

PROPOSED CHANGES

2020 Public Housing Authority Plan (ACOP and Administrative Plans)

The Public Housing Authority (PHA) must define any significant changes to its policies or plans. The PHA defines a “substantial deviation” and “significant amendment/modification” as any change in policy which significantly and substantially alters the Authority’s stated mission and the persons the Authority serves. The proposed changes below have not been deemed “significant”.

New language is indicated in red. Deleted language is shown in ~~strikeout~~.

There are 1 proposed changes to the 2020 PHA Plan which have been deemed “significant”. There are 7 changes in the ACOP and 11 changes in the Administrative Plan.

Public Housing Agency Plan (PHA Plan)

The PHA Plan is being amended to include the following attachments:

1. Attachment R - Rental Assistance Demonstration (RAD)
2. PIH Notice 2012-32, REV-3 (Section 1.6) and Joint Housing PIH Notice H-2016-17/PIH-2016-17 for resident rights, participation, waiting list, and grievance procedures required for RAD Conversion
3. Supplemental Guidance PIH-2018-11/H-2018-05

***Explanation of the Change:** As a result of being a successful applicant in the Rental Assistance Demonstration (RAD), we are required to amend out PHA Plan to include the above information.*

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

1. Chapter 2 – Eligibility for Admission, Page 4

A. Factors Affecting Admissions

Criminal Screening Criteria

Admission of applicants with any current criminal charges may be delayed pending a final court decision on the charges or other disposition of the case (e.g. by plea bargain). After the final court decision, the applicant’s case will be reviewed to determine whether the applicant meets all admission criteria.

All families must meet or exceed the tenant selection and suitability criteria set forth in this chapter. The PHA will not consider any convictions that are more than three years old, provided no other criminal activity has taken place in the interim.

~~The PHA will not consider any convictions that are over three years old provided no other criminal activity has taken place in the interim. The PHA will consider mitigating circumstances.~~

Explanation of Change: This added language provided us a way to review pending criminal activity during the admission process.

2. Chapter 7 – Verification Procedures, Page 6

A. Methods of Verification and Time Allowed

Self-certification/Self-declaration

Assets of less than \$5,000 are tenant self-certified and do not require the collection of any bank statements except when the family is in the application process. **Per HUDs Streamlining Rule, every three years all assets regardless of value must be third party verified. 24 CFR §§960.259, 982.516**

Explanation of Change: This clarifies HUD Streamlining Regulations.

D. Verification of Income

Alimony or Child Support Payments

If payments are irregular, the family must provide:

- **12 months of payment history.**

Net Income from a Business

In order to verify the net income from a business the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next twelve (12) months.

Explanation of Change: This clarifies how we will calculate the next 12 months of anticipated alimony, child support, or independent contractor income using a 12 month history is a more accurate estimation.

3. Chapter 8 – Transfer Policy, Page 5

A. Involuntary (Mandatory) Transfers

EMERGENCY TRANSFERS

If the damage was caused by negligence of the resident, a member of the resident's household, or a guest, the reasonable expense of repairing such damage will be charged to the resident, **along with all moving expenses**, and the household may be subject to eviction from public housing.

In the case of involuntary (mandatory) transfers, the resident shall be required to move into the dwelling unit that is made available, after two offers by the PHA. The PHA may terminate the resident's lease if he or she refuses to move. The resident shall be given thirty (30) days Notice of Lease Termination in this situation. **The unit options may not be offered in quick succession to each other, as offers are based on availability of suitable units.**

B. Voluntary Transfers

A family may be eligible to transfer for valid and certifiable reasons such as enabling the family:

- To split households due to either marital or partnership dissolution. The PHA will only acknowledge splitting the household when both parties were part of the initial application, ~~or second party was added to household and the wait list has turned over at least once.~~

Explanation of Change: This update provides clarity to residents on who pays for moving expenses and clarifies that unit offers are based on availability.

