codify HACLA’s position on this issue. Accordingly, LAFLA proposes that the following language be added to Section 11.18.4 – HAP Abatements of the 2019 HACLA Administrative Plan:
“The owner must not seek payment from the Participant for the abated HAP and may not use the abatement as cause for eviction. The HACLA will not consider an eviction based on non-payment of rent to be a basis for termination of participation in the Section 8 program, and will not take action to terminate a Participant’s Section 8 program assistance if the non-payment is based on the abatement of HAP or the termination of the HAP contract, and the abatement or termination of the HAP contract stems from HQS deficiencies caused by the owner.”

Additionally, LAFLA recommends the following 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. After this, 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 existing HQS procedures in the Section 8 Admin Plan. 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 violating HUD guidance on the proper administration of HQS procedures.

Second, HACLA should incorporate protections into this section that ensure that the Section 8 participant’s voucher is secure. For example, nowhere does HUD provide that the PHA must 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 happens only once in the course of a Section 8 participant’s tenancy, 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, a policy should be implemented in this section to ensure 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 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 the Scott v. Kaiuum case 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, and therefore 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.”).

b. Section 8 Participants’ Rights Before and During Termination Proceedings Need to Be Strengthened in the 2019 Final Agency Plan.

LAFLA has represented a significant number of HACLA Section 8 participants who are either facing imminent termination of their Section 8 voucher or are in pending termination proceedings. We have identified a number of HACLA policies and/or practices during the course of the termination procedure that we believe curtail or eliminate participants’ due process rights and unduly burden their ability to defend themselves and present evidence in Section 8 termination proceedings.
First, we urge HACLA to revise a new rule it implemented in the 2018 Administrative Plan that requires Section 8 participants facing termination to submit the following items to HACLA “at least five days prior” to the informal hearing: (1) documents/evidence the participant will present and (2) a list of attending witnesses the participant will bring to the hearing. 2018 HACLA Admin Plan 14.7.6. Additionally, the provision requires that the participant examine and copy “any Housing Authority documents that are directly relevant to the hearing at least five days in advance of the hearing.” Id. Prior to this 2018 revision, Section 8 participants could present documents or witnesses in a termination hearing several days before the date of the hearing. They likewise could request to review and copy the hearing file until and/or on the date of the hearing.

The addition of the “five day” rule is a barrier to Section 8 participants’ right to present evidence and witnesses and their right to review and copy the hearing file in termination proceedings. 24 CFR 982.555(e)(2)(i), which sets forth the rules on hearing procedures and discovery in Section 8 informal hearings, requires that participants are given the opportunity to review and copy the hearing file and any relevant evidence before the proceeding. Section 982.555(e)(2)(i) does not set forth a specific time period in which the participant may exercise these rights. Imposing the “five day” rule has proven burdensome on our clients in termination proceedings. For example, in certain situations, particular documents or evidence are not accessible to participant until shortly before or even the day before the hearing. Similarly, when determining which witnesses they will present at the hearing, participants often will need time up until the hearing to confirm whether their witnesses will be available to attend the hearing. In these situations, the participant may still be able to provide adequate notice to HACLA of the forthcoming evidence or witnesses ahead of time. Under the new rule, if the participant is not able to notify HACLA of their evidence or witnesses within five days, they have lost the opportunity to present evidence or testimony that may be critical to the outcome of their hearing. Accordingly, we recommend that HACLA strike the “five day” qualifier in Admin Plan Section 14.7.6.

Additionally, our clients have shared with us multiple instances in which they have requested either a hearing or a copy of their hearing file from HACLA, in person, over the phone, or in writing, only to never receive a response back from HACLA. As these proceedings are time-sensitive and there are specific timeframes in which a participant has to request either of those items, it is critically important that there be some mechanism implemented by HACLA to ensure that a participant is given written confirmation of the date and time of their hearing and/or hearing file request. Accordingly, we recommend that HACLA add the following sentence to Admin Plan Section 14.7.2 as item number one under that subsection: “Upon receipt of the participant’s request for a hearing, HACLA will send a written confirmation of the date of receipt of the hearing request to the participant at the address they have on file.” Similarly, under Admin Plan Section 14.7.6, we recommend the following sentence be added the second sentence in that section: “Upon receipt of the participant’s request for the documents that are directly relevant to the hearing, HACLA will send a written confirmation of the date of receipt of the hearing file to the participant at the address they have on file.”

Finally, we have received multiple reports of Section 8 participants requesting informal hearings after receiving notices of rent increases from HACLA based on calculations of the household income, only to never hear back from their case advisor regarding scheduling of a hearing. Per 24 CFR 982.555(a), the PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions are in accordance with law:
(i) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

(ii) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.

(iii) A determination of the family unit size under the PHA subsidy standards.

(iv) A determination to terminate assistance for a participant family because of the family's action or failure to act (see § 982.552).

(v) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

HACLA Admin Plan Section 14.7 tracks 24 CFR 982.555(a), as well as includes other situations in which a hearing is required. We recommend HACLA incorporate language into Section 14.7 that provides written assurance that HACLA will notify participants of their right to a hearing in all of the applicable circumstances required by law and diligently respond to hearing requests received by participants immediately.

II. OTHER RECOMMENDATIONS

a. HACLA’s Procedure for Processing Emergency Transfers for Victims of Domestic Violence Under VAWA Continues to be Inadequate.

On June 25, 2018, HACLA met with legal advocates in the community to discuss forthcoming changes regarding the 2019 Draft Agency Plan. At that meeting, LAFLA raised the issue of including language regarding emergency transfers for victims of domestic violence in the 2019 Section 8 Administrative Plan. Carlos Van Natter and Angela Adams, director and associate director of HACLA’s Section 8 program, respectively, agreed to incorporate language mandated by HUD that would bring HACLA’s Administrative Plan into compliance with its VAWA Emergency Transfer Plan Model Language. Per that agreement, LAFLA proposes the language below regarding emergency transfers for victims of domestic violence in the 2019 Administrative Plan.

Note: The following language is based on the San Francisco Housing Authority’s (“SFHA”) Violence Against Women Act (“VAWA”) Emergency Transfer Plan, which is consistent with HUD’s Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. The SFHA VAWA Emergency Transfer Plan is a standalone policy that is incorporated into SFHA’s Administrative Plan chapter on Applications, Waiting List, and Participant Selection. As the proposed 2018 HACLA Administrative Plan does not have a corollary chapter, it is recommended that this section be added as Appendix 6 to the Administrative Plan.

