



Meeting Date: 04/03/2007

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Arturo Casillas, Housing Programs Manager Agenda Item No. K-1
 Reviewed By: City Manager City Attorney City Finance Other (Specify)

DATE: March 27, 2007

TO: Housing Authority Commission

FROM: S.D. Gonzalez, Housing Director
Housing Department

SUBJECT: Housing Authority Agency Plan

RECOMMENDATION

That the Board of Commissioners of the Housing Authority of the City of Oxnard:

1. Hold a public hearing to receive comments concerning the proposed Agency Plan.
2. Adopt a resolution:
 - a. Approving the Agency Plan for the Housing Authority; and
 - b. Authorizing and directing the Chairman to execute the Department of Housing and Urban Development (HUD) Public Housing Agency (PHA) Certification Compliance Form certifying the Housing Authority's compliance with HUD's polices and procedures.
3. Authorize the Housing Director to execute and submit all reports and documents required to comply with HUD's policies and procedures regarding the Agency Plan, which include the revised Admissions and Occupancy Policies and Section 8 Administrative Plan.

SUMMARY

The Agency Plan is comprised of a Five-Year Plan and an Annual Plan. The Five-Year Plan describes the mission of the Housing Authority and the long-range goals and objectives for achieving the mission over the five-year period. We are in the second year of the current Five-Year Plan, which began July 1, 2005. The Annual Plan provides details about the Housing Authority's immediate operations, program participants, programs and services, and the Housing Authority's strategy for handling operational and resident concerns for the upcoming fiscal year. The two planning mechanisms (the Five-Year Plan and the Annual Plan) require the Housing Authority to examine existing operations and needs, and to design long- and short-range strategies to address those needs.

The Agency Plan is consistent with the City's Consolidated Plan and like the Consolidated Plan, the Agency Plan involves consultation with affected groups in its development.

The Annual Plan is the mechanism by which funds are requested from HUD for the Modernization Program for Fiscal Year 2007. The Annual Plan includes the resident self sufficiency programs, programs for down payment assistance, a project-based assistance program, capital fund performance and evaluation report, and a list of Resident Advisory Board Members. The Plan also contains a spending limit for all expenditures from the Administrative Fee Reserve. Significant proposed policy changes and updates to the Five Year and Annual plans are described below.

DISCUSSION

The Agency Plan, derived from provisions of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), requires housing authorities to develop a Five-Year and Annual Plan. The purpose of the Annual Plan is to provide a framework for local accountability and an easily identifiable source by which public housing residents, participants in the Section 8 program, and other members of the public may locate basic information regarding the Housing Authority's policies, rules and regulations, and services that are provided by the Housing Authority.

Annual Plan updates must be submitted to HUD prior to the beginning of each fiscal year. The Agency Plan includes a certification that the Housing Authority's plan is consistent with the City's Consolidated Plan and a certification of compliance form which states that the Housing Authority is operating within HUD's requirements.

The Five-Year Plan includes plans to transform public housing at Colonia Village in the project known as "the Courts." This activity involves the planned demolition, disposition and redevelopment of Colonia Housing Project 31-1. The plan includes the establishment of a non-profit corporation to administer the new housing units, which will be affordable, but will no longer be public housing units. This project will provide public housing residents with opportunities to purchase homes, as well as reduce the concentrations of poverty in the housing project by creating a mixed income community.

Overall, the Agency Plan is similar to last year's plan. This year's plan includes the following significant proposed changes and updates:

- 1) **Application for Demolition and Disposition for the 31-1 Project, "the Courts."** The Annual Plan has been updated to indicate that the OHA has submitted an application to HUD for demolition and disposition activities associated with the Courts 31-1 project. (Page 32).
- 2) **Asset Management.** The OHA will begin the process of converting to Project Based Accounting and Asset Management, presently scheduled by HUD to be the required method of operation for the OHA by July 1, 2007. This will include implementing all applicable provisions of the Public Housing Operating Fund Program Final Rule, dated Sept. 29, 2005, 24 CFR Part 990, and notices and guidance provided by HUD after that date. (Page 11)