4. Chapter 9 – Leasing, Page 7

I. Fees and Non-Payment Penalties

The resident will be charged for checks **and electronic payments** that are returned for non-sufficient funds (NSF), stop payments, or checks written on a closed account according to the Schedule of Fees and Charges. The PHA will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account. **In the event of a returned check, certified funds (money orders or cashier checks) will need to be submitted and** personal checks will no longer be accepted **for the following six months.**

M. Inspections of Public Housing Units

VACATE/MOVE-OUT INSPECTIONS

~~When giving a thirty (30) day notice to vacate the resident has a right to request an move out inspection in order to determine which items may need attention or repair. A pre-move out inspection must be conducted no more than fourteen (14) days prior to the vacate date. This is to allow the resident the opportunity to complete these repairs and avoid charges against the family's security deposit.~~

P. Appliances

The PHA supplies stoves **and refrigerators** in all units. ~~Refrigerators are supplied in all elderly and elderly disabled units and they may be supplied in scattered family housing and in scattered duplexes and single family homes.~~ If residents ~~have their own~~ **are planning to utilize their own refrigerator in addition to the PHA-provided refrigerator**, it will be documented and the resident will be responsible for the upkeep and maintenance of their personally owned appliance.

The PHA owned refrigerator will not be removed from the unit by residents. The site office will be notified to remove a PHA owned refrigerator. If **the resident owned** your appliances are not in acceptable condition according to Uniform Physical Condition Standards (UPCS), the PHA reserves the right to require the resident to remove or repair that appliance **at the resident's expense.**

V. KEY CONTROL

The policy of the PHA shall be to issue and assign keys or key cards only to individuals who have been screened through a criminal background check and found to be responsible for the proper use and safeguarding of the key or key card.

Each adult resident is issued one key or key card for their building or property (if applicable) and the head of household receives an additional key for their unit. **The first key card for each member of the household on the lease will be issued free of charge. The key cards are the property of the PHA and must be returned upon the termination of the lease. There will be a charge for additional key cards for non-residents or for the replacement of damaged, lost, or stolen key cards as per the current *Schedule of Fees and Charges.***

One gate clicker for parking access will be issued to households that have authorized parking privileges. The gate clicker is the property of the PHA and must be returned upon termination of lease if an authorized household member no longer owns a vehicle, or their parking privileges are revoked. There will be a charge for replacement of damaged, lost, or stolen gate clickers per the current *Schedule of Fees and Charges.*

Explanation of Change: These changes clarify the penalties for a returned check, the appliances provided by the PHA, and the use of the PHA assigned keys and gate clickers.

5. Chapter 18: Public Housing Non-Smoking Facility Policy

Please note while possession of marijuana is no longer a crime under California law, its possession is still illegal under Federal law. When a state law is in conflict with a Federal law, the Federal law prevails. Thus, under Federal law possession of marijuana for medical or non-medical purposes constitutes a crime and is prohibited in Public Housing (see Chapter 22).

Explanation of Change: This clarifies how State and Federal law on smoking affects our policies.

6. Chapter 19: PROGRAM INTEGRITY ADDENDUM

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

QUALITY CONTROL FILE REVIEWS: Prior to initial certification, and at the completion of all subsequent recertifications, each resident file will be reviewed by PHA staff. These reviews will include, but are not limited to:

- Fully utilize EIV system by running monthly HUD required reports that include:
 - Multiple Subsidy reports
 - Deceased Tenant
 - New Hires
 - Income Discrepancy
 - Debts Owed to PHA
 - Immigration Report

Explanation of Change: This clarifies what information PHA staff are reviewing on a monthly basis.

Administrative Plan 2020

Chapter 3 A. OPENING/CLOSING OF THE WAIT LIST (24 CFR §§ 982.206, 982.54(d)(1))

Closing the Wait List

The PHA, at its discretion, may restrict and/or suspend pre-application intake or close wait lists in whole or in part. The PHA may open or close the list by local preference category or by bedroom size. The PHA may stop pre-applications if there are enough pre-applicants to fill anticipated openings for the next twenty-four months. The wait list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The PHA will announce the closing of the wait list by ~~public notice~~ **posting the closing date on www.sacwaitlist.com**. When the period for accepting pre-applications is over, the

PHA will not accept additional pre-applications or maintain a list of those who wish to be notified when the wait list is open as this would be administratively burdensome to the PHA.

Explanation of Change: This change is in accordance to Code of Federal Regulations that the closing of a waitlist does not need to have public notice.

5.2 Adding Additional Members to the Household

All additions (except for additions by birth to a household member) must have the prior approval of the owner (landlord) and the PHA. Approvable additions may include:

- A spouse/partner and his or her minor children,
- A minor who had been part of the assisted household who moved out and is returning to the household,
- A PHA pre-approved live-in aide,
- Birth of children by an existing family member,
- Adoption of children,
- Long-term foster placement or court-ordered custody,
- Court granted guardianship or conservatorship,
- **Adult children under 24 years of age who left only to attend school. Request must be received within 30 days of dis-enrollment or graduation.**

Explanation of Change: This clarifies for families per PHA policy of the timeline when adult children can request to return to the household.