*Beginning of proposed language:*

**“HACLA VAWA Emergency Transfer Plan and Set Aside**

Subject to availability of funding, 20 vouchers will be set-aside for Participants who are victims of domestic violence, dating violence, sexual assault, or stalking as provided in HUD’s regulations at 24 CFR part 5, subpart L. The HACLA is concerned about the safety of its Participants, and such concern extends to Participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), the HACLA allows Participants who are victims of domestic violence, dating violence, sexual assault, or stalking to take their tenant-based
voucher and move to another location. For Participants who are in a project-based unit and have not yet completed 13 months in the program, a tenant-based voucher may be requested.

**Eligibility for Emergency Transfers**

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

A Participant requesting a voucher pursuant to these provisions must expressly request the transfer in accordance with the procedures described in this plan.

**Emergency Transfer**

To request an emergency transfer, the Participant must notify their Landlord and the HACLA of their intention to move. The Participant shall submit a written notice of the transfer to both parties. The HACLA will provide reasonable accommodations to this policy for individuals with disabilities. The Participant’s written request for an emergency transfer shall include either:

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

**Confidentiality**

The HACLA will keep confidential any information that the Participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the Participant gives the HACLA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. HACLA will keep confidential the new location of the dwelling unit of the Participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the Participant. See Notice of Occupancy Rights under the Violence Against Women Act For All Participants for more information about the HACLA’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

**Emergency Transfer Timing and Availability**

The HACLA will act as quickly as possible to assist in the emergency transfer of a Participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. The HACLA will provide a written response to a Participant’s request for an emergency transfer within three business days and will provide a transfer plan for the Participant no later than seven business days from the date of the request. If a Participant reasonably believes a proposed transfer by the landlord to another unit would not be safe, the Participant may request a transfer to a different unit. If a unit is available, the transferred Participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the Participant has been moved.
If the HACLA is unable to immediately assist Participant, the HACLA will assist the Participant in identifying other housing providers or programs who may have safe and available units to which the Participant could move. At the Participant’s request, the HACLA will also assist Participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan. A Participant and any household members who are victims of domestic violence and absent from the unit for an extended period of time prior to an emergency transfer in order to protect their safety shall not be considered to have abandoned the unit or otherwise violated the Section 8 family obligations.

Additional Resources for Participants

Participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Participants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network’s National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/.

Participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.”

b. HACLA Must Improve its Identification and Provision of Reasonable Accommodation Requests by Unrepresented Section 8 Participants.

HACLA, as a federally-funded public housing authority, is obligated by law to comply fully with the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Unruh Act, and the California Fair Employment and Housing Act, with regard to handing reasonable accommodation requests submitted by individuals with disabilities. While HACLA’s Non-Discrimination on the Basis of Disability and Reasonable Accommodation Policy states that HACLA will be “thorough and prompt in reviewing accommodation requests and will explain the basis of any denial,” our clients have experienced a far different reality when it comes to HACLA’s handling of reasonable accommodation requests. In one Section 8 case, a client submitted a reasonable accommodation request to her case advisor and the manager for Special Programs related to a condition in her building that was exacerbating her mental health issues; her reasonable accommodation went unaddressed for over a year until LAFLA represented her. We have seen similar issues arise in the public housing context, with a certain participant facing imminent eviction because a HACLA on-site manager as well as other HACLA employees alleged a mentally disabled participant failed to sign a recertification form, even though his disability prevented him from doing so and a reasonable accommodation was made in the case.

We urge HACLA to provide clearer guidelines and timeframes in its Non-Discrimination on the Basis of Disability and Reasonable Accommodation Policy on common issues faced by participants, including reasonable accommodation requests related to domestic violence in the household, participants who may be mentally incapacitated, and how and when HACLA staff inform participants of the reasonable accommodation process in the course of working with a participant. Additionally, we
strongly recommend that HACLA require all public housing on-site managers, Section 8 case advisors, and other staff who spend significant time directly serving participants to engage in yearly HUD-certified fair housing training that includes rigorous training on how to properly handle reasonable accommodation requests under federal and state disability laws.


Across language groups ranging from Spanish to Russian to Korean, LAFLA and other legal services agencies in L.A. have received a significant number of reports of serious lapses in language assistance from HACLA. HACLA is obligated to provide meaningful program access to Limited English Proficient participants as required under federal, state, and local law, specifically Executive Order 13166, HUD Guidance (Federal Register 4878-N-02 - January 22, 2007), Sections 7290 et seq. of the California Government Codes (“Dymally Alatorre Act”), and California Civil Code Section 1632. While HACLA’s LEP policy states that for certain language groups it will provide free interpreters who are able to “competently tak[e] oral or spoken information provided in one language and accurately communicat[e] that information orally in another language,” LAFLA has witnessed inaccurate and incomplete interpretation by HACLA interpreters in critical situations such as Section 8 termination proceedings. Additionally, a number of clients have reported to LAFLA that their case advisors do not provide them with adequate interpretation during recertification appointments, or fail to provide vital housing documents in their native language even after indicating that they are LEP. HACLA also made troubling statements at a recent meeting with advocates that in certain situations, participants “impliedly waive” language assistance by either evidencing that they speak some English or completing an English form. A more detailed letter and comments on HACLA’s LEP practices will be forthcoming.

IV. CONCLUSION

We respectfully request that HACLA consider the above-discussed comments and recommendations for the 2019 Final Agency Plan. Should you have any questions, please feel free to contact me at (213) 640-3956 or at NAMinev@lafla.org.

Sincerely,

Natalie A. Minev
Staff Attorney
Legal Aid Foundation of Los Angeles
August 16, 2018

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

Re: Comments to HACLA’s 2019 Draft Agency Plan

On behalf of Los Angeles Community Action Network (LA CAN), whose membership comprises Section 8 and public housing tenants, we respectfully submit these comments and recommendations on policy changes for the 2019 Draft Agency Plan for the Housing Authority of the City of Los Angeles (HACLA).

Privatization of Public Housing Resources
LA CAN members believe that housing is a human right, and therefore the government has a responsibility to provide for and guarantee that right. Furthermore, we believe a direct public intervention is more effective and equitable than a public-private partnership or direct subsidies to private corporations.

LA CAN members continue to oppose the privatization of public housing resources, and call on HACLA to consider privatization only as a last resort when the only other option is complete dissolution of a public housing resource. In all other cases, public housing should be preserved, improved, and expanded.

Section 8 Administrative Plan and Public Housing ACOP
LA CAN members support the recommendations submitted by the Legal Aid Foundation of Los Angeles (LAFLA) for the Section 8 Administrative Plan and the Public Housing ACOP. Please refer to the attached letter.

