Attachment 9

Comments on 2021 Draft ACOP (City)

2-15: Under section F, 3rd paragraph:

Add highlighted word:

> In compliance with the Violence Against Women Act (VAWA), no applicant for the public housing program who has been a victim of domestic violence, dating violence, sexual assault, or stalking shall be denied admission into the program if they are otherwise qualified.

Response: The PHA will make this change.

2-18: End of 1st paragraph (section "Rent Paying Habits (starts on 2-17))

Add highlight:

> Based upon these verifications, the PHA will determine whether the applicant was chronically late with rent payments, was evicted at any time for nonpayment of rent, or had other legal actions initiated against him/her for debts owed to other PHAs. Any of these circumstances may be grounds for an ineligibility determination, however, the PHA, will take into account mitigating circumstances in making such determination.
>
> The PHA will not deny admission to applicants who were late with rent payments, who fell behind on rent, or who were evicted for nonpayment of rent due to the impacts of COVID-19.

Response: The PHA will make the following change:

The PHA will not deny admission an applicant solely because they were late with rent payments, fell behind on rent, or were evicted for nonpayment of rent due to the impacts of COVID-19.

2-21: 1st paragraph

Change County to City

Response: The PHA will make this change.

2-21: Under section "Administration"

Add source of income to list of protected classes.

Response: The PHA will make this change.

2-22: At second to last bullet point

Recommend deleting the following bullet point. At 2-18, there is already a list of examples of mitigating circumstances. This is overly narrow and reads like you need to have done jail time, which is not correct, and need to have shown rehabilitation which is elsewhere in the chapter discussed only in the context of drug related criminal activity.

- Without substantial evidence of mitigating circumstances (including serving jail time and rehabilitation) the PHA may not admit persons engaging in any criminal activity in violation of state and/or federal law

Response: The PHA will list the example of mitigating circumstances from 2-18 to 2-22.

2-24: Under section "Evidence"

Add highlighted portion below after the last sentence..

> The PHA may pursue fact-finding efforts as needed to obtain credible evidence. Evidence of an arrest alone is not a sufficient basis to deny an applicant.

Response: The PHA will make the following change:

Evidence of an arrest alone is not a sufficient basis to deny an applicant; however, the evidence supporting the arrest, including without limitation police reports or witness statements, may form a sufficient basis to deny an applicant.

3-2: Under section "APPLICANT STATUS WHILE ON WAITING LIST"

Recommend changing "will" to "may" in the paragraph below because it's unlikely you would remove from mailing list because they didn't report e.g. a family comp change within 30 days especially given eligibility is not determined until the full application phase.

> Applicants and pre-applicants are required to inform the PHA in writing or electronically through the PHA applicant portal within thirty (30) days of changes in family composition, income, and address, as well as any changes in their preference status. Pre-applicants are also required to respond to requests from the PHA to update information on their application or to determine their continued interest in assistance. Failure to provide information or to respond to mailings ~~will~~ may result in the applicant being removed from the waiting list (See Chapter 13 - Complaints, Grievances and Appeals).

Response: The PHA will not make this change. Applicants and pre-applicants are given up to 30 days to respond by mail and electronically.

3-4 at 2nd to last paragraph <u>and</u> 3-5 at paragraph before "Verification"

Change "10 days" to "10 business days." Applicants already lose a few days due to mailing, so this helps even that out plus get time that's needed for items from third parties.

Response: The PHA will make this change.

4-5: Section G re: Purging

In paragraph 2 of this section, recommend adding the following (similar to our comment on Admin Plan).

> The wait list will be purged periodically by a mailing to all applicants to ensure that the wait list is current and accurate. The mailing will ask for current information and confirmation of continued interest. The PHA will also attempt to call the applicant by phone or text.

Response: Public Housing will defer to the response from HCV since they manage PH waiting lists. HCV will attempt an additional method by email.

4-7: Section J Special Admissions

Add highlighted language for clarifying purposes (technically all PHA program funding is for "families"):

When HUD awards a PHA program funding that is targeted for specified types of families, the PHA will admit these families under a special admission procedure. Special admissions families will be admitted outside of the regular wait list process. These families do not have to 2021 Admissions and Continued Occupancy Policy Chapter 4-8 qualify for any preferences and are not required to be on the program wait list. The PHA maintains separate records for these special admissions.

Response: The PHA will add this language change.

4-11: Section Q Time Limit for Acceptance

Is there capacity to call or text the client about a unit offer too? If so, recommend adding that process here. So many of our clients have all kinds of problems with their mail.

