

March 28, 2019

Housing Authority Board of Commissioners  
Clackamas County

Members of the Board:

Public Hearing on the Proposed 2019-2020 Housing Authority of  
Clackamas County (HACC) Annual Plan

<b>Purpose/Outcomes</b>	A Public Hearing before the Housing Authority Board of Commissioners to review the past performance of HACC, and to review the Proposed 2019-2020 HACC Annual Plan
<b>Dollar Amount and Fiscal Impact</b>	\$13,405,000 for Section 8 Voucher funds, \$2,249,000 in Public Housing funds and \$1,300,000 in Capital Grants Program funds
<b>Funding Source</b>	U.S. Department of Housing and Urban Development No County General Funds are involved.
<b>Duration</b>	Effective July 1, 2019 through June 30, 2020
<b>Previous Board Action</b>	2018-2019 Annual Plan approved by the HACC Board on April 5, 2018 – Resolution No. 1928
<b>Strategic Plan Alignment</b>	<ol style="list-style-type: none"> <li>1. Ensure safe, healthy and secure communities</li> <li>2. Individuals and families in need are healthy and safe</li> <li>3. Grow a vibrant community</li> <li>4. Sustainable and Affordable Housing</li> <li>5. Build public trust through good government</li> </ol>
<b>Contact Person</b>	Jill Smith, HACC Executive Director (503) 742-5336
<b>Contract No.</b>	N/A

**BACKGROUND:**

The Housing Authority of the Health, Housing & Human Services Department request a public hearing on the Proposed 2019-2020 Housing Authority of Clackamas County Annual Plan. This hearing will satisfy a U.S. Department of Housing and Urban Development (HUD) requirement that the public be given an opportunity annually to review the performance of the Housing Authority of Clackamas County and comment on the goals and objectives of the Annual Plan. The Plan includes HACC's policy changes, new goals and activities, and its progress on meeting goals.

HACC's Annual Plan implements the goals and objectives of the 5-Year plan and updates HUD regarding the Housing Authority's policies, rules, and requirements concerning its operations, programs, and services.

Capital Fund Program (CFP) is a grant that HUD provides for the development, modernization, and management of Public Housing. HACC is applying for and seeking Capital Funds in the amount of \$1,300,000 for FY2019.

The Plan meets the following requirements of the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

- The Annual Plan was developed in consultation with the Resident Advisory Board (RAB).
- The RAB is made up of residents from Public Housing and Section 8 programs. The RAB met

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on January 16th, 2019 to review the Plan.

- HACC published a public notice opening the Annual Plan for public review and comments from January 19, 2019 through March 5th, 2019.
- The Plan was available at the HACC Administrative Office, HACC Property Management Offices, Clackamas County Oak Grove Library, and was posted on HACC's website.

The Public Hearing will consist of three parts:


- 1) A review of the past performance of the Housing Authority of Clackamas County;
- 2) A review of the Proposed 2019-2020 HACC Annual Plan; and
- 3) An open discussion period during which citizens may testify on the plan or HACC's programs and actions.

**RECOMMENDATION:**

Staff recommends that the HACC Board take the following actions:

- 1) Hold a Public Hearing to review past performance of the Housing Authority of Clackamas County and to review the proposed 2019-2020 Annual Plan;
- 2) Direct Housing Authority staff to make any changes necessary as a result of the Board's consideration of testimony to the Proposed Plan, and prepare for Board approval of the Final 2019-2020 Annual Plan; and
- 3) Place approval of the 2019-2020 Annual Plan on the HACC Board consent agenda for adoption at a special meeting scheduled for April 4, 2019.

Respectfully submitted,



Richard Swift, Director  
Health, Housing and Human Services

Attachments:

- Proposed 2019-2020 Annual Plan

# **Housing Authority of Clackamas County (HACC)**

**Annual Plan  
2019-2020**



**HACC Executive Director  
Jill Smith**

# Housing Authority of Clackamas County



## Annual Plan 2019-2020

Effective Dates July 1, 2019 – June 30, 2020

# Housing Authority of Clackamas County

## Annual Plan 2019-2020

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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A.	PHA Information.														
A.1	<p><b>PHA Name:</b> <u>Housing Authority of Clackamas County</u> <b>PHA Code:</b> <u>OR001</u>  <b>PHA Type:</b> <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performer  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>07/2019</u>  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Public Housing (PH) Units</b> <u>545</u> <b>Number of Housing Choice Vouchers (HCVs)</b> <u>1,752</u> <b>Total Combined</b> <u>2,297</u>  <b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p><b>Availability of Information.</b> 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.</p> <p><b>PHA Plan, PHA Plan Elements, and Public Hearing Information can be found at the following locations:</b>            1) Housing Authority Administrative Office, 13930 S Gain Street, Oregon City, OR 97045            2) Housing Authority Clackamas Heights Property Management Office, 13900 S Gain Street, Oregon City, OR 97045            3) Housing Authority Hillside Property Management Office, 2889 Hillside Court, Milwaukie, OR 97222            4) Housing Authority Website: <a href="http://www.clackamas.us/housingauthority/plansandreports.html">http://www.clackamas.us/housingauthority/plansandreports.html</a>            5) Clackamas County Public Library located at 16201 S.E. McLoughlin, Oak Grove, OR 97222            6) Resident Advisory Boards Members receive a hard copy of the draft Annual Plan</p> <p><input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="width: 20%;">Participating PHAs</th> <th rowspan="2" style="width: 10%;">PHA Code</th> <th rowspan="2" style="width: 20%;">Program(s) in the Consortia</th> <th rowspan="2" style="width: 20%;">Program(s) not in the Consortia</th> <th colspan="2" style="width: 30%;">No. of Units in Each Program</th> </tr> <tr> <th style="width: 15%;">PH</th> <th style="width: 15%;">HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:					
Participating PHAs	PHA Code					Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program							
		PH	HCV												
Lead PHA:															
B.	Annual Plan Elements														

<p><b>B.1</b></p>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last <b>Annual PHA Plan</b> submission?  Y N  <input checked="" type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs (See Attachment C)  <input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions (See Attached A &amp; B for Policy Changes)  <input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources (See Attachment E)  <input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination  <input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs  <input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention  <input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy  <input checked="" type="checkbox"/> <input type="checkbox"/> Substantial Deviation (See Attachment K)  <input checked="" type="checkbox"/> <input type="checkbox"/> Significant Amendment/Modification (See Attachment K)</p> <p>(b) The PHA must submit its Deconcentration Policy for Field Office Review. See Attachment D</p> <p>(c) If the PHA answered yes for any element, describe the revisions for each element below: See Attachments referenced above</p>
<p><b>B.2</b></p>	<p><b>New Activities.</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?  Y N  <input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.  <input checked="" type="checkbox"/> <input type="checkbox"/> Mixed Finance Modernization or Development  <input checked="" type="checkbox"/> <input type="checkbox"/> Demolition and/or Disposition  <input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance (Section 18 Demolition/Disposition)  <input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD  <input checked="" type="checkbox"/> <input type="checkbox"/> Project Based Vouchers  <input checked="" type="checkbox"/> <input type="checkbox"/> Units with Approved Vacancies for Modernization  <input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants)</p> <p>(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.</p> <p>In 2018, HACC submitted a Section 18 Disposition application for Oregon City View Manor, a 100-unit Public Housing property located at 200 S. Longview Way, Oregon City. HACC plans to continue seeking a Section 18 Disposition for this site in 2019. If approved, HACC will relocated all 100 households using Section 8 vouchers and the assistance of a relocation contractor.</p> <p>Additionally, HACC has submitted a RAD application for our Hillside Park project consisting of a 100-unit Public Housing property located at 2887 SE Hillside Ct, Milwaukie. We anticipate this project may be a good candidate for a Section 18 Disposition application and plan to pursue that application in 2019. If approved, HACC will relocate all 100 households using Section 8 vouchers and the assistance of a relocation contractor.</p> <p>Lastly, HACC has 145 scattered sites throughout Clackamas County. We anticipate working with HUD and submitting a RAD application to begin the process of a Section 18 Disposition application for these sites in 2019. If approved, HACC will relocate all 145 households using Section 8 vouchers and the assistance of a relocation contractor.</p> <p>200 PBV's were approved by HUD for new development and rehabilitation projects. Request for proposals or awards of PBV are yet to be determined based on the Metro Affordable Housing Bond, the Hillside Redevelopment Plan (in initial phase of planning) and other development projects in the very early stages that are hopefully being developed in the next five (5) years. This is consistent with the PHA Plan to modernize, redevelop and demo/disposition) as our PHA Plan is required to align with the County's Consolidated Plan, Fair Housing Plan, Action Plan and Ten-Year Plan to end homelessness.</p> <p>Utilizing funds allocated to the Housing Authority from the Metro Affordable Housing Bond, HACC will expand its development capacity by hiring new staff to direct affordable housing development in the County. In addition to new staff it is anticipated that Metro Bond funds will be used to acquire and rehabilitate a facility in Gladstone that will provide 50 units of SRO Housing for homeless individuals.</p>
<p><b>B.3</b></p>	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p><u>PHA Goal 1: Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing by:</u></p> <input checked="" type="checkbox"/> Applied for and received 55 additional VASH vouchers <input checked="" type="checkbox"/> Applied for and received 41 additional Mainstream vouchers <input checked="" type="checkbox"/> Continuing to leverage private and/or other public funds to create additional housing opportunities <input checked="" type="checkbox"/> Working with a broker to acquire land for new construction of affordable housing <input checked="" type="checkbox"/> Conducted a financial feasibility study for rehabilitation, disposition, or redevelopment of existing Public Housing properties <input checked="" type="checkbox"/> As of 2019, our multi-phase Rental Administration Demonstration (RAD) application for the rehabilitation of Hillside Manor has been approved and the project is moving forward towards rehabilitation closing in 4 <sup>th</sup> quarter 2019. Our Rental Administration Demonstration (RAD) application for the redevelopment of Hillside Park has been submitted and we are awaiting HUD approval. <input checked="" type="checkbox"/> Prepared and submitted a grant to Metro to develop a community plan for the Hillside Park property

- Prepared and submitted a grant to Metro to develop a community plan for the Clackamas Heights property
- Continued planning for the utilization of RAD & Demolition/Disposition Section 18 to improve & increase the number of affordable housing units
- Submitted a Section 18 Demo/Disposition application for Oregon City View Manor. This application is still in process with HUD.
- Rosewood Station is under construction with the first of six buildings scheduled for leasing in May 2019. Total affordable housing is 212 units.
- S.M. (include campus & pleasant) Completed an application and received funding for Veteran's Housing funding for a 24-unit affordable housing development in Oregon City, OR. This project is closing on its construction financing in 1<sup>st</sup> quarter 2019 and will complete construction by 1<sup>st</sup> quarter 2020.
- Provided financing for the development of 28 units of affordable housing in Milwaukie, serving families and veterans as a part of a campus redevelopment for a local nonprofit partner.
- Submitted a HUD Section 108 loan application & received loan approval to fund a variety of affordable housing projects including acquisition, new construction, and rehabilitation. This may include acquisition of property in Gladstone and along Holcomb Blvd. in Oregon City.

Housing Authority of Clackamas County certifies that the RAD conversion complies with all applicable site selection and neighborhood reviews standards and that all applicable procedures have been followed.

PHA Goal 2: Improve access & housing choice for everyone, with a focus on protected classes and single parent households by:

- Provided voucher mobility counseling
- Conducted outreach efforts to potential voucher landlords
- Revised payment standards to reduce the barriers to finding affordable housing
- Continuing our security deposit loan program for Section 8 families
- Provided higher payment standards for families needing ADA units.
- Surveyed and Maintained a list of ADA units within the County to assist families seeking housing
- Awarded project based vouchers to Northwest Housing Alternatives and PEDCOR.

PHA Goal 3: Enforce Fair Housing Laws and Increase public understanding of Fair Housing laws by:

- HACC hosted several free Fair Housing trainings and plans to continue hosting free training
- Strengthened the partnership with Fair Housing Council of Oregon and continued distributing fair housing information
- Continued to partner with Housing Rights & Resources Program
- We offer training at Metro Multifamily and other Landlord Group Meetings on the Benefits of Rental Assistance
- Distributed Fair Housing Videos and Information to landlords participating in Section 8 through Landlord newsletter.
- Continuing to educate clients on Fair Housing Rights & provide Fair Housing brochures at Orientation meetings
- Continued attending State subcommittee meetings on Renters Rights and other nonprofit Renter Rights Advocacy Groups
- Aligned our 5-year plan with the County's 5-year Consolidated Plan & completed the Assessment of Fair Housing plan
- On August 5, 2015, FHEO made findings of non-compliance under Section 504, which covers discrimination based on disability (\*Structural modifications are delayed but in progress). Specifically, FHEO found non-compliance with regulations that require site accessibility and ensure non-discrimination in housing policies and practices, both based on disability. Due to unusual physical constraints, designing ADA compliant driveways has caused substantial delays. However, the final driveway project contract is now executed with completion in March of 2019.

PHA Goal 4: Improve the quality of Housing Authority assisted housing and customer service by:

- Maintained high performer status in Section 8
- Improved the physical environment in our public offices
- Streamlined administrative operations, creating efficiencies and improving customer service
- Implemented a client feedback system to gauge if improvements are needed
- Completed 69 capital fund rehabilitation projects. Twelve of these 69 projects were substantial rehabilitations averaging \$60,000 per unit
- Prepared and submitted a multi-phase Rental Administration Demonstration (RAD) application for the rehabilitation of Hillside Manor and the redevelopment of Hillside Park.
- Developed strategies for cross training staff to ensure we provide the highest level of service to clients we serve
- Attend RAD & LHTC Compliance Trainings for new developments scheduled to come on line in 2020.
- Staff training on Diversity, Equity and Inclusion (DEI) via Meyer Memorial Trust Grant

PHA Goal 5: Improve community quality of life and economic vitality by:

- Partnered with social service agencies to provide services to school aged youth
- Developed stronger partnerships with service providers who assist our elderly and/or disabled residents
- Continued to grow the community gardens program
- Encouraged Resident participation through Resident Associations
- Partnered with County Social Services to staff additional case management, with a focus on eviction prevention
- Installed multiple Security Upgrades at Hillside Manor
- Applied for a Metro Grant to assist in the planning of the Hillside Park redevelopment, envisioned to be a mixed income community offering a variety of housing opportunities along a spectrum of affordability.
- Applied for a Metro Grant to assist in the planning of the Clackamas Heights redevelopment, envisioned to be a mixed income community offering a variety of housing opportunities along a spectrum of affordability.

PHA Goal 6: Promote self-sufficiency and asset development of families and individuals by:

- Continue to partner with local & regional workforce partners to increase the number of employed/under-employed persons in assisted housing
- Partnered with agencies to provide supportive services to increase independence for the elderly and families with disabilities
- Awarded Resident Opportunities Self Sufficiency (ROSS) grant
- Applied for the new Family Self Sufficiency (FSS) grant
- Research and apply for future grants that provide services and enhance residents' quality of life
- Awarded a grant to implement a new credit building program for Public Housing residents.



<b>B.4.</b>	<b>Most Recent Fiscal Year Audit.</b>  (a) Were there any findings in the most recent FY Audit? Y N <input type="checkbox"/> <input checked="" type="checkbox"/> (b) If yes, please describe:
<b>Other Document and/or Certification Requirements.</b>	
<b>C.1</b>	<b>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</b>  <i>Form 50077-ST-HCV-HP, Certification of Compliance with PHA Plans and Related Regulations</i> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
<b>C.2</b>	<b>Civil Rights Certification.</b>  <i>Form 50077-ST-HCV-HP, Certification of Compliance with PHA Plans and Related Regulations</i> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
<b>C.3</b>	<b>Resident Advisory Board (RAB) Comments.</b>  (a) Did the RAB(s) provide comments to the PHA Plan? Y N <input checked="" type="checkbox"/> <input type="checkbox"/> 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.
<b>C.4</b>	<b>Certification by State or Local Officials.</b>  <a href="#">Form HUD 50077-SL</a> , <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i> , must be submitted by the PHA as an electronic attachment to the PHA Plan.
<b>D</b>	<b>Statement of Capital Improvements.</b> Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).
<b>D.1</b>	<b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD. See HUD Form 50075.2 approved by HUD on 10/04/2018.

## Instructions for Preparation of Form HUD-50075-HP Annual Plan for High Performing PHAs

### A. PHA Information. All PHAs must complete this section.

**A.1** Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the public hearing and proposed PHA Plan. ([24 CFR §903.23\(4\)\(e\)](#))

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table. ([24 CFR §943.128\(a\)](#))

### B. Annual Plan.

#### B.1 Revision of PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the "yes" box. If an element has not been revised, mark "no."

**Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA's strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income), (ii) elderly families and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent it pertains to the housing needs of families that are on the PHA's public housing and Section 8 tenant-based assistance waiting lists. ([24 CFR §903.7\(a\)\(1\)](#)) and 24 CFR §903.12(b). Provide a description of the PHA's

strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent it pertains to the housing needs of families that are on the PHA's public housing and Section 8 tenant-based assistance waiting lists. [24 CFR §903.7\(a\)\(2\)\(ii\)](#) and 24 CFR §903.12(b).

**Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions.** Describe the PHA's admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA's policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. [24 CFR §903.7\(b\)](#) Describe the PHA's procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists. [24 CFR §903.7\(b\)](#) A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. [\(24 CFR §903.7\(b\)\)](#) Describe the unit assignment policies for public housing. [24 CFR §903.7\(b\)](#)

**Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. [\(24 CFR §903.7\(c\)\)](#)

**Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. [\(24 CFR §903.7\(d\)\)](#)

**Homeownership Programs.** A description of any homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent that the PHA participates in homeownership programs under section 8(y) of the 1937 Act. [\(24 CFR §903.7\(k\)\)](#) and 24 CFR §903.12(b).

**Safety and Crime Prevention (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. [\(24 CFR §903.7\(m\)\(5\)\)](#)

**Pet Policy.** Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. [\(24 CFR §903.7\(n\)\)](#)

**Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. [\(24 CFR §903.7\(r\)\(2\)\(i\)\)](#)

**Significant Amendment/Modification.** PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. Should the PHA fail to define "significant amendment/modification", HUD will consider the following to be "significant amendments or modifications": a) changes to rent or admissions policies or organization of the waiting list; b) additions of non-emergency public housing CFP work items (items not included in the current CFP Annual Statement or CFP 5-Year Action Plan); or c) any change with regard to demolition or disposition, designation, homeownership programs or conversion activities. See guidance on HUD's website at: [Notice PIH 1999-51](#). [\(24 CFR §903.7\(r\)\(2\)\(ii\)\)](#)

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see [24 CFR 903.2](#). [\(24 CFR §903.23\(b\)\)](#)

**B.2 New Activities.** If the PHA intends to undertake any new activities related to these elements or discretionary policies in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

**Hope VI.** **1)** A description of any housing (including project name, number (if known) and unit count) for which the PHA will apply for HOPE VI; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>. [\(Notice PIH 2010-30\)](#)

**Mixed Finance Modernization or Development.** **1)** A description of any housing (including name, project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>. [\(Notice PIH 2010-30\)](#)

**Demolition and/or Disposition.** Describe any public housing projects owned by the PHA and subject to ACCs (including name, project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm). [\(24 CFR §903.7\(h\)\)](#)

**Conversion of Public Housing.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>. [\(24 CFR §903.7\(j\)\)](#)

**Project-Based Vouchers.** Describe any plans to use HCVs for new project-based vouchers. [\(24 CFR §983.57\(b\)\(1\)\)](#) If using project-based vouchers, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.

**Other Capital Grant Programs** (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

- B.3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.7\(r\)\(1\)](#))
- B.4 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. ([24 CFR §903.7\(p\)](#))

**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.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 SM-HP.
- C.2 Civil Rights Certification.** Form HUD-50077 SM-HP, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. ([24 CFR §903.7\(o\)](#))
- C.3 Resident Advisory Board (RAB) comments.** If the RAB provided comments to the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))
- 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. ([24 CFR §903.15](#))

**D. Statement of Capital Improvements.** PHAs that receive funding from the Capital Fund Program (CFP) must complete this section. ([24 CFR 903.7 \(g\)](#))

- D.1 Capital Improvements.** In order to comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan. PHAs can reference the form by including the following language in Section C. 8.0 of the PHA Plan Template: "See HUD Form 50075.2 approved by HUD on XX/XX/XXXX."

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 16.64 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

**ATTACHMENT A**

**Summary of Proposed Housing Choice Voucher Administrative Plan Policy Changes Effective April 2019**

Chapter	Old Policy Language	New Policy Language	Summary
4	<p><u>HACC Policy</u> Those families that qualify for a preference will be placed on the waiting list above those families who do not qualify for a preference.</p> <p>Families applying from outside of Clackamas County must live in Clackamas County one (1) year with the voucher before being allowed to transfer (port out).</p> <p><b>Elderly, disabled, or displaced single person families will be given preference over other single person families.</b></p> <p>Vouchers will only be issued to those preference families who have not left any type of subsidized housing in bad standing in the last 5 years, do not owe money to any PHA or have any Public Housing or HCV or have program violations that would otherwise exclude them from the program. No Sex Offenders will be allowed to participate in the program.</p> <p>HACC's first priority is to serve its general wait list families. Therefore, HACC will limit the number of families placed as a preference per year to no more than 60 overall. Preferences 1-5 are the top priority to receive vouchers before all other preferences. If Preferences 1-5 require issuance of 60 vouchers then no other preferences will be served in that year. HACC holds the right to close the preference wait list at any time if it needs to in order to serve no less than 60 regular wait list families per year off its wait list.</p>	<p><u>HACC Policy</u> Those households that qualify for a preference will be placed on the waiting list above those who do not qualify for a preference.</p> <p>Households applying from outside of Clackamas County must live in Clackamas County one (1) year with the voucher before being allowed to transfer (port out).</p> <p>Vouchers will only be issued to those who have not left any type of subsidized housing in bad standing in the last 5 years, do not owe money to any PHA or have any EIV program violations that would otherwise exclude them from the program. No Sex Offenders will be allowed to participate in the program.</p> <p>HACC will limit the number of families placed as a preference per year to no more than 60 overall. Preferences 1-5 are the top priority to receive vouchers before all other preferences. If Preferences 1-5 require issuance of 60 vouchers then no other preferences will be served in that year. HACC holds the right to close the preference wait list at any time if it needs to in order to serve no less than 60 regular wait list families per year off its wait list. Preference wait list will be closed for referrals once 60 applications have been received in any given fiscal year.</p> <p>Preferences 6-11 carry the same weight and they will not be aggregated. These households will be served on a first come, first serve based on date and time of placement on the preference wait list. HACC preferences are as follows:</p> <ol style="list-style-type: none"> <li>1. Any family that has had their voucher rescinded due to insufficient program funding will always be served before all other preference or wait list families.</li> </ol>	<p><b>Removed the Elderly, disabled singles over all other singles so that it is strictly serving based on time and date of application.</b></p> <p><b>Added a service requirement for agencies to be able to refer a client for a preference must offer them specialized housing assistance through a Memorandum of Understanding.</b></p> <p><b>Changed preferences to better serve the homeless we are getting through the Coordinated Housing Access System.</b></p>

Preferences 6-14 carry the same weight and they will not be aggregated. These families will be served on a first come, first serve based on date and time of placement on the preference wait list. HACC preferences are as follows:

1. Any family that has had their voucher rescinded due to insufficient program funding will always be served before all other preference or wait list families.
2. Project Based Voucher families that have lived in their unit no less than one year and have requested a Tenant Based Voucher before giving notice to vacate will be issued a voucher before all other preference families can be served.
3. Eligible families displaced from Housing Authority owned units due to rehabilitation work.
4. Other eligible families displaced by the Housing Authority due to the acquisition or sale of property. These families will be allowed to move with debts owed as long as they sign a payment agreement and are current on all payments. These families will only be issued a voucher according to the HCV Occupancy Standard of 2 per room and not based on the PH unit size they currently occupy.
5. Families currently in the Public Housing program who have met the requirements for an emergency or administrative transfer but whose needs cannot be met within the Public Housing program through relocation and are active applicants on the HCV wait list.

2. Project Based Voucher families that have lived in their unit no less than one year and have requested a Tenant Based Voucher before giving notice to vacate will be issued a voucher before all other preference families can be served.

3. Eligible families displaced from Housing Authority owned units due to acquisition or sale of property, demolition or rehabilitation work. This preference may include residents of HACC owned local projects that have to be relocated due to a change in the population to be served at the units, rehabilitation, or sell of units. These families will be allowed to move with debts owed as long as they sign a payment agreement and are current on all payments. These families will only be issued a voucher according to the HCV Occupancy Standard of 2 per room and not based on the unit size they currently occupy.

4. Families currently in the Public Housing program who have met the requirements for an emergency or administrative transfer but whose needs cannot be met within the Public Housing program through relocation and are active applicants on the HCV wait list.

5. HACC Public Housing Families who are under housed or in need of reasonable accommodation that Public Housing cannot accommodate through relocation and are already active applicants on the HCV wait list.

6. Maximum of 33 dedicated vouchers to serve homeless persons per fiscal year (FY) (July 1<sup>st</sup> to June 30<sup>th</sup>). This preference can only come from direct referring agencies that have signed a Memorandum of Understanding (MOU) outlining the services to be offered to those referred. The referrals should have originated off the Coordinated Housing Access (CHA) system and may include the following homeless outreach programs: Bridges to Housing (B2H), Veteran Services Office, Transitional Housing or Rapid Rehousing. These programs must serve families that at time of entry met the definition of homeless

	<p>6. HACC Public Housing Families who are under housed or in need of reasonable accommodation that Public Housing cannot accommodate through relocation and are already active applicants on the HCV wait list.</p> <p>7. Families eligible for 10 vouchers dedicated to referrals from the Bridges to Housing Program and have met the Bridges to Housing Programs participation requirements for at least 6 months and must be in the program at time of voucher issue.</p> <p>8. Families eligible for a maximum of 15 dedicated vouchers per fiscal year (FY) (July 1<sup>st</sup> to June 30<sup>th</sup>) for referrals from an HACC identified transitional housing or Rapid Rehousing programs for homeless families within Clackamas County that offer one-on-one case management for not less than 6 months following the family’s exit from the referring program, have preferably had some type of RentWell or equivalent training, and must pass HACC screening criteria. Vouchers will be distributed first come, first served order. Unused Preference slots do not carry over to the next fiscal year. To qualify the family must be referred by a case manager of a qualified RRH program or Transitional Housing Program within Clackamas County and be able to verify homeless status at time of entering RRH or transitional housing and case manager must offer not less than one year of assistance with housing-related issues.</p> <p>9. Eligible Clackamas County families who have been displaced from their homes by a natural disaster as declared by the Federal, State or County government who have not been eligible for long term assistance including but</p>	<p>and verification of that status can be provided at application. To be referred households must be actively engaged in services at time of voucher issue. Vouchers will be distributed first come, first served order. Unused Preference slots do not carry over to the next fiscal year.</p> <p>7. Maximum of 17 dedicated vouchers within a fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) for families referred by a domestic violence professional counseling organization and/or shelter, for victims of domestic violence that has occurred within the last 12 months and are certified as homeless by the agency and who continue to be in counseling or case management through the referring agency or other professionally recognized counseling organization. Referrals from agencies that have signed an MOU outlining the services to be offered to their referral families will only be accepted. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval. A violation of this certification will be grounds for termination of rental assistance. Applicants will be served on a first come, first served basis. Unused Preference slots do not carry over to the next fiscal year.</p> <p>8. Maximum of 10 dedicated vouchers per year within a fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) for households referred by a pre-approved Permanent Supportive Housing (PSH) provider that has entered into an MOU with HACC and applicant has been deemed by the provider to be in less need for supportive services. The household must be considered a candidate that is graduating off the PSH and that at time of entry into the PSH program were homeless and/or disabled. Unused Preference slots do not carry over to the next fiscal year.</p> <p>9. Shelter Plus Care families may graduate to a regular voucher if the grant changes making them no longer qualify for assistance under the revised grant. For example, if the grant changes to project based and the tenant does not wish to live in a project based unit, they</p>	
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not limited to federal assistance such as Federal Emergency Management Agency (FEMA), State or local government assistance, insurance settlements, or the like, and who face long term homelessness. Those families seeking any compensation or settlement that may come in the future may not apply until all legal recourse has been resolved. Families receiving temporary assistance such as motel vouchers may apply if no other legal negotiation for compensation is under consideration. This preference is limited to 10 Families in a fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) unless new vouchers are granted to cover a particular natural disaster. If at the time more families meet this preference than there are slots available, families will be selected within the preference category based on the date and time of their application to the Housing Authority for housing assistance. Unused Disaster Vouchers do not carry over to the next fiscal year.

10. No more than 17 Families within a fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) who have been referred by Clackamas Women Services Shelter (CWSS), Northwest Housing Alternatives (NHA), Los Niños Cuentan, or other pre-approved HACC domestic violence professional counseling organization and/or shelter, and are identified as victims of domestic within the last 12 months and are certified as homeless by the agency and who continue to be in counseling or case management through the referring agency or other professionally recognized counseling organization. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval. A violation of this certification will be

may qualify for regular voucher. Graduations are at the discretion of the Rent Assistance Program Manager and based on budget availability of regular vouchers.

10. For Mainstream Vouchers only, preference will be given to non-elderly persons with disabilities transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless or at risk of becoming homeless who are referred by an agency with an active MOU to provide supportive services. Families must meet all preference criteria at time of application. Families with Mainstream that stabilize can be graduated to regular vouchers if more preference families are in dire need of housing and regular vouchers become available. Graduations are at the discretion of the Rent Assistance Program Manager and based on budget availability of regular vouchers.

grounds for termination of rental assistance. The domestic violence program or shelter must serve Clackamas County homeless families; provide assigned one-on-one case management to the victim while in emergency or temporary housing; provide six months of follow-up case management upon victim leaving the facility and offer not less than one year of assistance with housing-related issues. Applicants will be served on a first come, first served basis.

11. This preference applies to residents of HACC owned local projects that have to be relocated due to a change in the population to be served at the units, rehabilitation, or sell of units. Residents who qualify may be given a voucher for relocation purposes.
12. No more than 8 annually renewable vouchers (including Project Based Vouchers as qualified on each wait list) for families who are graduating from a Clackamas County rental assistance program that serves homeless and/or disabled military veterans. To qualify the family must meet the definition of a military veteran as defined as: Any person who served for any length of time in any military service branch. The family must also have actively participated in case management and services that meet their disability needs and have shown progress and stabilization in these programs as documented by their case managers. Families must be referred by the Veteran's Administration or Clackamas County Veteran Services.
13. No more than 10 families per year that are elderly (62+) or meet HUD's definition of homeless and disabled that have completed an assessment and been referred by the



	<p>Clackamas County Coordinated Housing Access System formed as part of the Clackamas County Continuum of Care or a Permanent Supportive Housing project within the Continuum of Care. The family must at time of application provide proof homeless status and of age and/or disability status by having a professional verify this status.</p>		
5	<p>A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless HACC has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]</p>	<p>A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless HACC has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]</p> <p><u>HACC Policy</u> If HACC allows a reasonable accommodation to rent from family, the family cannot reside in the unit and must provide proof of not living in the unit such as a legal lease or rental agreement at another unit, utility bills for another unit and/or Deed or Mortgage for another unit.</p>	<p><b>Due to two cases of fraud caught were family members were residing in units we now require proof of other residence by the owner.</b></p>
7	<p><b>7-II.H. VERIFICATION OF PREFERENCE STATUS</b> HACC must verify any preferences claimed by an applicant that determined placement on the waiting list.</p> <p><u>HACC Policy</u> HACC will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding. HACC will verify this preference using HACC’s termination records.</p>	<p><b>7-II.H. VERIFICATION OF PREFERENCE STATUS</b> HACC must verify any preferences claimed by an applicant that determined placement on the waiting list.</p> <p><u>HACC Policy</u> HACC will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding. HACC will verify this preference using HACC’s termination records. Verification of Homeless Status must be verified and documented. Verification of Domestic Violence status must be verified and documented. Verification of Disability status must be verified and documented. Verification of Veteran status will be verified with a DD214.</p>	<p><b>Tightening the verification requirements to meet HUD Audit standard</b></p>

<p>8</p>	<p><u>HACC Policy</u></p> <p>HACC may conduct regular unit inspections every other year for all tenant-based HCV participants unless:</p> <ul style="list-style-type: none"> <li>○ The family had two consecutive failed inspections in the last two years;</li> <li>○ There is a concerning factor regarding inspections or unit status; or</li> <li>○ Family lives in a unit owned or managed by a landlord or property management company with a concerning inspection history.</li> <li>○ HACC will grade units A (Good), B(Fair) and C (Poor) and only A units will be made biennial</li> </ul> <p>As families are admitted onto the program, they may be placed on a biennially inspection schedule. Participants placed on a biennially schedule will remain on that schedule unless a concern arises, or HUD rules change, at which point they will be placed back on an annual schedule until the concern no longer exists.</p> <p>HACC may at any time take photos of units while doing inspections and is strongly encouraged to do so by HUD.</p> <p>HACC is converting from Annual/Biennially inspections tied to Annual Recertification date to inspections based on geographic location. During the initial process, this may mean a client will get more than one inspection in a 12 month period.</p>	<p><u>HACC Policy</u></p> <p>HACC may conduct regular unit inspections every other year for all tenant-based HCV participants unless:</p> <ul style="list-style-type: none"> <li>○ The family had a failed inspections in the prior year;</li> <li>○ There is a concerning factor regarding inspections or unit status; or</li> <li>○ Family lives in a unit owned or managed by a landlord or property management company with a concerning inspection history.</li> </ul> <p>As families are admitted onto the program, they may be placed on a biennially inspection schedule. Participants placed on a biennially schedule will remain on that schedule unless a concern arises, or HUD rules change, at which point they will be placed back on an annual schedule until the concern no longer exists.</p> <p>HACC may at any time take photos of units while doing inspections and is strongly encouraged to do so by HUD.</p> <p>HACC no longer ties Annual/Biennially inspections to Annual Recertification date but rather to be more efficient and reduce travel costs does inspections based on geographic location. In order to facilitate this more efficient process an inspection may be completed later than 12 months but never to exceed 24 months since the last inspection.</p>	<p><b>Loosening the definition of a unit that can convert to Biennial Schedule</b></p>
<p>9</p>	<p><u>HACC Policy</u></p> <p>HACC prefers an initial lease term of at least one (1) year; however, it may approve a shorter initial lease term if the PHA determines that:</p> <ul style="list-style-type: none"> <li>• Such shorter term would improve housing opportunities for tenants;</li> </ul>	<p><u>HACC Policy</u></p> <p>HACC prefers an initial lease term of at least one (1) year; however, it may approve a shorter initial lease term if the PHA determines that:</p>	<p><b>To relieve a barrier to leasing, HACC will agree to lease terms that meet the landlords lease term as long as it doesn't</b></p>

	<ul style="list-style-type: none"> <li>• Such shorter term is the prevailing local market practice; and</li> <li>• A lease term of less than six (6) months must be approved in writing by the Housing Services Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Such shorter term would improve housing opportunities for tenants;</li> <li>• Such shorter term is the prevailing local market practice; and</li> <li>• Lease and HAP Contract end dates will match landlord lease end dates except where landlord lease exceeds 12 months and all HACC leases and contracts must end on the last day of the month.</li> </ul>	<b>exceed 12 months and must end at the end of the month.</b>
10	No prior language existed to deny a move based on the new Security Deposit Loan program.	HACC will deny a family permission to make an elective move if they have outstanding balances on any Security Deposit Loan. The Security Deposit Loan must be paid in full and the Tenant must provide proof from Community Lending Works (CLW).	
11	<u>HACC Policy</u> At the annual reexamination, the PHA will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. The PHA will use the Dru Sjodin National Sex Offender database to verify the information provided by the tenant.	<u>HACC Policy</u> At this time, HACC is asking head of household members to identify if any member of the household has been convicted of a crime in the last 12 months as part of the Annual recertification packet. Family members age 15 and older must sign a Criminal Background release at Annual.	<b>Due to several unreported changes to household composition due to incarceration, HACC is tightening this check on convictions during the year.</b>
19	Old FSS Action Plan had not been updated since 2004 and was not in compliance with grant.	Adopted NanMcKay FSS Action Plan all 68 pages and incorporating into the Administrative Plan as its own Chapter per the grant requirements.	<b>Family Self Sufficiency Program rules and HACC policies for audit and procedural accuracy.</b>

# Attachment A-1

## FSS Action Plan for the Housing Authority of Clackamas County's Family Self-Sufficiency Program

April 2019

**nm**

**Nan McKay**  
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## Chapter 1

### THE FAMILY SELF-SUFFICIENCY PROGRAM AND THE FSS ACTION PLAN

#### INTRODUCTION

This chapter provides an overview of the family self-sufficiency (FSS) program and FSS action plan, including the purpose, organization, and required contents of the FSS action plan.