We thank you for the opportunity to submit comments and respectfully request that HACLA consider our recommendations in the process of finalizing the 2019 Agency Plan. Should you have any questions, please do not hesitate to contact me at (213) 228-0024 or at paulae@cangress.org.

Sincerely,

Paula Escobar
Housing Policy Organizer
Los Angeles Community Action Network
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 Cervantes, General Manager, HCIDLA

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

 Housing Authority of the City of Los Angeles (HACLA)

 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

 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 is aligned to the Consolidated Plan; both plans provide information on the Jordan Downs
 redevelopment project, vouchers available for new affordable units constructed in the City and lack of
 resources for capital improvements for public housing. 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

 Signature

 Title
 General Manager,
 LA City Housing + Community Investment

 Date
 September 4, 2018
Civil Rights Certification

Annual Certification and Board Resolution

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

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

Housing Authority of the City of Los Angeles

PHAs

CA004

PHA Number/HA Code

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

Name of Authorized Official

Ben Besley

Title

Chairperson, Board of Commissioners

Signature

Date 9/27/18
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 ___2019___, hereinafter referred to as “the Plan”, of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.

2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.

3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.

4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.

5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.

6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

7. For PHA Plans that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).

8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.


10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
12. The PHA will take appropriate affirmative action to award contracts to minority and women’s business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Authority of the City of Los Angeles

PHA Name

CA004

PHA Number/HA Code

X Annual PHA Plan for Fiscal Year 2019

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

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

Ben Besley

Title

Chairperson, Board of Commissioners

Signature

Date

Page 2 of 2

form HUD-50077-ST-HCV-HP (12/2014)
Certification of Payments to Influence Federal Transactions

Applicant Name

Housing Authority of the City of Los Angeles

Program/Activity Receiving Federal Grant Funding

2019 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.


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<tr>
<th>Name of Authorized Official</th>
<th>Title</th>
<th>Date (mm/dd/yyyy)</th>
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<tbody>
<tr>
<td>Douglas Guthrie</td>
<td>President &amp; CEO</td>
<td>10/4/18</td>
</tr>
</tbody>
</table>

Signature

Previous edition is obsolete

form HUD 54074 (3/98)
ref. Hanbook 7417.1, 7475.13, 7485.1, & 7485.3
**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

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<tr>
<th>1. Type of Federal Action:</th>
<th>2. Status of Federal Action:</th>
<th>3. Report Type:</th>
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<td>a. contract</td>
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**For Material Change Only:**
year ________ quarter ________
date of last report ____________

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<th>4. Name and Address of Reporting Entity:</th>
<th>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</th>
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6. Federal Department/Agency: __________

7. Federal Program Name/Description: __________

8. Federal Action Number, if known: __________

9. Award Amount, if known: __________

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

10. b. Individuals Performing Services (including address if different from No. 10a)
    __________________________
    __________________________
    __________________________

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: 10/4/18

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 as 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.
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 program.

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 a 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 Section 8 voucher 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 federal financial assistance (PIH-2012-32 (HA) H-2017-03, REV-3).

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). Additional detail on HACLA’s management of the waiting list can be found in Section 17.44.8 Establishment of Waiting List of HACLA’s Section 8 Administrative Plan.

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 organizations.

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84 For the purposes of this Attachment, HUD uses the term “Project Owner” to refer to the owner of a converting or Covered Project. In some instances the owner of a project could be a public, non-profit, or for-profit, e.g., mixed-finance projects).
organizations. A resident organization is legitimate if it has been established by the residents of a Covered Project, meets regularly, operates democratically, is representative of all residents in the project, and is completely independent of the Project Owner, management, and their representatives.

In the absence of a legitimate resident organization at a Covered Project, HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization; and

2. **Protected Activities.** Project Owners must allow residents and resident organizers to conduct the following activities related to the establishment or operation of a resident organization:
   a. Distributing leaflets in lobby areas;
   b. Placing leaflets at or under residents' doors;
   c. Distributing leaflets in common areas;
   d. Initiating contact with residents;
   e. Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
   f. Posting information on bulletin boards;
   g. Assisting resident to participate in resident organization activities;
   h. Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
   i. Formulating responses to Project Owner's requests for:
      i. Rent increases;
      ii. Partial payment of claims;
      iii. The conversion from project-based paid utilities to resident-paid utilities;
      iv. A reduction in resident utility allowances;
      v. Converting residential units to non-residential use, cooperative housing, or condominiums;
      vi. Major capital additions; and
      vii. Prepayment of loans.
In addition to these activities, Project Owners must allow residents and resident organizers to conduct other reasonable activities related to the establishment or operation of a resident organization.

Project Owners shall not require residents and resident organizers to obtain prior permission before engaging in the activities permitted in this section.

3. **Meeting Space.** Project Owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
   a. Residents or a resident organization and used for activities related to the operation of the resident organization; or
   b. Residents seeking to establish a resident organization or collectively address issues related to their living environment.

   Resident and resident organization meetings must be accessible to persons with disabilities, unless this is impractical for reasons beyond the organization's control. If the project has an accessible common area or areas, it will not be impractical to make organizational meetings accessible to persons with disabilities.

   Project Owners may charge a reasonable, customary and usual fee, approved by the Secretary as may normally be imposed for the use of such facilities in accordance with procedures prescribed by the Secretary, for the use of meeting space. A PHA may waive this fee.

4. **Resident Organizers.** A resident organizer is a resident or non-resident who assists residents in establishing and operating a resident organization, and who is not an employee or representative of current or prospective Project Owners, managers, or their agents.

   Project Owners must allow resident organizers to assist residents in establishing and operating resident organizations.

5. **Canvassing.** If a Covered Project has a consistently enforced, written policy against canvassing, then a non-resident resident organizer must be accompanied by a resident while on the property of the project.

   If a project has a written policy favoring canvassing, any non-resident resident organizer must be afforded the same privileges and rights of access as other uninvited outside parties in the normal course of operations. If the project does not have a consistently
enforced, written policy against canvassing, the project shall be treated as if it has a policy favoring canvassing.

A resident has the right not to be re-canvassed against his or her wishes regarding participation in a resident organization.