Response: In addition to mailing letter, we call the applicant. If the applicant doesn't respond and they have an email address we will also send an email.

6-1: Minimum Rent
Recommend reduce to zero consistent w/ Admin Plan.

Response: We made this change in the 2020 Mid-Year Revision of the ACOP, it has not been approved, yet. We will add it to the 2021 ACOP.

6-8: Section C Income Exclusions

Add a bullet that states e.g.: "Loans are not counted as income because they are required to be paid back."

Response: The PHA will add the following language:

"Loans are not counted as income when they are temporary, nonrecurring, or sporadic."

6-14: Childcare to Work

Is this from a regulation or do you have discretion? If you have discretion, this seems like a disincentive to work. There is still value in someone entering the workforce even if initially the child care cost doesn't equal out.

The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Response: This is regulation, 24 CFR §5.611(a)(4)).

6-15: Medical Expenses

RE: "Must be anticipated, regular, ongoing expenses that a family expects to pay in the 12 months following examination or reexamination." The HUD Handbook does not exclude one-time expenses and includes examples such as wheelchairs, scooters, limbs, etc. Recommend bringing consistent with the Handbook.

Response: PHA disagrees that this is inconsistent with the HUD Handbook, which seems to understand wheelchairs, hearing aids, and the like as ongoing expenses, because both their purchase and upkeep are included. The difference between a medical expense related to a chronic condition vs a one-time issue seems to be at the heart of the HUD Handbook's distinctions, and as a practical matter the PHA believes this is the best way to communicate our policy. PHA is open to further discussion on this issue.

8-2: Emergency Transforms

In these situations, federal relocation laws apply. As a result, the PHA would have an obligation to provide a "comparable" unit and cover moving expenses. A "comparable" unit is about more than size and accessibility. This section should reflect those obligations. Although, I think SHRA could temporarily require a move where the unit was uninhabitable, if the unit was not comparable, you would need to allow another move also at PHA expense if the tenant did not want the only unit available.

A

Response: This section of the ACOP is referring to an emergency transfers due to fires, flood, or natural disaster. The participant will be moved to a comparable unit for their family size. If necessary a participant may be transferred to a hotel until their unit or another unit is available.

8-3: Appropriate Notice of Transfers

Recommend allowing 10 "business" days rather than just calendar to pay a deposit. There's a better chance someone would get their next paycheck by that point.

Response: The PHA can make this change. The Notice of Transfer is sent to multiple residents regarding the unit that has become available but the first one to respond will get the unit, if it is 10 calendar days or 10 business days.

8-6: 1st paragraph

Recommend revision of this paragraph. It appears to be an improper liquidated damages provision. Landlords cannot impose those but must analyze the actual damage to e.g. failure to turn in the key by the 3rd day.

> Residents with approved transfers are allowed three days of overlap between the unit transferred from and the unit transferred to. The resident will sign an agreement that will specify that the keys to the former unit must be returned within three (3) days or the resident will pay a $25.00 daily storage fee. On the fourth (4th) day following the transfer date, PHA will issue a Notice of Belief of Abandonment and will continue charging a $25.00 daily fee until unit keys are surrendered and/or the notice expires, whichever occurs first.

Response: The PHA disagrees with this change. Legal has discussed with LSNC.

8-6: List at bottom of page re: good cause reasons to deny voluntary transfer

Recommend deleting the part stricken below. I understand the person may not be settled into the job yet but having to move further away because they have not completed their probation period threatens the employment that most would agree is positive for residents.

> Good cause may include the following:
>
> - The new unit is more than fifteen (15) miles from the place of employment of at least one (1) member of the family; ~~and the employed family member has completed the employer's new-hire probationary period.~~

Response: The PHA disagrees with this deletion. Voluntary transfers are lower priority on the list of transfers for residents. If the resident is transferred and do not pass the probationary period, it may take longer for them to transfer again. We want them to be sure of the transfer because of how long it may take for the transfer to be granted.

9-2: Resident Obligations

We'd like you to consider allowing residents to allow their adult children to use their address for mailing purposes. There are a lot of reasons adult children, particularly, young adult children do not have reliable or settled mailing addresses.

> Residents must not use the dwelling unit or permit its use for any other purpose, including mailing, for any persons not listed on the lease(residents may not allow non household members to use the unit as a "mailing address" for any reason [e.g. registration or licensing of vehicles with the DMV or use on a drivers license or identification card issued by the DMV]).

Response: The PHA disagrees with this change, per the reasons stated by Karen Wallace at our August 28th meeting.

9-10:

Consider adding highlighted section or otherwise consider language accommodating students that may still be home in early 2021.