Part I: The Family Self-Sufficiency (FSS) Program and FSS Action Plan: This part provides an overview of the family self-sufficiency program and the purpose of the FSS action plan.

Part II: Requirements of the FSS Action Plan: This part covers action plan requirements, including development, revision, and contents of the action plan. It also contains information on family demographics, which is part of the required contents of the action plan.

#### PART I: THE FAMILY SELF-SUFFICIENCY (FSS) PROGRAM AND FSS ACTION PLAN

##### 1-I.A. OVERVIEW OF THE FAMILY SELF-SUFFICIENCY PROGRAM

The origins of the FSS program are in two pilot projects implemented in 1986 and 1990, Project Self-Sufficiency and Operation Bootstrap, respectively. These projects were set up to test self-sufficiency programs for families with housing subsidies, and both demonstrated that families needed essential services in order to move toward economic self-sufficiency. These services include child care, transportation, medical care, and long-term education and training.

In the wake of the successful demonstration of these projects, family self-sufficiency became one of the initiatives under the Homeownership and Housing Opportunities for People Everywhere (HOPE) program enacted in 1990, and the FSS program was subsequently created under the National Affordable Housing Act the same year.

FSS built upon and refined both Project Self-Sufficiency and the bootstrap program. It remained a voluntary program in 1991 and 1992, but became mandatory in 1993 for any new increments of funding issued to PHAs. The 1993 regulations were further modified by the Quality Housing and Work Responsibility Act of 1998 (QHWRA).

The purpose of the FSS program is to coordinate housing assistance with public and private resources to enable assisted families to achieve economic self-sufficiency. The purpose and basic requirements of the FSS program are further elaborated upon in Chapter 2.

This family self-sufficiency program is administered by the **Housing Authority of Clackamas County** for the jurisdiction of **Clackamas County**.

### **1-I.B. APPLICABLE REGULATIONS**

Applicable regulations for public housing and HCV FSS programs include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Public Housing Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects—General Provisions
- 24 CFR Part 966: Public Housing Lease and Grievance Procedures
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 984: Section 8 and Public Housing Family Self-Sufficiency Program

### **1-I.C. THE FAMILY SELF-SUFFICIENCY ACTION PLAN**

The family self-sufficiency (FSS) action plan is required by HUD. The purpose of the FSS action plan is to establish policies for carrying out the family self-sufficiency program in a manner consistent with HUD requirements and local goals and objectives contained in the PHA's Agency Plan. This FSS action plan is a supporting document to the PHA Agency Plan, and is available for public review as required by 24 CFR Part 903.

This family self-sufficiency action plan is set forth to define the PHA's local policies for operation of the program in the context of federal laws and regulations. All issues related to FSS not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and other applicable laws. The policies in this FSS action plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

The PHA is responsible for complying with all changes in HUD regulations pertaining to the FSS program. If such changes conflict with this plan, HUD regulations will take precedence.

Administration of the FSS program and the functions and responsibilities of PHA staff shall be in compliance with the PHA's personnel policy and HUD's family self-sufficiency regulations, as well as all public housing and HCV regulations, in addition to federal, state, and local fair housing laws and regulations.

## **PART II. REQUIREMENTS OF THE FSS ACTION PLAN**

### **1-II.A. OVERVIEW**

A PHA must have a HUD-approved action plan before implementing an FSS program, regardless of whether the FSS program is a mandatory or voluntary program. Further, this action plan must comply with the requirements specified for the plan in the regulations [24 CFR 984.201(a)].

The regulatory requirements dealing specifically with the FSS action plan itself largely involve the development, revision, and required contents of the action plan. This part covers those requirements.

### **1-II.B. HUD APPROACH TO POLICY DEVELOPMENT**

In developing policy for the FSS action plan, PHAs need to be aware of the distinction HUD makes between mandatory and discretionary policies.

- *Mandatory policies* are those driven by legislation, regulations, current handbooks, notices, and legal opinions.
- *Discretionary policies* consist of those developed for areas in which the PHA has regulatory discretion, or with regard to optional, nonbinding guidance including guidebooks, notices that have expired, and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory regulations and to make clear the optional policies the PHA has adopted. The PHA's FSS action plan is the foundation of those policies and procedures for the FSS program. HUD's directions require PHAs to make policy choices that provide guidance to staff and consistency to program applicants and participants.

Following HUD guidance, even though it is not mandatory, provides a PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but PHAs should carefully consider those decisions.

## **1-II.C. FSS ACTION PLAN DEVELOPMENT AND REVISION**

### **Development of Action Plan [24 CFR 984.201(b) and (c)]**

When developing an FSS action plan, a PHA must do so in consultation with the chief executive officer of the applicable unit of general local government and the program coordinating committee (PCC).

In addition, a PHA that is establishing its FSS program must submit an action plan to HUD for approval within 90 days after the PHA receives notice from HUD of approval of the PHA's application for funding that establishes the obligation to operate an FSS program. This deadline is required unless the dates are extended by HUD for good cause.

For voluntary FSS programs, the PHA must submit its action plan and obtain HUD approval of the plan before it can implement the FSS program. This includes a voluntary program established because the PHA chose to implement an FSS program that exceeds the minimum size for a mandatory program (see Section 2-II.A. for a discussion of mandatory versus voluntary FSS programs).

### **Single Action Plan [24 CFR 984.201(f)]**

PHAs implementing both a Section 8 FSS program and a public or Indian housing FSS program may submit one action plan. In cases where the PHA decides to submit one plan for more than one program, the policies contained in the action plan would apply to both programs.

#### PHA Policy

The PHA is implementing a Section 8 Housing Choice Voucher FSS program only and will submit one action plan.

### **Revision to the FSS Action Plan [24 CFR 984.201(c)(2)]**

Following HUD's initial approval of the action plan, no further approval of the action plan is required unless the PHA proposes to make policy changes to the action plan or increase the size of a voluntary program, or to revise the FSS action plan as needed to comply with changes in HUD regulations. The PHA must submit any changes to the action plan to HUD for approval.

#### PHA Policy

The PHA will review and update the action plan at least once a year, and more often if needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

## **1-II.D. CONTENTS OF THE PLAN [24CFR 984.201(d)]**

HUD regulations state that there are several components that must be included in the FSS action plan. At a minimum, the action plan must cover the policies and procedures of the PHA for operation of a local FSS program as follows:

- Family demographics, including a description of the number, size, characteristics, and other demographics such as racial and ethnic data, in addition to the supportive service needs of the families expected to participate in the program. (Chapter 1)
- Estimate of participating families, which means the number of families which can reasonably be expected to receive supportive services under the FSS program. (Chapter 2)
- Eligible families from any other local self-sufficiency program who are expected to agree to executing an FSS contract of participation. (Chapter 2)
- A statement of the PHA's FSS family selection procedures, including a description of how the procedures ensure that families are selected without regard to race, color, religion, disability, sex, familial status, or national origin. (Chapter 4)
- A description of the incentives that the PHA intends to offer to families to encourage participation in the FSS program (an incentives plan), including the establishment of the escrow account. (Chapter 4)
- Outreach efforts, which include a description of the PHA's efforts to recruit eligible families, the actions the PHA will take to ensure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known. (Chapter 4)
- A description of the FSS activities and supportive services to be provided by both public and private resources to FSS families, and identification of these public and private resources. (Chapter 4)
- A description of the PHA's method for identifying family support needs, including how the PHA will identify the needs and deliver the services. (Chapter 4)
- A description of the PHA's policies regarding program termination or withholding of services on the basis of a family's failure to comply with the FSS contract, and available grievance procedures. (Chapter 5)
- Assurances of noninterference with rights of non-participating families which state that a family's election to not participate in the FSS program will not affect the family's admission to the public housing or HCV program, nor will it affect their right to occupancy in accordance with its lease. (Chapter 4)

- Timetable for program implementation, including the schedule for filling FSS slots with eligible families. (Chapter 2)
- Certification of coordination, which is a certification that the development of services and activities under the FSS program has been coordinated with the Workforce Investment Act (formerly JTPA), Workforce Investment Board and One Stop Centers (formerly JOBS program), and any other relevant employment, child care, transportation, training, and education programs in the applicable area, and that implementation will continue to be coordinated, in order to avoid duplication of services and activities. (Chapter 4)
- Optional additional information, which involves such other information that would help HUD determine the soundness of the PHA's proposed FSS program. (All Chapters)



### 1-II.E. FAMILY DEMOGRAPHICS [24 CFR 984.201(d)(1)]

As part of the required contents of the FSS action plan, family demographics of the housing choice voucher and public housing program participants serve to provide a description of the number, size, characteristics, and other descriptive data (including racial and ethnic data of those participants). These data may later be used to help the housing authority and the program coordinating committee (PCC) to identify supportive service needs of the families expected to participate in the FSS program.

<b>Housing Choice Voucher/ Public Housing</b>	<b>Total Families</b>	<b>Percent of Total</b>
<b>All Families</b>	<b>1566</b>	
Single	708	45%
Female HOH	1218	78%
Male HOH	348	22%
<b>Race</b>		
White	1415	90%
Black/African American	102	7%
American Indian/Alaska Native	51	3%
Asian	20	1%
Native Hawaiian/Other Pacific Islander	11	1%
<b>Ethnicity</b>		
Hispanic or Latino	115	7%
Not Hispanic or Latino	1451	93%
<b>Income</b>		
Extremely Low-Income	1264	81%
Very Low-Income	224	14%
Low-Income	70	4%
HOH Income from Wages	370	24%
Other Member Income from Wages	134	9%
HOH Income from TANF	176	11%
Other Member Income from TANF	9	1%
HOH Income from SSI	465	30%
Other Member Income from SSI	84	5%
<b>Number of Children</b>		
0	991	63%
1-2	406	26%
3-4	143	9%
5 or more	26	2%

<b>Total Number of Family Members</b>		
1-2	1101	70%
3-4	336	21%
5 or more	129	8%
<b>Persons with Disabilities</b>		
HOH Person w/ Disabilities (HUD)	829	53%
Family Members w/ Disabilities	140	9%

## Chapter 2

### PURPOSE, SCOPE, AND APPLICABILITY OF THE FAMILY SELF-SUFFICIENCY PROGRAM

#### INTRODUCTION

This chapter contains information about the FSS program's purpose, size, and measurable objectives as well as information on program operation. This includes potential participant demographics, the program timetable, the number of families to be served, and the size of the PHA's voluntary FSS program. This chapter also contains definitions of the key terms in this FSS action plan.

Part I: The Purpose and Basic Requirements of the FSS program: This part includes a description of the purpose of the FSS program on a national level—its intent, goal, and major strategies.

Part II: The Scope of the FSS program: This part contains information about the size of the PHA's FSS program, an estimate of participating families, eligible families from other self-sufficiency programs, and eligibility for combined FSS programs.

Part III: Program Operation: This part specifies the requirements for FSS program operation, including the deadlines for program start-up and when the PHA is expected to have attained full enrollment.

Part IV: The Definitions of Terms Used in the PHA's FSS program: This section contains both HUD and PHA definitions for terms used in this policy document.

## **PART I: PURPOSE AND BASIC REQUIREMENTS OF THE FSS PROGRAM**

### **2-I.A. PURPOSE**

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the housing choice voucher program with public and private resources enabling families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency [984.101(a)(1)].

In addition to this broader national goal of the FSS program, the PHA also establishes a local goal consistent with the PHA's mission statement to serve as a guide for establishing policy and implementing the FSS program.

#### PHA Policy

The PHA's local goal in operating this FSS program is to match housing-assisted families with a broad range of highly collaborative existing community services to assist FSS families in achieving economic self-sufficiency. *Economic self-sufficiency* is defined as having the sustainable skills necessary to maintain employment paying a "living wage." This wage would pay for the family's basic needs without the use of government subsidies.

### **2-I.B. PROGRAM OBJECTIVES [24 CFR 984.102]**

In order to reach the FSS national program goal, HUD has defined its FSS program objective as to reduce the dependency of low-income families on welfare assistance and on Section 8, public, or any federal, state, or local rent or homeownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance while living in assisted housing so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. As with the goals of the program, FSS program objectives are defined on the national level through FSS regulation, and on the local level by PHA policy.

#### PHA Policy

On the local level, the PHA will achieve the national program objective by offering low-income families a broad range of services through partnering with the program coordinating committee (PCC). These services will provide long-term education, job training, counseling, and other forms of social service assistance so that families may achieve economic self-sufficiency, as defined in Section 2-I.A. of this document.

### **2-I.C. BASIC REQUIREMENTS OF THE FSS PROGRAM [24 CFR 984.104]**

An FSS program established under 24 CFR Part 984 must operate in conformity with the regulations and this FSS action plan (as required in 24 CFR 984.201), provide comprehensive supportive services (as defined in 24 CFR 984.103), and operate in compliance with nondiscrimination and equal opportunity requirements.

## **PART II: SCOPE OF THE FSS PROGRAM**

### **2-II.A. PHAS REQUIRED TO OPERATE AN FSS PROGRAM**

Each PHA that received funding for public housing units under the FY 1991 and FY 1992 FSS incentive award competitions must operate a public housing FSS program. Each PHA that received funding for Section 8 rental certificates or vouchers under the combined FY 1991/1992 FSS incentive award competition also must operate a Section 8 FSS program.

In addition, unless the PHA receives an exemption under 24 CFR 984.105, each PHA for which HUD reserved funding (budget authority) for additional rental certificates or vouchers in FY 1993 through October 20, 1998, must operate a Section 8 FSS program. Each PHA for which HUD reserved funding (budget authority) to acquire or construct additional public housing units in FY 1993 through October 20, 1998, must operate a public housing FSS program as well.

#### **Mandatory Minimum Program Size (MMPS) [24 CFR 984.105]**

PHAs that must operate an FSS program under 24 CFR 984.101 are subject to a minimum program size requirement.

In public housing, a PHA's FSS program minimum program size is determined by adding the total number of public housing units reserved in FY 1991 and FY 1992 under the FSS incentive award competitions to the number of public housing units reserved in FY 1993 through October 20, 1998, and subtracting the number of families that have graduated from the PHA's public housing FSS program on or after October 21, 1998, by fulfilling their FSS contract of participation obligations.

In the housing choice voucher program, a PHA's FSS program minimum program size is determined by adding the number of HCV program units reserved under the combined FY 1991/1992 FSS incentive award competition to the number of additional rental voucher units reserved in FY 1993 through October 20, 1998, (not including the renewal of funding for units previously reserved) then subtracting the units that are excluded from minimum program size and subtracting the number of families who have graduated from the PHA's Section 8 FSS program on or after October 21, 1998, by fulfilling their contract of participation obligations.

Further, when determining the Section 8 FSS program size for funding reserved in FY 1993 through October 20, 1998, the PHA must exclude funding for families affected by termination, expiration, or owner opt-out under Section 8 project-based programs; funding for families affected by demolition or disposition of a public housing project or replacement of a public housing project; funding for families affected by conversion of assistance from the Section 23 leased housing or housing assistance payments programs to the housing choice voucher program; funding for families affected by the sale of a HUD-owned project; and funding for families affected by the prepayment of a mortgage or voluntary termination of mortgage insurance.

### PHA Minimum Program Size

The PHA has already met its FSS MMPS.

#### ***Maintaining Mandatory Minimum Program Size***

Although the discretion to do so ultimately rests with the PHA, mandatory minimum program size can decrease as FSS participants graduate. Per the regulation, for each family that graduates from the program by fulfilling its FSS contract of participation on or after October 21, 1998, the mandatory minimum program size for a PHA's public housing or housing choice voucher FSS program is reduced by one slot. However, If an FSS slot is vacated by a family that has not completed its FSS contract of participation obligations, the slot must be filled by a replacement family which has been selected in accordance with the FSS family selection procedures [24 CFR 984.105(b)(3)].

#### ***Option to Operate Larger FSS Program***

A PHA may choose to operate an FSS program of a larger size than the minimum required by HUD [24 CFR 984.105(a)(3)].

### PHA Policy

The PHA has no mandatory minimum program size and operates a voluntary FSS program of **75** families.

### ***Exception to Program Operation [24 CFR 984.105(c)]***

The requirement to establish and carry out a public housing or a housing choice voucher FSS program may be waived with approval from HUD. In order to waive the requirement, the PHA must provide a certification to HUD that the establishment and operation of an FSS program is not feasible because of a lack of accessible supportive services funding, including lack of the availability of programs under JTPA or JOBS; a lack of funding for reasonable administrative costs; a lack of cooperation by other units of state or local government; or a lack of interest in participating in the FSS program on the part of eligible families.

An exception will not be granted if HUD determines that local circumstances do not preclude the PHA from effectively operating an FSS program that is smaller than the minimum program size.

### ***Reduction in Program Size***

Rather than a full exception to program operation, a PHA may also be permitted to operate a public housing or a housing choice voucher FSS program that is smaller than the minimum program size. As with the full exception, HUD may grant the PHA such a partial exception if the PHA provides to HUD a certification that the operation of an FSS program of the minimum program size is not feasible because of a decrease in or lack of accessible supportive services [24 CFR 984.105(d)].

### ***Expiration of Exception***

The approval for a full or partial exception to the FSS minimum program size requirement expires three years from the date of HUD approval of the exception. If a PHA seeks to continue an exception after its expiration, the PHA must submit a new request and a new certification to HUD for consideration [24 CFR 984.105(e)].

## **2-II.B. ESTIMATE OF PARTICIPATING FAMILIES [24 CFR 984.201(d)(2)]**

The PHA must state the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program based on available and anticipated federal, tribal, state, local, and private resources

### Estimate of Eligible Families

50-75 eligible FSS families can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated federal, tribal, state, local, and private resources.

## **2-II.C. ELIGIBLE FAMILIES FROM OTHER SELF-SUFFICIENCY PROGRAMS [24 CFR 984.201(d)(3)]**

If applicable, the PHA must enter the number of families, by program type, who are participating in any other local housing self-sufficiency program who are expected to agree to execute an FSS contract of participation.

### PHA Policy

The PHA does not operate other self-sufficiency programs and therefore no additional families from other programs are expected to execute an FSS contract of participation.

## **2-II.D. ELIGIBILITY OF A COMBINED PROGRAM [24 CFR 984.201(e)]**

A PHA that wishes to operate a joint FSS program with other PHAs may combine its resources with one or more PHAs to deliver supportive services under a joint action plan that will provide for the establishment and operation of a combined FSS program that meets the requirements of this part.

### PHA Policy

The PHA will not combine its resources with any other PHA to deliver support services, have a joint action plan, or establish or operate a combined FSS Program.



## **PART III: PROGRAM OPERATION**

### **2-III.A. OVERVIEW**

Federal regulations specify requirements for FSS program operation regarding deadlines for program start-up and when the PHA is expected to have attained full enrollment. A timetable illustrating when the PHA intends to meet these deadlines is included as part of the required contents of the action plan.

### **2-III.B. PROGRAM IMPLEMENTATION DEADLINE**

The deadlines for program implementation differ depending on whether the FSS program is voluntary or mandatory.

#### **Voluntary Program [24 CFR 984.301(a)(1)]**

There is no deadline for implementation of a voluntary program. However, a voluntary program may not be implemented before the requirements specified in 24 CFR 984.201 have been satisfied (see Sections 1-II.A.–1-II.D.).

#### **Mandatory Program [24 CFR 984.301(a)(2)]**

For mandatory FSS programs, operation of a local FSS program must begin within 12 months of HUD's approval of funding that establishes the obligation to operate an FSS program. *Operation* means that activities such as outreach, participant selection, and enrollment have begun. Full delivery of the supportive services to be provided to the total number of families required to be served under the program need not occur within this 12 months, but must occur within two years (see Section 2-III.C.).

### **2-III.C. FULL ENROLLMENT AND DELIVERY OF SERVICE [24 CFR 984.301(a)(2)(ii)]**

Unless the PHA is implementing a voluntary FSS program, the PHA must have completed enrollment of the total number of families required to be served under the program (based on the minimum program size), and must have begun delivery of the supportive services within two years from the date of notification of approval of the application for *new public housing units* for a public housing FSS program, *new rental certificates or rental vouchers* for a Section 8 FSS program, or HUD's approval of funding that establishes the obligation to operate an FSS program.

**2-III.D. EXTENSION OF PROGRAM DEADLINES FOR GOOD CAUSE**  
**[24 CFR 984.301(a)(2)(iii)]**

HUD may extend the deadline for program implementation if the PHA requests an extension and HUD determines that despite best efforts on the part of the PHA, the development of new public housing units will not occur within the required deadlines, the commitment by public or private resources to deliver supportive services has been withdrawn, the delivery of such services has been delayed, or other local circumstances warrant an extension of the required deadlines.

**2-III.E. TIMETABLE FOR PROGRAM IMPLEMENTATION [24 CFR 984.201(d)(ii)]**

A timetable for implementation of the FSS program is part of the required contents of the FSS action plan. The timetable must comply with the requirements in 24 CFR 984.301 (see Section 2-III.B.–2-III.D.), including the schedule for filling FSS slots with eligible FSS families.

PHA Policy

The PHA implemented its FSS program and has met its former timetable deadlines.

## PART IV: DEFINITIONS

### 2-IV.A. DEFINITIONS [24 CFR 984.103]

The terms *1937 Act*, *fair market rent*, *HUD*, *low-income family*, *public housing*, *public housing agency (PHA)*, *secretary*, and *Section 8*, as used in this document are defined in the 24 CFR Part 5.

The term *very low-income family* is defined in 24 CFR 813.102 and 24 CFR 913.102.

The terms used in this document have the following definitions as defined by 24 CFR 984.103 and this family self-sufficiency action plan.

*Certification* means a written assertion based on supporting evidence, provided by the FSS family or the PHA, which must be maintained by the PHA in the case of the family's certification, or by HUD in the case of the PHA's certification; made available for inspection by HUD, the PHA, and the public, as appropriate; and be deemed to be accurate, unless the secretary or the PHA determines otherwise after inspecting the evidence and providing due notice and opportunity for comment.

*Chief executive officer (CEO)* means the CEO of a unit of general local government who is the elected official or the legally designated official having primary responsibility for the conduct of that entity's governmental affairs.

*Contract of participation (COP)* means a contract in a form approved by HUD, entered into between a participating family and a PHA operating an FSS program that sets forth the terms and conditions governing participation in the FSS program. The contract of participation includes all individual training and services plans entered into between the PHA and all members of the family who will participate in the FSS program, and which plans are attached to the contract of participation as exhibits. For additional detail, see 24 CFR 984.303.

*Earned income* means income or earnings included in annual income from wages, tips, salaries, other employee compensation, and self-employment. Earned income does not include any pension or annuity, transfer payments, any cash or in-kind benefits, or funds deposited in or accrued interest on the FSS escrow account established by a PHA on behalf of a participating family.

*Effective date of contract of participation* means the first day of the month following the month in which the FSS family and the PHA entered into the contract of participation.

*Eligible families* for the public housing FSS program means current residents of public housing, and for the housing choice voucher FSS program, means current housing choice voucher program participants. Eligible families also include current residents of public housing and participants in the housing choice voucher program who are participants in other local self-sufficiency programs.

*Enrollment* means the date that the FSS family entered into the contract of participation with the PHA.

*Family self-sufficiency program or FSS program* means the program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the 1937 Act.

*FSS account* means the FSS escrow account authorized by section 23 of the 1937 Act.

*FSS credit* means the amount credited by the PHA to the participating family's FSS account.

*FSS family or participating family* means a family that resides in public housing or receives assistance under the rental voucher programs that elects to participate in the FSS program and whose designated head of the family has signed the contract of participation.

*FSS-related service program* means any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of *supportive services*.

*FSS slots* refer to the total number of public housing units or the total number of rental vouchers that comprise the minimum size of a PHA's respective public housing FSS program or HCV FSS program.

*FY* means federal fiscal year (starting with October 1, and ending September 30, and designated by the calendar year in which it ends).

*Head of FSS family* means the adult member of the FSS family who is the head of the household for purposes of determining income eligibility and rent.

*Housing subsidies* means assistance to meet the costs and expenses of temporary shelter, rental housing, or homeownership, including rent, mortgage, or utility payments.

*Individual training and services plan (ITSP)* means a written plan that is prepared for the head of the FSS family and each adult member of the FSS family who elects to participate in the FSS program, by the PHA in consultation with the family member, and which sets forth the supportive services to be provided to the family member, the activities to be completed by that family member, and the agreed upon completion dates for the services and activities. Each ITSP must be signed by the PHA and the participating family member, and is attached to and incorporated as part of the contract of participation. An ITSP must be prepared for the head of the FSS family.

***JTPA means the Job Training Partnership Act (29 U.S.C. 1579(a)) now known as the Workforce Investment Act or WIA***

### **Knowledgeable professional**

#### PHA Policy

*Knowledgeable professional* means a person who is knowledgeable about the situation, competent to render a professional opinion, and is not in a position to gain, monetarily or otherwise, from the PHA FSS program decision in the area to which they are certifying.

*Participating family* is defined as *FSS family* in this section.

*Program coordinating committee (PCC)* means the committee described in 24 CFR 984.202.

*Public housing* means housing assisted under the 1937 Act, excluding housing assisted under Section 8 of the 1937 Act.

*Self-sufficiency* means that an FSS family is no longer receiving Section 8, public, or Indian housing assistance, or any federal, state, or local rent or homeownership subsidies or welfare assistance. Achievement of self-sufficiency, although an FSS program objective, is not a condition for receipt of the FSS account funds.

*Supportive services* mean those appropriate services that a PHA will make available or cause to be made available to an FSS family under a contract of participation. These may include child care of a type that provides sufficient hours of operation and serves an appropriate range of ages; transportation necessary to enable a participating family to receive available services or to commute to their places of employment; remedial education; education for completion of secondary or post-secondary schooling; job training, preparation, and counseling; job development and placement; and follow-up assistance after job placement and completion of the contract of participation; substance/alcohol abuse treatment and counseling; training in homemaking and parenting skills; household management; money management; counseling regarding homeownership or opportunities available for affordable rental and homeownership in the private housing market (including information on an individual's rights under the Fair Housing Act) and money management; and any other services and resources, including case management and reasonable accommodations for individuals with disabilities, that the PHA may determine to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency.

*Unit size* or *size of unit* refers to the number of bedrooms in a dwelling unit.

*Welfare assistance* means (for purposes of the FSS program only) income assistance from federal or state welfare programs and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance does not include nonrecurrent, short-term benefits that are designed to deal with a specific crisis situation or episode of need, or are not intended to meet recurrent or ongoing needs and will not extend beyond four months; work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training); supportive services such as child care and transportation provided to families who are employed; refundable earned income tax credits; contributions to, and distributions from, individual development accounts under TANF; services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Social Security Act, to an individual who is not otherwise receiving assistance; amounts solely directed to meeting housing expenses; amounts for health care; food stamps and emergency rental and utilities assistance; and SSI, SSDI, or social security.

## Chapter 3

### PROGRAM ADMINISTRATION

#### INTRODUCTION

This chapter discusses administrative policies and practices as they are relevant to the activities covered in this plan. The policies and practices are discussed in two parts:

Part I: Staffing, Fees and Costs, and On-Site Facilities: This part describes identifying appropriate staff and contractors to operate the FSS program and provide the necessary direct services to FSS families. In addition, it describes how administrative fees, costs, and supportive services will be funded, and defines the use of on-site facilities.

Part II: The Program Coordinating Committee: This part covers the establishment of a program coordinating committee (PCC), which is a regulatory requirement for the FSS program. It describes required and recommended PCC membership, in addition to the option for an alternative committee.

## **PART I. STAFFING, FEES AND COSTS, AND ON-SITE FACILITIES**

### **3-I.A. OVERVIEW**

Several functions of program administration are crucial to running an FSS program. A PHA may need to employ a program coordinator, or decide to contract with another organization to administer the program. In addition to staffing issues, PHAs should understand how program funding and expenses work in order to keep the program running smoothly. Finally, PHAs need to sort out whether and how to make common areas or unoccupied units to provide supportive services.

### **3-I.B. PROGRAM ADMINISTRATION STAFF AND CONTRACTORS [24 CFR 984.301(b)]**

PHAs have the choice between hiring their own staff and contracting with an outside organization to administer their FSS program. If the PHA should choose to employ its own staff, the staffing levels should be appropriate, and may include one or more FSS coordinators. If the PHA chooses to contract with an outside organization, the organization's staffing levels must likewise be appropriate to establish and administer the FSS program, and the organization's responsibilities would include managing the FSS account in accordance with federal regulations.

#### PHA Policy

The PHA will employ appropriate staff, including one or more FSS coordinators or program coordinators to administer its FSS program.

### **3-I.C. ADMINISTRATIVE FEES AND COSTS**

In the past, the ways in which administrative fees and costs were funded were different for public housing and housing choice voucher FSS programs, and the use of such funding was restricted to the applicable program. In the Consolidated Appropriations Act of 2014, however, funding streams for the PH FSS and HCV FSS programs were combined, and all FSS funding is now awarded through one NOFA. Use of this funding is no longer restricted to the applicable program—funding now may be used to serve both PH and HCV FSS participants.

Funding will be awarded through a Grant Agreement and disbursed through HUD's Line of Credit Control System (LOCCS), similar to previous PH FSS awards; instead of an amendment to the PHA's Annual Contributions Contract (ACC), which was previously used for HCV awards.

PH FSS and HCV FSS funds awarded in prior years are still restricted to the applicable program, Rental Assistance Demonstration (RAD) programs excepted. Funding differences regarding previous years' funding is specified below.

#### **Public Housing FSS Program**

For public housing FSS programs, the performance funding system (PFS), provided under section 9(a) of the 1937 Act provides for the reasonable and eligible administrative costs that the PHA incurs in carrying out the program only when funds have been appropriated. However, a PHA may use other resources for this purpose [24 CFR 984.302(a)].

In other words, the PHA may fund reasonable and eligible administrative costs in the FSS program from the Operating Fund. However, these expenses will only be reimbursed in the operating subsidy when a current appropriations act allows it. In addition, the PHA may fund reasonable and eligible administrative costs from the Capital Fund. Administrative staffing costs may also be funded through HUD or other grant or foundation sources. This includes FSS Coordinator grants when available.

#### **Housing Choice Voucher FSS Program**

In the housing choice voucher program, administrative fees are paid to PHAs for HUD-approved costs associated with the operation of an FSS program. These administrative fees are established by Congress and subject to appropriations [24 CFR 984.302(b)].

In addition, administrative fees for HUD-approved costs not specifically related to the operation of the FSS program may be used to cover these costs associated with the administration of FSS [see Notice PIH 93-24 E-7 and E-8].



### **3-I.D. SUPPORTIVE SERVICES FEES AND COSTS**

As with administrative fees and costs, funding for supportive services fees and costs are now combined under one funding stream. Supportive services fees and costs include childcare expenses, transportation funds, and the costs of training, work equipment, or GED classes, among others. As with administrative fees and costs, funding will be awarded through a Grant Agreement and disbursed through HUD's Line of Credit Control System (LOCCS), similar to previous PH FSS awards; instead of an amendment to the PHA's Annual Contributions Contract (ACC), which was previously used for HCV awards. Remember, however, that funds awarded in prior years are still restricted to the applicable program. Information for funds under previous years' awards follows.

#### **Public Housing Supportive Services**

In public housing, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from either the Operating Fund or the Capital Fund. However, in the Operating Fund, the costs of FSS supportive services are only reimbursed through the operating subsidy when appropriations allow it.

In addition to the Operating Fund and Capital Fund, public housing supportive services can also be funded through HUD grants, other than FSS coordinator grants, when available.

#### **Housing Choice Voucher Supportive Services**

In the housing choice voucher program, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from unrestricted net assets [see Notice PIH 93-24, E-3].

In addition, the PHA may seek additional funds from HUD through submitting grant applications, or seek grants from other sources when available.

### **3-I.E. ON-SITE FACILITIES**

Each PHA may, subject to the approval of HUD, make available and utilize common areas or unoccupied dwelling units in public housing projects to provide supportive services under an FSS program. This includes using such areas for participants in a housing choice voucher FSS program.

#### PHA Policy

The PHA will make the Administration Building and any other conference areas located on Public Housing property available to provide supportive services under the Housing Authority of Clackamas County's FSS program.