6. **Funding.** Project Owners must provide $25 per occupied unit annually for resident participation, of which at least $15 per occupied unit shall be provided to the legitimate resident organization at the covered property.\(^8^5\) 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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\(^8^5\) 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

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.67

Eligibility for specific protections under this Notice applies to any person residing in a Converting Project who is legally on the public housing lease, has submitted an application to be added to an existing lease, or is otherwise in lawful occupancy at the time of the issuance of the CHAP and at any time thereafter until conversion of assistance under RAD. All such residents of a Converting Project have a right to return and are eligible for relocation protections and assistance as provided by this Notice. The eligibility criteria set forth in this paragraph apply to the protections under this Notice regardless of whether residents or household members meet the statutory and regulatory requirements for eligibility under URA.68

6.1. Planning

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a Converting Project, PHAs must undertake a planning process in conformance with the URA statutory and regulatory requirements in order to minimize the adverse impact of relocation (see 49 § C.F.R. 24.205). PHAs must also ensure that their relocation planning is conducted in compliance with applicable fair housing and civil rights requirements.

The PHA shall prepare a written relocation plan if the RAD conversion involves permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year. While a written relocation plan is not required for temporary relocation lasting one year or less, HUD strongly encourages PHAs, in consultation with any applicable Project Owners, to prepare a written relocation plan for all RAD conversions to establish their relocation process clearly and in sufficient detail to permit consistent implementation of the relocation process and accurate communication to the residents. Appendix II contains recommended elements of a relocation plan.

During the planning stages of a RAD transaction and based on the results of this planning process, a PHA must submit applicable portions of the Checklist described in Section 5.3(B) to HUD, together with any required backup documentation, as early as possible once the information covered in the applicable part is known.69 All parts of the Checklist must be submitted to HUD prior to submission of the Financing Plan. The Checklist will allow HUD to assist the PHA to comply, and to evaluate the PHA’s compliance, with relocation requirements, including civil rights requirements related to relocation.

68 A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 C.F.R. 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378. See Section 6.5 of this Notice for discussion of the date of “initiation of negotiations.”
69 The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.
The following presents a general sequencing of relocation planning activities within the RAD conversion process for informational and planning purposes only. Specific requirements are set forth in the provisions of this Notice.

<table>
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<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. Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a project’s conversion of assistance. The Project Owner satisfies the RAD right to return to a Covered Project if the Project Owner offers the resident household either: a) a unit in the Covered Project in which the household is not under-housed; or b) a unit in the Covered Project which provides the same major features as the resident’s unit in the Converting Project prior to the implementation of the RAD conversion. In the case of a transfer of assistance to a new site, residents of the Converting Project have the right to reside in an assisted unit meeting the requirements set forth in this paragraph at the Covered Project (the new site) once the Covered Project is ready for occupancy in accordance with applicable PBV or PBRA requirements.

If proposed plans for a Converting Project would preclude a resident from returning to the Covered Project, the resident must be given an opportunity to comment and/or object to such plans. Examples of project plans that may preclude a resident from returning to the Covered Project include, but are not limited to:

- Changes in bedroom distribution which decrease the size of units such that the resident would be under-housed;\(^2\)

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\(^1\) 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.

\(^2\) See the RAD Notice for a description of the procedures that must be undertaken if a resident is over-housed.
• Where a) the PHA is reducing the number of assisted units at a property (if authorized to do so under Section 1.5.B of the RAD Notice) and b) the resident cannot be accommodated in the remaining assisted units;
• The imposition of income eligibility requirements, such as those associated with LIHTC or other program financing, under which the current resident may not be eligible; and
• Failure to provide reasonable accommodation to an individual with disabilities, in violation of applicable law, which reasonable accommodation may include installation of accessibility features that are needed by the individual with disabilities.

If the resident who would be precluded from returning to the Covered Project objects to such plans, the PHA must alter the project plans to accommodate the resident’s right to return to the Covered Project.

If the resident who would be precluded from returning to the Covered Project prefers to voluntarily and permanently relocate rather than object to the project plans, the PHA must secure informed, written consent to a voluntary permanent relocation in lieu of returning to the Covered Project and must otherwise comply with all the provisions of Section 6.10, below, regarding alternative housing options. The PHA cannot employ any tactics to pressure residents into relinquishing their right to return or accepting alternative housing options. A PHA may not terminate a resident’s lease if the PHA fails to obtain the resident’s consent and the resident seeks to exercise the right to return.

In the case of a multi-phase transaction, the resident has a right to return to the Covered Project or to other converted phases of the property which have converted and are available for occupancy at the time the resident is eligible to exercise the right to return. A relocated resident should get the benefit of improvements facilitated by the resident’s relocation and conversion and completion of future phases cannot be assured. In most cases, this means that the resident’s right to return must be accommodated within the Covered Project associated with resident’s original unit. However, in those cases where improvements to multiple phases of a site are occurring simultaneously, the PHA or Project Owner may treat multiple Covered Projects on the same site as one for purposes of the right to return. If the PHA or Project Owner seeks to have the resident exercise the right of return at a future phase, the PHA or Project Owner would need to secure the resident’s consent to such plan as an alternative housing option pursuant to Section 6.10, below.

In implementing the right of return, the Project Owner shall comply with all applicable fair housing laws and implementing regulations, including, but not limited to, the Fair Housing Act,

\[73\] In these cases, a PHA may elect to exclude some units from the applicable financing program, for example, claiming LIHTC for a subset of the units and not claiming tax credits in connection with the units occupied by households over the LIHTC maximum eligibility of 60% of AMI.

\[74\] Refer to the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Modifications Under the Fair Housing Act (March 5, 2008), at http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf for additional detail regarding applicable standards for reasonable accommodations and accessibility features which must be provided. If the resident has paid for installation of accessibility features in the resident’s prior unit, the PHA or Project Owner shall pay for the installation of comparable features in the new unit. Violations of law may also result in other sanctions.
Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Titles II and III of the Americans with Disabilities Act.

6.3. Admissions and Continued Occupancy Requirements

Resident households may not be denied relocation housing or the right to return based on rescreening, income eligibility, or income targeting. PHAs may only offer housing options with screening, income eligibility or income targeting requirements if the impacted residents meet the admission and occupancy policies applicable to such housing. However, whether or not in a temporary relocation situation, the household remains subject to the applicable program policies regarding continued occupancy of an assisted unit by an incumbent resident of the unit.

6.4. Types of Moves and Relocation

Any time project plans require a resident to move from their current unit, the resident is eligible for assistance as described in this Notice. Assistance may vary depending on the options provided to residents, whether the relocation is temporary or permanent and, if applicable, the length of time the resident is in temporary accommodations. In all circumstances, the move or relocation must be in compliance with applicable requirements of this Notice and consistent with applicable fair housing and civil rights requirements. Each type of move is discussed below.