- 3) **Posting of Repayment Guarantee Bond.** The OHA will seek to post a \$100,000 bond to guarantee re-payment of the Multi-Family Revenue Bonds used for the accelerated renovation of the 70 dwelling units on Colonia Road. This bond measure will be negotiated with HUD and Standard and Poor's in light of diminished revenues anticipated to be received from future HUD allocations of the Capital Fund due to an expectant reduction of 260 public housing units in the OHA inventory through the development of the Courts Project. The end goal will be to maintain a favorable credit rating for the OHA. (P. 7)
- 4) **Sycamore Project/Removal of Project Based Vouchers.** The Annual Plan removes the Sycamore Project as a potential recipient of Project Based Vouchers under the Section 8 Housing Choice Voucher Program. This change is made at the request of the owners of the Sycamore Project. In order for the project to be eligible to receive project based vouchers, all work at the site would have had to comply with Davis-Bacon wage provisions retroactively. (P. 39)
- 5) **Public Housing Self Sufficiency Program.** The Annual Plan has been amended to state that the OHA will continue to implement a Public Housing Family Self Sufficiency grant program through local resources for its second year of operation. The program will include link-ups with homeownership activities. (Page 8)
- 6) **Family Self Sufficiency Plan Update.** The OHA will update its Family Self Sufficiency Plan, for both the Public Housing and Section 8 Housing Choice Voucher programs. (Page 9)
- 7) **Homeownership Down-payment Assistance.** OHA staff will assist public housing tenants with an enhanced down payment assistance program through the use of in lieu fees as approved by the Housing Authority Board of Commissioners on February 14, 2006. (Page 10)
- 8) **Public Housing Security Plan.** Based on tenant perceptions as reflected in the results of a survey administered by HUD in 2006, the OHA was required to develop and include a security follow up plan as an attachment to the FY 2007 Agency Plan. The plan addresses areas of safety, tenant communication with staff, and neighborhood appearance, which were found to be of concern to residents, based on the HUD survey. Some concerns that the tenants indicated in response to the HUD survey dealt with lighting in the developments, admissions screening of new tenants, and perceptions of crime in the public housing developments. Staff is presently carrying out activities to address each area of concern expressed by residents. (Agency Plan attachment).
- 9) **Handicapped Accessible Units.** The Five Year Plan has been amended to include provisions for modifying dwelling units in all public housing projects to meet new HUD requirements for a specific numbers of handicapped accessible units for each project. (Page 6)
- 10) **Review of Security Deposits.** The annual plan includes a goal to review security deposits and determine a method to increase security deposits in Public Housing in order to bring the rates closer to actual costs of refurbishing vacated units. (Page 12)

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- 11) **Revisions to the five year plan** for the next fiscal year include increasing parking at the Colonia Project 31-3, and the carrying out of an Energy Study. For the following fiscal year, the Plan has been amended to allocate funds for the repair of plumbing systems in all housing developments and to implement Section 504 accessibility compliance requirements at all housing developments. (Page 6)
- 12) **Proposed Policy Changes.** Significant proposed policy changes include:
- a. *Violence Against Women (VAWA) Act.* Under the VAWA Act, victims of domestic violence may not be denied admission or have their assistance terminated. The Housing Authority may terminate the assistance to the family member that engages in actual or threatened acts of violence or stalking without terminating the assistance of victimized family members.
 - b. *Returning Family Members.* Adult family members who leave the household to attend colleges or universities or to do military service will be allowed to rejoin the household and be added to the family composition under the Section 8 and Public Housing programs.
 - c. *Pet Deposits.* Pet deposits will be decreased from \$150 to \$50. Staff believe that this change will encourage tenants, who may find the current amount difficult to pay, to register their pets.
 - d. *Community Service Volunteer Hours.* The proposed policies reduce the number of hours that tenants have to be employed from 30 hours to 15 hours per week in order to be exempt from HUD required volunteer community service hours. Due to liability concerns, it has been difficult for public housing residents to find agencies where they can carry out volunteer community service hours.
 - e. *Childcare Insurance.* While the Housing Authority cannot require tenants that operate childcare business out of their unit to carry liability insurance, the proposed policy will require that they either voluntarily have liability insurance and provide proof to the Housing Authority, or provide affidavits from their clients releasing the Housing Authority from any liability associated with their daycare business.

The Annual Plan for Fiscal Year 2007-2008 contains the following:

1. A statement of housing needs within the City.
2. A statement of the financial resources available to the Housing Authority to serve the community.
3. The Housing Authority's eligibility, selection and admission policies including preferences and maintenance of the existing waiting list.
4. Rent determination policies.
5. The Housing Authority's capital improvement needs.
6. The Housing Authority's plans for demolition and disposition.
7. Homeownership program (Section 8 Administrative Plan).
8. Certification that the Housing Authority is in compliance with appropriate civil rights laws and

will affirmatively further fair housing.