## **PART II: PROGRAM COORDINATING COMMITTEE**

### **3-II.A. OVERVIEW**

As another integral part of FSS program administration, each participating PHA must establish a program coordinating committee (PCC) whose functions will be to assist the PHA in securing commitments of public and private resources for the operation of the FSS program within the PHA's jurisdiction, including assistance in developing the action plan and in implementing the program [24 CFR 984.202(a)].

The PCC must consist of certain members, which are dependent upon whether the PHA is operating a public housing or housing choice voucher program. In addition to these required members, the PCC may also include additional members recommended by regulation.

### **3-II.B. PROGRAM COORDINATING COMMITTEE MEMBERSHIP**

#### **Required PCC Membership [24 CFR 984.202(b)(1)]**

For a public housing FSS program, the PCC members required consist of representatives of the PHA and public housing residents. The public housing resident representatives on the PCC will be solicited from one or more of the following groups:

- An area-wide or city-wide resident council
- If the PHA will be transferring FSS participants to vacant units in a specific public housing development, the resident council or resident management corporation of the public housing development where the public housing FSS program is to be carried out
- Any other public housing resident group that the PHA believes is interested in the FSS program and would contribute to the development and implementation of the FSS program

For a housing choice voucher FSS program, the PCC membership must consist of representatives of the PHA and participants of the HCV program or HUD's public or Indian housing programs.

#### PHA Policy

The PHA's representative to the program coordinating committee will be the FSS coordinator.

### **Recommended PCC Membership [24 CFR 984.202(b)(2)]**

Membership on the PCC also may include representatives of the unit of general local government served by the PHA, local agencies (if any) responsible for carrying out employment training programs or programs funded under the Workforce Investment Act, and other organizations, such as other state, local, or tribal welfare and employment agencies, public and private education or training institutions, child care providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.

#### PHA Policy

The PHA's FSS program coordinating committee membership will include leadership from the following organizations:

HACC

Department of Human Services

Clackamas Community College

Work Force/Work Source

### **3-II.C. ALTERNATIVE PCC COMMITTEE [24 CFR 984.202(c)]**

It is also possible for the PHA, in consultation with the chief executive officer of the unit of general local government served by the PHA, to use an existing entity as the PCC, as long as the membership of the existing entity consists or will consist of the individuals required by regulation (See section 3-II.B. above).

#### PHA Policy

The PHA will utilize an existing entity, Workforce and Housing Collaborative as its program coordinating committee.

## Chapter 4

### SELECTING AND SERVING FSS FAMILIES

#### INTRODUCTION

FSS regulations require that the PHA include in its action plan a statement indicating how it will select families for participation in the FSS program. This includes outreach, waiting list management, and other selection procedures. When followed, the PHA's selection procedures ensure that families will be selected without regard to race, color, religion, sex, handicap, familial status, or national origin.

Once selected for participation in the FSS program, families are to be provided various activities and supportive services so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. A description of such activities and supportive services is also a requirement of the FSS action plan.

This chapter contains three parts:

Part I: Incentives, Outreach, and Assurance of Noninterference: This part describes the incentives the PHA will offer and the outreach efforts the PHA will use in order to encourage participation and recruit eligible families for the FSS program. It also contains the required assurance of noninterference with the rights of nonparticipating families.

Part II: Family Selection: This part covers whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so. In addition, this part describes the selection factors the PHA will use in screening families for participation in the FSS program.

Part III: Activities and Support Services: This part lists the activities and supportive services to be provided to families through both public and private resources, describes the method the PHA will use to identify family support needs, and covers the required certification of coordination.

## **PART I. INCENTIVES, OUTREACH, AND ASSURANCE OF NONINTERFERENCE**

### **4-I.A. OVERVIEW**

The FSS program offers incentives such as the FSS escrow account, case management, and other supportive services that not only encourage participation, but also help families achieve self-sufficiency. In addition to encouraging program participation through such incentives, PHAs also conduct outreach to recruit FSS participants from among eligible families. As part of this process, families need to know that their choice as to whether to participate in the FSS program will not affect their admission to the public housing or housing choice voucher programs, nor will it affect their right to occupancy. This part describes the PHA's policies regarding these issues, all of which are required aspects of the FSS action plan.

### **4-I.B. INCENTIVES FOR PARTICIPATION [24 984.201(d)(5)]**

By regulation, the FSS action plan must include a PHA's incentives plan—a description of the incentives that the PHA intends to offer eligible families to encourage their participation in the FSS program. The incentives plan provides for the establishment of the FSS escrow account and any other incentives designed by the PHA

#### PHA Policy

The PHA will offer the following services to its FSS participants as incentives to participate in FSS:

<b>Incentive</b>	<b>Provided By</b>
FSS escrow account	HACC
Case management	FSS Coordinator
Information on and referrals to services	FSS Coordinator

**4-I.C. OUTREACH EFFORTS [24 CFR 984.201(d)(6)(i)(ii)]**

In addition to offering incentives for FSS participation, PHAs also conduct outreach in order to recruit more FSS participants from eligible families. The FSS action plan must include a description of these efforts to recruit FSS participants, including notification and outreach, the actions the PHA will take to assure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known.

PHA Policy

The PHA will notify eligible families about the FSS program using the following outreach locations, activities, methods, and languages, where appropriate. These points of contact and methods have been selected to ensure that both minority and nonminority groups are informed about the FSS program.

<b>Location/Activity</b>	<b>Staff/Partner</b>	<b>Method</b>	<b>Language</b>
Briefings/Orientations	PHA Staff Specialist	Flyer Presentation	English; interpreters provided if needed
Interims/Recertifications	PHA Staff Specialist	Flyer Posters Presentation Referral Form	English; methods can be translated if needed
Transfers/Portability	PHA Staff Specialist	Flyer Posters Presentation Referral Form	English; discussed during intake with interpreter if needed
Lobby	PHA Staff Receptionist	Flyer Posters Referral Form Video	English; methods can be translated if needed

#### **4-I.D. ASSURANCE OF NONINTERFERENCE WITH THE RIGHTS OF NONPARTICIPATING FAMILIES [24 CFR 984.201(d)(10)]**

A family's housing assistance or admission into assisted housing should never depend on whether they choose to participate in the FSS program, and PHAs need to make this known as part of the recruitment process. For this reason, the PHA's action plan must include an assurance that a family's decision to not participate in the FSS program will not affect the family's admission to the public housing or housing choice voucher programs, nor will it affect the family's right to occupancy in accordance with the lease.

##### PHA Policy

Participation in the FSS program is strictly voluntary. HCV program participants will be notified in all literature and media presentations related to the FSS program that should they decide not to participate in the FSS program it will not affect their HCV housing assistance. This material will also specify that the family will retain the right to occupancy according to their lease and family obligations contract.

## **PART II. FAMILY SELECTION**

### **4-II.A. OVERVIEW**

The FSS action plan is required to contain a statement indicating the procedures for selecting families for FSS program participation, including a description of how the PHA will do so without regard to race, color, religion, sex, handicap, familial status, or national origin. This part describes these procedures, taking into account whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so, in addition to defining the factors the PHA will use in screening families for program participation.

### **4-II.B. FSS SELECTION PREFERENCES**

As part of the process for selecting families for participation in the FSS program, the PHA may choose whether to employ the use of preferences. In particular, if the PHA so chooses, it has the option of giving a selection preference for up to 50 percent of its public housing FSS slots and 50 percent of its HCV program FSS slots, respectively, to eligible families who have one or more family members currently enrolled in an FSS-related service program or who are on the waiting list for such a program. Such a preference may be further limited to participants in and applicants for one or more specific eligible FSS-related service programs.

Should the PHA choose to adopt such a preference, it would need to include the following information in its action plan:

- The percentage of FSS slots, not to exceed 50 percent of the total number of FSS slots for each of its FSS programs, for which it will give a selection preference
- The FSS related service programs to which it will give a selection preference to the programs' participants and applicants
- The method of outreach to and selection of families with one or more members participating in the identified programs [24 CFR 984.203(a)]

A PHA may wish to adopt additional selection preferences as well [Notice PIH 93-24].

#### PHA Policy

The PHA will not adopt the use of preferences when selecting families for participation in the FSS program.



Even with up to 50 percent of the total number of FSS slots filled via selection preferences, and the possibility of other slots being filled by means of additional preferences, open slots will remain. Regardless of whether the PHA adopts selection preferences, those FSS slots for which the PHA chooses **not** to exercise the selection preference must be filled with eligible families in accordance with an objective selection system such as a lottery, the length of time living in subsidized housing, or the date the family expressed an interest in participating in the FSS program. This system must be described in the action plan [24 CFR 984.203(b)].

#### PHA Policy

A family must submit an application and self-assessment to apply for the FSS waitlist/program. The PHA will use the date the family submitted their FSS program application and self- assessment to add them to the FSS waitlist. Their name will be pulled from the waitlist to fill the FSS slots. However, if the family fails to attend an FSS intake three times, then they will be screened out of participating in the FSS program.

### **4-II.C. SELECTION FACTORS**

Many factors contribute to whether a PHA may choose to select a family for participation in the FSS program. These selection factors can help the PHA screen families for admission, and ultimately contribute to the PHA's decision to either allow or deny a family's admission into the FSS program.

#### **Motivation Selection Factors [24 CFR 984.203(c)(1)]**

A PHA may screen families for interest and motivation to participate in the FSS program provided that the factors utilized by the PHA are those which solely measure the family's interest and motivation to participate in the FSS program. For this reason, PHAs must only apply motivational screening factors that are permissible under the regulations.

#### ***Permissible Motivation Selection Factors***

Permitted motivational factors include requiring attendance at FSS orientation sessions or pre-selection interviews, and assigning certain tasks indicating the family's willingness to undertake the obligations that may be imposed by the FSS contract of participation. However, any tasks assigned should be readily accomplishable by the family based on the family members' educational level or disabilities, if any. Reasonable accommodations must be made for individuals with mobility, manual, sensory, speech impairments, mental, or developmental disabilities [24 CFR 984.203(c)(2)].

#### PHA Policy

The PHA will screen families for interest and motivation to participate in the FSS program by assigning a meeting or workshop which is the same type of meeting or workshop for each family. The PHA will only use the fact that the family attended as a screening factor, even if tasks or exercises are not completed in the meeting. In addition, requests for an accommodation for a disability will be considered for services or exempting the family from this screening factor.

### ***Prohibited Motivation Selection Factors***

Prohibited motivational screening factors include the family's educational level, educational or standardized motivational test results, previous job history or job performance, credit rating, marital status, number of children, or other factors, such as sensory or manual skills, and any factors which may result in discriminatory practices or treatment toward individuals with disabilities or minority or nonminority groups [24 CFR 984.203(C)(3)].

### **Other Selection Factors**

In addition to motivational screening, the PHA may also wish to screen families for other factors.

### ***PHA Debt Selection Factor***

The PHA may deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance [Notice PIH 93-24, B-18].

#### PHA Policy

The PHA will deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance. Families that owe money to a PHA who have entered into a repayment agreement and are current on that repayment agreement will be denied FSS participation until debt is paid off.

### ***Unavailable Support Services Selection Factor***

If the PHA determines, after consulting with the family, that a missing service is essential to the family's needs, the PHA may skip that family (and other similar families) and offer the FSS slot to the next family for which there are available services [Notice PIH 93-24, B-8].

#### PHA Policy

The PHA will not skip a family (and other similar families) and offer the FSS slot to the next family when the PHA determines, after consulting with the family, that a missing service is key to the family's needs. However, the PHA will make it clear to the family that the service is unavailable, that the PHA cannot be obligated to provide referrals or supportive services in relation to that service and it cannot be included as part of their Contract of Participation.

A PHA may refuse to select a family for participation in the FSS program a second time if that family previously participated unsuccessfully (i.e., the family participated, did not meet its FSS obligations, and was terminated from the FSS program) [Notice PIH 93-24, B-14].

#### PHA Policy

The PHA will not select a family for participation in the FSS program a second time if that family previously participated and did not complete. As always, reasonable accommodation will be considered for an exception.

## **PART III. ACTIVITIES AND SUPPORT SERVICES**

### **4-III.A. OVERVIEW**

Once families are admitted to the FSS program, the PHA becomes responsible for making sure these families are adequately served. The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and assistance under the housing choice voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. As such, upon selection, families are matched with the appropriate activities and supportive services so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. This is a vital element of the FSS program.

### **4-III.B. METHOD OF IDENTIFYING FAMILY SUPPORT NEEDS**

**[24 CFR 984.201(d)(8)]**

Before a PHA can determine the services and activities it will provide to FSS families, it must identify the services and activities appropriate to each family. The action plan must contain a description of how the program will identify the needs of FSS families and deliver the services and activities according to these needs.

#### PHA Policy

Supportive services needs will be identified by completion of an informal needs assessment with the FSS coordinator or case manager before completion of the initial individual training and services plan and signing of the contract of participation. After enrollment in the PHA's FSS program, a formal needs assessment, including vocational counseling, educational counseling, and employment planning, is conducted by the following partners on the PCC:

HACC

GED

Community college

WorkForce/WorkSource

TANF

Non-profits

These results are used to modify the ITSP, if requested by the family.

**4-III.C. FSS ACTIVITIES AND SUPPORT SERVICES DESCRIPTION**  
**[24 CFR 984.201(d)(7)]**

As part of the required contents of the action plan, PHAs must both describe the activities and supportive services to be provided by public and private resources to FSS families, and identify the public and private resources that are expected to provide the supportive services.

Of course, this task assumes that the PHA has first identified the needed activities and supportive services.

PHA Policy

The PHA’s FSS program, through its partners on the program coordinating committee, will provide the following activities and support services to FSS families:

<b>Support Service General</b>	<b>Support Service Specific</b>	<b>Source/Partner</b>
<b>Assessment</b>	Vocational Assessment Educational Assessment Vocational Planning Educational Planning Disability Assessment Disability Vocational Assessment/Planning Disability Educational Assessment/Planning Drug/Alcohol Assessment Drug/Alcohol Planning	HACC Community College GED WorkForce/WorkSource TANF Non-profits
<b>Education</b>	High School English as a Second Language GED Post-secondary College	HACC Community College GED WorkForce/WorkSource TANF Non-profits
<b>Training</b>	Skills Training Emerging Technologies Training Biomedical Training On-the-Job Training Functional Context Training	HACC Community College GED WorkForce/WorkSource TANF Non-profits

<b>Support Service General</b>	<b>Support Service Specific</b>	<b>Source/Partner</b>
<b>Job Search Assistance</b>	Resume Preparation Interviewing Skills Dress for Success Workplace Skills Job Development Job Placement	HACC Community College GED WorkForce/WorkSource TANF Non-profits
<b>Transportation</b>	Bus Train/Trolley	Metropolitan Transit
<b>Health Care</b>	Alcohol and Drug Prevention Alcohol and Drug Treatment	Clackamas County Social Services
<b>Mentoring</b>	Mentoring Match	HACC Community College GED WorkForce/WorkSource TANF Non-profits
<b>Homeownership</b>	Training Planning Debt Resolution	Clackamas County First time Homebuyers Classes sponsored through IDAs Non-profits
<b>Individual Development Accounts</b>	Match Savings Accounts Distribution of IDA Funds	HACC Non-profits Community-based Organizations
<b>Child Care</b>	Infant Care Toddler Care Preschool Care Afterschool Care Homework Assistance	Child Care Resource TANF Non-profits
<b>Crisis Services</b>	Crisis Assessment Crisis Intervention Crisis Management Crisis Resolution	Clackamas County Social Services A Safe Place
<b>Child/Adult Protective Services</b>	Needs Assessment Case Planning Information Referral Crisis Management	Clackamas County Social Services – Senior, Disabled Adult Abuse Hotline Child Abuse Hotline

<b>Support Service General</b>	<b>Support Service Specific</b>	<b>Source/Partner</b>
<b>Legal Services</b>	Representation Document Review Counsel or Advice	Legal Aid Clackamas County Housing Rights and Resources
<b>Debt Resolution</b>	Needs Assessment Case Planning Advocacy Negotiation	Applicable resources available for low-income families

#### **4-III.D. CERTIFICATION OF COORDINATION [24 CFR 984.201(d)(12)]**

The FSS action plan is required to contain a certification that the development of the activities and services under the FSS program has been coordinated with the JOBS program (now Welfare to Work under TANF), the programs provided under the JTPA (now Workforce Investment Act programs), and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of the FSS program's activities and services must continue to be coordinated as such in order to avoid duplication of activities and services.

##### PHA Policy

The PHA certifies that its FSS program has developed its services and activities in coordination with Clackamas County's WorkSource which is governed by the Workforce Investment Act (formerly JTPA), and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of these activities and services will continue to be coordinated in this manner in order to avoid duplication of activities and services.

## Chapter 5

### CONTRACT OF PARTICIPATION

#### INTRODUCTION

Each family that is selected to participate in an FSS program must enter into a contract of participation with the PHA. This contract, which is signed by the head of the FSS family, sets forth the principal terms and conditions governing participation in the FSS program, including the rights and responsibilities of the FSS family and of the PHA, the services to be provided to the head of the FSS family and each adult member of the family who elects to participate in the program, and the activities to be completed by them. The contract also incorporates the individual training and services plan [24 CFR 984.303].

This chapter contains two parts:

Part I: Overview and Family Obligations: This part provides an overview of the form and content of the contract of participation and describes what the contract requires of FSS families.

Part II: Contract Specifications: This part explains the specifications of the contract, including terms and conditions, contract modification, contract terminations, and grievance procedures.

#### PART I: OVERVIEW AND FAMILY OBLIGATIONS

##### 5-I.A. OVERVIEW

The purpose of the FSS contract of participation is to set forth the principal terms and conditions governing participation in the FSS program, including the incorporation the individual training and services plan (ITSP) as part of the contract's required contents. The ITSP is meant to establish goals for an FSS family to meet along the family's way to completing the contract and becoming self-sufficient. In addition to the goals specified in the ITSP, the contract also lists the responsibilities of the family and the PHA. This part covers the ITSP as part of the required contents of the contract of participation, and the family's obligations under the contract.



## **5-I.B. CONTENTS OF THE CONTRACT OF PARTICIPATION**

### **Individual Training and Services Plan**

As part of the required contents of the FSS contract of participation (COP), the individual training and services plan (ITSP) establishes specific interim and final goals by which the PHA and the family measure the family's progress toward fulfilling its obligations under the contract of participation and becoming self-sufficient. Interim and final goals will differ depending on the family's individual needs. Further, regulations require the establishment of an interim goal regarding independence from welfare assistance.

#### ***Interim Goals***

For each participating FSS family that receives welfare assistance, the PHA must establish as an interim goal that the family become independent from welfare assistance and remain independent from welfare assistance for at least one year before the expiration of the term of the contract of participation, including any extension thereof [24 CFR 984.303(b)(2)].

At its discretion, the PHA may also elect to suggest this as an interim goal in the ITSP regardless of whether a family is receiving welfare assistance at the time the COP is developed.

#### **PHA Policy**

If the family is not receiving welfare assistance at the time the contract of participation is being developed, the PHA will not suggest to each family participating in the FSS program that the family include an interim goal on its individual training and services plan for the family to become independent from welfare assistance and remain welfare-free for at least one year before the expiration of the term of the contract of participation.

#### ***Individual Training & Service Plans for Other than FSS Head***

An individual training and services plan is only required for the head of the FSS family. This means that it is the PHA's decision, after consulting with the family, whether to create an ITSP and provide supportive services to other family members aged 18 or over if they want to participate in the FSS program and supportive services are available [Notice PIH 93-24, G-16].

#### **PHA Policy**

The PHA will permit additional family members to have an ITSP.

## **5-I.C. FAMILY OBLIGATIONS**

### **Compliance with Lease Terms**

One of the obligations of the FSS family according to the contract of participation is to comply with the terms and conditions of the public housing lease or housing choice voucher program assisted lease [24 CFR 984.303(b)(3)].

Inability to comply with the lease represents an inability to comply with the contract, therefore regulations regarding noncompliance with the FSS contract apply [see 24 CFR 984.303(b)(5)]. It is up to the PHA to determine the plan of action for FSS families found in noncompliance with the lease and how the PHA will precisely define the term *comply with the lease*.

#### PHA Policy

*Comply with the lease* means the FSS family has not been evicted for repeated or serious violations of the lease; or if they have been evicted for serious or repeated violations of the lease, the family has prevailed in either the grievance hearing or the informal hearing process.

The PHA's FSS program will terminate the FSS contract of participation for failure to comply with the terms of the lease.

## **Employment Obligation [24 CFR 984.303 (b)(4)]**

Another obligation set forth by the contract of participation is for the head of the FSS family to *seek and maintain suitable employment* during the term of the contract and any extension. Although other members of the FSS family may seek and maintain employment during the term of the contract, it is only a requirement for the head of the FSS family.

The obligation for the head of the FSS family to *seek employment* is defined in the regulatory language as meaning that the head of the FSS family has applied for employment, attended job interviews, and has otherwise followed through on employment opportunities. However, this definition still leaves room for policy decisions on the part of the PHA because it does not define the level of activity involved in “seeking.”

There is no regulatory definition of *maintain employment*. For this reason, it is up to the PHA to define the term.

In addition, there is no minimum period of time that an FSS head of household needs to be employed in order to meet its contract of participation requirements [Notice PIH 93-24, G-9].

According to regulation, the PHA makes a determination of *suitable employment* based on the skills, education, and job training of the FSS head of household, and based on the available job opportunities within the jurisdiction served by the PHA [24 CFR 984.303(b)(4)(iii)]. This means that the PHA has the ultimate responsibility for making the decision regarding the suitability of employment. However, this decision must be made in conjunction with the head of the FSS family [Notice PIH 93-24, G-3].

### PHA Policy

For purposes of the PHA’s FSS program, *seek employment* means the head of household has applied for employment, attended job interviews, and otherwise followed through on employment opportunities as outlined in the individual training and services plan of his or her contract of participation.

*Maintain employment* means that the FSS head of household will complete all of the obligations outlined in the individual training and services plan in his or her contract of participation (COP) and be employed on the last effective day of the COP; full-time employment is preferred if participant has no barriers to achieving full-time employment it will be required.

*Suitable employment* is employment that is outlined in the individual training and services plan of the contract of participation and is based on the skills, education, and job training of the head of household.

### **5-I.D. CONSEQUENCES OF NONCOMPLIANCE WITH THE CONTRACT**

Consequences apply for families who do not meet the terms and conditions of the contract. The regulations require that the contract of participation specify that if the FSS family fails to comply, without good cause, with the terms and conditions of the contract (including compliance with the public housing lease or the HCV-assisted lease), the PHA may:

- Withhold supportive services
- Terminate the family's participation in the FSS program

Per the alternative requirements listed in the *Federal Register* notice dated December 29, 2014, PHAs are no longer permitted to terminate HCV assistance to a family due to the family's failure to meet its obligations under the contract of participation [FR Notice 12/29/14].

## PHA Policy

The contract of participation (COP) will be terminated before the expiration of the contract term if the participant fails to meet, without “good cause,” their obligations as outlined in the COP. If the participant fails to meet its obligations outlined in the COP, the FSS coordinator, or their designee, will first meet with the family to reassess the need for supportive services or a change in the individual training and services plan (ITSP). Then, if a reassessment of supportive services or a change in the ITSP is not successful in bringing the family in compliance, the FSS coordinator will withhold supportive services for no more than 90 days until the participant meets their obligations outlined in the COP. Finally, if neither of these alternatives is successful, the FSS coordinator will terminate the COP for failure to complete the tasks, interim goals, or final goals of the ITSP in a timely manner, and thus failure to complete the obligations outlined in the COP.

The FSS coordinator will make an exception to the actions in terminating the COP if the participant can demonstrate “good cause” for the failure to meet its obligations as outlined in the COP.

For purposes of the PHA FSS program, *good cause* includes:

### Family circumstances

Death in the family

Serious illness

Medical emergency

Mandatory court appearances

Involuntary loss of employment

Loss of head of household through death, incarceration, or removal from lease

Change in the ITSP improving progress toward economic self-sufficiency

### Community circumstances

Significant reduction in workforce (over 20 percent reduction in employment field)

Significant interruption in service delivery (over 3 months interruption)

Provider noncompliance with regulation

Provider unable/unwilling to provide service

Provider offering inferior service

## **PART II. CONTRACT SPECIFICATIONS**

### **5-II.A. OVERVIEW**

In addition to making clear the family's obligations under the program, the contract of participation contains specific terms and conditions, including those governing contract modifications, terminations, and grievance procedures. This part describes those specifications and associated policy.

### **5-II.B. CONTRACT TERM [24 CFR 984.303(c)]**

The contract term is five years. This means that the family has no more than five years from the effective date of the contract of participation (COP) to fulfill their obligations as specified in the contract. This five year term requirement will be specified in the COP.

### **Contract Extension [24 CFR 984.303(d)]**

While the term set forth in the contract of participation is for five years, contract extensions are possible. According to regulation, PHAs will for "good cause" extend the term of the contract for a period not to exceed two years for any FSS family that requests an extension of the contract in writing. The family's written request for an extension must include a description of the need for the extension. *Good cause* means circumstances beyond the control of the FSS family, as determined by the PHA, such as a serious illness or involuntary loss of employment (further defined by PHA policy in Section 5-I.D.). Extension of the contract of participation will entitle the FSS family to continue to have amounts credited to the family's FSS account.

### **5-II.C. MODIFICATION OF THE CONTRACT**

The contract of participation (COP) does have the ability to be modified, as long as the PHA and the FSS family mutually agree to modify it. This includes modifications in writing with respect to the individual training and services plans (ITSPs), the contract term (See Section 5-II.B. above), and designation of the head of the family [24 CFR 984.303(f)].

In addition, the PHA may also delete the line in the COP under “Corrective Actions to Meet Family Responsibilities” stating that if the family is participating in the HCV program, the PHA may terminate HCV assistance when allowed by HUD requirements. Mutual agreement is not needed for this modification [Notice PIH 95-5]. Termination of HCV assistance is covered in further detail in Section 5-II.G. The conditions under which the PHA will modify the contract are set forth in the policy below.

#### PHA Policy

In the PHA’s FSS program, the COP will be modified by mutual agreement between the PHA and the head of household:

When modifications to the ITSP improve the participant’s ability to complete their obligations in the COP or progress toward economic self- sufficiency

When the designated head of the FSS family ceases to reside with other family members in the assisted unit, and the remaining family members, after consultation with the public housing or HCV program representative, designate another family member to be the head of household and receive escrow funds

When a relocating family is entering the FSS program of a receiving PHA and the start date of the COP must be changed to reflect the date the new COP is signed with the receiving PHA

The PHA will also remove the line under “Corrective Actions to Meet Family Responsibilities” stating that if the family is participating in the HCV program, the PHA may terminate the assistance when allowed by HUD requirements.

## **5-II.D. COMPLETION OF THE CONTRACT**

By regulation, the contract of participation is considered to be completed, and a family's participation in the FSS program is considered to be concluded when one of the following occurs [24 CFR 984.303(g)]:

- The FSS family has fulfilled all of its obligations under the contract of participation on or before the expiration of the contract term, including any extension thereof.
- 30 percent of the monthly adjusted income of the FSS family equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies based on the PHA's occupancy standards. The contract of participation will be considered completed and the family's participation in the FSS program concluded on this basis even though the contract term, including any extension thereof, has not expired, and the family members who have individual training and services plans have not completed all the activities set forth in their plans.

Policies on verifying completion of the contract of participation can be found in Section 6-I.C. of this action plan.

## **5-II.E. TRANSITIONAL SUPPORTIVE SERVICE ASSISTANCE**

Even after a family has completed the contract of participation, a PHA may continue to offer appropriate FSS supportive services to a former FSS family whose head of family is employed. If the family still resides in public housing, or HCV-assisted housing, these supportive services would be offered for becoming self-sufficient. If the family no longer resides in public housing, HCV-assisted housing, or other assisted housing, these supportive services would be offered for remaining self-sufficient [24 CFR 984.303(j)].

### PHA Policy

The PHA will not continue to offer supportive services to a former FSS family who has completed its contract of participation, and whose head of family is employed.



## 5-II.F. TERMINATION OF THE CONTRACT

The contract of participation may be terminated before the expiration of the contract term and any extension of the contract by the following [24 CFR 984.303(h)]:

- Mutual consent of the parties
- Failure of the FSS family to meet its obligations under the contract of participation without good cause, including in an HCV FSS program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA
- The family's withdrawal from the FSS program
- Such other act as is deemed inconsistent with the purpose of the FSS program
- Operation of law

### PHA Policy

The COP will be terminated before the expiration of the contract term, and any extension thereof, for any of the following reasons:

Mutual consent of the parties

Failure of the FSS family to meet its obligations under the contract of participation without good cause

In an HCV FSS program, failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA without continued assistance under portability

Family's withdrawal from the FSS program

Such other act as is deemed inconsistent with the purpose of the FSS program

Operation of law

If the FSS family faces termination due to failing to meet, without good cause, its obligations under the COP, the PHA will follow the relevant policy specified in Section 5-I.D. of this action plan.

*Good cause* for the purposes of the FSS program is also defined in Section 5-I.D.

In addition, the contract of participation is automatically terminated if the family's HCV assistance is terminated in accordance with HUD requirements [24 CFR 984.303(h)].

### **5-II.G. OPTION TO WITHHOLD OR TERMINATE SUPPORTIVE SERVICE AND HOUSING ASSISTANCE [24 CFR 984.303(b)(5)(i)]**

As touched upon in Section 5-I.D. of this action plan, the PHA has the option to terminate or withhold supportive services and the FSS family's participation in the FSS program if the PHA determines that the FSS family has failed to comply without good cause with the requirements of the contract of participation.

Per the alternative requirements listed in the *Federal Register* notice dated December 29, 2014, however, PHAs are no longer permitted to terminate HCV assistance to a family due to the family's failure to meet its obligations under the contract of participation [FR Notice 12/29/14].

### **5-II.H. NULLIFICATION OF CONTRACT FOR UNAVAILABILITY OF SUPPORTIVE SERVICES [24 CFR 984.303(e)]**

In addition to termination, the contract of participation can also be ended ahead of time as a result of integral supportive services being unavailable. This, however, should only occur as a last resort:

- If a social service agency fails to deliver the supportive services pledged under an FSS family member's individual training and services plan (ITSP), the PHA must make a good faith effort to obtain these services from another agency.
- If the PHA is unable to obtain the services from another agency, the PHA must reassess the family member's needs and determine whether other available services would achieve the same purpose.
- If other available services would not achieve the same purpose, the PHA shall determine whether the unavailable services are integral to the FSS family's advancement or progress toward self-sufficiency.
- If the unavailable services are not integral to the FSS family's advancement toward self-sufficiency, the PHA must revise the ITSP, delete these services, and modify the contract of participation to remove any obligation on the part of the FSS family to accept the unavailable services.
- If the unavailable services *are* determined to be integral to the FSS family's advancement toward self-sufficiency (which may be the case if the affected family member is the head of the FSS family), the PHA shall declare the contract of participation null and void.

Nullification of the contract of participation on the basis of unavailability of supportive services shall not be grounds for termination of HCV assistance.

## **5-II.I. GRIEVANCE PROCEDURES**

When adverse action is taken by the PHA against a family, the PHA is required to provide a grievance hearing in the public housing program, or an informal hearing in the housing choice voucher program [24 CFR 966 subpart B, 24 CFR 982.554].

According to regulatory requirements, the FSS action plan must contain the grievance and hearing procedures available for FSS families against whom the PHA has taken adverse action with regards to FSS [24 CFR 984.201(d)(9)].

### PHA Policy

The grievance and informal hearing procedures for the FSS program will be the same as the grievance and hearing procedures adopted for the housing choice voucher programs in the PHA's admissions and continued occupancy policy and administrative plan, respectively (See pages *16-8 thru 16-15*).

Adverse actions taken within the FSS program include:

- Denial of admission into the FSS program
- Denial of request for supportive services
- Denial of request to change the ITSP
- Denial of request to change the head of household
- Denial of request for interim disbursement of the escrow account
- Denial of request to complete the COP
- Denial of a request for extension to the FSS COP
- Denial of request for final distribution of the escrow account or any portion thereof
- Withholding of support services
- Termination of the FSS COP
- Withholding of HCV rental assistance, when the PHA operates an HCV FSS program
- Termination of HCV rental assistance, when the PHA operates an HCV FSS program
- Denial of transitional services

## Chapter 6

### ESCROW ACCOUNT

#### INTRODUCTION

The establishment of an escrow account is offered as a financial incentive to families for participation in the FSS program. Generally, under this incentive, the amount of an increase in family rent resulting from an increase in earned income is escrowed. That is, usually a family's rent or share of the rent goes up when the family experiences an increase in earned income. In the FSS program, this is still the case, but the part of the rent representing the increase is deposited into an account as an escrow credit. The funds from this escrow account then become available to FSS families upon successful completion of their contracts of participation.

This chapter explains how the FSS escrow account works, including calculating the amount of the escrow credit and disbursing the funds, and also covers the proper way for the PHA to manage and report on the account.

This chapter contains two parts:

Part I: The Escrow Account: This part provides an overview of how the escrow account works, including calculating the escrow credit and disbursing the funds upon completion of the contract of participation.

Part II: Escrow Fund Accounting and Reporting: This part describes the requirements for managing the escrow account, including both accounting and reporting requirements.

#### PART I. THE ESCROW ACCOUNT

##### 6-I.A. OVERVIEW

As an integral incentive to the FSS program, it is very important to have clear-cut policy spelling out how the escrow account works. This includes policy regarding the calculation of the FSS credit amount, the disbursement of FSS account funds, the use of account funds for homeownership, and forfeiture of the FSS escrow account.

## **6-I.B. CALCULATING THE FSS CREDIT AMOUNT**

For FSS families who are very low-income families, the FSS credit is the lesser of 30 percent of current monthly adjusted income less the family rent, or the current family rent less the family rent at the time of the effective date of the contract of participation. The family rent is obtained by disregarding any increases in earned income (as defined in 24 CFR 984.103) from the effective date of the contract of participation. For FSS families who are considered low-income families but not very low-income families, the FSS credit is calculated in the same manner but cannot exceed the amount computed for 50 percent of the median income [24 CFR 984.305(b)(1)].

FSS families who are not low-income families are not entitled to any FSS credit [24 CFR 984.305(b)(2)].

### **Determination of Family Rent and Total Tenant Payment**

For purposes of determining the FSS credit, *family rent* for the public housing program is the total tenant payment as defined in 24 CFR Part 5, subpart F. For the HCV program, *family rent* is 30 percent of adjusted monthly income [24 CFR 984.305(b)(1)].

Total tenant payment for a family participating in the public housing FSS program is determined in accordance with the regulations set forth in 24 CFR Part 913.