A) Moves within the same building or complex of buildings

Temporary or permanent moves within the same building or complex of buildings may be appropriate given the extent of work to be completed to permit phasing of rehabilitation or construction. Moves within the same building or complex of buildings are not considered relocation under RAD and a tenant generally does not become displaced under the URA. Whether permanent (i.e., the tenant will move to and remain in an alternative unit) or temporary (i.e., the tenant will move to another unit and return to their original unit), the PHA or Project Owner must reimburse residents for all reasonable out-of-pocket expenses incurred in connection with any move and all other terms and conditions of the move(s) must be reasonable. The final move must be to a unit which satisfies the right to return requirements specified in Section 6.2 of this Notice.

75 PHAs should note that the definitions of “permanent” vary between the URA and RAD. For example, “permanent displacement” under the URA includes moves from the original building or complex of buildings lasting more than one year. The RAD Notice, meanwhile, considers “permanent relocation” to be separation from the RAD-assisted unit upon completion of the conversion and any associated rehabilitation and construction. The duration of a temporary move may exceed one year. In the case of a transfer of assistance, it is not permanent relocation under RAD when the resident must move from the original complex of buildings to the destination site in order to retain occupancy of the RAD-assisted unit.

76 An example of relocation within the same building or complex of buildings would be if one floor of a multi-story building is vacant, and the PHA is moving residents from another floor to the vacant units.

77 Failure to reimburse residents for moving or other out-of-pocket expenses and any other terms and conditions of the move which may be unreasonable may result in the resident becoming a displaced person under the URA if the resident subsequently moves from the property.
**B) Temporary relocation lasting one year or less**

If a resident is required to relocate temporarily, to a unit not in the same building or complex of buildings, for a period not expected to exceed one year in connection with the RAD conversion, the resident’s temporarily occupied housing must be decent, safe, and sanitary and the resident must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses include, but are not limited to, moving expenses, increased housing costs (e.g., rent and utilities), meals if the temporary housing lacks cooking facilities (e.g., during a short hotel stay, whether or not on an emergency basis) and other applicable expenses.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

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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](http://www.hud.gov/rad).

**A) RAD Information Notice**

The RAD Information Notice is to be provided to residents at the very beginning of the RAD conversion planning process in order to convey general written information on potential project plans and residents’ basic rights under RAD, and to facilitate residents’ engagement with the PHA regarding the proposed RAD conversion. The PHA shall provide a RAD Information Notice to all residents of a Converting Project prior to the first of the two meetings with residents required by the RAD Notice, Section 1.8.2, and before submitting a RAD Application. This RAD Information Notice shall be provided without regard to whether the PHA anticipates any relocation of residents in connection with the RAD conversion. The RAD Information Notice must do the following:

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common areas is insufficient) and methods of delivery (e.g., certified mail, U.S. mail, or hand delivery) must be documented in the PHA’s or Project Owner’s files.
• Provide a general description of the conversion transaction (e.g., the Converting Project, whether the PHA anticipates any new construction or transfer of assistance, whether the PHA anticipates partnering with a developer or other entity to implement the transaction);
• Inform the resident that the early conceptual plans are likely to change as the PHA gathers more information, including, among other items, resident opinions, analysis of the capital needs of the property and financing options;
• Inform the resident that the household has a right to remain in the unit or, if any relocation is required, a right to return to an assisted unit in the Covered Project (which may be at the new site in the case of a transfer of assistance);
• Inform the resident that they will not be subject to any rescreening as a result of the conversion;
• Inform the resident that the household cannot be required to move permanently without the resident’s consent, except in the case of a transfer of assistance when the resident may be required to move a reasonable distance, as determined by HUD, in order to follow the assisted unit;
• Inform the resident that if any relocation is involved in the transaction, the resident is entitled to relocation protections under the requirements of the RAD program and, in some circumstances, the requirements of the URA, which protections may include advance written notice of any move, advisory services, payment(s) and other assistance as applicable to the situation;
• Inform the resident that any resident-initiated move from the Converting Project could put any future relocation payment(s) and assistance at risk and instruct the resident not to move from the Converting Project; and
• Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

B) General Information Notice (49 C.F.R. § 24.203(a))

The purpose of the General Information Notice (GIN) is to provide information about URA protections to individuals who may be displaced as a result of federally-assisted projects involving acquisition, rehabilitation or demolition. A GIN provides a general description of the project, the activities planned, and the relocation assistance that may become available.

A GIN shall be provided to any person scheduled to be displaced as soon as feasible based on the facts of the situation. In certain instances, such as when the PHA knows that a project will involve acquisition, rehabilitation or demolition, “as soon as feasible” may be simultaneous with issuance of the RAD Information Notice. For any RAD conversion involving acquisition, rehabilitation or demolition, “as soon as feasible” shall be no later than 30 days following the issuance of the CHAP. In instances where acquisition, rehabilitation or demolition is not anticipated at the time of the CHAP but project plans change to include such activities, pursuant to this Notice the PHA shall provide the GIN as soon as feasible following the change in project plans.
For RAD, the GIN must do at least the following:

- Inform the resident that he or she may be displaced for the project and generally describe the relocation payment(s) for which the resident may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced resident successfully relocate;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will not be required to move without 90 days advance written notice;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- Inform the resident that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child (see 49 C.F.R. § 24.208(h) for additional information);
- Describe the resident’s right to appeal the PHA’s determination as to a resident’s eligibility for URA assistance; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

Because of the potential confusion caused by evolving policy directions in the RAD program regarding delivery of the GIN, for actions taken prior to the issuance of this Notice, HUD will consider the facts and circumstances of each conversion, with emphasis on the underlying URA requirements, in monitoring and enforcing a PHA’s compliance with this requirement.

C) Notice of Intent to Acquire (49 C.F.R. § 24.203(d))

For conversions involving acquisition, the Project Owner (the “acquiring agency”) may provide to residents of the Converting Project a Notice of Intent to Acquire (NOIA). The NOIA may be provided no earlier than 90 days prior to the PHA’s reasonable estimate of the date of submission of a complete Financing Plan. While eligibility for URA relocation assistance is generally effective on the effective date of the RCC (the ION date), a prior issuance of a NOIA establishes a resident’s eligibility for relocation assistance and payments on the date of issuance of the NOIA and prior to the ION date.

D) RAD Notice of Relocation

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide written notice of such relocation by means of a RAD Notice of Relocation. The RAD Notice of

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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.

