

Office of the Executive Director

TO BE DELIVERED AGENDA MATERIAL

Meeting Date: November 18, 2003

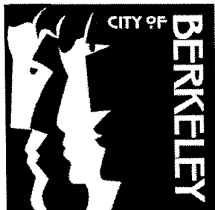
Item Number: 2

Item Description: Amendment to the BHA Annual Plan for Fiscal Year 2003-2004



Acting Executive Officer

(This cover sheet should be used only if the agenda item the material refers to was listed on the agenda as To Be Delivered)



Office of the Executive Director

ACTION CALENDAR

November 18, 2003

To: Honorable Chairperson and
Members of the Housing Authority Board

From: *PK* Phil Kamlarz, Acting Executive Officer

Subject: Amendment to the BHA Annual Plan for Fiscal Year 2003-2004

RECOMMENDATION

That the Board conduct a public hearing and, upon conclusion: 1) instruct staff to include all public comments received during the public hearing in the final preparation of the BHA, fiscal year 2003-2004 Annual Plan amendment; and 2) hold over action on the proposed Resolution to amend the Annual Plan to the December 16, 2003 Board meeting.

FISCAL IMPACTS OF RECOMMENDATION

The recommendation to amend the admission preference in the Annual Plan is intended to simplify and streamline the process for determining eligibility and issuing new vouchers for participation in the Section 8 Program. Accelerating lease-up will provide additional revenue from the administrative fee that is earned for each leased unit every month.

CURRENT SITUATION AND ITS EFFECTS

Local preferences were established to assist in ranking and prioritizing applicants on the Berkeley Housing Authority (BHA) Section 8 waiting list. The current Administrative Plan contains nine local preferences as follows:

- Resident: A family which physically resides in the jurisdiction; or where the adult head of household or spouse works at least 10 hours per week for at least minimum wage for a business in the City of Berkeley.
- Paying 50% or More of Income for Rent: Households where the total gross rent payment is 50% or more of the household's total gross income.
- Veteran: Households where the adult head of household or their spouse (or surviving spouse) is currently enlisted in or was honorably discharged from service with the United States Armed Forces.
- Disabled: Households with at least one member who has a physical or mental impairment.
- Involuntary Displacement: Households who have been involuntarily displaced, and are not living in permanent replacement housing, due to: (1) a disaster (fire, flood, earthquake, etc.) which has caused the unit to be uninhabitable; (2) federal, state or local government action related to code enforcement, public improvement or development which as caused the unit to

be uninhabitable or demolished to make room for development; or (3) an action by a housing owner which is beyond an applicant’s ability to control, and which occurs despite the applicant’s having met all previous conditions of occupancy.

- Working /Job Training: Households where the adult head of household or spouse is employed or who is an active participant in an accredited educational or training program designed to prepare the individual for the job market.
- Homeless: Households who have as a primary nighttime residence a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.
- Victim of Reprisal or Hate Crimes: Households with at least one member that has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit. A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability or familial status including sexual orientation and occurred within the last 30 days or is of a continuing nature.
- Emergency Prioritization Program: Households eligible for prioritization through the City of Berkeley’s Emergency Prioritization Program.

To implement these preferences, the BHA established a nine-tier ranking system to determine the order in which applicants are served.

Rank	Category One	Category Two	Category Three
A	Resident	Is eligible for Emergency Prioritization Program (EPP)	Not Applicable
B	Resident	Is paying 50% or more of income towards rent	One or more additional local preference(s)
C	Non-Resident	Is paying 50% or more of income towards rent	One or more additional local preference(s)
D	Resident	Is paying 50% or more of income towards rent	No additional local preference(s)
E	Non-Resident	Is paying 50% or more of income towards rent	No additional local preference(s)
F	Resident	Is paying less than 50% of income towards rent	One or more local preference(s)
G	Non-Resident	Is paying less than 50% of income towards rent	One or more local preference(s)
H	Resident	Is paying less than 50% of income towards rent	No local preference(s)
I	Non-Resident	Is paying less than 50% of income towards rent	No local preference(s)

The current ranking system is cumbersome and time-consuming since an independent party must verify each preference claimed by the applicant. Moreover, staff has found that the overwhelming majority of applicants are paying 50% or more of their income towards rent and qualify for one or more of the remaining preferences. Consequently, staff is proposing to simplify the waiting list administration by establishing the following three-tiered ranking system that retains two of the preferences – Residency and Emergency Prioritization Program (EPP).

- Tier #1: EPP-qualified applicants
- Tier #2: All other Berkeley residents
- Tier #3: Non-Berkeley residents

With the adoption of the new ranking system, applicants currently on the Section 8 waiting list will be placed in one of these three ranking categories. Those assigned in the “A” category will be served before those in category “B” and “C”. Those assigned in category “B” will be served before those in category “C”.