### **Increases in FSS Family Income [24 CFR 984.304]**

As described in the FSS credit calculations above, any increases in family earned income resulting in increases in family rent become deposited in the escrow account. For this reason, and because of the nature of the FSS account, any increase in the earned income of an FSS family during its participation in an FSS program may not be considered as income or a resource for purposes of eligibility of the FSS family for other benefits, or amount of benefits payable to the FSS family, under any other program administered by HUD, unless the income of the FSS family equals or exceeds 80 percent of the area median income (as determined by HUD, with adjustments for smaller and larger families).

### **Cessation of FSS Credit [24 CFR 984.305(b)(3)]**

The PHA will not make any additional credits to the FSS family's FSS account when the family has completed the contract of participation, or when the contract of participation is terminated or otherwise nullified.

## **6-I.C. DISBURSEMENT OF FSS ACCOUNT FUNDS**

### **Disbursement at Completion of Contract [24 CFR 984.305(c)(1)]**

When the contract has been completed according to regulation, the amount in an FSS account in excess of any amount the FSS family owes to the PHA will be paid to the head of the FSS family. However, in order to receive the disbursement, the head of the FSS family must submit a certification (as defined in §984.103) to the PHA at the time of contract completion that, to the best of his or her knowledge and belief, no member of the FSS family is a recipient of welfare assistance.

### **Disbursement before Expiration of Contract Term**

FSS account funds may also be disbursed before the end of the contract term. If the PHA determines that the FSS family has fulfilled its obligations under the contract of participation before the expiration of the contract term and the head of the FSS family submits a certification that, to the best of his or her knowledge, no member of the FSS family is a recipient of welfare assistance, the amount in the family's FSS account in excess of any amount the family owes to the PHA will be paid to the head of the FSS family [24 984.305(c)(2)(i)].

In addition, the PHA may at its sole option disburse FSS account funds before completion of the contract if the family needs a portion of the funds for purposes consistent with the contract of participation and the PHA determines that the FSS family has fulfilled certain interim goals established in the contract of participation. Such cases could include using the funds to assist the family in meeting expenses related to completion of higher education (e.g., college, graduate school) or job training, or to meet start-up expenses involved in creation of a small business [24 984.305(c)(2)(ii)].

#### PHA Policy

The PHA will disburse a portion of the FSS escrow account funds before completion of the COP when the family has met all its obligations under the COP to date, including the completion of all ITSP interim goals and tasks to date, and:

Requested funds are needed in order to complete an interim goal or task within the COP and are not ongoing expenses. The family can only be approved for one escrow disbursement during their time participating in the FSS program. The Housing Authority of Clackamas County is not required to approve an early disbursement and will have the discretion to determine the amount that is disbursed based on the need and escrow balance.

## **Verification of Family Certification at Disbursement**

Interim disbursement may only occur after the family has completed certain interim goals and funds are needed in order to complete other interim goals. Final disbursement can only occur after the family has completed the contract of participation and all members are welfare-free as defined by regulation. Because of this, it follows that the PHA may require verification for the completion of interim goals or the contract of participation.

Before final disbursement of the FSS account funds to the family, the PHA may verify that the FSS family is no longer a recipient of welfare assistance by requesting copies of any documents which may indicate whether the family is receiving any welfare assistance, and by contacting welfare agencies [24 CFR 984.305(c)(3)].

HUD provides verification guidance in Notice PIH 2010-19. This guidance is mandatory for the public housing and housing choice voucher programs. The PHA's ACOP and/or Administrative Plan must contain verification policies following the hierarchy in this notice. The policies contained in the PHA's ACOP and Administrative Plan cover verification policies related to the FSS program in general. However, determining the need for interim disbursements may require more clarification as to what constitutes an acceptable third-party source.

### PHA Policy

The PHA will require verification that the FSS family has completed certain interim goals, or has completed the contract of participation, and that the FSS family is no longer a recipient of welfare assistance, as relevant, before making interim and final disbursements.

The PHA will follow HUD's verification hierarchy set forth in Notice PIH 2010-19 to make these verifications. However, the PHA will use a *knowledgeable professional* as a third-party source to verify the need for interim disbursements.

## **Succession to FSS Account [24 CFR 984.305(d)]**

FSS account funds should be disbursed to the head of the FSS family. However, if the head of the FSS family no longer resides with the other family members in the public housing or the HCV-assisted unit, the remaining members of the FSS family, after consultation with the PHA, have the right to designate another family member to receive the funds.

#### **6-I.D. USE OF FSS ACCOUNT FUNDS FOR HOMEOWNERSHIP**

According to regulation, a public housing FSS family may use its FSS account funds for the purchase of a home, including the purchase of a home under one of HUD's homeownership programs, or other federal, state, or local homeownership programs, unless the use is prohibited by the statute or regulations governing the particular homeownership program [24 CFR 984.305(e)].

Homeownership is just one option for use of the FSS account funds. PHAs may not restrict the use of escrow funds at contract completion [Notice PIH 93-24, C-13].



## **6-I.E. FORFEITURE OF FSS ACCOUNT FUNDS**

Amounts in the FSS account will be forfeited when the contract of participation is terminated, or when the contract of participation is completed by the family (see Section 5-II.D. of this action plan) but the FSS family is receiving welfare assistance at the time of expiration of the term of the contract of participation, including any contract extension [24 CFR 984.305(f)(1)].

### **Treatment of Forfeited FSS Account Funds**

Treatment of forfeited FSS account funds differ depending on the type of FSS program the PHA operates. For public housing FSS programs, FSS account funds forfeited by the FSS family will be credited to Other Income and will become part of Unrestricted Net Assets. Forfeited FSS account funds will be counted as other income in the determination of operating subsidy eligibility for the next budget year [24 CFR 984.305(f)(2)(i)].

In the housing choice voucher program, forfeited FSS account funds will be treated as program receipts for payment of program expenses under the PHA budget for the program, and will be used in accordance with HUD requirements governing the use of program receipts [24 CFR 984.305(f)(2)(i)].

## **PART II. ESCROW FUND ACCOUNTING AND REPORTING**

### **6-II.A. OVERVIEW**

Regulations set forth specific requirements involving the accounting and reporting for the FSS escrow account. This part describes those requirements and the PHA policy necessary for managing the account from the PHA perspective.

### **6-II.B. ACCOUNTING FOR FSS ACCOUNT FUNDS**

When establishing FSS escrow accounts, the PHA must deposit the FSS account funds of all families participating in the PHA's FSS program into a single depository account for each (public housing or HCV) program. In addition, the funds held in this account must be invested in one or more of the HUD-approved investments [24 CFR 984.305].

The total of the combined FSS account funds will be supported in the PHA accounting records by a subsidiary ledger showing the balance applicable to each FSS family. During the term of the contract of participation, the PHA periodically, but not less than annually, credits the amount of the FSS credit (see Section 6-I.B.) to each family's FSS account [24 CFR 984.305(a)(2)(i)].

#### PHA Policy

The PHA will credit the amount of the FSS credit(s) to each family's account on a monthly basis.

#### **Proration of Investment Income [24 CFR 984.305(a)(2)(ii)]**

Because the FSS account funds are to be invested, the investment income for those funds in the FSS account will also need to be credited to each family's account. By regulation, these funds are to be prorated and credited to each family's FSS account based on the balance in each family's FSS account at the end of the period for which the investment income is credited.

#### PHA Policy

Each month the full amount of the investment income for funds in the housing choice voucher FSS account will be prorated and credited to each family's subsidiary line item. If a tenant is on a Payment Agreement, HACC will reduce the escrow by the Payment Agreement Balance until full balance is at zero.

#### **Reduction of Amounts Due by FSS Family [24 CFR 984.305(a)(2)(iii)]**

If the FSS family has not paid the family contribution towards rent, or other amounts, if any, due under the public housing or HCV-assisted lease, the balance in the family's FSS account shall be reduced by that amount (as reported by the owner to the PHA in the HCV FSS program) before prorating the interest income. If the FSS family has fraudulently underreported income, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

## **6-II.C. REPORTING ON THE FSS ACCOUNT**

Each PHA is required to make a report, at least once annually, to each FSS family on the status of the family's FSS account.

At a minimum, the report must include [24 CFR 984.305(a)(3)]:

- The balance at the beginning of the reporting period
- The amount of the family's rent payment that was credited to the FSS account, during the reporting period
- Any deductions made from the account for amounts due the PHA before interest is distributed
- The amount of interest earned on the account during the year
- The total in the account at the end of the reporting period

### PHA Policy

The PHA will provide FSS participants an annual statement on the status of their FSS escrow account.

## Chapter 7

### PORTABILITY IN HOUSING CHOICE VOUCHER FSS PROGRAMS

#### INTRODUCTION

PHAs operating HCV FSS programs must be familiar with the rules and regulations regarding portability under the housing choice voucher program. As with the case of portability in the HCV program in general, the FSS family may move outside the initial PHA jurisdiction under portability procedures after the first 12 months of the FSS contract of participation [24 CFR 984.306].

In the event that an FSS family chooses to exercise portability, certain special requirements regarding the FSS program would apply. This chapter describes the obligations of the initial PHA, the receiving PHA, and the FSS family under portability, in addition to any special stipulations regarding portability in the FSS context.

This chapter contains two parts:

Part I: Portability in the FSS Program: This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

Part II: The Effects of Portability on FSS Regulations and Policy: This part describes the specific ways in which portability affects different aspects of the FSS program, including the escrow account, program termination, loss of the FSS account, and termination of HCV program assistance.

#### PART I: PORTABILITY IN THE FSS PROGRAM

##### 7-I.A. OVERVIEW

Portability is a statutory feature of the housing choice voucher program—it is included in the law. As such, PHAs operating an HCV FSS program need to understand the effects that portability will have on HCV FSS families and program operation. This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

## **7-I.B. DEFINITIONS**

For the purposes of portability with regards to the FSS program, the following definitions will be used [24 CFR 982.4, 24 CFR 984.306].

- *Initial PHA* means both:
  1. A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
  2. A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.
- *Receiving PHA* means a PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA either absorbs the family into its program, including issuing a voucher and providing rental assistance to the family, or bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher.
- *Relocating FSS Family* refers to an FSS family that moves from the jurisdiction of a PHA at least 12 months after signing its contract of participation.

## **7-I.C. RESIDENCY REQUIREMENTS**

Families participating in an HCV FSS program are required to lease an assisted unit within the jurisdiction of the PHA that selected the family for the FSS program for a minimum period of 12 months after the effective date of the contract of participation. However, the initial PHA may approve a family's request to move outside its jurisdiction under portability during this period [24 CFR 984.306(b)(1)].

### PHA Policy

The PHA will not approve a family's request to move outside its jurisdiction under portability during the first 12 months after the effective date of the contract of participation if needed for training, education, employment, support services, or to meet personal family needs.

After the first 12 months of the FSS contract of participation, the FSS family may move outside the initial PHA jurisdiction under portability procedures regardless of PHA approval [24 CFR 984.306(b)(2)].

## **7-I.D. CONTRACT OF PARTICIPATION**

Once a family moves outside the initial PHA's jurisdiction, a determination will need to be made regarding whether the family will continue to participate in the initial PHA's FSS program or whether it will participate in the FSS program of the receiving PHA.

### **Continued Participation in the FSS program of the Initial PHA**

A relocating FSS family may continue in the FSS program of the initial PHA if the family demonstrates to the satisfaction of the initial PHA that, notwithstanding the move, the relocating FSS family will be able to fulfill its responsibilities under the initial or modified contract of participation at its new place of residence. For example, this could mean that the FSS family may be able to commute to the supportive services specified in the contract of participation, or the family may move to obtain employment as specified in the contract [24 CFR 984.306(c)].

#### PHA Policy

HACC will not approve a relocating family's request to continue in its FSS program if the family moves outside of Clackamas County.

If the family has built an escrow balance and "ports" to a Housing Authority without an FSS program, the family will lose their escrow balance.

If the family "ports" to another Housing Authority with an FSS Program, but the housing program is full and they cannot absorb the family, the family will lose their escrow balance.

If the family "ports" to another Housing Authority with an FSS program and are absorbed, but are not absorbed into their FSS program, the family will lose their escrow balance.

If the family "ports" to another Housing Authority with an FSS program and are absorbed and enroll in the receiving Housing Authority FSS program, HACC will forward the escrow balance to the receiving Housing Authority to administer.

### **Participation in the FSS Program of the Receiving PHA**

When a family moves into the jurisdiction of another PHA, the relocating FSS family may participate in the FSS program of the receiving PHA if the receiving PHA allows the family to do so. However, a PHA is not obligated to enroll a relocating FSS family in its FSS program [24 CFR 984.306(d)(1)].

#### PHA Policy

The PHA, as the receiving housing authority, will allow a relocating FSS family to participate in its FSS program so long as an open FSS slot exists.

In cases where the receiving PHA allows the relocating FSS family to participate in its FSS program, the receiving PHA will enter into a new contract of participation with the FSS family for the term remaining on the contract with the initial PHA. The initial PHA will then terminate its contract of participation with the family [24 CFR 984.306(d)(2)].

## **PART II: THE EFFECTS OF PORTABILITY ON FSS REGULATIONS AND POLICY**

### **7-II.A. OVERVIEW**

The regulations set forth under the FSS program will sometimes be affected by the regulations of the public housing and housing choice voucher programs. Portability, as an integral part of the housing choice voucher program, is an excellent example of how HCV regulations can in turn affect FSS program operation. This part describes the specific ways in which portability affects different aspects of the FSS program, including the escrow account, program termination, and loss of the FSS account.

### **7-II.B. PORTABILITY AND THE ESCROW ACCOUNT [24 CFR 984.306(e)]**

The escrow account is one aspect of the FSS program that could present an issue if a participant family decides to move under portability because the family's account is administered by the initial PHA. Regardless of whether the relocating FSS family remains in the FSS program of the initial PHA or is enrolled in the FSS program of the receiving PHA, FSS regulations specify that there will be a single FSS account to be maintained by the initial PHA so long as the initial PHA is ultimately paying the housing assistance payment. However, when an FSS family is absorbed by the receiving PHA, the initial PHA transfers the family's FSS account to the receiving PHA, and the receiving PHA begins administering the account.

### **7-II.C. PROGRAM TERMINATION, LOSS OF FSS ACCOUNT, AND TERMINATION OF SECTION 8 ASSISTANCE**

Another point of consideration for PHAs is noncompliance with the contract of participation when the FSS participant family moves outside of the PHA's jurisdiction. In such cases, noncompliance with the contract is treated the same under portability as it is if the noncompliance occurred in the initial PHA's jurisdiction. According to the regulatory language, if an FSS family that relocates to another jurisdiction is unable to fulfill its obligations under the contract of participation (or any modifications to the contract), the PHA administering the contract may terminate the FSS family from the FSS program and the family's FSS account will be forfeited [24 CFR 984.306(f)(1)]. PHAs are no longer permitted to terminate a family's HCV program assistance if the family fails to meet its obligations under the contract of participation [FR Notice 12/29/14].

PHA policy regarding the consequences of noncompliance with the FSS contract of participation can be found in Section 5-I.D. of this action plan. *Good cause* is likewise defined in this section.

In the event of forfeiture of the family's FSS account, the funds in the family's FSS account will revert to the PHA maintaining the FSS escrow account for the family [24 CFR 984.306(f)(2)].

**ATTACHMENT B**

**Summary of Proposed Admissions and Continued Occupancy Plan Policy Changes Effective July 2019**

New Policy	Explanation of Proposed New Policy Language	Chapter
<p><b>3-III.D. SCREENING</b></p> <p><b>Changes made:</b>  <b>Current Policy Bold=Removed</b></p> <p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p>Our current policy does not state how long ago the criminal offence needed to have happened for Applicant to be denied. We're updating our policy to state this information.</p> <p><b>Current Policy:</b>  <b>Screening for Eligibility</b>            HACC is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists HACC in complying with HUD requirements and HACC policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records HACC must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].</p> <p>HACC may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].</p> <p><u>HACC Policy</u>            HACC will perform a criminal background check and eviction record check on all applicant family members 15 years of age and older. The HACC will utilize local law enforcement and private screening companies to obtain these records.</p> <p>HACC will require proof of photo identification, such as a driver's license, school identification, etc. Other means of identification and requests to allow additional time to provide photo identification will be considered.</p> <p>Family members 15 years of age and older must pass the Housing Authority's criminal history evaluation process.            If the results of the criminal background check indicate there may have past criminal activity, but the results are inconclusive, HACC will request a fingerprint card and will request information from the National Crime Information Center (NCIC).</p> <p>HACC is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].</p> <p><b>Updated Policy:</b>  <b>Screening for Eligibility</b>            HACC is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists HACC in complying with HUD requirements and HACC policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records HACC must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].</p>	<p align="center"><b>3</b></p>



	<p>HACC may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].</p> <p><u>HACC Policy</u> HACC will perform a criminal background check and eviction record check on all applicant family members 15 years of age and older. The HACC will utilize local law enforcement and private screening companies to obtain these records.</p> <p>HACC will require proof of photo identification, such as a driver’s license, school identification, etc. Other means of identification and requests to allow additional time to provide photo identification will be considered.</p> <p>Family members 15 years of age and older must pass the Housing Authority’s criminal history evaluation process. If the results of the criminal background check indicate there may have past criminal activity, but the results are inconclusive, HACC will request a fingerprint card and will request information from the National Crime Information Center (NCIC).</p> <p>HACC is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].</p> <p><b>Applicants’ criminal background history for the most recent 5 years will be scored based on severity of convictions. Scoring will be 1-4 with 4 being the highest level of risk crimes. Applicants who have combined score 3 and under will be approved. Applicants with a score 4 - 9 can be approved by a manager taking into consideration factors discussed in Section 3-III.E. Applicants with a score greater than 9 are denied.</b></p>	
<p><b>3-I.J. GUESTS [24 CFR 5.100]</b></p> <p><b>Changes made:</b> <b>Current Policy Bold= Removed</b></p> <p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p><b>Current Policy</b> <i>A guest</i> is as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.</p> <p>The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near HACC premises [24 CFR 966.4(f)].</p> <p><u>HACC Policy</u> <b>A resident family must notify HACC when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12 month period.</b></p> <p>A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last no more than 20 consecutive days). Verification of the tenant’s medical or other need for a</p>	<p><b>3</b></p>

temporary overnight guest must be independently verified by a licensed professional. An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. A temporary overnight guest should meet the HACC's criminal background eligibility criteria.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

A family must request written consent from HACC to allow a foster child or live-in aide to reside in the unit.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the public housing unit address as their residence address or address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered to be unauthorized occupants, and their presence constitutes violation of the lease.

#### **Updated Policy:**

A *guest* is as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near HACC premises [24 CFR 966.4(f)].

#### **HACC Policy**

**Tenants shall not allow guests or visitors to stay in the dwelling unit for more than seven consecutive days, or a total of twenty-one days in any twelve-month period without the prior written consent of HACC.**

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last no more than 20 consecutive days). Verification of the tenant's medical or other need for a temporary overnight guest must be independently verified by a licensed professional. An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. A temporary overnight guest should meet the HACC's criminal background eligibility criteria.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

A family must request written consent from HACC to allow a foster child or live-in aide to reside in the unit.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the public housing unit address as their residence address or address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit

	<p>beyond the allowable time limit will be considered to be unauthorized occupants, and their presence constitutes violation of the lease.</p> <p><b>If a guest stays 22 days or more per year the Tenant is required to report and/or seek to add the guest to the household properly. Failure to report can result in termination.</b></p>	
<p><b>7-II.D. FAMILY RELATIONSHIPS</b>  <b>Verification of Move-outs</b></p> <p><b>Changes made:</b>  <b>Current Policy Bold= Removed</b></p> <p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p><b>Current Policy</b>  <b>Absence of Adult Member</b>  <u><b>HACC Policy</b></u>  <b>If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).</b></p> <p><b>New Policy</b>  <b>Absence of Adult Member</b>  <u><b>HACC Policy</b></u>  <b>If an adult member of the household is reported to be permanently absent or will no longer live in the subsidized unit, the Head of the Household must provide evidence to support that the person is no longer a member of the family (e.g., verification documentation can be a copy of a new lease, a utility bill with the new residence address, or a rent receipt in the person’s name).</b></p>	<p><b>7</b></p>
<p><b>Homeless Preference</b></p> <p><b>Changes made:</b>  <b>Current Policy Bold= Removed</b></p> <p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p><b>Current Policy:</b>  <u><b>HACC Policy</b></u>  HACC will administer a separate waiting list for the Homeless Preference. The list will require an applicant to be homeless at the time of application. HACC will provide 5 public housing units per fiscal year (July 1st to June 30th) for the Homeless Preference.  A homeless applicant is defined as one of the following:  1. Any family that is living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, emergency shelter); or  2. Any family that is living in a public or private place not meant for human habitation.  3. Any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence.</p> <p><b>PLACEMENT ON THE WAITING LIST</b>  <b>HACC will accept each qualified application for the preference received by Clackamas County Coordinated Housing Access (CHA) program, in which the preliminary assessment of the family’s eligibility was determined. Applicants whom qualify for the preference will be placed on the waiting list which will be maintained by HACC. The waiting list will always remain open for those applicants who qualify for the preference. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.</b></p>	<p><b>4</b></p>

**Updated Policy:  
Homeless Preference**

HACC Policy

HACC will administer a separate waiting list for the Homeless Preference. The list will require an applicant to be homeless at the time of application. HACC will provide 5 public housing units per fiscal year (July 1st to June 30th) for the Homeless Preference. **HACC will only accept qualified applications for the Homeless Preference received by Clackamas County Coordinated Housing Access (CHA) program, in which the preliminary assessment of the family's eligibility was determined. HACC will then use the ACOP Eligibility screening criteria to determine if the referred family qualify for the Public Housing program.**

**HACC will provide a maximum of 5 dedicated Public Housing Units per fiscal year (FY) (July 1st to June 30th) for families eligible for referrals from a HACC identified transitional housing or Rapid Rehousing (RRH) program for homeless families within Clackamas County that offer one-on-one case management for not less than 1 year following the family's exit from the referring program, have preferably had some type of RentWell or equivalent training, and must pass HACC screening criteria.**

**These families will be served on a first come, first serve basis on date and time of placement on the preference wait list. Unused Preference slots do not carry over to the next fiscal year. To qualify, the family must be referred by a case manager of a qualified RRH program or Transitional Housing Program within Clackamas County and be able to verify homeless status at time of entering RRH or transitional housing and case manager must offer assistance with housing related issues for not less than one year. If it is determined by HACC that the resident demonstrates a need for an additional case management the CHA will cooperate with HACC in providing case management until the household is stabilized and meets HUD Public Housing Program Regulations.**

**A maximum of 25 referred Applicants whom qualify for the preference will be placed on the waiting list which will be maintained by HACC. The waiting list will always remain open for those applicants who qualify for the preference and are referred by the CHA program or any other Clackamas County program whom HACC has executed a Memorandum of Understanding to provide one-on-one case management. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.**

A homeless applicant is defined as one of the following:

1. Any family that is living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, emergency shelter); or
2. Any family that is living in a public or private place not meant for human habitation.
3. Any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence.

**4-II.B.  
ORGANIZATION  
OF THE WAITING  
LIST**

**Changes made:  
Current Policy Bold=  
Removed**

**Updated Policy Bold =  
Added, updated or  
formatted**

**Current Policy:**  
HACC’s public housing waiting list must be organized in such a manner to allow HACC to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

HACC Policy

The waiting list will contain the following information for each applicant listed:

Name and social security number of head of household

Unit size required (number of family members)

Amount and source of annual income

Accessibility requirement, if any

Date and time of application or application number

Household type (family, elderly, disabled)

Admission preference, if any

Race and ethnicity of the head of household

The specific site(s) selected (site-based waiting lists)

HACC may adopt one community-wide waiting list or site-based waiting lists. HACC must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

HACC Policy

HACC will maintain

Site-based waiting lists. HACC maintains a site-based wait list system, with separate waiting lists by bedroom size for each of the following sites within HACC's public housing stock:

Hillside Park, Hillside Manor, Oregon City View Manor/Clackamas Heights , Oregon City/Beavercreek Scattered, Gladstone/Milwaukie Scattered, SW Portland/Wilsonville/Lake Oswego/West Linn Scattered, Estacada/Sandy Scattered, and Clackamas/SE Portland/Milwaukie (97222) Scattered.

HACC has no Public Housing Preferences for its site based waiting lists.

HACC has a Homeless preference referral only waitlist.

Wait list applicants will be pulled from each list in date and time order.

Current Public Housing residents requiring a transfer to another unit due to reasonable accommodation, or due to family composition change that exceeds or is below occupancy standards, will be placed before pulling applicants from the wait list. All other Transfer requests will be placed on the wait list in date order of requests for transfer provided that the wait list is open. Residents requesting a transfer must have lived in Public Housing for at least a year, be a tenant in good standing and have received Property Management approval to apply for a transfer position on a wait list.

Applications received after April 1, 2010, will allow applicants to choose not more than two Public Housing site based wait lists to be on. These applicants must accept the first list they come up on as they will be removed from all wait lists after the first offer.

Applications received before April 1, 2010 will be allowed to choose not more than two Public Housing site based wait lists to be on and will be allowed one offer from each wait list. Once offered a unit from a particular wait list, if the applicant refuses the offer, the applicant is removed from that wait list and cannot jump to other wait lists.

If an applicant comes to the top of a list and then accepts a unit from that list they will be removed from any other Public Housing list they selected.

Applicants can change between either of the two wait lists they are listed on and eligible for after applying, but cannot change wait lists once they are pulled from the wait list and are in the process of receiving an offer.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that HACC operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that HACC maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

#### HACC Policy

HACC will not merge a public housing waiting list with the waiting list for any other program HACC operates.

#### **Updated Policy:**

HACC's public housing waiting list must be organized in such a manner to allow HACC to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

#### HACC Policy

The waiting list will contain the following information for each applicant listed:

- **Name and social security number of head of household**
- **Unit size required (number of family members)**
- **Amount and source of annual income**
- **Accessibility requirement, if any**
- **Date and time of application or application number**
- **Household type (family, elderly, disabled)**
- **Admission preference, if any**
- **Race and ethnicity of the head of household**
- **The specific site(s) selected (site-based waiting lists)**

HACC may adopt one community-wide waiting list or site-based waiting lists. HACC must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

#### HACC Policy

HACC will maintain Site-based waiting lists. HACC maintains a site-based wait list system, with separate waiting lists by bedroom size for each of the following sites within HACC's public housing stock:

Hillside Park, Hillside Manor, Oregon City View Manor/Clackamas Heights , Oregon City/Beavercreek Scattered, Gladstone/Milwaukie Scattered, SW Portland/Wilsonville/Lake Oswego/West Linn Scattered, Estacada/Sandy Scattered, and Clackamas/SE Portland/Milwaukie (97222) Scattered.

HACC has no Public Housing Preferences for its site based waiting lists.

HACC has a Homeless Preference referral only waitlist. **Clackamas Coordinated Housing Access (CHA) will provide the referral for the Homeless Preference waitlist.**

**HACC will maintain a separate waiting list for Public Housing program preference applications. Preference wait list applicants will be pulled from list in date and time of application received order.**

Wait list applicants will be pulled from each list in date and time order.

Current Public Housing residents requiring a transfer to another unit due to reasonable accommodation, or due to family composition change that exceeds or is below occupancy standards, will be placed before pulling applicants from the wait list. All other Transfer requests will be placed on the wait list in date order of requests for transfer provided that the wait list is open. Residents requesting a transfer must have lived in Public Housing for at least a year, be a tenant in good standing and have received Property Management approval to apply for a transfer position on a wait list.

Applications received after April 1, 2010, will allow applicants to choose not more than two Public Housing site based wait lists to be on. These applicants must accept the first list they come up on as they will be removed from all wait lists after the first offer.

Applications received before April 1, 2010 will be allowed to choose not more than two Public Housing site based wait lists to be on and will be allowed one offer from each wait list. Once offered a unit from a particular wait list, if the applicant refuses the offer, the applicant is removed from that wait list and cannot jump to other wait lists.

If an applicant comes to the top of a list and then accepts a unit from that list they will be removed from any other Public Housing list they selected.

Applicants can change between either of the two wait lists they are listed on and eligible for after applying, but cannot change wait lists once they are pulled from the wait list and are in the process of receiving an offer.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that HACC operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

	<p>HUD permits, but does not require, that HACC maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].</p> <p><u>HACC Policy</u> HACC will not merge a public housing waiting list with the waiting list for any other program HACC operates.</p>	
<p><b>5-I.B. DETERMINING UNIT SIZE</b></p> <p><b>Changes made:</b> <b>Current Policy Bold= Removed</b></p> <p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p><b>Current Policy</b> <b>5-I.B. DETERMINING UNIT SIZE</b></p> <p>In selecting a family to occupy a particular unit, HACC may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].</p> <p>HUD does not specify the number of persons who may live in public housing units of various sizes. HACC is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].</p> <p>Although HACC does determine the size of unit the family qualifies for under the occupancy standards, HACC does not determine who shares a bedroom/sleeping room.</p> <p>HACC’s occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.</p> <p><u>HACC Policy</u> HACC will use the same occupancy standards for each of its developments.</p> <p>HACC’s occupancy standards are as follows:</p> <p>Each unit is intended for single family occupancy. HACC will assign one bedroom for each two persons within the household, except in the following circumstances:</p> <p><b>Persons of different generations will be required to share a bedroom, except:</b> A single pregnant woman with no other household members and a single parent with one child and no other household members will be assigned a one-bedroom unit. Assuming no other changes in family composition, after the child reaches the age of 5 years, the family will be eligible for a transfer to a 2-bedroom unit. Otherwise, an unborn child will not be counted as a person in determining unit size.</p> <p>A separate bedroom will be allocated for a single head of household with children. The two per bedroom will be required thereafter regardless of gender or age of the remaining household members.</p> <p>Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide’s family.</p> <p>Single person families will be allocated a zero or one bedroom.</p> <p>Children related to a household member by birth, adoption, or court awarded custody will be considered when determining unit size.</p>	<p><b>5</b></p>



Foster children will be considered when determining unit size. The family may add foster children to the household as long as it does not overcrowd the unit based on HACC occupancy standards.

Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.

Children in the process of being adopted will be considered when determining unit size.

Children who will live in the unit less than 50 percent of the time will not be considered when determining unit size.

In addition to the above standards, the following guidelines apply when initially assigning a family to a unit:

**(a)** A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;

**(b)** A child who is temporarily away from the home to attend school is considered a member of the family in determining the family unit size;

**(c)** A family consisting solely of a pregnant woman will be treated as a one person household;

HACC will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	3	4
3	4	6
4	6	8

HACC has no Public Housing units larger than four-bedroom units. Should the family size increase to the point where a five-bedroom unit is required, the family will be issued a Housing Choice Voucher, if available. If the term of the voucher expires and the family still has not moved, the Housing Authority will take steps to terminate the lease agreement, unless this is waived by the Executive Director. A waiver will only be considered in the most unique of circumstances.

In accordance with the lease, boarders or lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is ground for termination of the lease.

Resident will not be given permission to allow a former resident of HACC who has been evicted to join the household. Violation of this requirement is grounds for termination of the lease.

Family members age 18 or older, or emancipated minors who move from the dwelling unit to establish new households, shall be removed from the lease. The resident has the responsibility to immediately report the move-out to HACC.

This does not apply to those temporarily away at school, but intending to return to the household. These individuals may not be readmitted to the unit. However, they may apply as new applicant households for placement on the waiting list

(subject to applicable income limits, preferences, resident selection, and screening requirements). Medical hardship or other extenuating circumstances may be considered by HACC in making determinations under this paragraph.

**Updated Policy**

**5-I.B. DETERMINING UNIT SIZE**

In selecting a family to occupy a particular unit, HACC may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. HACC is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although HACC does determine the size of unit the family qualifies for under the occupancy standards, HACC does not determine who shares a bedroom/sleeping room.

HACC's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

HACC Policy

HACC will use the same occupancy standards for each of its developments.

HACC's occupancy standards are as follows:

Each unit is intended for single family occupancy.

HACC will assign one bedroom for each two persons within the household, except in the following circumstances:

- A family that consist of a pregnant woman (with no other persons) must be treated as a two-person family.
- A separate bedroom will be allocated for a single head of household with children. The two per bedroom will be required thereafter regardless of gender or age of the remaining household members.
- A couple with one child will be issued a two bedroom unit. The two per bedroom will be required thereafter regardless of gender or age of the remaining household members.
- Any Live-in aide (approved by HACC to reside in the unit) must be counted in determining the unit size but no other consideration of significant other to the live-in aide or children will be considered.
- Single person families will be allocated a zero or one bedroom.
  
- Children related to a household member by birth, adoption, or court awarded custody will be considered when determining unit size.
  
- Foster children will be considered when determining unit size. The family may add foster children to the household as long as it does not overcrowd the unit based on HACC occupancy standards.

- Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.
- Children in the process of being adopted will be considered when determining unit size.
- Children who will live in the unit less than 50 percent of the time will not be considered when determining unit size.

In addition to the above standards, the following guidelines apply when initially assigning a family to a unit:

- (a) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;
- (b) A child who is temporarily away from the home to attend school is considered a member of the family in determining the family unit size;
- (c) A family consisting solely of a pregnant woman will be treated as a one person household;

HACC will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	3
2	2	5
3	4	7
4	6	9

HACC has no Public Housing units larger than four-bedroom units. Should the family size increase to the point where a five-bedroom unit is required, the family will be issued a Housing Choice Voucher, if available. If the term of the voucher expires and the family still has not moved, the Housing Authority will take steps to terminate the lease agreement, unless this is waived by the Executive Director. A waiver will only be considered in the most unique of circumstances.

In accordance with the lease, boarders or lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is ground for termination of the lease.

Resident will not be given permission to allow a former resident of HACC who has been evicted to join the household. Violation of this requirement is grounds for termination of the lease.

Family members age 18 or older, or emancipated minors who move from the dwelling unit to establish new households, shall be removed from the lease. The resident has the responsibility to immediately report the move-out to HACC. This does not apply to those temporarily away at school, but intending to return to the household. These individuals may not be readmitted to the unit. However, they may apply as new applicant households for placement on the waiting list (subject to applicable income limits, preferences, resident selection, and screening requirements). Medical hardship or other extenuating circumstances may be considered by HACC in making determinations under this paragraph.