81 PHAs and Project Owners should note the URA relocation advisory services requirement for personal interviews. See Section 6.7 of this Notice. In sequencing the RAD Notice of Relocation, PHAs and Project Owners wishing to offer alternative housing options pursuant to Section 6.10 should also note the additional complexity in the timeline of notices. Pursuant to Section 6.10(D), the resident can consent to an alternative housing option only after issuance of the NOIA or the effective date of the RCC and 30 days after presentation of the alternative housing options. In some cases, for example, when the resident would not otherwise be relocated for over twelve months, the RAD Notice of Relocation must include both the information described in Section 6.6(D)(3) and the information in Section 6.6(D)(4). The PHA or Project Owner should consider discussing the alternative housing options prior to issuing the RAD Notice of Relocation so that the RAD Notice of Relocation can be tailored to the resident’s situation.

82 The RAD program does not require a “notice of non-displacement,” which HUD relocation policy generally uses for this purpose.

83 The 90-day notice is required for residents relocated for more than twelve months, whether or not they intend to return to the Covered Project and whether or not they are eligible for assistance and payments as a displaced person under URA. Recipients of the 90-day notice would include those residents who have voluntarily accepted a permanent relocation option as well as those residents who are relocated within the same building or complex of buildings.

84 Note that residents may elect to move to the relocation housing before the 30 days have elapsed. However, a PHA may not require a resident to move prior to this time.
for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.

- The notice must explain that the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move (including, but not limited to, increased housing costs and moving costs).
- The notice must explain the reasonable terms and conditions under which the resident may exercise the right to return to lease and occupy a unit in the Covered Project.

(4) For residents who will be relocated for more than twelve months, including for residents who may wish to voluntarily accept a permanent relocation option:

- The PHA or Project Owner must provide this notice a minimum of 90 days prior to relocation of residents.85
- The notice must offer the choice to be temporarily relocated, thereby preserving the resident’s right to return, or the choice to be voluntarily permanently relocated pursuant to the procedures set forth in Section 6.10, together with guidance that the resident has at least thirty (30) days to consider the choice.
- For residents who voluntarily elect to be permanently relocated, the 90-day notice period may only begin once the PHA or Project Owner has made available at least one comparable replacement dwelling consistent with 49 C.F.R. § 24.204(a).86
- The notice must describe the available relocation assistance, the estimated amount of assistance based on the individual circumstances and needs, and the procedures for obtaining the assistance. The notice must be specific to the resident and his or her situation so that the resident will have a clear understanding of the type and amount of payments and/or other assistance the resident household may be entitled to claim.
- The notice must comply with all requirements for a URA Notice of Relocation Eligibility as described in 49 C.F.R. § 24.203(b).

(5) The notice must inform the resident that the relocation will be completed consistent with fair housing and civil rights requirements, and it must provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

For short-term relocations, the RAD Notice of Relocation may also contain the information required in the Notice of Return to the Covered Project (see Section 6.6(F)).

85 Note that residents may elect to move to the relocation housing before the 90 days have elapsed. However, a PHA may not compel a resident to move prior to this time.
86 PHAs should note that URA regulations also require, where possible, that three or more comparable replacement dwellings be made available before a resident is required to move from his or her unit.
E) URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b))

After a resident has been temporarily relocated for one year, notwithstanding a prior issuance of a RAD Notice of Relocation, the PHA or Project Owner must provide an additional notice: the notice of relocation eligibility in accordance with URA requirements ("URA Notice of Relocation Eligibility"). The URA Notice of Relocation Eligibility is not required if the resident has already accepted permanent relocation assistance.\(^87\)

The URA Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 C.F.R. part 24 and shall:

- Provide current information as to when it is anticipated that the resident will be able to return to the Covered Project.
- Give the resident the choice to remain temporarily relocated based upon the updated information or to accept permanent URA relocation assistance at that time instead of exercising the right to return at a later time.

If the resident chooses to accept permanent URA relocation assistance and this choice requires the resident to move out of their temporary relocation housing, the URA requires that the PHA or Project Owner make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a), which comparability analysis is in reference to the resident’s original unit. The URA further requires that the resident receive 90 days’ advance written notice of the earliest date they will be required to move pursuant to 49 C.F.R. § 24.203(c).

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\(^87\) To illustrate, consider the following examples.

- **Example 1**: The household is expected to be relocated for 11 months. The resident would receive a RAD Notice of Relocation offering only temporary relocation. Construction delays result in the extension of the relocation such that, in fact, it exceeds 12 months. When the temporary relocation exceeds 12 months, the resident must receive a URA Notice of Relocation Eligibility offering a choice between continuation in temporary relocation status and permanent relocation.
- **Example 2**: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects temporary relocation, the URA Notice of Relocation Eligibility is required as an additional notice following twelve months in temporary relocation status.
- **Example 3**: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects permanent relocation, the URA Notice of Relocation Eligibility is not required.
- **Example 4**: The household can be accommodated with temporary relocation of 3 months, but has been offered and seeks to accept permanent relocation pursuant to an alternative housing option. This resident would receive a RAD Notice of Relocation under Section 6.6(D)(4) offering a choice between temporary relocation status (the default option) and permanent relocation (the alternative housing option), instead of the RAD Notice of Relocation under Section 6.6(D)(3) which would be expected absent a permanent relocation option. The URA Notice of Relocation Eligibility is not required in either case because a temporary relocation exceeding 12 months was never anticipated nor experienced.
F) Notification of Return to the Covered Project

With respect to all temporary relocations, the PHA or Project Owner must notify the resident in writing reasonably in advance of the resident’s expected return to the Covered Project, informing the resident of:

- The entity (the PHA or the Project Owner) with primary responsibility for managing the resident’s relocation;
- The address of the resident’s assigned unit in the Covered Project and, if different from the resident’s original unit, information regarding the size and amenities of the unit;
- The date of the resident’s return to the Covered Project or, if the precise date is not available, a reasonable estimate of the date which shall be supplemented with reasonable additional notice providing the precise date;
- That the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with the return relocation; and
- The resident’s options and the implications of those options if the resident determines that he or she does not want to return to the Covered Project and wants to decline the right of return.  

Reasonable advance notice shall be 15% of the duration of the resident’s temporary relocation or 90 days, whichever is less. For short-term relocations, the PHA or Project Owner may include this information within the RAD Notice of Relocation.

6.7. Relocation Advisory Services

Throughout the relocation planning process, the PHA and Project Owner should be in communication with the residents regarding the evolving plans for relocation. Notwithstanding this best practice, certain relocation advisory services, described below, are required by the URA.