HUD has been advised of our plan to simplify the ranking of our applicants on the Section 8 waiting list. We will be meeting with HUD representatives later this month and expect to obtain their approval to move forward with the proposed amendment. Because we have not yet officially met with HUD on this matter, staff is requesting that Board action on the Resolution be held over until the Board meeting of December 16, 2003. At that time, staff will be prepared to report any feedback from HUD that might necessitate a delay in moving this item forward.

In order to speed up processing of EPP applications, staff is proposing further detailed implementation criteria. The amended language outlines specific criteria and burden of proof requirements under three major areas to assist in determining if an individual or family is at risk of becoming homeless and, therefore, eligible for the EPP preference. The three areas are: eviction for economic reasons; displacement due to Natural Disaster or Government Action; and victim of reprisal, domestic violence or hate crime.

The draft of the amended plan was published on October 3, 2003, at which time the public was informed that the document was available for review and comment. The HUD required comment period ends on October 16, 2003.

BACKGROUND

Housing authorities are mandated by the Department of Housing and Urban Development to update the Agency’s Annual Plan every year. The Plan document is designed to provide a general overview of the Agency’s operations, programs participants, and programs and services for the upcoming fiscal year. The BHA Board adopted the Annual Plan Update for fiscal year 2003-2004 on May 20, 2003 per Resolution No. 683.

RATIONALE FOR RECOMMENDATION

Board adoption of the Resolution (proposed for Board consideration on December 16, 2003) will

simplify the admission preferences to the Section 8 waiting list and allow the agency to serve applicants more quickly and accelerate lease up. Staff is requesting that the Board delay taking action on the proposed Resolution until December to allow additional time to collaborate with HUD and obtain their approval of the proposed amendment to the admission preferences. Staff will be prepared to report on the progress of these efforts prior to Board consideration of this item on December 16.

CONTACT PERSON:

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Approved By:



Stephen Barton, Housing Director

Attachment: (Resolution/Exhibit A)

RESOLUTION NO.

AMENDING THE BERKELEY HOUSING AUTHORITY'S ANNUAL PLAN FOR FISCAL YEAR 2003-2004; AND AUTHORIZING THE EXECUTIVE OFFICER TO SUBMIT THE ANNUAL PLAN UPDATE TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the U.S. Congress enacted the Quality Housing and Work Responsibility Act of 1998; and

WHEREAS, the Act mandates Housing Authorities to develop a Agency Plan that is updated every year, and establish a Resident Advisory Board (RAB) to advise the Housing Authority in the development of the plan; and

WHEREAS, the BHA Board approved the Agency's Five-Year Plan covering fiscal years 2000-2004 and Annual Plan for Fiscal Year 2000-2001 pursuant to Resolution No. 615, adopted on October 24, 2000; and

WHEREAS, the BHA Board adopted the Annual Plan update for fiscal year 2003-2004 on May 20, 2003; and

WHEREAS, the Housing Authority is seeking to amend the Annual Plan for fiscal year 2003 – 2004 to simplify and streamline the process for determining eligibility for participation in the Section 8 Program; and

WHEREAS, the RAB has met and discussed the amendments to the admission preference that was published for review and comment for forty-five days commencing on October 3, 2003; and

WHEREAS, the BHA Board conducted a public hearing on November 18, 2003 to obtain public input into the amendments to the Section 8 admission preferences and all public comments received at the public hearing have been included in the Annual Plan update.

NOW THEREFORE, BE IT RESOLVED by the Housing Authority of the City of Berkeley that the BHA Annual Plan for fiscal year 2003-2004 is hereby amended as shown in Exhibit A, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Executive Officer is authorized to submit the amended Annual Plan to the U.S. Department of Housing and Urban Development.

(4) Admissions Preferences

a. Income targeting

- Yes No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. Yes No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent (5) **Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition – *also see EPP definition below*)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s): (*see Emergency Prioritization Program definition below*)

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

Date and Time
Former Federal preferences

Involuntary Displacement
Victims of domestic violence
Substandard housing
Homelessness
High rent burden

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- 2 Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- 1 Other preference(s) (list below)
Emergency Prioritization Program (immediate risk of homelessness, displacement due to natural disaster or government action, or victim of reprisal, domestic violence, or hate crime)

4. Among applicants on the waiting list with equal preference status, how are applicants selected?
(select one)

- Date and time of application
- Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction"
(select one)

- This preference has previously been reviewed and approved by HUD
- The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained?

- The Section 8 Administrative Plan
- Briefing sessions and written materials
- Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- Through published notices
- Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.