<p><b>6-I.C.</b>  <b>ANTICIPATING ANNUAL INCOME</b></p> <p><b>Changes made:</b>  <b>Current Policy Bold=Removed</b></p> <p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p><b>Current Policy</b>  <b>Basis of Annual Income Projection</b>  HACC generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes HACC to use other than current circumstances to anticipate income when:</p> <ul style="list-style-type: none"> <li>• An imminent change in circumstances is expected [HCV GB, p. 5-17]</li> <li>• It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]</li> <li>• The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]</li> </ul> <p>HACC is required to use HUD’s Enterprise Income Verification system (EIV) in its entirety as a third party resource to verify employment and income information, and to reduce administrative subsidy errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)]</p> <p>HUD allows HACC to use tenant-provided documents to project income once the EIV data has been received in such cases where the family does not dispute the EIV employer data and where HACC does not determine it is necessary to obtain additional third party data.</p> <p><u>HACC Policy</u>  When EIV is obtained and the family does not dispute the EIV employer data, HACC will use current tenant-provided documents to project annual income. When the tenant provided documents are pay stubs, HACC will make every effort to obtain at least 4 consecutive pay stubs dated within the last 90 days.</p> <p>HACC will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:</p> <ul style="list-style-type: none"> <li>• If EIV or other UIV data is not available,</li> <li>• If the family disputes the accuracy of the EIV employer data, and/or</li> <li>• If HACC determines additional information is needed.</li> </ul> <p>In such cases, HACC will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how HACC annualized projected income.</p> <p>When HACC cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), HACC will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.</p> <p>Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to HACC to show why the historic pattern does not represent the family’s anticipated income.</p> <p><b>Updated Policy</b>  <b>Basis of Annual Income Projection</b>  HACC generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes HACC to use other than current circumstances to anticipate income when:</p>	<p><b>6</b></p>
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	<ul style="list-style-type: none"> <li>• An imminent change in circumstances is expected [HCV GB, p. 5-17]</li> <li>• It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]</li> <li>• The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]</li> </ul> <p>HACC is required to use HUD’s Enterprise Income Verification system (EIV) in its entirety as a third party resource to verify employment and income information, and to reduce administrative subsidy errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)]</p> <p>HUD allows HACC to use tenant-provided documents to project income once the EIV data has been received in such cases where the family does not dispute the EIV employer data and where HACC does not determine it is necessary to obtain additional third party data.</p> <p><u>HACC Policy</u> When EIV is obtained and the family does not dispute the EIV employer data, HACC will use current tenant-provided documents to project annual income. When the tenant provided documents are pay stubs, HACC will make every effort to obtain at least 4 consecutive pay stubs dated within the last 90 days.</p> <p>HACC will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:</p> <ul style="list-style-type: none"> <li>• <b>If EIV or other UIV data is not available,</b></li> <li>• <b>If the family disputes the accuracy of the EIV employer data, and/or</b></li> <li>• <b>If HACC determines additional information is needed.</b></li> </ul> <p>In such cases, HACC will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how HACC annualized projected income.</p> <p>When HACC cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), HACC will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.</p> <p>Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to HACC to show why the historic pattern does not represent the family’s anticipated income.</p>	
<p><b>9-III.C. CHANGES AFFECTING INCOME OR EXPENSES</b></p> <p><b>Changes made:</b> <b>Current Policy Bold=</b> <b>Removed</b></p>	<p><b>Current Policy</b> <b><i>Required Reporting</i></b> HUD regulations give HACC the discretion to determine the circumstances under which families will be required to report changes affecting income.</p> <p><u>HACC Policy</u> Families are required to report all increases in earned income, including new employment, within 7 days of the date the change takes effect.</p>	<p><b>9</b></p>

<p><b>Updated Policy Bold = Added, updated or formatted</b></p>	<p>HACC will only conduct interim reexaminations for families that qualify for the earned income disallowance (EID), and only when the EID family’s rent will change as a result of the increase. In all other cases, HACC will note the information in the tenant file, but will not conduct an interim reexamination. Families are not required to report any other changes in income or expenses.</p> <p><b>Updated Policy Required Reporting</b>  HUD regulations give HACC the freedom to determine the circumstances under which families will be required to report changes affecting income.</p> <p><u>HACC Policy</u>  Families are required to report all increases in <b>income (including new employment or change of employment)</b>, and assets within 7 business days of the date the change takes effect.  HACC will only conduct interim reexaminations that result in an increase in income under the following circumstances:</p> <ol style="list-style-type: none"> <li>1) <b>For families that qualify for the earned income disallowance (EID), and only when the EID family's share of rent will change as a result of the increase.</b></li> <li>2) <b>When changes in income have not been reported to HACC in a timely manner (within 7 business days of the change). In this situation, HACC will conduct an interim reexamination and will make the change in tenant rent retroactive to the first of the month following the month when the change occurred. The family will be required to enter into a repayment agreement with HACC for the overpaid assistance.</b></li> <li>3) <b>When the family previously had been at zero income.</b></li> </ol> <p><b>In all other cases, HACC will note the information in the tenant file, but will not conduct an interim reexamination.</b></p>	
<p><b>Over-Income Families [24 CFR 960.261 and FR Notice 7/26/18]</b></p>	<p><b>Current Policy:</b>  <b>Over-Income Families [24 CFR 960.261 and FR 11/26/04, p. 68786]</b>  Subject to certain restrictions, HUD authorizes PHAs to evict or terminate the tenancies of families because they are over income. Unless required to do so by local law, HACC may not evict or terminate the tenancy of a family solely because the family is over income if: (1) the family has a valid contract of participation in the Family Self-Sufficiency (FSS) program, or (2) the family is currently receiving the earned income disallowance. This rule does not require PHAs to evict over-income residents, but rather gives PHAs the discretion to do so thereby making units available for applicants who are income-eligible.  <u>HACC Policy</u>  HACC will not evict or terminate the tenancies of families solely because they are over income.</p> <p><b>Updated Policy:</b>  <b>Over-Income Families [24 CFR 960.261 and FR Notice 7/26/18]</b>  The Housing Opportunity through Modernization Act (HOTMA) of 2016 placed an income limitation on public housing tenancies. The over-income requirement states that after a family’s income has exceeded 120 percent of area median income (AMI) (or a different limitation established by the</p>	<p>13</p>

secretary) for two consecutive years, the PHA must either terminate the family's tenancy within six months of the determination, or charge the family a monthly rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit, including amounts from the operating and capital funds, as determined by regulations.

PHAs also have discretion, under 24 CFR 960.261, to adopt policies allowing termination of tenancy for families whose income exceeds the limit for program eligibility. Such policies would exempt families participating in the Family Self-Sufficiency (FSS) program or currently receiving the earned income disallowance.

#### HACC Policy

At annual or interim reexamination, if a family's income exceeds the applicable over-income limit, HACC will document the family file and begin tracking the family's over-income status.

If one year after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, HACC will notify the family in writing that their income has exceeded the over-income limit for one year, and that if the family continues to be over-income for 12 consecutive months, the family will be subject to the HACC's over-income policies.

If two years after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, HACC will charge the family a rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit. HACC will notify the family in writing of their new rent amount. The new rent amount will be effective 30 days after the PHA's written notice to the family.

If, at any time, an over-income family experiences a decrease in income, the family may request an interim redetermination of rent in accordance with HACC policy. If, as a result, the previously over-income family is now below the over-income limit, the family is no longer subject to over-income provisions as of the effective date of the recertification. HACC will notify the family in writing that over-income policies no longer apply to them. If the family's income later exceeds the over-income limit again, the family is entitled to a new two-year grace period.

HACC will begin tracking over-income families once these policies have been adopted, but no later than March 24, 2019.

HACC will not evict or terminate the tenancies of families whose income exceeds the income limit for program eligibility as described at 24 CFR 960.261.

Attachment C  
Strategy for Addressing Housing Needs

**Introduction**

The Housing Authority of Clackamas County (HACC) is committed to affirmatively furthering fair housing and contributing to the elimination of impediments to fair housing choice as described in 24 CFR Part 570.601 and the Furthering Fair Housing Executive Order 11063, as amended by Executive Order 12259.

Clackamas County Housing and Community Development Division (HCD) with local Fair Housing Partners participated in a Fair Housing Collaboration and completed an Assessment of Fair Housing (AFH) Plan. HCD is comprised of HACC and Community Development (CD)

**Local Efforts**

In preparing the AFH, HCD assembled its Fair Housing Partners to identify goals and strategies to improve housing choices in Clackamas County. HCD's Fair Housing local partners include; cities, towns and hamlets in Clackamas County, Clackamas County Social Services Division (SSD), Clackamas County Department of Transportation and Development (DTD), the Fair Housing Council of Oregon (FHCO) and Legal Aid Services of Oregon (LASO).

Six (6) general fair housing goals were identified in the AFH:

- Goal I: Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing
- Goal II: Increase accessibility to affordable housing for person with disabilities and single parent familial status households (households with children under 18 yrs.)
- Goal III: Improve access to housing and services for all protected classes
- Goal IV: Enforce Fair Housing laws and increase public understanding of Fair Housing laws
- Goal V: Coordinate Fair Housing advocacy and enforcement efforts among regional partners
- Goal VI: Ensure that all housing in Clackamas County is healthy and habitable

**Regional Efforts**

The AFH has been completed and was approved by HUD. Clackamas County continues to meet quarterly with regional partners to coordinate fair housing efforts, data collection, training and events. Regional partners include: Multnomah County, Washington County, Clark County (WA), City of Portland, City of Gresham, and the City of Beaverton. In addition, there are several agencies that provide fair housing service in the county, including the United States Department of Housing and Urban Development, The Fair Housing Council of Oregon, Legal Aid Services of Oregon and Clackamas County Social Services Division, Housing Rights and Resources Program.

Regional partners intend to move to a regional Analysis of Impediments to Fair Housing study and regional data collection in order to plan more effective training events and strategies to reduce housing discrimination and increase housing choice for residents in the Portland Metropolitan area housing market. Regional partners are also working to align their fair housing efforts with the public housing authorities' plans to increase access to housing.

**Statewide Goals of the Fair Housing Council of Oregon:**

The Fair Housing Council of Oregon (FHCO) has contracts with the state of Oregon and with several local governments to provide fair housing training to tenants and landlords. FHCO has assembled a group of fair housing partners to coordinate fair housing activities, training and events. The first meeting was held on May 6, 2014 to discuss needs for education and outreach, audit testing needs (to find out if landlords are discriminating against protected classes of people) and, other identified by local agencies. FHCO is also being asked by partners to collect and analyze housing discrimination data to report out to partners.

**Oregon state laws have changed to prohibit source of income in Section 8**

Effective July 1, 2014, landlords cannot refuse to rent to an applicant, or treat an applicant or tenant differently, because the applicant is using a Section 8 voucher or other local, state, or federal rental housing assistance. Nor can



landlords advertise “no Section 8.” Landlords can still screen and reject any applicant, including those with a Section 8 voucher, for past conduct and ability to pay rent.

Prior to passage of House Bill 2639 in 2013, the “source of income” category explicitly excluded federal rent assistance, which primarily refers to the Section 8 Housing Choice Voucher program; this exclusion meant that Oregon landlords could refuse to rent to applicants, or even to consider them, just because they had a Section 8 voucher. The new law removed that exception and explicitly stated that Section 8 or any other local, state, or federal housing assistance is included in the source of income protection. Oregon Revised Statute 659A.421 (1) (d).

The new law also creates the Housing Choice Landlord Guarantee Program, to compensate landlords for damages incurred as a result of tenancies by Section 8 voucher holders.

**Clackamas County Actions Taken in 2016-2017 and Analysis of Impact**

Strategy	Primary Partners (Lead in <b>BOLD</b> )	Accomplishments
<b>Commit to countywide and regional support to continue and enhance enforcement of fair housing laws</b>	<b>SSD</b> HACC CD	SSD has annual contracts with the Fair Housing Council of Oregon FHCO (\$10,770) and Legal Aid Services of Oregon (LASO) (\$81,250) to provide enforcement of fair housing laws. FHCO assisted 209 people with housing information. 31 (15%) were Latino and 12 (6%) were African American. CD is meeting regularly with regional partners to discuss audit testing options.
<b>Improve access to fair housing information</b>	SSD <b>CD</b> HACC	HCD has met with regional partners and the Fair Housing Council of Oregon to coordinate Fair Housing activities, develop a centralized resource and to develop fair housing materials in multiple languages and formats.
<b>Expand opportunities for tenants using Housing Choice Vouchers</b>	<b>HACC</b>	The Housing Authority of Clackamas County has landlord outreach materials posted on the HACC website: <a href="http://www.clackamas.us/housingauthority/">http://www.clackamas.us/housingauthority/</a>  Outreach for events and trainings were done by the following: <ul style="list-style-type: none"> <li>• Direct email invitations to our landlord email list</li> <li>• Announcements on the Metro Multi Family Calendar of events</li> <li>• Fair Housing Council of Oregon Announcements</li> <li>• Promoted on HACC Website</li> <li>• Word of mouth through property management companies, etc</li> </ul> <b>Landlord Newsletters</b> continue to be distributed and posted on HACC’s website.
<b>Ensure the HACC conducts targeted outreach to underrepresented &amp; protected class for upcoming waitlist opening</b>	<b>HACC</b>	HACC opened its waitlists in January and plans to added 500 new applicants to Housing Choice Voucher Section 8 waitlist and 3,300 to its Site Based Public Housing waitlists.

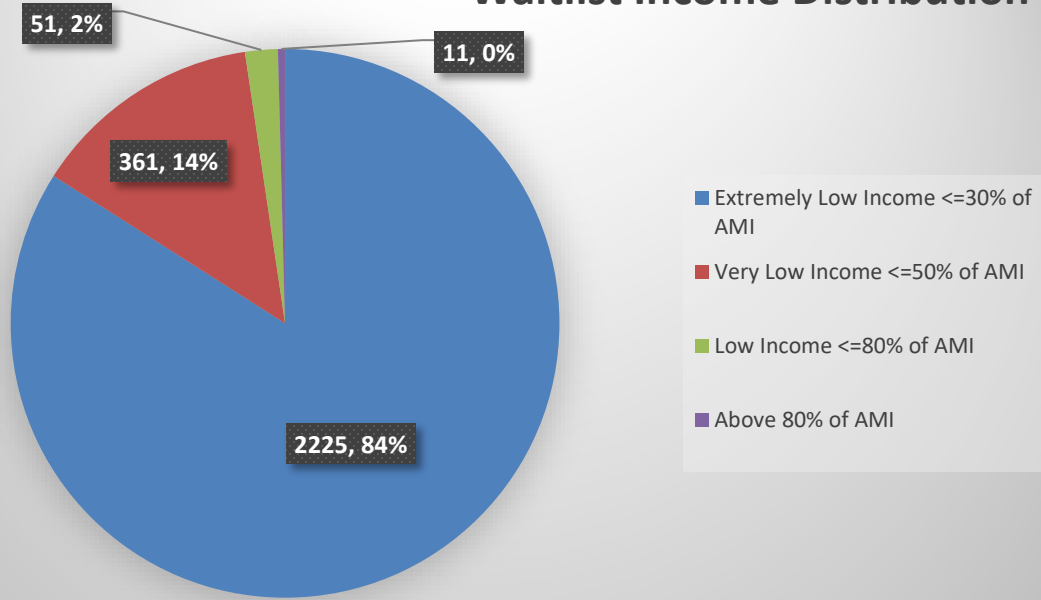
**Housing Needs**

Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families,

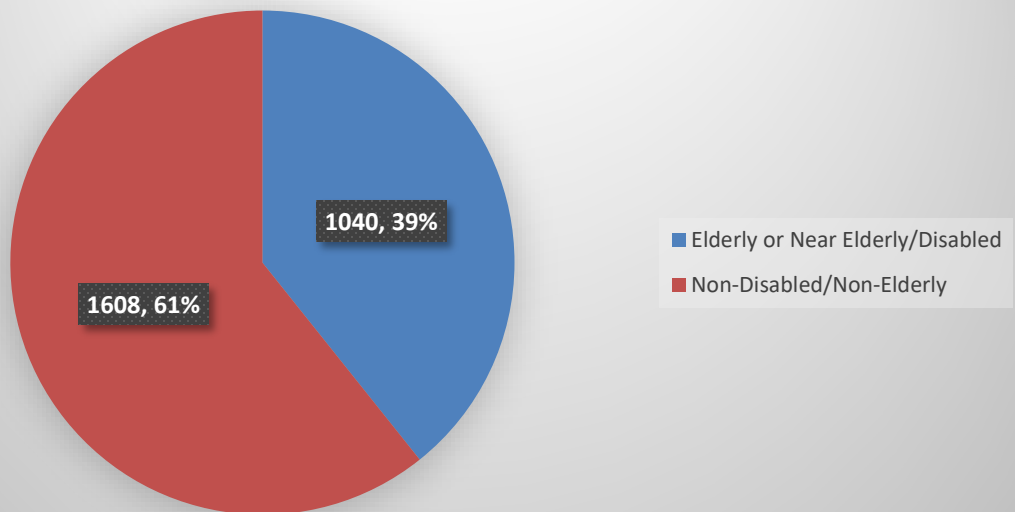
families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

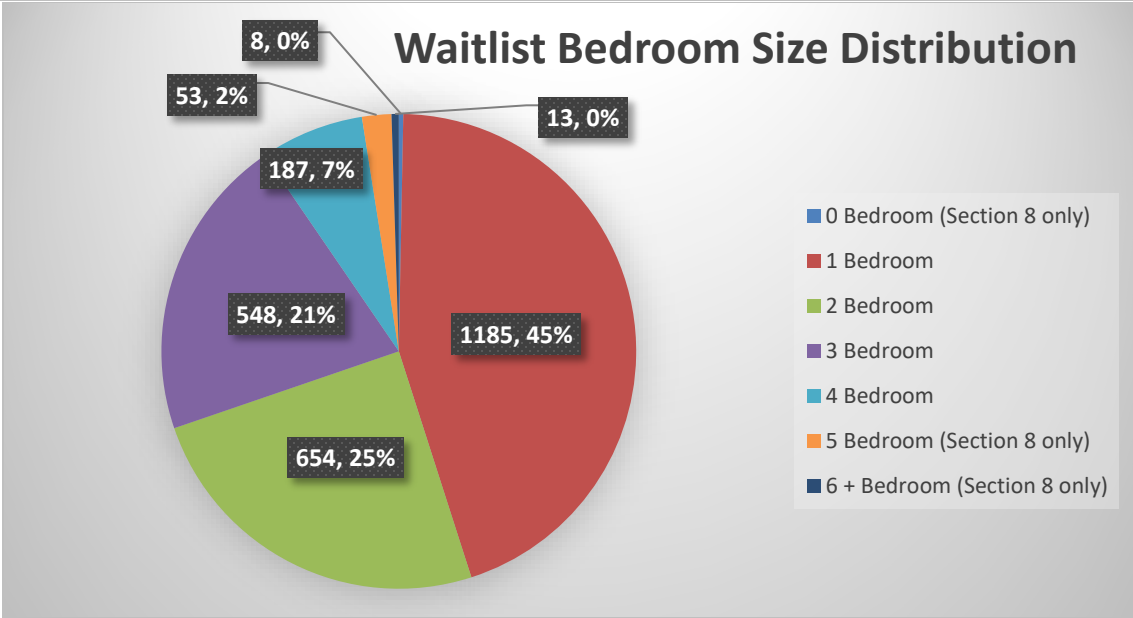
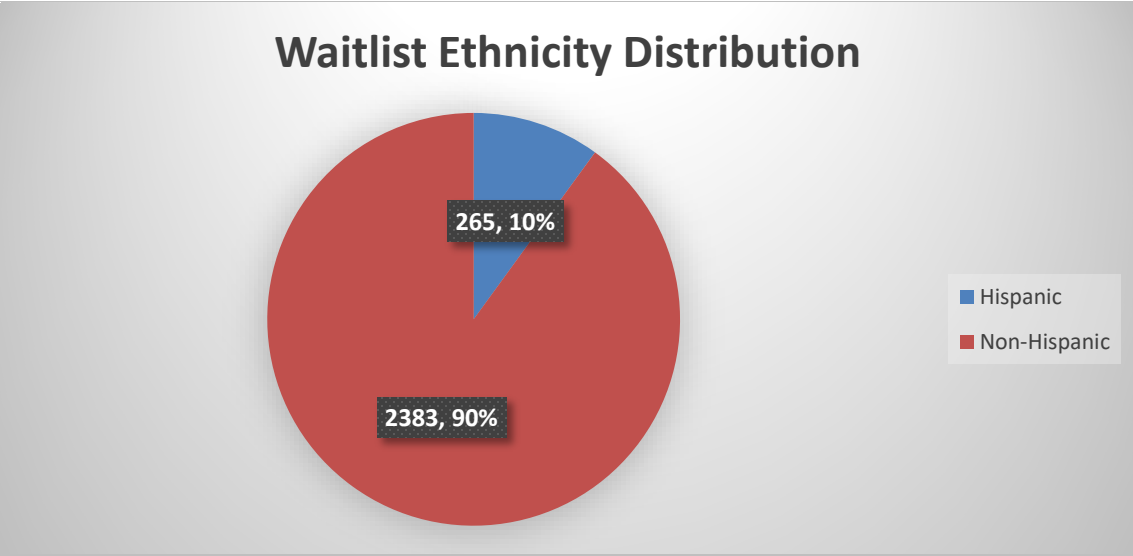
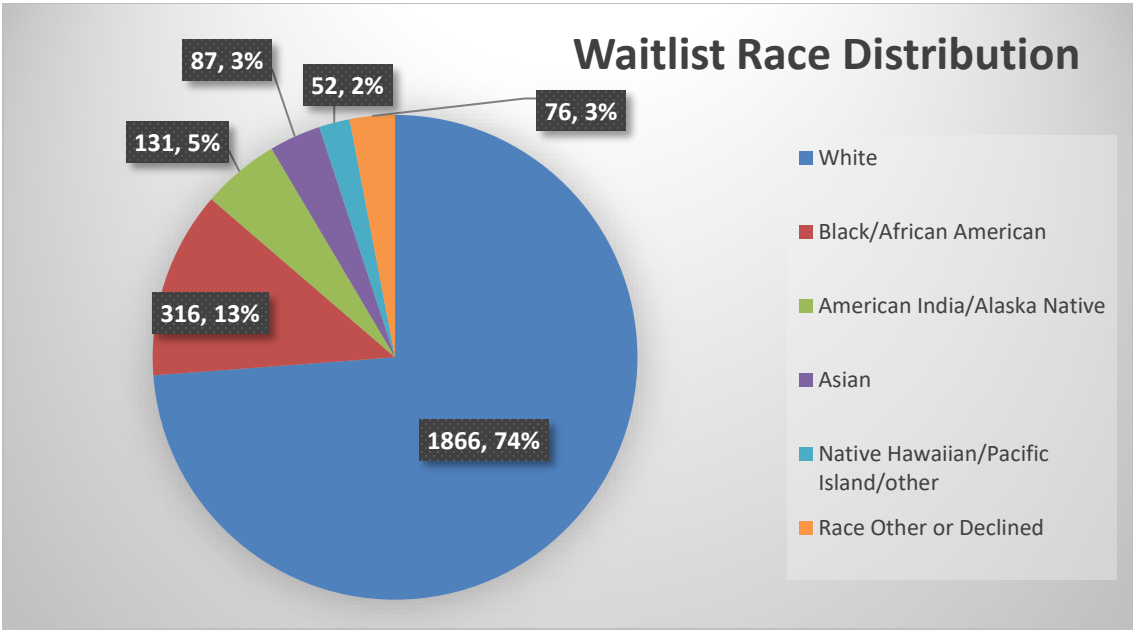
<b>Housing Needs of Families on the Waiting List: Housing Choice Voucher and Public Housing</b>		
	<b># of Families</b>	<b>% of Total Families</b>
Waiting List Total	2,648	100%
Section 8 Waiting List	655	24.7%
Public Housing Waiting List	1,993	75.3%
Extremely Low Income <= 30% of AMI	2,225	84%
Very Low Income <= 50% of AMI	361	13.6%
Low Income <= 80% of AMI	51	1.9%
Above 80% of AMI	11	.4%
Elderly or Near Elderly/Disabled	1,040	39.3%
Non-Elderly / Non-Disabled	1,608	60.7%
White	1,866	70.5%
Black/African American	316	11.9%
American Indian/Alaska Native	131	4.9%
Asian	87	3.3%
Native Hawaiian/Pacific Island	52	2%
Race Other or Declined	76	2.9%
Hispanic	265	10%
Non-Hispanic	2,383	90%
<b>Characteristics by Bedroom Size</b>		
0 BR (Section 8 only)	8	.3%
1 BR	1,185	44.8%
2 BR	654	24.7%
3 BR	548	20.7%
4 BR	187	7.1%
5 BR (Section 8 only)	53	2%
6 BR (Section 8 only)	13	0%

### Waitlist Income Distribution



### Waitlist Disabled and/or Elderly versus Non-Disabled and/or Elderly





## Attachment D

### **Deconcentration Policy**

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2] HACC's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of HACC's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)]. HACC's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c) (5)]. Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by HACC with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by HACC with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c) (1)]. To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, HACC must comply with the following steps: Step 1. HACC must determine the average income of all families residing in all HACC's covered developments. HACC may use the median income, instead of average income, provided that HACC includes a written explanation in its annual plan justifying the use of median income. HACC Policy - HACC will determine the average income of all families in all covered developments on an annual basis. Step 2. HACC must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, HACC has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD. HACC Policy - HACC will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis. Step 3. HACC must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Attachment F  
**Financial Resources**

\$100,000 from Clackamas County General Fund to support the provision of Resident Services at Public Housing Properties operated by the Housing Authority of Clackamas County.

\$120,000 from Clackamas County General Fund to support the provision of Resident Services for Veterans and their families residing at the Pleasant Avenue Veteran Housing Project.

ATTACHMENT F

Violence Against Women (VAWA) Statement

Housing Authority of Clackamas County (HACC) addresses VAWA in the Section 8 Housing Choice Voucher Administrative Plan and the Public Housing Admissions and Continued Occupancy Policy. The responsibility of not terminating families from housing for reasons that fall under the VAWA regulation is particularly addressed. HACC has an Emergency Transfer Plan for victims of domestic violence in our housing programs.

We offer a local preference in the Housing Choice Voucher program for victims of Domestic Violence working with case management. We partner with several community partners like Northwest Family Services, Clackamas Women's Services, A Safe Place and Northwest Housing Alternatives to administer the Domestic Violence preference vouchers.

In addition, we are in continuous contact with County and City agencies, including the various law enforcement agencies, for current tenant's experiencing Domestic Violence.

HACC also partners with Clackamas County Social Services and Behavioral Health as well as the State Department of Human Services to use funds in a transitional housing program and Shelter + Care program under the Continuum of Care, where many victims of Domestic Violence are housed and provided services.

In summary, we follow the VAWA program policies and regulations with the goal of providing safeguards for the families falling under the VAWA related program requirements and refer households, as needed, to local domestic violence service provider partners. HACC has amended all its policies to comply with VAWA.

  
\_\_\_\_\_  
Jill Smith, Executive Director

3/13/19  
\_\_\_\_\_  
Date

**Attachment G  
RAD Development Project Descriptions**

<b>Development #1 Hillside Manor</b>			
<u>Name of Public Housing Project:</u>  <b>Hillside Manor</b>	<u>PIC Development ID:</u>  <b>OR001005000</b>	<u>Conversion Type (i.e. PBV or PBRA):</u>  <b>PBV</b>	<u>Transfer of Assistance:</u>  <b>No</b>
<u>Total Units</u>  <b>100</b>	<u>Pre-Rad Unit Type:</u>  <b>Family</b>	<u>Post RAD Unit Type if different:</u>  <b>N/A</b>	<u>Total Annual Capital Fund allocation</u>  <b>Per unit is \$1,640 Total is \$164,000</b>
<u>Bedroom Type</u>  <b>Studio/Efficiency: 0 One Bedroom: 96 Two Bedroom: 4</b>	<u>Number of Units Pre Conversion</u>  <b>100</b>	<u>Number of Units Post Conversion</u>  <b>100</b>	<u>Change in number of units per bedroom type and why</u>  <b>N/A</b>
<b>Development #2 Hillside Park</b>			
<u>Name of Public Housing Project:</u>  <b>Hillside Park</b>	<u>PIC Development ID:</u>  <b>OR001003000</b>	<u>Conversion Type (i.e. PBV or PBRA):</u>  <b>PBV</b>	<u>Transfer of Assistance:</u>  <b>No</b>
<u>Total Units</u>  <b>100</b>	<u>Pre-Rad Unit Type:</u>  <b>Family</b>	<u>Post RAD Unit Type if different:</u>  <b>N/A</b>	<u>Total Annual Capital Fund allocation divided by total number of Public Housing units in PHA, multiplied by total number of units in project</u>  <b>Per unit is \$1,640 Total is \$164,000</b>
<u>Bedroom Type</u>  <b>Studio/Efficiency: 0 One Bedroom: 25 Two Bedroom: 75</b>	<u>Number of Units Pre Conversion</u>  <b>100</b>	<u>Number of Units Post Conversion</u>  <b>100</b>	<u>Change in number of units per bedroom type and why</u>  <b>N/A</b>



<b>Development #3 Oregon City View Manor</b>			
<u>Name of Public Housing Project:</u>  <b>Oregon City View Manor</b>	<u>PIC Development ID:</u>  <b>OR001004000</b>	<u>Conversion Type (i.e. PBV or PBRA):</u>  <b>PBV</b>	<u>Transfer of Assistance:</u>  <b>No</b>
<u>Total Units</u>  <b>100</b>	<u>Pre-Rad Unit Type:</u>  <b>Family</b>	<u>Post RAD Unit Type if different:</u>  <b>N/A</b>	<u>Total Annual Capital Fund allocation divided by total number of Public Housing units in PHA, multiplied by total number of units in project</u>  <b>Per unit is \$1,640 Total is \$164,000</b>
<u>Bedroom Type</u>  <b>Studio/Efficiency: 0 One Bedroom: 36 Two Bedroom: 30 Three Bedroom: 24 Four Bedroom: 10</b>	<u>Number of Units Pre Conversion</u>  <b>100</b>	<u>Number of Units Post Conversion</u>  <b>100</b>	<u>Change in number of units per bedroom type and why</u>  <b>N/A</b>
<b>Development #4 Clackamas Heights</b>			
<u>Name of Public Housing Project:</u>  <b>Clackamas Heights</b>	<u>PIC Development ID:</u>  <b>OR001001000</b>	<u>Conversion Type (i.e. PBV or PBRA):</u>  <b>PBV</b>	<u>Transfer of Assistance:</u>  <b>No</b>
<u>Total Units</u>  <b>100</b>	<u>Pre-Rad Unit Type:</u>  <b>Family</b>	<u>Post RAD Unit Type if different:</u>  <b>N/A</b>	<u>Total Annual Capital Fund allocation divided by total number of Public Housing units in PHA, multiplied by total number of units in project</u>  <b>Per unit is \$1,640 Total is \$164,000</b>
<u>Bedroom Type</u>  <b>Studio/Efficiency: 28 One Bedroom: 50 Two Bedroom: 22 Three Bedroom: 22</b>	<u>Number of Units Pre Conversion</u>  <b>100</b>	<u>Number of Units Post Conversion</u>  <b>100</b>	<u>Change in number of units per bedroom type and why</u>  <b>N/A</b>

<b>Development #5 Scattered Sites</b>			
<u>Name of Public Housing Project:</u>  <b>Scattered Sites</b>	<u>PIC Development ID:</u>  <b>OR001002000</b>	<u>Conversion Type (i.e. PBV or PBRA):</u>  <b>PBV</b>	<u>Transfer of Assistance:</u>  <b>No</b>
<u>Total Units</u>  <b>145</b>	<u>Pre-Rad Unit Type:</u>  <b>Family</b>	<u>Post RAD Unit Type if different:</u>  <b>N/A</b>	<u>Total Annual Capital Fund allocation divided by total number of Public Housing units in PHA, multiplied by total number of units in project</u>  <b>Per unit is \$1,640 Total is \$237,800</b>
<u>Bedroom Type</u>  Studio/Efficiency: 0 One Bedroom: 0 Two Bedroom: 2 Three Bedroom: 126 Four Bedroom: 17	<u>Number of Units Pre Conversion</u>  <b>145</b>	<u>Number of Units Post Conversion</u>  <b>100</b>	<u>Change in number of units per bedroom type and why</u>  <b>N/A</b>



## **Attachment I Capital Fund Grant Project Summary**

### **2018 Capital Fund Completed Projects**

- Project # 18001 – AMP Wide Cabinet Project \$38,602.00
- Project # 18002 – AMP Wide Moving Services \$20,000.00
- Project # 18003 – Scattered Sites Furnace Project \$139,232.00
- Project # 18004 – Scattered Sites Window & Siding Project \$240,716.00
- Project # 18005 – Scattered Sites Roof Project \$86,918.00
- Project # 18006 – Clackamas Hts Deck Project \$97,415.00
- Project # 18007 – OCVM ER Roof Replacement \$31,000.00
- Project # 18008 – HSP Bath 504 Upgrade \$5,397.00
- Total = \$631,380.00

### **2019 Proposed Capital Fund Projects**

- 4957 Harrison Street – Burn Repair \$15,000.00
- #14 OCVM – Car Damage Repair \$7,500.00
- 250/260 E Jersey Fire/Modernization Work \$300,000.00
- AMP Wide Flooring \$250,000.00
- Hillside Manor Elevator Engineer \$25,000.00
- Hillside Manor Elevator Modernization \$575,000.00
- Asbestos Air Monitoring \$25,000.00
- Asbestos Abatement Services \$50,000.00

## **Attachment J**

### **PUBLIC NOTICE**

A Public Meeting to cover the Housing Authority of Clackamas County's (HACC) Annual Plan effective 2019-2020 will be held on January 16th, 2019, at 10 AM at Clackamas Heights Community Center, 13900 S. Gain St., Oregon City, OR 97045. Resident Advisory Board members and Public Housing residents are encouraged to attend.

A Public Hearing to comment on HACC's 2019-20 Draft Plan will be held on March 21, 2019, before the HACC's Board of Commissioners. The Commissioners meet at 10:00 AM, in their hearing room at the Public Services Building located at 2051 Kaen Road, Oregon City, Oregon. Everyone can attend and comment on the proposed Plan.

HACC may convert its Public Housing properties to Rental Assistance Demonstration (RAD), as a result of the conversion, Capital Grant funding will be reduced by approximately \$894,204/year. HACC may utilize the Replacement Housing Funds (RHF) in the amount of \$147,421, to facilitate RAD conversion.

HACC developed its Plan in compliance with the Quality Housing and Work Responsibility Act of 1998 and Federal Register, Docket No. FR-4829-N-01.