The URA regulations require the PHA or Project Owner to carry out a relocation assistance advisory program that includes specific services determined to be appropriate to residential or nonresidential displacements. The specific advisory services to be provided, as determined to be appropriate, are outlined at 49 C.F.R. § 24.205(c). For residential displacement under the URA, a personal interview is required for each displaced resident household to determine the relocation needs and preferences of each resident to be displaced. The resident household shall be provided an explanation of the relocation payments and other assistance for which the resident may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. Advisory counseling must also inform residents of their fair housing rights and be carried out in

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88 If the resident declines to return to the Covered Project upon completion of the period of temporary relocation, the resident shall be considered to have voluntarily moved out of the property, without the benefit of further relocation assistance. For example, a PHA or Project Owner may have rented a market-rate apartment as a temporary relocation resource for a six-month period. In such a situation, the resident may decline to return to the Covered Project and choose to remain in the market-rate apartment at the expiration of the six-month period, but shall not be eligible for any further relocation assistance and payments (including rent differential payments) under this Notice, the URA or Section 104(d), if applicable, in connection with the resident’s decision to remain in the temporary housing and not return to the Covered Project.
a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Executive Order 11063 (49 C.F.R. § 24.205(c)(1)). Such advisory services under the URA may include counseling to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 C.F.R. § 24.205(c)). In addition, the PHA or Project Owner should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800-669-9777 (Voice) or 1-800-927-9275 (TDD) or at http://www.hud.gov.

6.8. Initiation of Relocation

PHAs and Project Owners may not initiate any involuntary physical relocation until both the RCC is in effect and the applicable RAD Notice of Relocation period has expired (i.e., after either 30 or 90 days’ notice as applicable depending on nature of the relocation, as described above). This prohibition applies to all types of RAD transactions, regardless of whether the RAD Notice of Relocation is provided after issuance of a NOIA (for conversions involving acquisition) or following the effective date of the RCC (for all other conversions). PHAs are advised to account for the required 30-day or 90-day written notice periods in their planning process, to ensure that notices which satisfy all applicable requirements are issued prior to taking any action to initiate relocation.

Neither involuntary nor voluntary relocation for the project shall take place prior to the effective date of the RCC, unless moves are authorized under Section 7, below (“Applicability of HCV and Public Housing Requirements”) or unless HUD provides explicit approval which will only be provided in extraordinary circumstances. The PHA must wait until the RAD Notice of Relocation period has expired before it may initiate any involuntary relocation. However, a resident may request to move voluntarily, and the PHA may honor a resident’s request to move, before the applicable 30-day or 90-day period has elapsed, provided that the PHA may not take any action to encourage or coerce a resident to make such a request. If a resident has elected an alternative housing option, PHAs are advised to ensure that any consent to voluntary permanent relocation does not expire prior to the date of the relocation, as described in Section 6.10.

HUD may use administrative data to identify and investigate projects where relocation may be occurring prior to RCC.

6.9. Records and Documentation; Resident Log

HUD may request from the PHA or Project Owner written records and documentation in order to evidence the PHA’s and/or Project Owner’s compliance, as applicable, with this Notice and the URA. HUD may request to review some or all of such records in the event of compliance

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89 For example, under fair housing and civil rights laws, the PHA and Project Owner may be required to inform residents about and provide reasonable accommodations for individuals with disabilities, such as search assistance; take appropriate steps to ensure effective communication with individuals with disabilities, such as through the provision of auxiliary aids and services, such as interpreters and alternate format documents; provide advisory counseling services in accessible locations and in an accessible manner for individuals with disabilities; and take reasonable steps to ensure meaningful access for LEP persons. See Section 4 of this Notice for more information on these requirements.

90 Chapter 6 of HUD Handbook 1378 includes guidance on URA recordkeeping requirements.
concerns, in the event a project is identified for additional review based on administrative data, in the event of audits for purposes of monitoring the RAD program as a whole, upon selection of a random sample of projects and/or at other times at HUD’s sole discretion. The records shall include resident files for all households relocated in connection with RAD and a resident log as described in this Section.

As part of such written record, the PHA or Project Owner must maintain data sufficient to deliver to HUD a resident log of every household that resides at the Converting Project at the time of the first required resident meeting on the proposed conversion pursuant to Section 1.8 of the RAD Notice (the “First Resident Meeting”) and of every household that moves into the Converting Project after the First Resident Meeting and before the conversion of assistance under RAD. If any relocation is required, the log shall track resident status through completion of rehabilitation and construction, including re-occupancy after relocation. The resident log must include, but need not be limited to, the following information:

- Name of head of household
- PHA’s resident identification number and/or the last four digits of the head-of-household’s Social Security Number
- The head of household’s race and ethnicity as reported on the HUD Form 50058 or the HUD Form 50058 MTW (the “Form 50058”). For purposes of the resident log, all references to the Form 50058 shall be to the form most recently prepared at the time of the First Resident Meeting or, for residents who moved in after the First Resident Meeting, the form most prepared at the time of the resident’s initial occupancy.
- A Yes/No indication if there is any household member reported as having a disability on the Form 50058.
- A Yes/No indication if there is any household member reported as under the age of 18 on the effective date of action of the Form 50058;
- The household’s relevant unit address, unit size and household size at the following times:
  - The time of the First Resident Meeting or the time of a resident’s initial occupancy if after the First Resident Meeting
  - The time of the issuance of the CHAP or the time of a resident’s initial occupancy if after the issuance of the CHAP
  - Proximate and prior to the PHA or Project Owner having authority to initiate involuntary relocation activities (i.e., at the time of issuance of the RCC unless otherwise approved by HUD upon extraordinary circumstances)
  - Completion of the relocation process following construction or rehabilitation and with return of all households exercising the right of return
- The household’s residence status at the time of issuance of the RCC (e.g., in residence at the Converting Project, transferred to other public housing, moved out, evicted or other with explanation)
- The household’s residence status upon completion of re-occupancy (e.g., in residence at the Covered Project/never relocated, in residence at the Covered Project/temporarily relocated and returned, transferred to other public housing, moved out, evicted, permanently relocated or other with explanation)
- The following dates for each resident household, as applicable:
  - Date of the RAD Information Notice
• The following information for each resident household, as applicable:
  o The type of move (e.g., the types identified in Section 6.4, above)
  o The form of any temporary relocation housing (e.g., hotel, assisted housing, market-rate housing)
  o The address and unit size of any temporary relocation housing
  o Whether alternative housing options were offered consistent with Section 6.10, below
  o Any material terms of any selected alternative housing options
  o The type and amount of any payments for
    ▪ Moving expenses to residents and to third parties
    ▪ Residents’ out-of-pocket expenses
    ▪ Rent differential payments or other payments for temporary or permanent rental assistance, together with the rent and utilities (if applicable) that were the basis for the calculations
    ▪ Any other relocation-related compensation or assistance

### 6.10. Alternative Housing Options

Under the RAD Notice, “involuntary permanent relocation” is prohibited and each resident must be able to exercise his or her right of return to the Covered Project. A PHA or Project Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that at all times prior to the resident’s decision, the PHA and Project Owner preserve the resident’s ability to exercise his or her right of return to the Covered Project.