Chapter 7, Paragraph D. Items to Be Verified

11. Familial Status or ~~Marital Status~~ **Spousal Relationship**

Explanation of Change: Removing marital status expands relationships to spousal relationship

Chapter 6 B. Income and Allowances

All employment income will be included unless separation or termination of employment is verified.

Explanation of Change: This clarifies for income calculation per regulation that separation and termination of employment must also be verified.

Chapter 6, Paragraph E

PHA-approved spouse/partner or co-head will “inherit” the voucher in the event of the death of the head of household.

Explanation of Change: Adding PHA-approved for situations of spouse that is not currently in the subsidized unit

Chapter 8, Paragraph F

Term of Voucher (24 CFR §982.303)

Vouchers may be issued for a term of 120 days. In the case of Port-Ins, the voucher may be less than 60 days as the voucher expiration date is based on the expiration date of the voucher from the initial PHA. The family must submit a Request for Tenancy Approval and Lease Approval within this period. Please see the VASH Addendum to this Administrative Plan for information about VASH vouchers.

Port in vouchers will be given the regulatory 30-day extension, in addition to any time left on the initial PHA's voucher. The 30 days will start at the end of the initial PHA's voucher date or the date of the briefing, whichever is longer. Additional extensions to be granted by initial PHA.

Explanation of Change: This is HUD regulation and clarification for Admin Plan

Chapter 12, Increases in Income

Program participants must report all changes in household income in writing within thirty (30) days of the change. The PHA will conduct interim recertifications for any income increases for families who:

- Are Family Self Sufficiency program participants or;
- Are Home Ownership program participants or;
- Have zero income or;
- Have an Earned Income Disregard (EID) at the end of the 24-month period or;
- Have a repayment agreement for a debt owed to the PHA or;
- Failed to report a change timely.
- **Request by the participant in writing to have the increase processed**

The PHA will not process an interim rent adjustment if all reported changes result in an overall income increase, **unless requested in writing by the participant**. If an increase in income is due to an addition to the household, the PHA will process a rent adjustment to include the income of the household addition.

Explanation of Change: This allows participants to have the choice to have an increase to be processed.

Chapter 17, Paragraph A.

A. Repayment of Debts to the PHA

Family

When a family is determined to have incurred a debt to the PHA due to underreporting or the failure to report a change in income or household composition in a timely manner; the

PHA will meet with the family to inform them about the debt and about the process used to identify and calculate the debt.

The family is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was calculated in accordance with HUD's rent formula. The difference is called retroactive rent. The family will be given the opportunity to make full repayment of the debt at that time or the family may enter into a repayment agreement with the PHA.

In the case of unapproved member(s) in the subsidized unit when the PHA is unable to accurately calculate the household income; the PHA will require repayment of 100% of the housing assistance payments and utility reimbursement payments for the timeframe of the residency of the unapproved household member(s).

Explanation of Change: This is to clarify in the situation that the family fails to cooperate and provide the income verifications to calculate the overpaid Housing Assistance Payment (HAP), then the entire HAP will be owed to the Housing Authority

Chapter 17, Paragraph A

Repayment Time Period:

The period in which the retroactive rent balance will be repaid is based on the monthly payments and original retroactive balance.

A minimum monthly repayment of fifty dollars (\$50) will be established for families whose repayment calculation equals less than the minimum repayment.

Explanation of Change: This establishes a minimum amount for repayment agreements.

Addendum 1: The Family Self-Sufficiency Program (*also updated in the ACOP-City and County, Chapter 16: Family Self-Sufficiency Program*)

~~**Suitable employment is any permanent full-time employment (of at least 32 hours per week) that is obtained by the FSS head of household.**~~

~~**Full-time employment is defined as: For hourly or salaried employees—at least 32 hours per week at minimum wage and consecutively for the past six (6) months upon completion date of the contract.**~~

Suitable employment generally refers to a job that offers wages comparable to your recent employment and duties that fit your education level and work experience.

Explanation of Change: Removing old definition and expanding definition of suitable employment.

Glossary

SPORADIC INCOME: Income received less than three pay periods in the year

Explanation of Change – Defines definition of sporadic for purposes of income calculation