The Draft Plan will be available for review from January 19th, 2019-March 5th, 2019 and can be found online at <http://www.clackamas.us/housingauthority/plansandreports.html>. Hard copies are kept for public review at HACC's administrative office located at 13930 South Gain Street, Oregon City, OR, open Monday through Thursday, 10AM to 5PM. The Plan can also be viewed at the Clackamas County Library, 16201 SE McLoughlin, Oak Grove, OR.

Written comments should be directed to Elizabeth Miller, Housing Authority of Clackamas County, P.O. Box 1510, Oregon City, OR 97045, or by email at [emiller@clackamas.us](mailto:emiller@clackamas.us). These comments must be received by March 5th, 2019.

**Attachment K  
Annual Plan Comments**

# **HACC ANNUAL PLAN 2019-2020 RAB MEETING AGENDA**

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<b>10:00-10:10</b>	Welcome & Introductions	Chuck Robbins
<b>10:10-10:25</b>	Annual Plan Review – New Activities & Progress Report	Chuck Robbins
<b>10:25-10:40</b>	Development Update	Stephen McMurtrey
<b>10:40-11:00</b>	Capital Fund Overview: Attachment H-I	Josh Teigen
<b>11:00-11:30</b>	Section 8 Policy Updates - Review Attachment A	Toni Karter
<b>11:30 – 12:00</b>	Break for Lunch	
<b>12:00-12:20</b>	Public Housing Updates - Review Attachment B	Rich Malloy
<b>12:20-12:30</b>	Resident Services (Public Housing) Overview	Jemila Hart
<b>12:30-12:40</b>	Family Self Sufficiency (Section 8) Overview	Michell Paresi
<b>12:40-12:45</b>	Annual Plan Timeline	Elizabeth Miller
<b>12:45-1pm</b>	Questions and Answers	All

# HACC ANNUAL PLAN 2019-2020

## RAB MEETING MINUTES

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10:10-10:20

Chuck Robbins

I. Welcome & Introductions

- a. Chuck convened the meeting at 10:10am
- b. Chuck announces he's been with the County for 40 years, but is retiring in August. Chuck will transition back to Director of Community Development when the new Executive Director is hired, which is expected to be in January or February. Five years ago the County combined CD and HACC, Chuck took over the Director of both divisions. When the new HACC Executive Director starts, we will be split the divisions back out again.

10:20-10:30

Chuck Robbins

II. Chuck went through the Annual Plan – New Activities & Progress Report

- a. Highlighted the New Activities:
  - i. The voters approved the Metro Affordable Housing Bond, which will result approximately \$116 million dollars to Clackamas County to build affordable housing.
    1. The goal is to build 816 new affordable housing units; of those 316 will be available at those at or below 30% AMI.
    2. About half of those units will be 2 bedrooms and larger.
    3. The plan is to build units within the Urban Growth Boundary (UGB). The key components is land. If you don't have it you can't build it.
    4. HACC has 100 units on 16 acres at 2 different sites.
    5. Stephen is the director and Angel Sully is the Housing Developer. Eventually, we will grow Development Dept. to 5 people.
    6. Metro funds cannot used outside the UGB, so HACC will use other funds to build housing in those areas. The goal is to open up the choice of where folks can live.
      1. Q: With the Bond, what does it mean for HACC?  
A: An awful lot of work to build housing units, which is why we are increasing our Development staff.
      2. Q: Do you still have to go through HUD for approval?  
A: HUD does need to approve the projects related to the Public Housing properties. RAD is the tool we will use, but there is a process.
      3. Q: Will those of us that live at Hillside Park need to fix holes in the walls before moving?  
A: Tack holes in the wall is considered normal wear and tear. Holes from a fist isn't considered normal wear and tear. If the plan is to demolish, then no, we won't require you to repair holes from nails.
      4. Q: With permits, you said it takes about 4 years, they just put in a Veteran Housing project in Clackamas.  
A: Permits were used. Affordable housing has to follow the permitting, building code process. Even with land and money, it still takes a long time
      5. Q: What kind of resident rights do we have?  
A: Toni will talk about that a bit later, but know there is significant legislation that will make no cause evictions illegal.
      6. Q: Did you start and complete the Rosewood Terrace project.  
A: It's on schedule, 212 unit, 6 buildings, first building scheduled to be complete by May 2019.
      7. Q: When does the waitlist open for Rosewood Terrace?

10:25-10:40

Stephen McMurtrey

III. Stephen provided a Development update

Hillside Manor (HM) HM received full funding to preserve and modernize the building. HACC has been working with the State, and the State loves that we want to keep HM as a centerpiece in the Hillside Park Redevelopment. Our goal is to close on construction financing by the end of 2019.

Over the next month, we will start scheduling community engagement meetings. We will be holding regular meetings. You will a lot of activity around HM, with new contractors, architect, etc.

The updates will include the building shell (outside), plumbing, electrical systems, seismic upgrades, unit interiors, windows, flooring and cabinetry. Stephen has worked on 14 occupied rehabs and request patience. Our General Contractor is an expert in this field. There will be a temporary relocation of everyone at some point. You will come back to your existing unit, unless you have a reasonable accommodation.

Q: What if I decide I don't want to go back to HM and want to go to Rosewood?

A: You will be working one on one with Darcy (relocation consultant), about your needs (mobility, medication, etc). She will want to know if you want to move to Rosewood and Darcy will then work with the HACC team to work through the process. There is a difference between a temporary and permanent relocation. A temporary relocation does not mean you have free access to a voucher. Darcy has seen every request, she will be able to answer these questions. Stephen to follow up with Darcy. These requests are very personal and Darcy will work with you one on one.

The most important message: if you want access to these rights, do now move.

Q: How is that going to work for the residents who have 504's?

A: 504 does not go away. We would be working with you, as well as the relocation consultant to find space that meets your needs.

Hillside Park (HP) We are at the tail end of the master planning process. For HP residents, there is 1 more community engagement session on Feb 21<sup>st</sup>. We want as many residents involved as possible. HACC can provide transportation. There will be food and raffle prizes. We want to make it a fun event, you will adding building pieces onto a board. For example, where will the gardens go? What is the building size? Once the Master planning process is complete, we will gather the feedback from the meeting.

We will still have to go through land use process and city approval process. Relocation most likely won't happen for a while. Darcy will be in constant contact. You will likely be temporary relocated during construction. You will have the first option to come back in a newly built building.

Clackamas Heights (CH) HACC has an executed an Intergovernmental Governmental Agreement (IGA) with Metro, which allows us to fund the master plan. This allows us to bring an architect onboard and work with the City of Oregon City. The Master Planning process takes about one and a half years.

Redevelopment could take another year from the completion of a master plan. Once we have an architect onboard, all of the community members will be invited and involved, they will have a say on what they want to see.

Oregon City View Manor (OCVM) Last fall, we held a community meeting. We do have an active RAD application through HUD. HACC and the County have been talking about the redevelopment plans for a while now. HACC moved forward with a request to redevelop a portion of the property & demolish the existing units. We do have an active HUD application, but we are at least two years from being able to do anything. This



process has been slowed even more with the Government Shutdown. The Redevelopment will most likely be phased with temporary relocations.

Rosewood Terrace (Pedcor)

Rosewood will be opening 50 new affordable units in 2019, with another 50 units to be built in 2020.

Q: What is the lease-up process?

A: Toni, Rich and the owners will work on the waiting list opening etc. We want to make sure we don't open the waitlist too soon.

Q: Will there be a full time manager and assistant manager?

A: Pedcor is the owner and will have an onsite manager. Not sure if they will have a full-time assistant manager.

**11:00-11:00**

Josh Teigen

IV. Josh provided an overview of the Capital Fund Program (attachment H-I)

2018 projects that were completed:

- AMP Wide Cabinet Project \$38,602.00
- Project # 18002 – AMP Wide Moving Services \$20,000.00
- Project # 18003 – Scattered Sites Furnace Project \$139,232.00
- Project # 18004 – Scattered Sites Window & Siding Project \$240,716.00
- Project # 18005 – Scattered Sites Roof Project \$86,918.00
- Project # 18006 – Clackamas Heights Deck Project \$97,415.00
- Project # 18007 – OCVN ER Roof Replacement \$31,000.00
- Project # 18008 – HSP Bath 504 Upgrade \$5,397.00
- Total = \$631,380.00

2019 planned projects include:

- 4957 Harrison Street – Burn Repair \$15,000.00
- #14 OCVN – Car Damage Repair \$7,500.00
- 250/260 E Jersey Fire/Modernization Work \$300,000.00
- AMP Wide Flooring \$250,000.00
- Hillside Manor Elevator Engineer \$25,000.00
- Hillside Manor Elevator Modernization \$575,000.00
- Asbestos Air Monitoring \$25,000.00
- Asbestos Abatement Services \$50,000.00

Q: What are you going to do with sewer problems at Hillside?

A: Tree roots are growing into the sewer pipes. We will take a look at the budget to fix the sewer. HACC is trying to address it, but what we are trying to avoid is large sewer replacement, since the sewers will get replaced when we redevelop Hillside.

Q: Are these goals/limits?

A: These are estimates for the upcoming year. Estimated budget. Luckily, HUD has changed some regulations, so we can make budget adjustments a little easier.

Q: Is one person making the CAP Fund project decisions?

A: No, there is a group of people (Property Manager, CAP Fund Coordinator, Director, Asset Manager, and Maintenance Coordinators)

**11:00-11:30**

Toni Karter

V. Section 8 Policy Updates - Review Attachment A:

Ch. 4	<p>We have several preferences, we are going to provide Clackamas County (CC) residents a preference. We had people apply from all over the Country. The goal is to serve CC residents first.</p> <p>Removed elderly/disable preference – everyone is date and time stamped.</p> <p>Preferences are more in line to handle the homeless crisis. Homeless are referred through the Coordinated Housing Assistance (CHA) Line. Service providers who refer Homeless will be required to provide services for at least two years.</p>	<p>Comments:  Q: When does this start?  A: July 2019</p> <p>Q: Are agencies from CC only or others?  NW Impact has Housing Retention Coordinators who stick with clients for life.  A: We are open to agencies interested. We try to entice service providers to come to CC.</p>
Ch. 5	<p>Added policy, to prevent risk of fraud. If participant rents from family, then they will need to proof that the rest of the family is going to live elsewhere.</p>	<p>Comments: none</p>
Ch. 7	<p>Tightening the income verification requirements to meet HUD Audit standard</p>	<p>Comments: none</p>
Ch. 8	<p>Loosening the definition of a unit that can convert to Biennial Schedule. HACC is looking at saving staff time, so we are going to change the bi-annual inspections. Loosening the units that can convert to biannual, which fits with HUD. If your unit passed, you will be placed on bi-annual inspection.</p>	<p>Comments: none</p>
Ch. 9	<p>To relieve a barrier to leasing, HACC will agree to lease terms that meet the landlords lease terms, as long as term is no longer than 12 months and must end at the end of the month. Landlord doesn't always want to agree to 12 months. HACC would negotiate with landlord. We will now do lease terms subject to what the landlords want. Landlords do need to be able to prove that the option is being offered to everyone not just S8.</p>	<p>Comments: none</p>
Ch. 10	<p>HACC will deny a family permission to make an elective move if they have outstanding balances on any Security Deposit Loan. The Security Deposit Loan must be paid in full and the Tenant must provide proof from Community Lending Works (CLW).</p> <p>Last year, we started the security deposit loan program. If tenants default, HACC pays, then HACC sets up payment plan with tenant. So we are now not allowing a second loan for moving, if the first one hasn't been paid.</p>	<p>Comments: none</p>
Ch. 11	<p>Due to several unreported changes to household composition due to incarceration, HACC is tightening this check on convictions during the year. We are now requiring you to report if anyone in your household has been convicted of a crime. Families were allowed to continue to live in large units, even though members of the household had been sent to prison.</p>	<p>Comments:  Q: What about someone selling drugs out of their apt?  A: If they have been convicted, we want to know about it, but it must be a conviction.</p> <p>Q: What is the age?</p>

	<p>Any conviction, even traffic. We only want to know about convictions.</p> <p>If one person is in jail, then staff can accurately modify voucher (household size)</p>	<p>A: Yes, we are checking for anyone in the household over 15.</p> <p>Q: Does it rely on self-report? A: Yes.</p> <p>Statement: Hillside Manor residents are the best reference for the police. Police appreciate any information.</p>
Ch. 19	<p>Family Self Sufficiency Program rules and HACC policies for audit and procedural accuracy. FSS action plan was updated. New Action Plan, cleared up graduation and how many times you can pull from escrow.</p>	<p>Comments:</p> <p>Q: What do you have to do to get HUD to give us more money for vouchers? A: Appropriations is handled at the federal level, so you can talk/email your congressman. One thing we have done, is submitted a study to increase FMR's. HUD divvies up money. HACC is doing everything we can, applying for grants etc. We received approx. 70 new vouchers this year.</p> <p>Q: From what residents heard, HUD hasn't changed funding levels in 10 years, is this true? A: We are typically short by \$300,000 every year. We are trying to make up shortages with development.</p>

11:30 – 12:00 Break for Lunch

12:00-12:20

Rich Malloy

VI. Public Housing Updates - Review Attachment B:

Ch. 3	<p>Screening: Scoring system for evaluating applicant's criminal background checks. 75% of the time, people get the help they need and are accepted into the Public Housing program.</p>	<p>Comments: none</p>
Ch. 3	<p>Guests: If a guest stays 22 or more days per year, then you must report that.</p>	<p>Comments: none</p>
Ch. 7	<p>Family Relationships: Absence of an adult member, HACC is clarifying the policy language. If household member is reported to be permanently absent, you will need to provide evidence they are living somewhere else.</p>	<p>Comments: none</p>
Ch. 4	<p>Homeless Preference: Historically, Public Housing does not have preferences. HACC is adding 5 public housing slots for homeless preferences, through Coordinated Housing Access. If they bring us a homeless family, case mgmt. must come with that.</p>	<p>Comments:</p> <p>Q: Who are the agencies that you will be working with? A: Social Services and a variety of service providers. We are just launching this next year.</p>
Ch. 4	<p>Organization of the Waiting List: There will have to be two (2) separate waitlists, one regular and one for preferences.</p>	<p>Comments: none</p>

Ch. 5	Determining Units Size: Adjusting PH policy more in line with Section 8. Table is on page 28.	Comments: Q: Can you have a teenager share a bedroom with a baby. A: Yes  Q: If you have a mom and 2 kids? A: 2 bedrooms
Ch. 6	Anticipating Annual Income P. 29 & 30. Middle of page. Clarifying language. Formatting	Comments: Q: What is EIV? A: Earned income verification  Q: UIV? A: Upfront income verification.
Ch. 9	Changes affecting Income or Expenses: We have a common problem with residents not reporting job changes and income changes. Changing the ACOP to mimic the lease.	Comments: none

Lease will be rolling out this year. Lease will be updated according to HUD regulations. Posted lease for 60 days so everyone can review and comment. Coming out in February or March. There

Q: Is there any changes that are controversial?

A: Most changes are regulatory, not significant.

Q: Are you going to enforce this new lease?

A: Lease enforcement can be tricky, sometimes it's hard to prove lease violations. Take tenants to court. Tenants have protections too and we have to make sure that we have the proof. Eviction is a lengthy process.

Q: In the case of seasonal employment?

A: If someone works seasonal, is that income. We do a quarterly review of the income until we have a baseline. 7 business days.

Q: Will there be enforcement of how long people are staying?

A: If you know families that have guests staying longer than 22 days, report to your property manager.

Q: What kind of proof do you need of unauthorized guests?

A: Witnesses who can testify. Cars in driveways isn't proof enough.

Q: What about neighborhood watch groups?

A: That is your right, to organize. Talk to resident services. Right now it's Jemila, Amy and Roy. We are looking at hiring additional staff to help support the residents. Please be sure to share those with Jemila.

Q: Can I put a video monitoring system on the outside of my unit?

A: If you're installing or drilling then you will need a waiver. If it just clips on, then you don't need a waiver.

Q: Do we pass that footage onto the Property Manager?

A: Yes, and/or Police.

Q: Can we have more police presence at Clackamas Heights?

A: It's a resource issue, police have limited resources.

**12:20-12:30**

Jemila Hart

VII. Resident Services (Public Housing) Overview

- a. This marks the last meeting of your 2 years of service. If you're interested in continuing your service on the Resident Advisory Board (RAB), then return the application to Jemila. Your feedback is really valuable.
- b. Jemila focuses in 3 areas:
  - i. Service Coordination: New and existing residents, we want to make sure people have access to services like mental health & workforce for example. Abby is our case manager, with Social Services. Abby and Jemila work together to meet with residents to help connect them to resources.
  - ii. Community Building: encourage people to get involved in the RAB. Involved in resident association and community development. The food bank is entirely resident run at Hillside. Community gardens. 40% of Hillside Manor has garden space. Garden education classes are coming up. We would like Hillside Park to get a garden. There will be opportunity to create garden space with the new Hillside Master Plan.
  - iii. Economic Resources: we partner with Community Solutions, to help people get training, the IDA program where every dollar saved is matched with \$3. We started a new program called Rent Reporting for Credit Building. If you enroll, pay your rent on time, we work with an agency to report your on-time rent payments to the credit bureaus, so residents can improve your credit.

**12:30-12:40**

Michell Paresi

VIII. Family Self Sufficiency (Section 8) Overview

- a. FSS is an opportunity to get Section 8 participants education and work opportunities. Some people come to us if they are interested in purchasing a car, attending school, buying a house etc.
  - b. Once earned income increases (which causes rent to go up), instead of the increase in rent going to HACC it goes into an escrow account that can go towards the participants goals.
  - c. It's a 5-year term, you do have to have full time employment and you have to be off TANF, complete goals (which can be changed).
- Q: Is IDA and FSS different?  
A: Yes, IDA is 3 to 1 match.

**12:40-12:45**

Elizabeth Miller

IX. Review of the Annual Plan Timeline

**12:45-1pm**

All

- X. Questions and Answers
  - a. none



February 6, 2019

Mr. Chuck Robins, Executive Director  
Clackamas County Housing Authority  
(Email: [hacc@clackamas.us](mailto:hacc@clackamas.us))

Dear Chuck,

Thank you for the opportunity to comment on the **Draft 1-year Action Plan** for the Housing Authority of Clackamas County.

As our February 6, 2019 letter (attached) to you indicated we are requesting that maximum HUD small area rents be adopted for Lake Oswego ZIP Codes 97034 and 97035.

As our letter demonstrates there is a clear locational imbalance in the use of housing vouchers within the county. Using actual market rents for voucher payment standard maximums will make it possible for voucher families to include Lake Oswego in their housing search. The County's rent reasonableness procedures will insure that individual voucher units are not over subsidized.

Greater use of housing vouchers in Lake Oswego would also address severe renter housing cost burdens, address housing needs in our comprehensive plan, and allow people to live closer to where they work reducing transportation costs, congestion, and vehicle emissions.

We note in your annual plan that the redevelopment of your remaining public housing inventory (545 units, including 145 scattered site units) will require at least temporary tenant relocation with housing vouchers. Without revision to voucher rent limits in Lake Oswego these tenants will not be able to include Lake Oswego in their housing search.

If you approve small area rents for Lake Oswego ZIP Codes as requested the City would be willing to act as a host for a meeting with prospective landlords to give you and your staff an opportunity to fully explain the housing voucher program. This could include an explanation of rent reasonableness procedures, project basing of vouchers, and the operation of the state landlord guarantee fund.

Sincerely,

Scot Siegel, AICP, LEED-AP  
Planning and Building Services Director

Cc: Mayor Kent Studebaker and City Council  
Scott Lazenby, City Manager



February 6, 2019

Mr. Chuck Robins, Executive Director  
Clackamas County Housing Authority  
PO Box 1510  
Oregon City, OR 97045

Re: Request for adoption of HUD small area fair market rents for city of Lake Oswego zip codes

Dear Mr. Robbins:

During the recent meeting conducted to discuss severe rent burdens in Lake Oswego (as required by HB 4006) information was presented that showed that the use of HUD housing vouchers in Lake Oswego was at a rate per occupied rentals that was less than 1/6 of the rate in the rest of Clackamas county. If the Lake Oswego rate simply matched the rest of the county rate (39 vouchers per 1,000 renter households) the number of vouchers in Lake Oswego would increase from 25 to 195.

We also understand that the Housing Authority has the authority to increase the published HUD fair market rent (used in the voucher program) up to 110% of the small area/zip code rent without requiring HUD approval.

Adopting this standard would mean that the maximum voucher rent for a two bedroom unit would increase from the current \$1,330 to \$2,002 in ZIP Code 97034 and to \$1,750 in ZIP Code 97035. Maximum voucher rents for other bedroom sizes could be adjusted to a maximum of 110% of the small area rents for these two zip codes.

In order to expand housing choice for the more than 1,500 families using the HUD voucher program in Clackamas County we are asking that you adopt the maximum 110% small area rents for Lake Oswego zip codes 97034 and 97035. This would also help in meeting the low income housing needs identified in Lake Oswego's Comprehensive Plan while allowing people to live closer to where they work, reducing traffic congestion.

We note that this would *not require* that every voucher unit in Lake Oswego be approved at this level as all voucher rental units will continue to be subject to your rent reasonableness determination based on market rent levels specific to each unit rented with a voucher.

If you require further information from our staff, please contact Scot Siegel, Planning and Building Services Director, at 503-699-7474.

Sincerely,



Kent Studebaker  
Mayor

Cc: Lake Oswego City Council  
Scott Lazenby, City Manager  
Scot Siegel, Planning and Building Services Director  
Don Krupp, Clackamas County Administrator





March 14, 2019

Scot Siegel, AICP, LEED-AP  
Planning and Building Services Director  
City of Lake Oswego  
P.O. Box 369  
380 A Avenue  
Lake Oswego, OR 97034

RE: *Response to Comments on Draft 1-Year Action Plan*

Dear Scot,

Thank you for your comments dated February 6, 2019, for the Draft 1-Year Action Plan. As the newly appointed Executive Director for the Housing Authority of Clackamas County I appreciate your interest and I want to assure you that we recognize Lake Oswego as an opportunity area that would benefit low income families and we have a strong desire that our programs and developments offer families the ability to access all areas of the county.

Unfortunately, our funding situation at this time is challenging; the Housing Authority receives approximately \$14.6 million dollars annually from HUD to serve 1,767 families in the Housing Choice Voucher program. Ever increasing market rents are causing per family per month costs to increase. Currently the Housing Authority is only able to serve 90% of the authorized families with current funding levels and we are potentially facing a shortfall for the coming year which means we cannot help any of the thousands of families on our waiting list for a voucher.

Providing stable housing to the maximum number of families is our main objective given the housing crisis and the increasing levels of homelessness in Clackamas County. If we were to increase payment standards substantially in any one area that would further burden our budget and reduce the number of families we can serve. I completely understand the need to offer families access to areas of opportunity and stability and I commit that we are watching the rental market and are hopeful that we can offer increased payment standards in areas like Lake Oswego, West Linn and Happy Valley if and when funding levels and market rent levels permit us to do so.

We are eager to partner with Lake Oswego and local landlords to offer trainings and hear from you as we work to improve our customer service. Lake Oswego representatives and local landlords are encouraged to contact our Rent Assistance Program Manager, Toni Karter, at 503-650-3139 or email her at [Tonikar@co.clackamas.or.us](mailto:Tonikar@co.clackamas.or.us) to start discussing outreach and training options. If you have any questions or concerns please feel free to contact me directly, and thanks again for your comments and interest.

Sincerely,



Jill Smith  
Executive Director  
503-742-5336

Copy: Mayor Kent Studebaker and City Council  
Scott Lazenby, City Manager  
Richard Swift, Director Health Housing and Human Services  
Gary Schmidt, Clackamas County Administrator

*Healthy Families. Strong Communities.*

P.O. Box 1510, 13930 S. Gain Street, Oregon City, OR, 97045-0510 • Phone (503) 655-8267 • Fax (503) 655-8676  
TDD 503-655-8639 [www.clackamas.us/housingauthority](http://www.clackamas.us/housingauthority)

March 5, 2019

TO: Housing Authority of Clackamas County  
FM: Tom Cusack, Lake Oswego and Clackamas County resident.  
Subject: Comments on HACC Annual Plan

Thank you for the opportunity to comment on the Housing Authority annual plan. I am writing to comment and also to ask questions and request information. I ask that this letter and attachments be added to the official record of the annual plan.

For the record:

I have lived in Lake Oswego and Clackamas county for 38 years. I am a retired director of the HUD Oregon Field Office, where I held a variety of leadership roles for 27 years. Since retirement I have served on a number of nonprofit boards and advisory groups, including services on a group advising HACC.

My connections to public housing and the voucher program are long standing. In my former role as the Oregon HUD Field Office Housing Development Director, I approved the acquisition of a substantial portion of the current inventory of HACC scattered site public housing units.

I am a former resident of a large public housing project in my home town of Detroit (Michigan) and a Vietnam veteran. I started working for HUD in Detroit, before the housing voucher program began in 1974.

I have several purposes in writing today; a summary of those reasons here is followed with a more detailed discussion below.

1. I am writing today to express support for the request from the City of Lake Oswego to increase housing voucher payment standards in Lake Oswego ZIP Codes 97034 and 97035 to the maximum permitted for HUD small area rents.

It's been *nearly 45 years* since the start of the HUD Certificate/Voucher program, the most public recent count shows only *28 vouchers* in use in Lake Oswego, a disproportionately tiny share of the vouchers allocated to HACC.

Approval of the City request also would expand housing choice for the 545 public housing residents in HACC public housing disposition/redevelopment projects who will be receiving vouchers. Access to the consistently highly rated Lake Oswego school system may appeal to the many families living in these developments.

2. I have questions and am asking for more detail about initial contract rents and enhanced vouchers payment standards for the residents in the public housing projects proposed for disposition.
3. I also have suggestions to improve the transparency of HACC public housing and voucher information

**1. I Support the City of Lake Oswego request for expanded housing choice and use of maximum small area rents for vouchers in ZIP Code 97034 and 97035.**

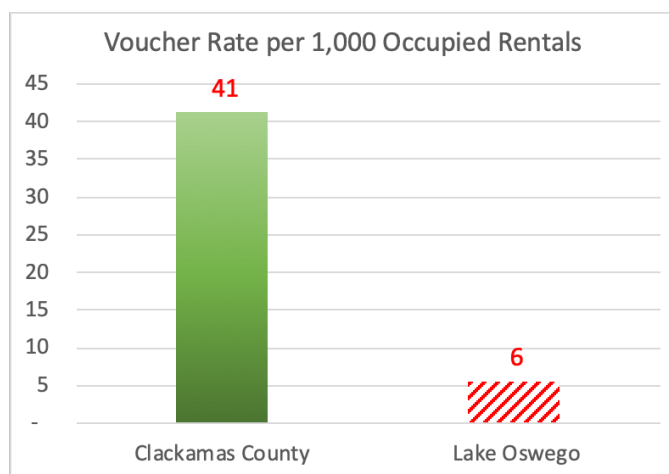
The February 2019 request from the Mayor and City Council of Lake Oswego to expand housing choice, and reduced severe rent burdens, by increasing payment standards in zip codes 97034 and 97035 is ***unprecedented in my 38 years of involvement with housing in Oregon.***

A second follow up annual plan input letter (also attached) from the Lake Oswego Planning Director, includes a **second unprecedented action: An expressed willingness to host a landlord landlord meeting** (after approval of their small area rent request ) to give HACC leadership and staff an opportunity to explain the housing voucher program, including the Oregon rent guarantee program and the lease up and rent reasonableness process.

By any measure Lake Oswego has a disproportionately small share of housing vouchers in use in Clackamas County.

Lake Oswego (**5,000 renter households**) has **11.7% of all renters in Clackamas county (41,783 renter households)** but only **1.6% (28) of all authorized HACC vouchers (1,752).**

**Clackamas County has a voucher usage rate (41 per 1,000 renter households) nearly 7 times the rate in Lake Oswego (6 per 1,000 renter households).**



While I am aware that there was an earlier attempt several years ago to use different payment standards for Lake Oswego there are a number of important differences:

1. Unprecedented support from the Lake Oswego Mayor and City Council, including an offer to host a landlord meeting.
2. Enactment of statewide legislation that prevents discrimination based on source of income.
3. Establishment of a Landlord Guarantee program.
4. Enactment of statewide legislation attempting to engage communities in addressing severe rent burdens. A December 2018 community meeting, called for in the legislation, prompted the subsequent Lake Oswego request. (HACC was invited but did not attend).
5. HUD has established new small area rent procedures that do NOT require elaborate documentation OR prior HUD approval.

I also recognize that a reduction in the number of vouchers in use because of higher payment standards could occur, this could be mitigated if small area rents were used in zip codes where data shows rents are below HUD fair market rents. Moreover, the impact could be mitigated somewhat by

reported increased HUD funding this year. In any case increased voucher costs increased for Lake Oswego zip codes would still be a tiny fraction of the \$13+ Million in HACC HAP revenue (and another \$1 million+ in HUD administrative fees).

The long-standing under use of vouchers in Lake Oswego is a direct result of voucher payment standards that do not reflect actual market rents in Lake Oswego. Mobility counseling can be helpful but will be ineffective if HACC payment standards do not reflect market realities.

Remedial steps are warranted to give voucher holders a real choice about where they live in Clackamas County. To not increase payment standards would be continuation of an exclusionary housing policy and will send a signal that attractive suburban communities in Clackamas county will continue to remain out of reach for participants in the largest HUD rental assistance program in Oregon.

## **2. Disposition of Public Housing**

It is unclear to me in looking at the annual plan what's the initial contract rents will be for the converted public housing units, nor the level of subsidy available for vouchers. I also do not understand the form of HUD rental assistance that will be provided to the existing tenants.

Three questions and a request.

**Q1.** Will the maximum initial contract rent be set at 110% OR 120% of fair market rent? (Subject only to limitation by a rent reasonableness test). IF there also is a limitation based on operating subsidy and capital grants what will the contract limit be by bedroom size?

**Q2.** Please confirm whether the proposal is to convert to project-based vouchers or project based rental assistance? IF project-based vouchers, can you confirm that the 2019 admin fee per unit is \$80.90 monthly?

**Q3.** The plan appears to show a net reduction in units for the 144 scattered site units to 100. The vast majority of these units are 3 or 4 bedrooms. Is the plan to issue vouchers to all residents, with replacement units only for 100 of the residents?

**REQUEST:** Please provide me a schedule by bedroom size of the initial contract rents along with any rental comparability study (RCS) for each of the projects slated for disposition.

## **3. Recommendations to Improve Transparency**

1. Post voucher payment standards and rent reasonableness worksheet/Excel workbook on the website.
1. Issue updates to the Landlord newsletter (Last newsletter post is from Winter 2017).
2. Update housing search resources. The GO Section 8 website has few if any rentals in Lake Oswego. I suggest addition of ONEAPP website.
3. Post the briefing package given to voucher holders and enlist a stakeholder group to make suggestions for improvement to get to a best practices standard. (I would be happy to participate in that group).
4. Annually post by city and zip code the number of vouchers in use in Clackamas county.

Thank you again for the opportunity to comment on the draft annual plan; I look forward to consideration of my recommendations, my request, and responses to my questions.

March 14, 2019

TO: Tom Cusack, Lake Oswego and Clackamas County Resident  
FROM: Jill Smith, Executive Director  
RE: *Comments on HACC Annual Plan*

Dear Tom Cusack,

Thank you for your March 5, 2019 comments on our Draft 2019 Annual Plan, your interest is welcomed and appreciated, as we strive to meet the needs of low income people in Clackamas County. As the newly appointed Executive Director of the Housing Authority I look forward to partnering with Lake Oswego and other cities, to provide housing in high opportunity areas with access to good schools, nutritious food, green space, transportation and employment; which we know is essential to the well-being of the low income families we serve.

**Tom Cusack's Comment Section 1:** I support the City of Lake Oswego request for expanded housing choice and use of maximum small area rents for vouchers in ZIP Code 97034 and 97035.

**HACC Response:** The Housing Authority of Clackamas County (HACC) is aware the Mayor and City Council were mandated by statewide legislation to address severe rent burden in Lake Oswego. I am aware due to recent communication with City leaders that affordable housing is a priority for Lake Oswego, I truly appreciate their interest and their partnership as we share that goal.

Our funding situation at this time is challenging, HACC receives approximately \$14.6 million dollars annually to serve 1,767 families in the Housing Choice voucher program. Ever increasing rents are forcing per family per month costs to increase. Currently, HACC is only able to serve 90% of the authorized families with current funding levels and we are potentially facing a shortfall for the coming year and will likely have limited to no waiting list pulls for the voucher program. Providing stable housing to the maximum number of families is our main objective, given the housing crisis and the increasing level of homelessness being experienced in Clackamas County. If we were to increase payment standards substantially in any one area that would further burden our budget. I completely understand the need to offer families access to areas of opportunity and stability and I commit that we are watching the rental market and are hopeful that we can offer increased payment standards in areas like Lake Oswego, West Linn and Happy Valley if and when funding levels and the market rent levels permit us to do so.

As you reference in your comments, the Housing Authority provided increased payment standards in Lake Oswego from 2013 to 2015 (three years). During that time period, HACC used small area payment standards at 110% of the Fair Market Rent (FMR). This payment standard was substantially higher than all other areas of Clackamas County, which were at 90% of FMR at that time. Unfortunately, during this period the Housing Authority found no benefit to using the higher payment standard and saw no increase in the number of families able to access housing in Lake Oswego. In fact, the number of families leasing in Lake Oswego declined during that time from 34 families leased to only 24 families in 2015 at the end of the three year increased payment standard. In July 2014 the Landlord Guarantee Program was also implemented and unfortunately had no impact during 2015 to improve lease up, even when combined with the higher payment standards in the area. One of the main barriers consistently noted by our voucher holders was related to high screening criteria that required families to have a strong rental history, high credit ratings, no evictions, extremely high

deposits, and no criminal history. We know from experience and widely publicized data that credit history and criminal backgrounds are not direct predictors of a good tenancy, even the landlord associations encourage landlords to give these factors limited credence when screening for a positive tenancy. Hopefully improved tenant protection laws and a softening rental market will help to open up additional opportunities for access to units in high opportunity neighborhoods such as those found in Lake Oswego. We are eager to partner with the City and local landlords to make accessing the program easier. We are open to making adjustments that will improve our customer service, Lake Oswego representatives and local landlords are encouraged to contact our Rent Assistance Program Manager, Toni Karter, at 503-650-3139 or email her at [Tonikar@co.clackamas.or.us](mailto:Tonikar@co.clackamas.or.us) to start discussing outreach and training options.

**Tom Cusack's Comment Section 2: Disposition of Public Housing:**

**Q1 –** Will the maximum initial contract rent be set at 110% OR 120% of fair market rent? (Subject only to limitation by rent reasonableness test). IF there also is a limitation based on operating subsidy and capital grants what will the contract limit be by bedroom size?