> Minors and college students who were part of the family, but who now live away from home during the school year, and are not considered members of the household, may visit for up to ninety (90) days per year without being considered a member of the household. College students temporarily home due to the COVID-19 pandemic or other states of emergency causing school closures and/or remote education, may visit for longer than ninety (90) days without being considered a member of the household. When the pandemic or state of emergency is lifted they will 30 days from the date of the release to vacate the unit or they will be considered members of the household.

Response: The PHA will include the following additional language.

9-13: Section I Fees and Nonpayment Penalties

Recommend changing so that all payments apply to monthly rent first. That is generally how tenants intend their payments.

Unless the resident states otherwise, payments will be applied in the following order:

- Security Deposit
- Monthly Rent (Applied to the oldest rent first)
- Maintenance Charges
- Recovery of Attorney Fees
- Other Charges

Response: The PHA disagrees with this change, per the reasons stated by Karen Wallace at our August 28th meeting.

9-22: Abandoned Vehicles

12-1: 1st para. under Section B

Suggest adding highlight and cutting the example due to PIH 2017-08. Nonpayment of rent can be the direct result of DV.

> Public Housing participants who are victims of certain types of violence may be protected from termination by the Violence Against Women Act (VAWA). Participants cannot be terminated from assistance due to domestic violence and/or abuse by a partner or a direct result of domestic violence or abuse unless there is other cause for termination ~~(such as non-payment of rent)~~. Under VAWA protection, the abuser may be removed from the voucher while allowing the rest of the household to remain.

Response: The PHA will add the highlighted language.

12-4: Drug Related Criminal Activity

Recommend changing "will" to "may" as SHRA retains discretion.

> The PHA will terminate assistance of participants in cases where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity that threatens other resident's right to peaceful enjoyment.

Response: The PHA disagrees with this recommendation. This is regulation, 24 CFR §960.204(a)(2)(ii).

13-3: PROCEDURE FOR REVIEW FOR APPLICANTS (2nd para. under section)

Recommend highlighted change:

> The informal review will not be conducted by the person who made or approved the decision under review or a subordinate of that person.
>
> The applicant will be given the option of presenting oral or written objections to the PHA's decision. The PHA will provide a ~~translator~~ interpreter to assist with the informal review upon request. The family must make the request to the PHA at least five (5) business days prior to the hearing. If they do not notify the PHA at least 5 business days before the hearing, then PHA may need to postpone the hearing to secure an interpreter.

Response: The PHA will make this change for interpreter but there is no need to postpone the hearing since we have a contracted interpreter on call when we have the hearings.

13-4: SUMMARY OF DISCUSSION

Recommend highlighted change:

> A summary of the discussion shall be prepared within ten (10) days from the date of the informal settlement conference and one copy shall be given to the tenant, one to their representative, if any, and one retained in the PHA's tenant file.

Chapter 17: VAWA

17-2:

Update definition of "Stalking" to that under PIH 2017-08: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress.

Response: The PHA will update the definition in the ACOP.

17-3:

Update definition of Sexual Assault per PIH 2017-08: Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Response: The PHA will update the definition in the ACOP.

17-6: Section I

The VAWA Final Rule provides that an applicant for assistance or a tenant/participant receiving assistance under a covered housing provider may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis <u>or as a direct result of the fact</u> that the applicant or tenant/participant 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. (See 24 CFR 5.2005(b)(1).)

We recommend adding a list of examples of when adverse factors might be direct results of domestic violence. PIH-2017-08 at 77.2 has a list. It covers reasons for poor credit history, poor rental history, criminal record, and failure to pay rent. The PIH further states that:

> "On the surface, adverse factors may appear unrelated to domestic violence, dating violence, sexual assault, or stalking and may present legitimate reasons for denial, termination, or eviction. However, the presence of an adverse factor may be due to an underlying experience of domestic violence, dating violence, sexual assault, or stalking. An adverse factor may be present during much of an abusive relationship, or it may present itself only when a victim is attempting to leave, or has left, the abusive relationship."

These examples and guidance would be a helpful addition.

Response: The PHA will make this change.

17-3: Section E Other Certification

We recommend adding language to allow for verbal verification. PIH 2017-08 at Page 17 allows for verbal verification and requires PHAs to develop written policies for how they will be accepted. The PIH rules states:

> "The VAWA Final Rule clarifies that PHAs and owners are not required to ask for documentation when an individual presents a claim for VAWA protections; the PHA or owner may instead choose to provide benefits to

an individual based solely on the individual's verbal statement or other corroborating evidence. HUD recommends that PHAs and owners develop written policies for how and under what circumstances a verbal statement will be accepted"

Response: HUD only recommends PHAs establish a policy that accepts verbal statement. If we received a verbal statement then we will provide a written statement accepting the information is true and correct. .