9. Additional information:
 - a. Progress on meeting 5-year mission and goals from previous five-year plan (2000-2004)
 - b. Criteria for substantial deviations and significant amendments
 - c. Information on the Resident Advisory Board membership and involvement, resident membership on the governing board, and a statement that the plan is consistent with the local Consolidated Plan.
10. Project-based assistance program (Section 8 Administrative Plan).
11. Supporting document available for review.
12. FY 2005 Capital Fund Program and Capital Fund Program Annual Statement of Performance and Evaluation Report.
13. Capital Fund Program 5-Year Action Plan.

The law permits the Housing Authority to change or modify the Agency Plan at any time. Any "significant amendment or modification" to the Agency Plan will require a public notification and hearing process.

HUD considers the following to be significant amendments or modifications:

1. Changes to rent or admission policies or organization of the waiting list;
2. Additions of nonemergency work items (items not included in the current Annual Statement or Five-Year Action Plan) or change in the use of replacement reserve funds under the Capital Fund;
3. Any change with regard to demolition or disposition, designation, homeownership program or conversion activities.

Changes in HUD regulatory requirements are not considered significant amendments by HUD.

The Annual Plan also contains the Authority's submittal of the Capital Fund Program (Modernization) funding request to HUD. The Capital Fund Program Annual Statement and Five Year Plan are included in the Agency Plan. This grant funds being requested from HUD for the Capital Fund Program for the next fiscal year are \$1,993,281. The Annual Agency Plan also includes as an attachment the Performance and Evaluation Report for Capital Funds.

The Housing Authority is required to hold a public hearing and provide a 45-day public notice and comment period prior to the hearing. The comment period began on February 3, 2007, and ended on March 19, 2007. Housing Authority staff held two meetings with the Resident Advisory Board, which was established for five years by the Housing Commission at its November 16, 2004 Commission meeting. The Resident Advisory Board elected a Chairperson and Vice-Chairperson and provided input into the development of the Agency Plan as required by the Act. During the 45-day comment period, no responses were received.

If the Housing Commission approves the Agency Plan, HUD requires an electronic submission as well as a hard copy of the Plan and all certifications and supporting documentation. The Agency Plan must be submitted 75 days in advance of the new fiscal year which is no later than April 16, 2007.

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FINANCIAL IMPACT

The approval of the recommended action will permit the Housing Authority to obtain \$1,993,281 under the Capital Fund, as well as other potential funds.

Attachment #1 - Resolution Approving the Agency Plan
#2 - PHA Certification of Compliance Form
#3 - Proposed Significant Policy Changes

Note: *The Annual Agency Plan has been provided to the Board of Commissioners. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Board of Commissioners meeting and at the City Clerk's Office after 8:00 a.m. on Monday.*

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HOUSING AUTHORITY OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION APPROVING THE AGENCY PLAN AND AUTHORIZING THE
CHAIRMAN TO EXECUTE AND SUBMIT THE AGENCY PLAN FOR THE
HOUSING AUTHORITY

WHEREAS, the Housing Authority of the City of Oxnard ("OHA") is required by the U.S. Department of Housing and Urban Development ("HUD") to approve and submit the Agency Plan for the Housing Authority for HUD's review and approval; and

WHEREAS, the OHA is required by HUD to certify that the OHA is in compliance and will comply with HUD's policies and procedures; and

WHEREAS, the OHA, as required under the Quality Housing and Work Responsibility Act of 1998 ("QHWRA"), has had the Agency Plan available to the public for a 45-day comment and review period, and has held the requisite advance meetings with the Resident Advisory Board between January 22, 2007 and January 29, 2007, as well as the required public hearing on April 3, 2007;

NOW, THEREFORE, the Board of Commissioners of the Housing Authority of the City of Oxnard resolves as follows:

1. The Commission approves the Agency Plan for the Housing Authority and directs the Housing Director to submit it to HUD for review and approval, as required by QHWRA.
2. The Commission authorizes and directs the Chairman to execute the PHA Certification Compliance Form for the Agency Plan.
3. The Commission certifies that the OHA developed the Agency Plan with involvement and input from local government and the residents within the jurisdiction of the Agency Plan.

APPROVED AND ADOPTED this 3rd day of April 2007, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Chairman

ATTEST:

Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:

Gary L. Gillig, General Counsel

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Attachment #1

**Standard PHA Plan
PHA Certifications of Compliance**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:
Board Resolution to Accompany the *Standard Annual, Standard 5-Year/Annual, and
Streamlined 5-Year/Annual PHA Plans***

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 __ standard Annual, __ standard 5-Year/Annual or X streamlined 5-Year/Annual PHA Plan for the PHA fiscal year beginning 07/01/2007, 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 Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (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 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, identify any impediments to fair housing choice within those programs, address 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 maintain records reflecting these analyses and actions.
7. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's MTCS in an accurate, complete and timely manner (as specified in PIH Notice 99-2);
 - 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 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 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 has submitted with the Plan a certification with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
12. The PHA has submitted with the Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.