**HACC Response:** It is truly too early to provide you this level of detail as we are still in the application and decision making process. If the project is converted to RAD, the contract rent will be based on whatever amount of subsidy HUD approves for RAD vouchers. Even though the operating and capital subsidies are limited (i.e. a set amount by the grant formula) they will be adjusted by bedroom size for the new project that is either new construction, an acquisition rehab or an existing project that is rehabbed. The calculation involves adding the multipliers then dividing by the number of households and then calculating a weighted average rent (i.e. dividing the number of units in a project by the total number of projects in a portfolio) and then spreading the weighted average rent over the different bedroom sizes.

**Q2 -** Please confirm whether the proposal is to convert to project-based vouchers or project based rental assistance? IF project-based vouchers, can you confirm that the 2019 admin fee per unit is \$80.90 monthly?

**HACC Response:** As we analyze through HUD our portfolio of dispositions through the RAD program, so too are we analyzing the best way to approach PBRA versus PBV. The projects currently moving forward in our pipeline that are pursuing disposition through RAD, are assuming the use of PBV at this time. We are still considering our options and this is subject to change.

**Q3 -** The plan appears to show a net reduction in units for the 144 scattered site units to 100. The vast majority of these units are 3 or 4 bedrooms. Is the plan to issue vouchers to all residents, with replacement units only for 100 of the residents?

**HACC Response:** We are working with HUD on a strategy to address our scattered site portfolio through the Section 18 Disposition program. If HUD approves our concept and grants financing approvals through the Section 18 program, each household would receive a tenant-protection voucher (TPV). HUD will require a one to one (1:1) replacement of these units be demonstrated within our portfolio commensurate with bedroom size and unit number. We have a commitment to replace all of our public housing portfolio on a 1:1 level per HUDs requirements and additionally intend to more than double the amount of available affordable housing in the County overall.

**Request:** Please provide me a schedule by bedroom size of the initial contract rents along with any rental comparability study (RCS) for each of the projects slated for disposition.

**HACC Response:** Please see answer to questions 1 above.

**Tom Cusack's Comment Section 3: Recommendations to Improve Transparency:**

1. **Request:** Post voucher payment standards and rent reasonableness worksheet/Excel workbook on the website.  
**HACC's Response:** The Housing Authority will work to get these posted as soon as possible. The Clackamas County website is in the process of a complete update, we will request that these items are added to the site ASAP.
  
2. **Request:** Issue updates to the Landlord newsletter (Last newsletter post is from winter 2017).  
**HACC's Response:** The Housing Authority is aware there is a need for additional communication around housing needs and available resources and we are working on a variety of methods for increasing our communication with landlords and the community at large. A newsletter to landlords is something we are considering re-booting and we appreciate your recommendation.
  
3. **Request:** Update housing search resources. The GO Section 8 website has few if any rentals in Lake Oswego. I suggest addition of ONEAPP website.  
**HACC Response:** The Housing Authority will look into the ONEAPP website and any other options that would help tenants locate housing. At this time we encourage tenants to use multiple resources, which are on our website such as Go Section 8, Apartments.com, SeniorHousingNet and Walkscore. We are always receptive to new resources.
  
4. **Request:** Post the briefing package given to voucher holders and enlist a stakeholder group to make suggestions for improvement to get to a best practices standard. (I would be happy to participate in that group).  
**HACC Response:** We will consider this request as we update the website, but the volume of paper information provided and constantly updated for Orientation Packets would be cumbersome to post. I agree that an interactive process with landlords to improve the understanding of the packet and rent calculations is necessary and we will move forward to provide additional and more transparent information.
  
5. **Request:** Annually post by city and zip code the number of vouchers in use in Clackamas County.  
**HACC Response:** This can easily be provided on our website and we will consider this as we update our website.

We look forward to hearing from you and working with the City of Lake Oswego in the coming year, please feel free to contact me with additional questions or concerns. Your perspective is appreciated.

Sincerely,



Jill Smith  
Executive Director  
503-742-5336

Copy: Mayor Kent Studebaker and City Council  
Scott Lazenby, City Manager  
Gary Schmidt, Clackamas County Administrator  
Richard Swift, Director, Health Housing and Human Services

Following the earlier of the end of the construction period identified in the HUD-approved Financing Plan or actual construction, the PHA will no longer be eligible to receive RAD Rehab Assistance Payments, and all units under contract will be eligible for payment only for occupied units or for vacancy payments, as applicable. MTW agencies may not alter this requirement.

- 9. HQS Inspections.** Under current regulations at 24 CFR § 983.103(b) a unit covered under a HAP Contract must be inspected and must meet HQS before assistance can be paid on behalf of a household. In addition, section 8(o)(8)(A) of the Act provides that HAP Contract units must be inspected to ensure compliance with HQS prior to payment of any assistance on behalf of a family. When Work is occurring under RAD, HUD requires that all units meet HQS no later than the date of completion of the Work as indicated in the RCC. Consequently, HUD is waiving and establishing an alternative requirement to 24 CFR § 983.103(b) and section 8(o)(8)(A) of the Act in such cases.
- 10. Floating Units.** For mixed-income Converting Projects where PHAs are currently exercising their discretion to allow subsidized units to float within a project redeveloped with funding under a Choice Neighborhoods Implementation or HOPE VI grant, or as part of a Mixed-Finance project, upon the request of the Voucher Agency that will administer the Covered Project, HUD will permit PBV assistance to float among units within the project having the same bedroom size. A unit to which assistance is floated must be comparable in condition to the unit it is replacing (i.e., the unit must be of the same quality and amenities as the unit it is replacing). Assistance may float from a Section 504 accessible unit only to another Section 504 accessible unit that has the same bedroom size and accessibility features. Units that float are not specifically designated under the HAP Contract. Therefore, the requirements in 24 CFR § 983.203(c) that the HAP Contract provide “the location of each contract unit” and “the area of each contract unit” are waived. Instead, the HAP Contract must specify the number and type of units in the property that are designated as RAD units, including any excepted units. From the time of the initial execution of the PBV RAD HAP Contract, the property must maintain the same number and type of RAD units, including the same number and type of Section 504 accessible units. Floating units are subject to all of the requirements in this Notice and the PBV regulations, including physical inspections, rent adjustments, and income-mixing requirements. The alternative requirements with respect to floating units do not apply to non-RAD PBV units.

### **C. PBV Resident Rights and Participation.**



- 1. No Rescreening 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. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.<sup>32</sup> Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). 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 of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA 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 and the PBRA requirements governing the applicable contract for non-RAD PBRA units.<sup>33</sup>
- 2. Right to Return.** See section 1.4.A.5(ii) and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return.
- 3. 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. MTW agencies may not alter this requirement.
- 4. 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 or 5 years. To implement this provision, HUD is specifying

<sup>32</sup> These protections (as well as all protections in this Notice for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

<sup>33</sup> For non-RAD PBV households, applicable program requirements includes the requirement that any admission to the 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.

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. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The method described below explains the set percentage-based phase-in a Project 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 or flat rent 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<sup>34</sup>

#### Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the Calculated PBV TTP

<sup>34</sup> For example, where a resident’s most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident’s occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident’s contribution would increase by 33% of \$100 to \$133. At the second AR, the resident’s contribution would increase by 50% of the \$66 differential to the standard TPP, increasing to \$166. At the third AR, the resident’s contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 5 AR and all subsequent recertifications – Full Calculated PBV TTP

*Please Note:* In either the three year phase-in or the five-year phase-in, once the Calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward. MTW agencies must also implement a three or five-year phase-in for impacted residents, but may alter the terms above as long as it establishes a written policy setting forth the alternative terms.

**5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are currently FSS participants will continue to be eligible for FSS once their housing is converted under RAD. The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding and may use that funding to serve PH, HCV and/or PBRA participants in its FSS program. 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 subsequent Appropriation Acts), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

However, PHAs should note that there are certain FSS requirements (e.g., escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and PHAs must follow such requirements accordingly. All PHAs will be required to 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.<sup>35</sup> Further,

<sup>35</sup> The funding streams for the PH FSS Program and the HCV FSS Program were first merged pursuant to the FY 2014 appropriations act. As a result, PHAs can serve both PH residents and HCV participants, including PBV participants, with FSS funding awarded under the FY 2014 FSS Notice of Funding Availability (FSS NOFA) and

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.

For information on FSS PIC reporting requirements for RAD conversions, see Notice PIH 2016-08 at <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2016-08.pdf>.

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 ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities.

- 6. Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with assistance converted to PBV 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.
- 7. 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. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
  - i. 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 (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :
    - a. A reasonable period of time, but not to exceed 30 days:

any other NOFA under which the combination of funds remains in the applicable appropriations act. For PHAs that had managed both programs separately and now have a merged program, a conversion to PBV should not impact their FSS participants.

- ii. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
    - iii. In the event of any drug-related or violent criminal activity or any felony conviction;
  - b. Not less than 14 days in the case of nonpayment of rent; and
  - c. 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.
- ii. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with 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:

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),<sup>36</sup> 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.
  - i. 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).
  - ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. The Project Owner gives 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).

<sup>36</sup> § 982.555(a)(1)(iv) is not relevant to RAD as the tenant-based certificate program has been repealed.

- d. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

- 8. 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 in Section 1.6.C.4; 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 only to 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 project, the provision in 24 CFR § 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver.

- 9. Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project.

- 10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, a PHA 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 under this Section of the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project 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. As necessary to implement this alternative provision, HUD is waiving 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 this Notice.<sup>37</sup> In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP Contract. The PHA is required to process these individuals through the Form 50058 submodule in PIC.

Following conversion, 24 CFR § 983.53(d) applies, and any new families referred to the RAD PBV 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, a PHA 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 comes 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 PHA must reinstate the unit after the family has vacated the property. If the project is partially assisted, the PHA 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, Section 1.6.B.10 of this Notice.

**11. 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 the administering Voucher Agency. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes

<sup>37</sup> For example, a public housing family residing in a property converting under RAD has a TTP of \$600. The property has an initial Contract Rent of \$500, with a \$50 Utility Allowance. Following conversion, the residents is still responsible for paying \$600 in tenant rent and utilities.

available in the Covered Project, 24 CFR § 983.260 is waived. MTW agencies may not modify this requirement.

#### **D. PBV: Other Miscellaneous Provisions**

- 1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs and the Project Owner must cooperate with 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. Please see Appendix IV for reporting units in Form HUD-50058.
- 2. Additional Monitoring Requirement.** The Owner must submit to the administering PHA and the PHA's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.<sup>38</sup>
- 3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** This section has been moved to 1.4.A.13 and 1.4.A.14.
- 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.
  - 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, an option particularly relevant for PHAs converting their entire portfolio under RAD.
  - iv.** Informing applicants on a community-wide public housing waiting list 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

<sup>38</sup> For PBV conversions that are not FHA-insured, a future HUD notice will describe project financial data that may be required to be submitted by a PBV owner for purposes of monitoring and evaluation, given that PBV projects do not submit annual financial statements to HUD/REAC.



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 Covered 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. 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 with the obligation to provide meaningful access for persons with limited English proficiency (LEP).<sup>39</sup>

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

<sup>39</sup> For more information on serving persons with LEP, please see HUD's Final guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published on January 22, 2007.

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 Covered Project in accordance with 24 CFR § 983.251(c).

- 5. Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.
- 6. Agreement Waiver.** This section has been moved to 1.6.B.8.
- 7. Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC.
- 8. Administrative Fees for Public Housing Conversions During the Year of Conversion.** For the remainder of the Calendar Year in which the HAP Contract becomes effective (i.e., the “year of conversion”), RAD PBV projects will be funded with public housing funds. For example, if the project’s assistance converts effective July 1, 2015, the public housing ACC between the PHA and HUD will be amended to reflect the number of units under 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 2015. 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.

- 9. 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 PHA 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 PHA's HCV program becomes PBV assistance, it is possible for most or all of a 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 an eligible PHA's administrative plan.

To effectuate this provision, HUD is providing an alternative requirement to Section 8(o)(13)(E) of the Act and 24 CFR § 983.261(c). Please note that this alternative requirement does not apply to PBVs entered into outside of the context of RAD. MTW agencies may not alter this requirement.

- 10. 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 projected 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.

### 1.7 **Special Provisions Affecting Conversions to PBRA**

Under the Demonstration, HUD has the authority to waive statutory and regulatory provisions governing the PBRA program, or to establish alternative requirements for the effective conversion of assistance. Additionally, the RAD Statute imposes certain unique requirements and authorizes HUD to establish requirements for converted assistance under the demonstration.

For public housing projects converting assistance to PBRA under the First Component of the Demonstration, 24 CFR part 880, Section 8 Housing Assistance Payments Program for New Construction and applicable standing and subsequent Office of Housing guidance<sup>40</sup> will apply, except for the provisions listed below. These “special” provisions are grouped into three categories: Contract Terms, Resident Rights and Participation, and Other Miscellaneous Provisions. Where applicable, reference is made to the affected statute and/or regulation. For additional background purposes, HUD has provided Appendix I, which is a copy of the existing 24 CFR part 880 regulation with the provisions stricken that will not apply to Covered Projects. Additionally, Appendix II includes the specific provisions of the Act that are inapplicable to PBRA conversions. Finally, Appendix III includes the site and neighborhood standards that apply to PBRA.

#### **A. PBRA Contract Terms.**

- 1. Length of Contract.** Covered Projects shall have an initial HAP term of 20 years. To implement this provision, HUD is specifying alternative requirements for section 8(d)(2)(A) of the Act, which establishes a maximum term of 15 years for “an existing structure.” Additionally, 24 CFR § 880.502, which imposes maximum contract terms for New Construction projects consistent with statutory authority that was repealed in 1983, does not apply.
  
- 2. Mandatory Contract Renewal.** Section 524 of MAHRAA and 24 CFR part 402 currently govern renewals of expiring or terminating project-based section 8 HAP Contracts and, in general, require HUD to renew such contracts “at the request of the

<sup>40</sup> Examples of Office of Housing guidance include handbooks such as “Occupancy Requirements of Subsidized Multifamily Housing Programs” (4350.3) and “Multifamily Asset Management and Project Servicing” (4350.1). Future changes to part 880 would apply to RAD as long as the future changes are not provisions that have been stricken in the final Notice.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-  
FEDERAL HOUSING COMMISSIONER

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**Special Attention of:**

Public Housing Agencies  
Public Housing Hub Office Directors  
Public Housing Program Center Directors  
Regional Directors  
Field Office Directors  
RAD Transaction Managers

**Notice H 2014-09**  
PIH 2014-17

Issued: July 14, 2014

This notice remains in effect until amended,  
superseded, or rescinded.

Cross Reference: PIH Notice 2012-32 (HA)  
REV 1

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**Subject: Relocation Requirements under the Rental Assistance Demonstration (RAD) Program, Public Housing in the First Component**

**1. Purpose**

This Notice provides public housing agencies (PHAs)<sup>1</sup> and their partners with information and resources on applicable program and relocation assistance requirements when planning for or implementing resident moves as a result of a **Rental Assistance Demonstration (RAD)** conversion<sup>2</sup> under the first component of the demonstration.<sup>3</sup> This Notice provides guidance on RAD relocation requirements and requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), as they relate to the public housing conversion process under the first component.<sup>4</sup>

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<sup>1</sup> This Notice always uses the term “PHA” to refer to the owner of the project prior to and after the RAD conversion, even though, in some cases, the owner of the converted RAD project may be another public entity, a non-profit organization, or other owner (e.g., low-income housing tax credit owner). In addition, this Notice uses “PHA” to refer to the “displacing agency,” a URA term that means 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, may require substituting in a reference to a party that is more appropriate for a specific project.

<sup>2</sup> The content of this Notice should not be relied upon in carrying out any other activities funded under any other HUD program, except where specifically directed by HUD.

<sup>3</sup> The “first component” of RAD allows public housing and Moderate Rehabilitation properties to convert assistance; the “second component” refers to conversion of Rent Supplement, Rental Assistance Payment, and Moderate Rehabilitation properties upon contract expiration or termination.

<sup>4</sup> Relocation concerns and URA requirements apply to both components of RAD. This notice provides guidance only as to the first component.

Relocation assistance provided pursuant to public housing and RAD requirements is broader than URA relocation assistance requirements. Not all specific situations requiring relocation under RAD may trigger URA assistance requirements. In addition, whereas all qualifying residents<sup>5</sup> of a converting public housing project are eligible for relocation assistance under RAD, some residents or household members may not meet the statutory and regulatory requirements for eligibility under URA. This Notice supersedes PIH Notice 2012-32 (HA), REV-1, with respect to relocation matters. This Notice also specifically addresses when relocation may begin (see Section 9 below). As necessary, the Department will issue additional guidance on relocation issues and requirements as they relate to RAD.

## **2. Background**

RAD allows public housing properties to convert assistance to long-term project-based Section 8 contracts. In many cases, a RAD project may require relocation of residents when properties undergo repairs, are demolished and rebuilt, or when the assistance is transferred to another site. PIH Notice 2012-32 REV-1 (see also FR Notice 5630-N-05, 78 FR 39759-39763 (July 2, 2013)) details RAD program requirements.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA) is a federal law that establishes minimum standards for federally-funded programs and projects that include the acquisition of real property (real estate) and/or displace persons from their homes, businesses, or farms as a result of acquisition, rehabilitation, or demolition of real property.<sup>6</sup> The URA will apply to acquisitions of real property and relocation of persons from real property that occurs as a direct result of acquisition, rehabilitation, or demolition for a project that involves conversion of assistance to Project-Based Voucher (PBV) or Project-Based Rental Assistance (PBRA) programs under RAD.

Additionally, all relocation conducted as part of a RAD conversion and all relocation assistance provided under URA must be consistent with applicable fair housing and civil rights laws, including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973.

Because each RAD proposal varies in its scope, this Notice may not address each PHA's specific circumstances. RAD PHAs and participants should carefully review the regulations, notices, and guidance material referenced in this Notice. Any questions related to the applicability of these requirements should be referred to the RAD Transaction Managers (TM) or may be emailed to [rad@hud.gov](mailto:rad@hud.gov).

## **3. Applicable Legal Authorities**

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<sup>5</sup> The term "resident" as used in this Notice refers to eligible resident families of public housing residing in a property applying for participation in RAD or a property that undergoes a conversion of assistance through RAD.

<sup>6</sup> HUD Handbook 1378 (Tenant Assistance, Relocation, and Real Property Acquisition), available at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/library/relocation/policyandguidance/handbook1378](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance/handbook1378).

- RAD: Consolidated and Further Continuing Appropriations Act of 2012 (Public Law 112-55, approved November 18, 2011), with the implementing PIH Notice 2012-32, REV-1
- URA statute and implementing regulations: 49 CFR part 24
- FHEO: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act
- Section 104(d) of the Housing and Community Development Act of 1974, statute and implementing regulations (if CDBG and/or HOME funds are used): 24 CFR part 42, subpart C

#### **4. Relocation Planning**

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a project converting under RAD, PHAs must undertake a planning process in conformance with URA in order to minimize the adverse impact of relocation (49 CFR 24.205(a)).

While a written Relocation Plan is not a requirement under RAD or URA, the Department strongly encourages PHAs to prepare a written Relocation Plan, both to establish their relocation process and to communicate this process consistently and effectively to all relevant stakeholders. Appendix 1 contains recommended elements of a Relocation Plan.

The following presents a general sequencing of relocation planning activities within the RAD milestones:

<b>Stage</b>	<b>Activities</b>
1. Prior to submission of RAD application	<ul style="list-style-type: none"> <li>• Determine potential need for relocation</li> <li>• Meet with residents to discuss plans, communicate right to return, and solicit feedback</li> <li>• Provide <i>General Information Notice</i> (GIN) to residents</li> <li>• Survey residents to prepare Relocation Plan and relocation process cost estimate</li> </ul>
2. After receipt of the Commitment to Enter into a HAP Contract (CHAP) Award	<ul style="list-style-type: none"> <li>• Prepare Significant Amendment to PHA Plan</li> <li>• Assess and refine need for relocation</li> <li>• Develop a Relocation Plan (See Appendix 1 for recommended content)</li> <li>• Identify relocation housing options</li> </ul>
3. Preparing Financing Plan (due to RAD Transaction Manager no later than 180 days following	<ul style="list-style-type: none"> <li>• Budget for relocation expenses</li> <li>• Submit FHEO Accessibility &amp; Relocation checklist (PHAs may submit Relocation Plan along with checklist)</li> </ul>

Stage	Activities
CHAP award)	
4. Receipt of RAD Conversion Commitment (RCC)	<ul style="list-style-type: none"> <li>• The date of issuance of the HUD RCC marks the date of “Initiation of Negotiations” (ION), as defined in the URA (49 CFR 24.2(a)(15))</li> <li>• Provide residents with appropriate notice informing them if they will be relocated and any associated relocation assistance</li> <li>• Meet with residents to describe approved conversion plans and discuss required relocation</li> </ul>
5. Closing/RAD conversion	<ul style="list-style-type: none"> <li>• Generally, resident relocation should not begin until after the date of closing/conversion of assistance under RAD</li> <li>• PHAs must adhere to notification requirements (described in Paragraph 8 of this Notice): generally, a minimum of 30 days for residents to be temporarily relocated for up to a year, and 90 days for permanent relocation</li> <li>• PHAs seeking to move residents prior to closing must receive prior approval from HUD as described in Paragraph 9 of this Notice</li> </ul>

## 5. Resident Right to Return

RAD program rules prohibit the permanent involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed and is in decent, safe, and sanitary conditions.<sup>7</sup> The period during which residents may need to be temporarily relocated is determined by the period of rehabilitation or construction, which will be specific to each project.

If proposed plans for a project would preclude a resident from returning to the RAD project, the resident must be given an opportunity to comment and/or object to such plans. If the resident objects to such plans, the PHA must alter the project plans to accommodate the resident in the converted project. If a resident agrees to such plans, the PHA must secure informed, written consent from the resident to receive permanent relocation assistance and payments consistent with URA and acknowledge that acceptance of such assistance terminates the resident’s right to return to the project. In obtaining this consent, PHAs must inform residents of their right to return, potential relocation, and temporary and permanent housing options at least 30 days before residents must make a decision. The PHA cannot employ any tactics to pressure residents into

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<sup>7</sup> Where the transfer of assistance to a new site is approved, residents of the converting project will have the right to reside in an assisted unit at the new site once rehabilitation or new construction is complete.



relinquishing their right to return or accepting permanent relocation assistance and payments.<sup>8</sup> A PHA may not terminate a resident's lease if it fails to obtain this consent.

PHAs must keep documentation of such information provided to residents and such consent by residents. While HUD does not require PHAs to submit documentation of obtaining this consent, PHAs and participants must properly brief residents on their housing and relocation options and must keep auditable written records of such consultation and decisions. HUD may request this documentation during a review of the FHEO Relocation and Accessibility Checklist or if relocation concerns arise.

Examples of project plans that may preclude a resident from returning to the converted RAD project include, but are not limited to:

- Changes in bedroom distribution (i.e. when larger units will be replaced with smaller units such that current residents would become under-housed or when smaller units will be replaced with larger units such that current residents would become over-housed);
- Where a PHA is reducing the number of assisted units at a property by a de minimis amount<sup>9</sup>, but those units are occupied by assisted residents; or
- The reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery.

In all scenarios where residents voluntarily accept permanent relocation to accommodate project plans, these residents are eligible for permanent relocation assistance and payments under URA. If a resident accepts permanent relocation assistance, the resident surrenders his or her right to return to the completed project.

## **6. Relocation Assistance**

Under RAD, relocation assistance may vary depending on the length of time relocation is required.<sup>10</sup>

- a. In instances when the PHA anticipates that a resident will be relocated for more than a year, the PHA must offer the resident the choice of:
  - Permanent relocation assistance and payments at URA levels; or
  - Temporary relocation assistance, including temporary housing, while the resident retains his or her right to return and reimbursement for all reasonable out-of-pocket expenses associated with the temporary relocation.

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<sup>8</sup> Persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their accessibility needs must be accommodated.

<sup>9</sup> A reduction in total number of assisted units at RAD project of 5% or less. (Section 1.5.B of PIH 2012-32 REV-1)

<sup>10</sup> Some residents may not qualify for relocation assistance under URA. A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 CFR 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378.

The PHA must give the resident no less than 30 days to decide between permanent and temporary relocation assistance. If the resident elects to permanently relocate with assistance at URA levels, the PHA must inform the resident that his or her acceptance of permanent relocation assistance terminates the resident's right to return to the completed RAD project.

- b. In instances when a resident elects temporary relocation assistance and reoccupies a unit in the completed project within one year, the resident need not be offered permanent relocation assistance pursuant to URA.

Great care must be exercised to ensure that residents are treated fairly and equitably. If a resident is required to relocate temporarily in connection with the project, his or her 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 and increased housing costs during the temporary relocation.

- c. In the event that a resident elects to receive temporary relocation assistance and the temporary relocation exceeds one year, the resident becomes eligible for all permanent relocation assistance and payments under URA. (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 shall give the resident the opportunity to choose to remain temporarily relocated for an agreed-to period (based on new information about when they can return to the completed RAD unit), or choose to permanently relocate with URA assistance.

PHAs may not propose or request that a displaced person waive rights or entitlements to relocation assistance under the URA. If the resident elects to permanently relocate with URA assistance, the PHA must inform the person that the person's acceptance of URA relocation assistance to permanently relocate will terminate the person's right to return to the completed RAD project. Conversely, unless and until the resident elects to be permanently relocated, the resident may remain temporarily relocated with a right to return to the completed project.

## **7. Initiation of Negotiations (ION) Date**

Eligibility for URA relocation assistance is generally effective on the date of initiation of negotiations (ION) (49 CFR 24.2(a)(15)). For RAD projects, the ION date is the date of the issuance of the RAD Conversion Commitment (RCC).

## **8. Resident Notification**

When a project converting under RAD will include relocation of residents, notice must be provided to those resident households. For each notice listed below, one notice shall be given to each resident household. The purpose of these notifications is to ensure that residents are

informed of their potential rights and the relocation assistance available to them. During initial meetings with residents about RAD and in subsequent communications with residents related to relocation, the PHA should inform residents that if they choose to move after receiving a written GIN, but prior to receiving a RAD Notice of Relocation, they may jeopardize their eligibility for relocation assistance. However, PHAs should note that a resident move undertaken as a direct result of the project may still require relocation assistance and the resident may be eligible to receive permanent relocation assistance under the URA even though the PHA has not yet issued notices.

a. *General Information Notice* (49 CFR 24.203(a) & Handbook 1378, Paragraph 2-3(B))

As soon as feasible in the planning process, the PHA must provide each resident with a written GIN (see sample in Appendix 2) to provide a general description of the project, the activities planned, and the relocation assistance that may become available. URA regulations state that the GIN should be provided *as soon as feasible*. Under RAD, PHAs must provide GINs during the initial RAD resident meetings, before submitting a RAD application. GINs 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 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 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 at least 90 days advance written notice, and inform any person to be displaced from a dwelling that 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 CFR 24.208(h) for additional information); and
- Describe the resident's right to appeal the PHA's determination as to a person's eligibility for URA assistance.

b. *RAD Notice of Relocation*

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide notice of such relocation (RAD Notice of Relocation). The PHA shall issue this notice upon the PHA's receipt of the RCC from HUD, which is the ION date.

If residents will not be relocated, notice of relocation is not required, but the PHA should

notify them that they are not being relocated.<sup>11</sup>

The RAD Notice of Relocation must conform to the following requirements:

- The notice must state the anticipated duration of the resident’s relocation.
- PHAs must provide this notice a minimum of 30 days prior to relocation to residents who will be temporarily relocated.<sup>12</sup> Longer notice may be appropriate for persons who will be relocated for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.
- Residents whose temporary relocation is anticipated to exceed one year must be informed that they will have no less than 30 days to elect temporary or permanent relocation as described in Section 6 of this Notice. When timing is critical for project completion, the 30-day decision period can run concurrently with the 30-day notice period for temporary relocation and with the 90-day period for permanent relocation if the PHA makes available comparable replacement dwellings consistent with 24.204(a).
- Residents who will be permanently relocated must receive written notice a minimum of 90 days prior to relocation. This 90-day time period may only begin once the PHA has made available at least one comparable replacement dwelling consistent with 49 CFR 24.204(a).<sup>13</sup>
- 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 explain the reasonable terms and conditions under which the resident may continue to lease and occupy a unit in the completed project.
- The notice must state that the PHA will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move. These expenses include, but are not limited to, moving expenses and increased housing costs (rent, utilities, etc.).

*c. Notice of Intent to Acquire (49 CFR 24.203(d))*

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<sup>11</sup> HUD policy generally requires a “notice of non-displacement” in certain instances; the RAD program does not require this notice. Although the scope of this notice is limited to guidance for projects requiring relocation, PHAs should note, however, that there may be notification requirements for projects that do not involve relocation. The RAD conversion will terminate the resident’s public housing lease and commence a PBV or PBRA lease, even when there is no relocation required. In such instances, state law may impose certain notification requirements. In addition, public housing regulations generally require 30 days’ notice prior to lease termination. PHAs are encouraged to review public housing requirements set forth in 24 CFR parts 5 and 966.

<sup>12</sup> HUD may approve shorter notice periods based on an urgent need due to danger, health, or safety issues or if the person will be temporarily relocated for only a short period.

<sup>13</sup> 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.

For RAD projects involving acquisition, residents may be provided with a notice of intent to acquire (“*Notice of Intent to Acquire*”) prior to the ION date with HUD’s prior approval. Once the Notice of Intent to Acquire is provided, a resident’s eligibility for relocation assistance and payments is established. Therefore, the RAD Notice of Relocation must be provided in conjunction with or after the Notice of Intent to Acquire. A RAD Notice of Relocation would not otherwise be sent prior to the ION date.

Since residents who accept permanent relocation must receive 90 days advanced written notice prior to being required to move, providing residents the Notice of Intent to Acquire and RAD Notice of Relocation prior to the ION date may be necessary to provide sufficient notice of relocation to a resident in instances where there may not be 90 days between the issuance of the RCC (ION date) and the anticipated closing date. This allows the PHA to issue the notice earlier so that relocation may begin upon closing. This allows program participants to conduct orderly relocation upon closing, minimize adverse impacts on displaced persons, and to expedite project advancement and completion.<sup>14</sup>

- d. *URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year* (49 CFR 24.203(b) & Handbook 1378, Paragraph 2-3(C))

After a resident has been temporarily relocated for one year, the PHA must provide a notice of relocation eligibility in accordance with URA requirements (“*Notice of Relocation Eligibility*”). This notice is not required if the resident has already accepted permanent relocation assistance.

The Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 CFR Part 24, to HUD Handbook 1378 and to the following requirements:

- The PHA must provide updated information as to when it is anticipated that the resident will be able to return to the completed project.
- The resident may choose to remain temporarily relocated based upon such updated information or may choose to accept permanent URA relocation assistance in lieu of exercising the right to return.
- If the resident chooses to accept permanent URA relocation assistance and such assistance requires that the resident move, the URA requires such resident to receive 90 days advance written notice of the earliest date they will be required to move (i.e., 90-Day Notice, 49 CFR 24.203(c)). The PHA should be mindful that the 90-day time period may only begin once the PHA has made available at least one “comparable replacement dwellings” as set forth in 49 CFR 24.204(a).

## **9. Initiation of Relocation**

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<sup>14</sup> PHAs and program participants should note that, in most instances, it will be most appropriate for the acquiring entity to send this notice.

Unless otherwise approved by HUD, relocation may not begin until the date of closing of the RAD transaction and recordation of the RAD Use Agreement. PHAs must provide residents being temporarily relocated at least 30 days advance written notice of the required move. PHAs must give residents being permanently relocated at least 90 days advance written notice of the required move. This means PHAs are advised to plan carefully to account for this 30-day or 90-day notice period to ensure the closing is not delayed.

However, HUD is aware that, in rare cases, some project plans necessitate relocation prior to closing. With prior HUD approval, for projects involving acquisition, PHAs may relocate residents prior to the closing date subject to public housing requirements (see 24 CFR part 5 and 24 CFR 966). PHAs must contact their assigned RAD transaction manager (TM) to discuss plans as early as possible in the process to ensure compliance with all RAD and URA requirements.

If relocation prior to closing is desired, PHAs should submit to the TM the following information, as early as possible in the process:

- A written request for relocation prior to closing. The request must include justification of why the early relocation is necessary for the viability of the RAD transaction. Justification may include the presence of outside financing, such as Low Income Housing Tax Credit (LIHTC) awards, if the PHA can show that early relocation is necessary to meet critical LIHTC deadlines.
- FHEO Accessibility and Relocation Checklist.
- Evidence of intent to comply with public housing requirements, as applicable. Generally, public housing regulations require public housing residents to receive 30 days' notice prior to relocation and that such notice either be published in the PHA's admissions and continued occupancy policies (ACOP) or published elsewhere at least 30 days prior to receipt of such notice (24 CFR parts 5 and 966).

When seeking to relocate residents prior to closing, submission of this request as early as possible is preferred, prior to the 180-day Financing Plan milestone if possible (with Financing Plan submission following the request).

HUD reserves the right to request additional follow-up information, including a Relocation Plan and related budget, prior to approving such requests. PHAs must receive written HUD approval before beginning relocation of residents prior to closing.

Early planning and submission of the Financing Plan and FHEO checklist to HUD will ensure the PHA has built in the 30- or 90-day notice period prior to initiating relocation.

## **10. Fair Housing and Civil Rights Requirements**

PHAs must comply with all applicable fair housing and civil rights laws, including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. Further, communication must be provided in a manner that is effective for persons

with disabilities (24 CFR 8.6) and for person who are Limited English Proficient (see 72 FR 2732). This section discusses some of the PHA's obligations under these laws and regulations. However, the applicability of civil rights laws is not limited to the activities discussed in this section. PHAs conducting relocation activities should familiarize themselves with applicable civil rights statutes, regulations, and guidance, including but not limited to, those listed at the end of this section.