17-4: Confidentiality

Recommend adding detail to this section, so tenants are not worried about the process. PIH 2017-08 at page 20 has the following guidance:

> "Unless given permission from the victim to do so, the PHA or owner must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the domestic violence, dating violence, sexual assault, or stalking (e.g., asking the victim to come to the PHA office to pick up the form HUD-5382) on the victim's voicemail system or with other individuals, including members of the victim's household."

> "If the victim gives the PHA or owner permission to contact them about the domestic violence, dating violence, sexual assault, or stalking via mail, voicemail system, electronic mail, or other method approved by the victim, best practice would be to ensure this permission is in writing. If it is not feasible for the victim to provide the permission in writing, the PHA or owner may make a note in the victim's file about which forms of communication with the victim have been approved by the victim. The written permission or other notation must be kept confidential."

> "When discussing these matters directly with the victim, PHAs and owners must take reasonable precautions to ensure that no one can overhear the conversation"

Response: The PHA will add detail to this confidentiality section. .

20-3: Methods Used to Certify

Suggest adding highlighted portion:

status. Once the individual's disabled status is established, a professional third-party, competent to make an assessment, must provide written verification that the specific accommodation requested is due to the disability and the specific change is required for equal access to the housing program. Individuals with disabilities who request reasonable accommodations may submit requests either orally or in writing. They are not required to use a specific form in order to make such requests. Further, letters submitted by an applicant resident from a qualified professional having knowledge of the person's disability are acceptable. However, the PHA has a standard Reasonable Accommodation Request form available in order to help expedite these requests.

Response: The PHA will accept this change.

20-4: Paragraph right before Section C

Suggest adding highlighted language just complete the full circle of the RAC process.

> The RAC will review the request to ensure that the request will meet the need identified by the individual with disabilities, and that the request does not create an undue financial or administrative burden on the PHA. The PHA may deny the request and/or present an alternative accommodation that would still meet the need of the person with disabilities. Upon the RAC's determination that the request will meet the need identified by the individual with disabilities, and that the request does not create an undue financial or administrative burden on the PHA, the PHA must grant the applicant or resident's reasonable accommodation request.

Response: The PHA will not make this change. The PHA may grant or deny the applicant or resident's reasonable accommodation request and/or they may present an alternative accommodation.

20-4: Section "Informal Reasonable Accommodation Requests"

Suggest following change:

> When a participant requests a reasonable accommodation that appears, on its face, to be reasonable with regard to the individual's visible disability, staff should handle the request informally. "Informally" means that the request ~~can~~ should be granted with only supervisory review and

approval, without first submitting it to the Reasonable Accommodation Committee (RAC) for review (RAC review will take place after the fact).

Response: The PHA will not make this change. Informally is an unofficial manner therefore it may need to be granted by upper management in certain circumstances.

20-6: Paragraph before Step 2

Suggest following change:

> The form must be returned to the office so that PHA staff can fax the form to the health care professional(s). This will help to maintain the integrity of the third-party verification process that is central to the formal reasonable accommodation process. However, if the individual requesting the reasonable accommodation can provide the PHA with a current letter from a qualified professional (e.g. physician or nurse practitioner) that contains all the relevant information for the PHA to consider the requested accommodation, the letter ~~may~~ must be accepted in place of the PHA's standard form.

Response: The PHA will not make this change since there may be certain circumstances that the request will need further review.

Sacramento Resident Advisory Board

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GIBSON OAKS
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WILLIAM LAND VILLA
SHARP PROPERTIES

August 18, 2021

Sacramento Housing and Redevelopment Agency
801- 12th Street
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RE: 2022 Significant Changes to the PHA Plan, Admissions and Continued Occupancy Plan (ACOP) and Housing Choice Voucher Administrative Plan

We, the Executive Committee of the Sacramento Resident Advisory Board (SRAB), would like to express our support for the 2022 revision to the PHA Annual Plan and the Administrative Plan for the Housing Choice Voucher program for the Housing Authority of the City of Sacramento and the Housing Authority of the County of Sacramento.

Housing Authority staff made presentations to the SRAB and the residents and have garnered the support of the residents. We are aware that the changes would be in the best interest of all involved and would further assist the Housing Authority of the City of Sacramento with the goal of long-term preservation of affordable housing.

For SRAB,

Gale Morgan, President