**A) Requirements for Any Offer of Alternative Housing Options**

All residents who are similarly situated must be given the same offer of alternative housing options. If the PHA or Project Owner seeks to limit the number of households that accept the
offer of alternative housing options, the PHA or Project Owner shall determine a fair and reasonable method for selection among similarly situated residents.\(^{93}\)

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.

**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

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\(^{93}\) 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.
- 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; b) his or her right to comment on and/or object to plans which would preclude the resident from returning to the Covered Project; c) the requirement that if the resident objects to such plans, the PHA or Project Owner must alter the project plans to accommodate the resident in the Covered Project; and d) a description of both the housing option(s) and benefits associated with the right of return and the alternative housing options and benefits being offered. In the description of the available housing options and benefits, the PHA or Project Owner shall include a description of any temporary housing options associated exercising the right of return and a description of any permanent alternative housing options as well as a reasonable estimate of the financial implications of all temporary and permanent options on the resident long-term.

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94 Monetary payments other than Required Relocation Payments are considered “temporary, nonrecurring or sporadic income” pursuant to 24 C.F.R. § 5.609(c)(9) and consequently are excluded from income for purposes of eligibility and assistance calculations under certain HUD programs. Residents should be reminded that monetary payments other than URA relocation payments may be taxable under the Internal Revenue Code, that monetary payments, including required relocation payments, may affect residents’ eligibility for other assistance programs and that the resident should seek knowledgeable guidance on these matters, including guidance on the taxation of monetary payments under state law.

95 In the case of a transfer of assistance to a new site a significant distance from the Converting Project as described in Section 6.4(E), the resident shall be informed of the resident’s right to return to the Covered Project at the new site and of the resident’s right to an assisted unit within a reasonable distance of the site of the Converting Project, as described in Section 6.4(E).
The written notification may request written consent from the resident to exercise the alternative housing option and receive permanent relocation assistance and payments pursuant to RAD, the URA and/or Section 104(d), as applicable, in addition to any benefits associated with the alternative housing option. As part of any voluntary consent, the resident head of household must acknowledge in writing that acceptance of such assistance terminates the resident’s right to return to the Covered Project. In order to ensure that the resident has sufficient time to seek advice and consider the alternative housing options, any consent to an alternative housing option executed within 30 days of the written presentation of the options shall be invalid.

Any offer of alternative housing options must be made in writing and the acceptance of the alternative must be voluntary and in writing. The offer of an alternative housing option must contain the following elements:

- The resident is informed of his or her right to return to the Covered Project and that neither the PHA nor the Project Owner can compel the resident to relinquish his or her right to return. The offer of alternative housing options must clearly state that acceptance of any alternative would relinquish the resident’s right to return to the Covered Project.
- The offer of an alternative housing option must be accompanied by identification of comparable housing units which the resident may use to understand the nature of housing options available to them and the rent and estimated utility costs associated with such housing options. This information must also be accompanied by a reasonable estimate of any replacement housing payment or “gap payment” for which the resident may be eligible.
- The offer of an alternative housing option must be accompanied by information regarding moving payments and assistance that would be available if the resident exercises the right of return and if the resident accepts the alternative housing option.
- Residents must be offered advisory assistance to consider their options.
- To be fully informed, the offer must outline the implications and benefits of each alternative housing option being made available (i.e., of accepting each alternative housing option as compared to exercising his or her right to return) as well as a reasonable estimate of when the resident’s relocation might occur. Implications and benefits include payment amounts, differences in rent calculations, differences in program rules, housing location, and potential long-term implications such as household housing expenses multiple years in the future.
- To be fully voluntary, the resident must have at least thirty (30) days following delivery of the written offer to consider their options. LEP persons must be provided a written translation of the offer and oral interpretation of any meetings or counseling in the appropriate language. In addition, PHAs must comply with their obligation to ensure effective communication with persons with disabilities.
- The resident cannot be asked to make a decision which will be implemented at a distant future time. Consequently, the resident may not provide written consent to an alternative housing option (and consequently, consent to voluntary permanent relocation) until after
the earlier of issuance of the NOIA or the effective date of the RCC. If a resident signs a written consent to accept an alternative housing option, that written consent is valid for 180 days. If relocation (after the applicable notice periods) has not occurred within this 180 day period, then the PHA or Project Owner must secure a new consent to accept an alternative housing option. New relocation notices are generally not required.

- The acceptance must be in writing signed by the resident head of household, including a certification of facts to document that the household is relinquishing its right to return and that the decision and the acceptance of the alternative housing option was fully informed and voluntary.

- Residents accepting alternative housing options to relinquish their right to return will be considered to have voluntarily and permanently relocated. Such residents are to be provided applicable RAD, URA and/or Section 104(d) relocation assistance and payments.

The information included with the offer of alternative housing options is to aid the resident in making decisions regarding the desirability of the alternative housing options and neither satisfies nor replaces the relocation notices and information required to be provided to residents pursuant to this Notice, the URA or Section 104(d).

While HUD does not require PHAs to submit documentation of alternative housing options offered to residents or the residents’ elections, PHAs must keep auditable written records of such consultation and decisions. HUD may request this documentation at any time, including as part of a review of the Checklist or if relocation concerns arise.

6.11. Lump Sum Payments

PHAs and Project Owners should note that certain relocation payments to displaced residential tenants may be subject to 42 USC § 3537c (“Prohibition of Lump-Sum Payments”) and must be disbursed in installments. The PHA or Project Owner may determine the frequency of the disbursements which must be made in installments. Handbook 1378, Chapter 3-7(D) provides guidance on the manner and frequency of disbursing payments subject to this requirement.

Any monetary element beyond Required Relocation Payments which may be associated with an alternative housing option described in Section 6.10, above, is not relocation assistance and is therefore not subject to the requirements regarding lump sum payments.

SECTION 7. APPLICABILITY OF HCV AND PUBLIC HOUSING REQUIREMENTS

7.1. HCV Waiting List Administration Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may place themselves on the PHA’s waiting list for HCVs independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs should continue to

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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.