- **Effective Communication for Persons with Disabilities:** Communications and materials must be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 CFR 8.6), and as applicable, the Americans with Disabilities Act; and for persons who are limited English proficient (*see* 72 Fed Reg 2732). This includes ensuring that training materials are in appropriate alternative formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters.
- **Accessible Meeting Facilities for Persons with Disabilities:** When holding public meetings, PHAs must give priority to methods that provide physical access to individuals with disabilities, i.e., holding the meetings, workshops, and briefings or any other type of meeting in an accessible location, in accordance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990, as applicable. All programs and activities must be held in accessible locations unless doing so would result in an undue financial and administrative burden, in which case the PHA must take any action that would not result in such an alteration or such burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, e.g., briefings at an alternate accessible, in-home briefing. Individuals with disabilities must receive services in the most integrated setting appropriate to their needs. The most integrated setting appropriate to the needs of qualified individuals with disabilities is a setting that enables individuals with disabilities to interact with nondisabled person to the fullest extent possible (28 CFR part 35, appendix B).
- **Meaningful Access for Persons with Limited English Proficiency (LEP):** PHAs must provide meaningful access to programs and activities for persons who have a limited ability to read, speak, or understand English. Any person with LEP who will be temporarily relocated or permanently displaced must have meaningful access to any public meetings regarding the project. In addition, any information provided to residents including, but not limited to, any notices required under the URA, should be provided in the appropriate language to persons with LEP. Generally, PHAs will be responsible for providing oral interpreters at meetings, including ensuring their competence, and covering any associated translation and interpretation costs.
- URA requires that PHAs provide persons who are unable to read or understand the notices, such as persons with disabilities or persons with LEP, with appropriate translation and counseling to ensure that they understand their rights and responsibilities and the assistance available to them (49 CFR 24.5). URA also requires that each notice indicate the name and telephone number of a person to contact with questions or for other

needed help (49 CFR 24.5). This notice should include the number for the telecommunication device for the deaf (TDD) or other appropriate communication device, if applicable (24 CFR 8.6(a)(2)).

- **Comparable Housing for Persons with Disabilities:** PHAs should identify the accessibility needs of residents to be relocated by consulting existing information (e.g., tenant characteristics forms, including identification of the need for accessible unit features; records of approved reasonable accommodations, and records of the presence of accessible unit features). For guidance on providing relocation assistance to persons with disabilities, see Exhibit 3-1 in HUD Handbook 1378.
- **Advisory Services:** PHAs should determine the advisory services that will be necessary to ensure a successful relocation program consistent with 49 CFR 24.205(c). Such advisory services may include housing counseling that should be facilitated to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 CFR 24.205(c)). Advisory counseling must also inform residents of their fair housing rights and be carried out in 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 CFR 24.205(c)(1)). In addition, PHAs should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800669-9777 (Voice) or 1-800-927-9275 (TDD) or at <http://www.hud.gov>.

#### Fair Housing References:

- Section 504 of the Rehabilitation Act of 1973
- Regulations: 24 CFR part 8
- Fair Housing Act Regulations: 24 CFR part 100
- Title VI of the Civil Rights Act of 1964
- Regulations: 24 CFR part 1
- Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) (72 FR 2732)
- Exhibit 3-1 Compliance with Section 504 of the Rehabilitation Act in HUD Handbook 1378 (Tenant Assistance Relocation and Real Property Acquisition)



## **11. Other Requirements**

### **a. Public Housing Program Compliance**

PHAs should note that public housing resident provisions related to occupancy and termination, including grievances and related hearings, will remain in effect until the execution of the new PBV or PBRA Housing Assistance Payment (HAP) contract.

### **b. Evictions for Cause**

If the PHA determines that a resident was evicted in accordance with applicable state and local law for serious or repeated violation of material terms of the lease, and the eviction was not undertaken for the purpose of evading the obligation to make available URA payments and other assistance, the resident is not entitled to relocation payments and assistance under the URA (49 CFR 24.206).

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Jemine A. Bryon  
General Deputy Assistant Secretary  
for Public and Indian Housing

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Carol J. Galante, Assistant Secretary for  
Housing-Federal Housing Commissioner

## **APPENDICES**

### **Appendix 1**

#### **Recommended Relocation Plan Contents**

### **Appendix 2**

#### **Sample RAD General Information Notice (GIN)**

### **Appendix 3**

#### **Sample RAD Notice of Relocation (for relocation anticipated for a year or less)**

### **Appendix 4**

#### **Sample RAD Notice of Relocation (for relocation anticipated for more than a year)**

### **Appendix 5**

#### **Sample Notice of Eligibility for URA Relocation Assistance (for residents who have been temporarily relocated for more than a year)**

## **Appendix 1: RECOMMENDED RELOCATION PLAN CONTENTS**

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While written Relocation Plans are not required under RAD or URA, the Department strongly encourages PHAs to document their relocation planning process and procedures in a written Relocation Plan. The following provides suggested content for Relocation Plans.

### **I. Project Summary**

The Relocation Plan should provide a general description of and purpose for the project (e.g., year built, location, number of units, configuration, occupancy information, and funding sources).

The basic components of a plan include:

- A general description of the project and the site, including acquisition, demolition, rehabilitation, and construction activities and funding sources;
- A detailed discussion of the specific steps to be taken to minimize the adverse impacts of relocation, including when transferring the assistance to a new site;
- Information on occupancy (including the number of residents, residential owner-occupants and non-residential occupants, if any, to be permanently or temporarily relocated);
- Information on relocation needs and costs (including the number of residents who plan to relocate with Section 8 assistance);
- General moving assistance information;
- Temporary move assistance (including information on the duration of temporary moves);
- Permanent move assistance; and
- Appeals process.

### **II. Resident Return and Re-occupancy Policies**

For residents that will be temporarily relocated, the plan should include the criteria that will be used to determine the priority for residents to re-occupy units at the project after rehabilitation, demolition, and/or construction is completed. For example, if units will come online in stages, the plan should outline how the PHA will determine when each resident will return to the project. PHAs should ensure that any written return or re-occupancy policy is compliant with related RAD requirements, such as the right-to-return policy and the “no re-screening upon conversion” policy, as described in the RAD Notice.

### **III. Summary of Moving Costs**

The plan should include a summary of moving costs, identified by move types, including the following:

### Temporary Moves

- Number of and cost amount for two-way moves (i.e., a move to another unit and then a return move) within the same building/complex.
- Number of and cost amount for two-way moves to a unit not in the same building/complex, carried out by the PHA.
- Number of and cost amount for two-way moves to a unit not in the same building/complex not carried out by the PHA.

### Permanent Moves

- Number of and cost amount for one-time moves into another unit in the same building/complex.<sup>15</sup>
- Number of and cost amount for one permanent move to a unit not within the same building/complex, carried out by the PHA.  
PHAs should note that if a residential move is carried out by the PHA at no cost to the resident, this per-household estimate must include the required dislocation allowance (currently \$100). The URA Fixed Residential Moving Cost Schedule lists the most current dislocation allowance:  
[http://www.fhwa.dot.gov/real\\_estate/practitioners/uniform\\_act/relocation/moving\\_cost\\_schedule.cfm](http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm)
- Number of and cost amount for one permanent move to a unit not within the same building/complex that is not carried out by the PHA.

## IV. Temporary Relocation Assistance

The PHA will assist residents who are required to move temporarily. At the Initiation of Negotiations (ION), the PHA will send a RAD Notice of Relocation to residents who will be relocated. Appendices 3 and 4 of this Notice contain sample RAD Notices of Relocation to be provided to residents that will be temporarily relocated.

The plan should detail the temporary relocation assistance the PHA will provide for residents (Paragraph 2-7 of HUD Handbook 1378). This assistance includes:

- Temporary Housing - The PHA will provide temporary housing that is decent, safe, and sanitary on a nondiscriminatory basis for residents who are relocated temporarily. The PHA will also pay for reasonable increased housing costs that the resident incurs in connection with the temporary relocation.

NOTE: If a resident's relocation exceeds one year, the PHA must then issue a *Notice of Relocation Eligibility* (49 CFR 24.203(b)) to the resident and offer the resident permanent

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<sup>15</sup> A resident who moved to another unit in the same building/complex may be considered a displaced person under URA if the resident moves from the building/complex permanently and was not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move within the same building/complex and/or if other conditions of the move within the building/complex were not reasonable.

relocation assistance and payments at URA levels. The PHA must provide this notice to affected residents as soon as the temporary relocation exceeds one year.

- Packing and Moving Assistance - Since most residents prefer to pack their own personal possessions and items of value, they should be provided packing instructions, boxes, markers, and tape for the move. If assistance in packing is needed, the PHA should provide the resident with information on how to request this assistance. The PHA is responsible for covering all reasonable moving expenses incurred in connection with temporarily relocating a resident. The PHA may reimburse the resident's out-of-pocket moving expenses and/or directly carry out the move.
- Payment for Temporary Relocation Moving Expenses - The plan should also indicate how the PHA intends to provide or reimburse for moving services and expenses. The PHA can choose to do one or more of the following:
  - Undertake the moves itself, using force account labor or a moving company; – Use PHA's contractor or moving company;
  - Carry out moves with employees of the PHA;
  - Reimburse residents for all actual and reasonable moving costs.

NOTE: The PHA will not make fixed payments since such payments may not be representative of actual reasonable costs incurred. However, in order for a resident to be sure of full reimbursement, the resident should submit a moving cost estimate to the PHA for approval prior to the move unless the PHA is directly carrying out the move and the resident will not incur any reasonable out-of-pocket moving expenses. Failure to do so may result in the resident not being fully reimbursed.

- Utility Costs - The PHA is responsible for covering the expenses relating to disconnection and reconnection of necessary utilities. If the resident has telephone, cable service or Internet access, the PHA is responsible for covering the expenses involved in transferring existing service. The PHA may also pay utility deposits, if required at the temporary relocation housing (HUD Handbook 1378, paragraph 2-7(A)(3)). If a resident is temporarily relocating from a public housing unit to a non-public housing unit, the resident must be reimbursed for reasonable increases in utility costs even if the PHA utility allowance is lower than the actual costs to the resident.

## **V. Permanent Relocation Assistance**

Based on the local housing resources available, the PHA should identify the replacement housing options that will be available to meet the housing needs of residents to be permanently relocated. Replacement housing options for residents that meet the definition of a "displaced person" (49 CFR 24.2(a)(9)) under the URA include, but are not limited to:

- Other Public Housing;
- Section 8 Project-Based Voucher unit;
- Section 8 Housing Choice Voucher unit;
- Homeownership housing;

- Private-market rental housing (affordable, non-subsidized).<sup>16</sup>

The plan should describe each type of replacement housing projected to be available, including:

1. Number of units, by bedroom size, expected to be available, and discussion of whether available units will meet dwelling requirements of relocated residents;
2. General area or location of unit(s);
3. Criteria for receiving relocation assistance; and
4. Any other information that might benefit residents in their consideration of housing choices.

The plan should include a description of the permanent relocation assistance the PHA will provide to residents. This assistance includes:

- Availability of Comparable Replacement Housing – Under URA, no displaced resident will be required to move unless at least one comparable replacement dwelling (49 CFR 24.2(a)(6)) is made available at least 90 days before the required move (49 CFR 24.203(c)). Comparable replacement dwellings must contain the accessibility features needed by displaced persons with disabilities (49 CFR 24.2(a)(8)(vii); 49 CFR part 24, Appendix A, §24.2(a)(8)(vii)). If the comparable replacement dwelling is not subsidized housing, the PHA should contact the RAD staff for advice on replacement housing payment requirements.
- Referral to Housing Not Located in an Area of Minority Concentration - Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings that are within their financial means and not located in areas of minority concentration (49 CFR 24.205(c)(2)(ii)(D)). However, this policy does not require a PHA to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling unit.
- Permanent Relocation Moving Expenses from Public Housing to Public Housing - The PHA may choose one of the following options for covering the expenses involved in moving public housing residents that are relocated into other public housing:
  - Undertake the move itself, using force account labor or a moving company. Residents should incur no moving costs under this option, but if such expenses are incurred, the PHA is responsible for reimbursing the resident for any such actual and reasonable expenses. In such case, the resident is also entitled to a dislocation allowance (currently \$100). The URA Fixed Residential Moving Cost Schedule lists the current dislocation allowance and is available at: [http://www.fhwa.dot.gov/real\\_estate/practitioners/uniform\\_act/relocation/moving\\_cost\\_schedule.cfm](http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm)

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<sup>16</sup> Every effort should be made to find another subsidized unit as replacement housing for a resident relocating from subsidized housing so that the resident will continue receiving the housing subsidy as long as it is needed.

NOTE: Residents who prefer to pack their own personal possessions and items of value may be provided packing instructions, boxes, markers, and tape for their move. If a resident needs assistance in packing, they should contact the PHA. It is the responsibility of the PHA to pack and move all of their belongings and household goods, if so desired.

Allow the resident to elect one of the following choices:

- 1) The PHA will reimburse the resident for the cost of all actual reasonable and necessary moving and related expenses (49 CFR 24.301), such as:
  - Transportation of the resident and personal property. This may include reimbursement at the current mileage rate for personally owned vehicles that need to be moved. Transportation costs for a distance beyond 50 miles are not eligible, unless the PHA determines that relocation beyond 50 miles is justified.
  - Packing, crating, uncrating, and unpacking of personal property.
  - Storage of personal property for a period not to exceed 12 months, unless the PHA determines that a longer period is necessary.
  - Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.
  - Insurance for the replacement value of the property in connection with the move and necessary storage.
  - The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
  
- 2) The PHA will pay directly to the resident the applicable and current fixed moving cost payment according to the URA Fixed Residential Moving Cost Schedule (49 CFR 24.302), available at:  
[http://www.fhwa.dot.gov/real\\_estate/practitioners/uniform\\_act/relocation/moving\\_cost\\_schedule.cfm](http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm)

Permanent Relocation Moving Expenses for All Other Moves – Under URA, residents who are permanently displaced, except for those residents displaced from public housing and moving to other public housing, are entitled to the assistance described in the brochure *Relocation Assistance To Residents Displaced From Their Homes*, available in English at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_16280.doc](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_16280.doc) and in Spanish at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_16281.doc](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_16281.doc). Residents may choose moving assistance from one of the following two options.

- 1) The PHA will reimburse the resident for the cost of all actual reasonable moving and related expenses (49 CFR 24.301).
  
- 2) The PHA will pay directly to the resident the applicable and current fixed moving cost payment according to the URA Fixed Residential Moving Cost Schedule (49

CFR 24.302), available at:

[http://www.fhwa.dot.gov/real estate/practitioners/uniform act/relocation/moving cost schedule.cfm](http://www.fhwa.dot.gov/real%20estate/practitioners/uniform%20act/relocation/moving%20cost%20schedule.cfm).

- Replacement Housing Payment - In addition to covering moving expenses, displaced residents may be entitled to a replacement housing payment (RHP). This payment is intended to cover the increase, if any, in monthly housing costs for a 42-month period.

When calculating the RHP, the PHA must consider the comparable replacement housing unit offered to the resident. Since the PHA is not required to pay an RHP amount that exceeds the amount of RHP calculated for the offered comparable replacement dwelling, residents are cautioned to work closely with the PHA prior to their move.

- Accessible Housing for Persons with Disabilities - Under the URA, persons with disabilities who will be permanently displaced must be relocated to a replacement dwelling that contains the accessibility features they need (49 CFR 24.2(a)(8)(vii); 49 CFR Appendix A, 24.2(a)(8)(vii)). A person with disabilities who has been relocated must be offered a comparable replacement dwelling unit that contains accessible features comparable to the housing from which the tenant has been displaced or relocated. This is so even if the tenant has paid for the acquisition and/or installation of accessible features in the housing from which he or she has been relocated; in such instances, the recipient must ensure that the replacement housing contains comparable accessible features or provide relocation assistance to the tenant in an amount that covers the cost of acquiring and/or installing comparable accessible features. Under the URA, an agency may use project funds to remove architectural barriers for displaced owners and tenants with disabilities or take other last resort housing measures if comparable replacement dwelling units are not available within the monetary limits prescribed under the URA regulations (49 CFR 24.404(c)(vii); HUD Handbook 1378, Paragraph 3-8).

## VI. Relocation Budget

Based on the results of the planning process, the PHA should create a relocation budget that includes the following six components:

- 1) The cost of administering the plan and providing assistance and counseling.
- 2) Reasonable moving expenses for a person with disabilities, which may include the cost of moving assistive equipment that is the personal property of the residents, the furnishings and personal belonging of a live-in aide, and/or other reasonable accommodations (HUD Handbook 1378, Paragraph 3-2).
- 3) The cost of the physical move of the residents' belongings. (It is suggested that the move costs be broken down by average cost per move type multiplied by the number of moves.)

NOTE: This physical move cost total should be based on the move scenarios anticipated

or projected by the resident survey.

- 4) The cost estimated to pay for projected increases in monthly housing costs for temporary relocation.
- 5) The cost estimated to pay for the replacement housing payment (RHP) (42-month period for URA or 60-month period if section 104(d) applies).
- 6) Contingency costs estimated for carrying out the relocation process necessary to complete the proposed project. (The PHA should state where these costs are indicated in the application, or attach any other information required by HUD, to support these costs.)

## **VII. Appeal Process**

If a resident disagrees with the PHA's decision as to the resident's eligibility to receive relocation assistance, the amount of a relocation payment, or the adequacy of a comparable replacement dwelling offered to a resident, the resident may file a written appeal to the PHA. The Relocation Plan should describe the specific appeal procedures to be followed consistent with 49 CFR 24.10 (and 24 CFR 42.390 if section 104(d) is involved). At a minimum, the resident will have 60 days to file an appeal with the PHA after receiving written notification of a claim or ineligibility determination.

## **VIII. Certification**

The plan should contain a certification of compliance with the URA and, if applicable, section 104(d).

## **Technical Assistance**

The PHA should direct questions on this Notice's relocation assistance requirements to their RAD Transaction Manager or [email rad@hud.gov](mailto:email_rad@hud.gov).



## Appendix 2: SAMPLE RAD GENERAL INFORMATION NOTICE (GIN)

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### PHA LETTERHEAD

#### RENTAL ASSISTANCE DEMONSTRATION (RAD) GENERAL INFORMATION NOTICE (GIN)

[Date]

Dear [Resident Name],

The property you currently occupy is being proposed for participation in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. At this time, we expect that [the proposed acquisition, rehabilitation or demolition, may require you to be relocated (temporarily or permanently) from your unit]. We will provide further details to you as plans develop. **This notice does not mean that you need to leave the property at this time. This is not a notice of eligibility for relocation assistance.** The remainder of this letter only applies to situations where you will need to be relocated from your unit.

This notice serves to inform you of your potential rights under the RAD program and a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). If the proposed RAD project receives HUD approval and if you are displaced permanently as a result, you may become eligible for relocation assistance and payments under the URA, including:

- 1) Relocation advisory services that include referrals to replacement properties, help in filing payment claims and other necessary assistance to help you successfully relocate;
- 2) At least 90 days' advance written notice of the date you will be required to move;
- 3) Payment for moving expenses; and
- 4) Payments to enable you to rent a similar replacement home.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an immigrant lawfully present in the United States.

As a resident of a property participating in RAD, you have the right to return to the project after the project is complete. You will be able to lease and occupy a unit in the converted project when rehabilitation is complete.

If you are permanently displaced from your home, you will not be required to move until you are given at least 90-day advance written notice of any required move and at least one comparable replacement dwelling has been made available to you. If you are temporarily relocated and your temporary relocation lasts more than one year, you will be contacted and offered permanent relocation assistance as a displaced person under the URA. This assistance would be in addition

to any assistance you may receive in connection with temporary relocation and will not be reduced by the amount of any temporary relocation assistance you have already received.

If you are required to relocate from the property in the future, you will be informed in writing. [PHA] will inform you of what assistance and payments you are eligible for if you will be relocated because of RAD and how you will receive these payments. If you become a displaced person, you will be provided reasonable assistance necessary to complete and file any required claim to receive a relocation payment. If you feel that your eligibility for assistance is not properly considered, you will also have the right to appeal a determination on your eligibility for relocation assistance.

You should continue to pay your rent and meet any other requirements specified in your lease. If you fail to do so, [PHA] may have cause for your eviction. If you choose to move, or if you are evicted, prior to receiving a formal notice of relocation eligibility, you may become ineligible to receive relocation assistance. It is very important for you to contact us before making any moving plans.

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact: [Name, Title, Address, Phone, Email Address]. This letter is important to you and should be retained.

Sincerely,

[Name]

[Title]

NOTES:

1. Files must indicate how this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378)
2. This is a sample GIN. PHAs should revise it to reflect project-specific circumstances.
3. PHAs may provide residents with HUD brochure “Relocation Assistance To Residents Displaced From Their Homes” available at:  
<http://www.hud.gov/offices/cpd/library/relocation/publications/1042.pdf>.

**Appendix 3: SAMPLE RAD NOTICE OF RELOCATION (For relocation anticipated for a year or less)**

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***THIS IS A GUIDE FORM.  
REVISE TO REFLECT THE PROJECT-SPECIFIC CIRCUMSTANCES.***

PHA Letterhead

(date)

Dear [*Resident Name*],

The property you currently occupy is participating in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. On [*date*], the [*Public Housing Authority*] (PHA) notified you of proposed plans to [acquire/ rehabilitate/demolish] the property you currently occupy at [*address*]. On [*date*], HUD issued the RAD Conversion Commitment (RCC) and committed federal financial assistance to the project. [*In instances where a Notice of Intent to Acquire is applicable and this notice is being sent before the RCC is issued, in lieu of the previous sentence noting the RCC issuance date, insert: [Name of entity acquiring the property] (Displacing Agency) intends to acquire the property you currently occupy. This is a Notice of Intent to Acquire.*]

In order for PHA to complete the project, you will need to be relocated for [*anticipated duration of relocation*]. Upon completion of the project, you will be able to lease and occupy your present unit or another decent, safe and sanitary unit in the completed project under reasonable terms and conditions. You are eligible for relocation payments and assistance.

However, **you do not need to move now.** This notice informs you that a decent, safe, and sanitary dwelling unit, listed below, has been made available to you and you will be required to move by [*insert date at least 30 days after the date of this notice*].

If your temporary relocation exceeds one year and you qualify as a "displaced person" under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), you may be eligible for further relocation assistance and payments under URA.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

The relocation assistance to which you are entitled includes:

- Payment for Moving Expenses.** You are entitled to be reimbursed for all reasonable out-of-pocket expenses incurred in connection with any temporary

move. [PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 4 of this Notice.]

- The location of your temporary replacement unit is [address]. This temporary housing has been determined to be decent, safe and sanitary.
- [List appropriate relocation advisory services and any other services and assistance provided.]

If you disagree with this determination, you may file a written appeal to the PHA in accordance with 49 CFR 24.10.

If you have any questions about this notice and your eligibility for relocation assistance and payments, please contact [Name, Title, Address, Phone, Email Address] before you make any moving plans. He/she will assist you with your move to a temporary unit and help ensure that you preserve your eligibility for any relocation payments to which you may be entitled.

**Remember, do not move or commit to the purchase or lease of a replacement home** before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

\_\_\_\_\_  
Print name:

Title:

*NOTE: The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See 49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378.)*

**Appendix 4: SAMPLE RAD NOTICE OF RELOCATION (For relocation anticipated for more than a year)**

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***THIS IS A GUIDE FORM.  
REVISE TO REFLECT THE PROJECT-SPECIFIC CIRCUMSTANCES.***

PHA Letterhead

(date)

Dear [*Resident Name*],

The property you currently occupy is participating in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. On [*date*], the [*Public Housing Authority*] (PHA), notified you of proposed plans to [acquire/ rehabilitate/demolish] the property you currently occupy at [*address*]. On [*date*], HUD issued the RAD Conversion Commitment (RCC) and committed federal financial assistance to the project. [*In instances where a Notice of Intent to Acquire is applicable and this notice is being sent before the RCC is issued, in lieu of the previous sentence noting the RCC issuance date, insert: [Name of entity acquiring the property] (Displacing Agency) intends to acquire the property you currently occupy. This is a Notice of Intent to Acquire.*]

In order for PHA to complete the project, you will need to be relocated for [*anticipated duration of relocation*]. Upon completion of the project, you will be able to lease and occupy your present unit or another decent, safe and sanitary unit in the completed project under reasonable terms and conditions. You are eligible for relocation assistance and payments. Because we expect your relocation to exceed one year, you have the choice to either:

- Receive temporary relocation assistance and return to a unit in the RAD project once it is complete; or
- Receive permanent relocation assistance and payments consistent with the URA instead of returning to the completed RAD project.

You must inform us of your choice within 30 days.

However, **you do not need to move now.** If you choose temporary relocation assistance, you will not be required to move sooner than 30 days after you receive notice that a temporary unit is available for you. If you choose permanent relocation assistance, you will not be required to move sooner than 90 days after you receive written notice that at least one comparable replacement unit is available to you in accordance with 49 CFR 24.204(a). [*Note to PHA: These time periods may start running as of the date of this Notice if the notice of relocation includes such information on the temporary and/or comparable replacement dwelling options, as applicable. In such circumstance, add applicable sentences to adequately notify the resident. For example: This notice informs you that a temporary unit, listed below, has been made available to you and, if you choose this option, you will be required to move by [date no sooner than 30 days after notice]. This notice informs you*

that a comparable unit, listed below, has been made available to you and, if you choose this option, you will be required to move by *[date no sooner than 90 days after notice].*

If you choose temporary relocation, your relocation exceeds one year and you qualify as a “displaced person” under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), you may become eligible for further relocation assistance and payments under URA.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

If you choose to receive temporary relocation assistance, this assistance will include:

- Payment for Moving Expenses. You are entitled to be reimbursed for all reasonable out-of-pocket expenses incurred in connection with any temporary move. *[PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 4 of this Notice.]*
- The location of your temporary replacement unit is *[address]*. This temporary housing has been determined to be decent, safe and sanitary.
- *[List appropriate relocation advisory services and any other services and assistance provided.]*

If you elect to receive permanent relocation assistance, this assistance will include:

- Relocation Advisory Services. You are entitled to receive current and continuing information on available comparable replacement units and other assistance to help you find another home and prepare to move.
- Payment for Moving Expenses. *[PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 5 of this Notice.]*
- Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement unit, (2) the monthly rent and cost of utility services for your present unit, and (3) 30% of your average monthly gross household income. This payment is calculated on the difference between the old and new housing costs for a one-month period and multiplied by 42.
- *[PHA: list here any permanent relocation assistance offered, such as a Housing Choice Voucher.]*

- Listed below are three comparable replacement units that you may wish to consider for your replacement home. If you would like, we can arrange transportation for you to inspect these and other replacement units.

	Address	Rent & Utility Costs	Contact Info
1.			
2.			
3.			

We believe that the unit located at [address] is most representative of your original unit in the converting RAD project. The monthly rent and the estimated average monthly cost of utilities for this unit is [\$ amount] and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this unit is not comparable to your original unit. We can explain our basis for selecting this unit as most representative of your original unit and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately [\$ (42 x monthly amount)], if you rent the unit identified above as the most comparable to your current home or rent another unit of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable unit, your replacement housing payment will be based on the actual cost of that unit. All replacement housing payments must be paid in installments. Your payment will be paid in [#] installments.

You may choose to purchase (rather than rent) a decent, safe and sanitary replacement home. If you do, you would be eligible for a down-payment assistance payment which is equal to your maximum replacement housing payment, [\$amount.] [PHAs should note that, at the agency's discretion, a down-payment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. (See 49 CFR 24.402(c)(1)).] Let us know if you are interested in purchasing a replacement home and we will help you locate such housing.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe and sanitary before any replacement housing payments are made.

If you have any questions about this notice and your eligibility for relocation assistance and payments, please contact [Name, Title, Address, Phone, Email Address] before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for all relocation payments to which you may be entitled.

**Remember, do not move or commit to the purchase or lease of a replacement home** before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

\_\_\_\_\_

Print name:

Title:

Enclosure/s

*NOTE: The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See 49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378.)*



**Appendix 5: SAMPLE NOTICE OF ELIGIBILITY FOR URA RELOCATION ASSISTANCE (For residents who have been temporarily relocated for more than a year)**

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***THIS IS A GUIDE FORM.  
IT SHOULD BE REVISED TO REFLECT THE CIRCUMSTANCES.***

PHA Letterhead

(date)

Dear [*Resident*]:

The property you formerly occupied at [*address*] is participating in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. You have been temporarily relocated from that property since [*date*.] Your temporary relocation has exceeded one year.

It has been determined that you qualify as a "displaced person" according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You are eligible for relocation assistance and payments under the URA.

**You may choose to remain temporarily relocated and return to a unit in the RAD project once it is completed.** It is currently estimated that you may return to the RAD project by [*date*]. If you choose to remain temporarily relocated, you will stay at your current location until the RAD project is completed.

Alternatively, you may choose permanent relocation assistance and payments for which you are eligible, as listed below. If you choose permanent relocation assistance, you give up your right to return to the completed RAD project. However, **you do not need to move now.** If you choose permanent relocation assistance instead of exercising your right to return to the completed RAD project, you will not be required to move sooner than 90 days from the date that at least one comparable replacement unit has been made available to you. [*Alternatively: You will not be required to move sooner than 90 days from the date of this notice, which informs you of a comparable replacement unit that has been made available for you.*]

**This is your Notice of Eligibility for relocation assistance.**

**The effective date of your eligibility is [*insert date that relocation exceeds one year.*]**

**NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h).** All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

Enclosed is a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." Please read the brochure carefully. It explains your rights and provides additional information on eligibility for relocation payments and what you must do in order to receive these payments.

The relocation assistance to which you are entitled includes:

- Relocation Advisory Services. You are entitled to receive current and continuing information on available comparable replacement units and other assistance to help you find another home and prepare to move.
- Payment for Moving Expenses. *[PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 5 of this Notice.]* This is in addition to any amounts received to reimburse for any reasonable out-of-pocket expenses incurred in connection with the temporary move.
- Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement unit, (2) the monthly rent and cost of utility services for your present home, and (3) for low-income persons, 30 percent of your average monthly gross household income. This payment is calculated on the difference between the old and new housing costs for a one-month period and multiplied by 42.
- *[PHA list here any other relocation assistance offered the resident, such as Housing Choice Voucher .]*

Listed below are three comparable replacement units that you may wish to consider for your replacement home. If you would like, we can arrange transportation for you to inspect these and other replacement units.

	Address	Rent & Utility Costs	Contact Info
1.			
2.			
3.			

We believe that the unit located at *[address]* is most representative of the original unit you occupied in the converting RAD project. The monthly rent and the estimated average monthly cost of utilities for this unit is *[\$amount]* and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this unit is not comparable to your original unit. We can explain our basis for selecting this unit as most representative of your original unit and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately \$ [42 x \$Amount], if you rent the unit identified above as the most comparable to your current home or rent another unit of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable unit, your replacement housing payment will be based on the actual cost of that unit. All replacement housing payments must be paid in installments. Your payment will be paid in [#] installments.

Should you choose to purchase (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a downpayment assistance payment which is equal to your maximum replacement housing payment, [\$ amount] *[PHAs should note that, at the agency's discretion, a downpayment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. (See 49 CFR 24.402(c)(1)).]* Let us know if you are interested in purchasing a replacement home and we will help you locate such housing.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe, and sanitary before any replacement housing payments are made.

If you have any questions about this notice and your eligibility for relocation assistance and payments, please contact [Name, Title, Address, Phone, Email Address] before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for any applicable relocation payments.

**Remember, do not move or commit to the purchase or lease of a replacement home** before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

---

Print Name:

Title:

Enclosure/s

*NOTE: The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See 49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378.)*

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development

Office of Public and Indian Housing

OMB No. 2577-0226

Expires 2/29/2016

Attachment M

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I Jill Smith, the Executive Director  
*Official's Name* *Official's Title*

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

Housing Authority of Clackamas County  
*PHA Name*

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of

Impediments (AI) to Fair Housing Choice of  
Clackamas County

*Local Jurisdiction Name*

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

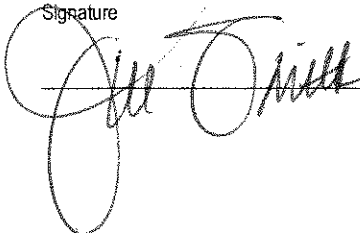
The Housing Authority of Clackamas County works closely with Community Development on creating the Clackamas County's consolidated planning cycle(s) and PHA planning cycle(s) in accordance with the regulations 24 CFR part 91, for consolidated plan program participants, and 24 CFR part 903, for PHA's to jointly complete the Assessment of Fair Housing Plan.

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  
Jill Smith

Title  
Executive Director

Signature



Date

3/13/19



# Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

Applicant Name

Housing Authority of Clackamas County

Program/Activity Receiving Federal Grant Funding

Public Housing, Section 8, Continuum of Care Shelter + Care

The undersigned certifies, to the best of his or her knowledge and belief, that:

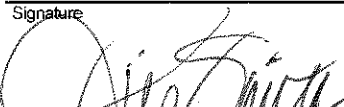
(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection 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 sub recipients 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. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official <b>Jill Smith</b>	Title <b>Executive Director</b>
Signature 	Date (mm/dd/yyyy) <b>3/13/2019</b>



## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input checked="" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 4c	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:	
<b>6. Federal Department/Agency:</b> U.S. Department of Housing & Urban Development	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
<b>11.</b> 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: Jill Smith Title: Executive Director Telephone No.: 503-742-5336      Date: 3/13/19	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

ATTACHMENT F

Violence Against Women (VAWA) Statement

Housing Authority of Clackamas County (HACC) addresses VAWA in the Section 8 Housing Choice Voucher Administrative Plan and the Public Housing Admissions and Continued Occupancy Policy. The responsibility of not terminating families from housing for reasons that fall under the VAWA regulation is particularly addressed. HACC has an Emergency Transfer Plan for victims of domestic violence in our housing programs.

We offer a local preference in the Housing Choice Voucher program for victims of Domestic Violence working with case management. We partner with several community partners like Northwest Family Services, Clackamas Women's Services, A Safe Place and Northwest Housing Alternatives to administer the Domestic Violence preference vouchers.

In addition, we are in continuous contact with County and City agencies, including the various law enforcement agencies, for current tenant's experiencing Domestic Violence.

HACC also partners with Clackamas County Social Services and Behavioral Health as well as the State Department of Human Services to use funds in a transitional housing program and Shelter + Care program under the Continuum of Care, where many victims of Domestic Violence are housed and provided services.

In summary, we follow the VAWA program policies and regulations with the goal of providing safeguards for the families falling under the VAWA related program requirements and refer households, as needed, to local domestic violence service provider partners. HACC has amended all its policies to comply with VAWA.

  
\_\_\_\_\_  
Jill Smith, Executive Director

3/13/19  
\_\_\_\_\_  
Date



**Certifications of Compliance with  
PHA Plans and Related Regulations  
(Standard, Troubled, HCV-Only, and  
High Performer PHAs)**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including  
Required Civil Rights Certifications**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the \_\_\_ 5-Year and/or \_\_\_ Annual PHA Plan for the PHA fiscal year beginning \_\_\_\_\_, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that 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.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
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.