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form HUD-50077 (04/30/2003)
Attachment 2

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

Oxnard Housing Authority
PHA Name

031/CA
PHA Number/HA Code

Standard PHA Plan for Fiscal Year: 20__

Standard Five-Year PHA Plan for Fiscal Years 20__ - 20__, including Annual Plan for FY 20__

Streamlined Five-Year PHA Plan for Fiscal Years 2005 - 2009, including Annual Plan for FY 2007

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	Title
Dr. Thomas E. Holden, Mayor	Chairman of the Oxnard Housing Authority
Signature	Date
X	April 3, 2007

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**HOUSING AUTHORITY OF THE CITY OF OXNARD
PROPOSED SIGNIFICANT CHANGES TO THE PUBLIC HOUSING
ADMISSIONS AND OCCUPANCY POLICIES
AND THE SECTION 8 ADMINISTRATIVE PLAN
APRIL 3, 2007**

ADMISSIONS AND OCCUPANCY POLICIES (PUBLIC HOUSING PROGRAM):

Repayment plan for public housing tenants: will require 10% down of amount owed for retroactive rent charges, as opposed to the current 50% down, which is oftentimes impossible for residents to pay. The new down-payment requirement will be the same as in the Section 8 Program repayment policy.

Pet deposits: will reduce pet deposit to \$50 from the current \$150 amount. This change will encourage more tenants, who may find the current amount difficult to pay, to register their pets.

Community service: will reduce the minimum work activity hours from the present 30 hours per week to 15 hours per week. Reducing the number of hours will help more tenants to be complaint and will ease the caseworker's monitoring burden.

Childcare insurance: residents who conduct childcare businesses out of their homes will be required to show proof of liability insurance or to produce signed affidavits from the parents of the children they care for acknowledging that they are aware that the childcare provider does not have insurance and that they will hold the Housing Authority harmless and a release it from any liability in relation to the childcare activity.

Criteria for denial of assistance.

- 1) The OHA will not deny admission to families based on past history related to minor children.
- 2) When the client provides a court order excusing them from completion of drug or alcohol rehabilitation the OHA will honor the court order and not mandate self-initiated enrollment.
- 3) Screening for suitability will be changed from evaluating 10 years of rental history to 5 years of rental history.
- 4) The OHA will evaluate housekeeping by reviewing their present living situation unless the family has been there less than 1 year. In this instance the OHA will contract the previous landlord.

Challenges to tenant elections. Proposed changes: 1) Clarify that the 15 day limit for filing challenges to tenant elections means calendar days; 2) Extend from 10 to 15 calendar days the amount of time that the OHA has to convene a meeting to select an arbitrator/hearing officer; 3) Extend from 20 to 25 days the time within which the arbitrator shall schedule a hearing on the challenge; and 4) Extend from 15 to 20 days the amount of time that the hearing officer has to render a written decision.

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PUBLIC HOUSING AND SECTION 8 PROGRAM:

Head of household. In the case of addition of spouse after assistance is granted, the original applicant shall continue to be considered the head household if the couple separates, unless that person relinquishes this right in writing, or unless children are involved. In the case where children comprise part of the household, the assistance will remain with the adult that has custody of the children.

Retroactive payment amounts. The amount that a family pays for retroactive payments, when added to a family's gross rent, shall not exceed fifty percent of the family's income. The OHA may make an exception to the payment schedule if the family has extenuating circumstances.

Asset documentation. For assets less than \$5,000 the family's bank statements or statements from the financial institution may be used for documentation.

Returning adult children. Adult children who leave the household unit to attend college, universities, trade schools, or to do military service, may be added back to the family composition, within 90 days of completion of their training, service, or university study.

Violence Against Women Act (VAWA): victims of domestic violence may not be denied admission or have their assistance terminated. The Housing Authority may terminate the assistance to the family member that engages in actual or threatened acts of violence or stalking without terminating the assistance of victimized family members.

ADMINISTRATIVE PLAN
FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM:

Interim recertifications. An interim recertification (assessment of family composition, income, and rent determination) will not be required if a family's income increases \$200 a month or less. Interim reviews will be processed when a family member was at zero income and is now receiving income from any source. No interim recertification will be performed if a family experiences a decrease of income for a period of 30-days or less.

Criteria for denial of assistance: new HUD restrictions on the eligibility of certain students will apply.

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