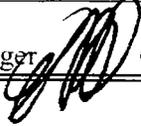
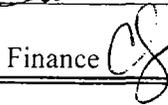




Meeting Date: 01/15/2008

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  Holmberg  City Attorney  Finance  Other (Specify) _____

DATE: January 4, 2008

TO: Housing Authority Commission

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

SUBJECT: Amendment to the 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 Amendment to the Housing Authority Agency Plan.
2. That the Housing Authority Commission authorize the submission of an amendment to the Housing Authority Agency Plan to the U.S. Department of Housing and Urban Development (HUD).

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 beginning of the third year of the current Five-Year Plan, which began July 1, 2005. The Annual Plan coincides with the fiscal year and 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.

HUD regulations permit the Housing Authority to amend the Annual or Five Year plans at any time, subject to approval by the Los Angeles HUD Field Office. The proposed amendment consists of policy

changes in the Public Housing Admissions and Occupancy Policies, and in the Section 8 Program Administrative Plan, in the following areas:

Proposed Change	Program
1. Security Deposits Increases	Public Housing
2. Cable Charge Increase	Public Housing
3. Policy on Pets	Public Housing
4. Use of Certified Statements	Both Programs
5. Section 8 Program Exceptions to the Bedroom Standard	Section 8
6. Local Preferences	Both Programs
7. SRO Administrative Plan Provisions	Section 8

DISCUSSION

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 requires 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 non-emergency 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 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 October 20, 2007, and ended on December 3, 2007. The proposed policies were posted at designated public places and the public housing proposed policy changes were also translated and delivered to each public housing unit. The proposed policy changes are described below.

1. Security Deposits. The Housing Authority is proposing to raise security deposits in public housing. The last increases were on July 1, 1992. Originally, staff proposed to raise deposit amounts to average actual costs. However, to do that would have meant increases averaging 145%. Instead, staff is proposing incremental increases as noted on page 1 of Attachment 1, and plans to adjust deposit amounts more frequently in the future.

2. Cable Charge Increase. Presently, the Housing Authority contracts with the local television cable company for group cable rates for public housing tenants. The present rate is \$4.47 per month for each tenant household. Only one family does not pay the cable rate. Time Warner, the current television cable provider, is raising its rate to \$6.44 per month for basic cable. The proposed recommendation will permit the Housing Authority to charge tenants the proposed increase in cable television charges by Time Warner, and to pass on any future rate hikes automatically to the tenants.

- 3. Policy on Pets.** A current policy on pets in public housing is being amended to exclude a clause that states that "Cats must be declawed..."
- 4. Use of Certified Statements.** For items that families self-certify in both programs, notarized statements will not be required.
- 5. Section 8 Program Exceptions to the Bedroom Standard.** The current policy for the Section 8 Program is being amended to permit two family members, over the age of 3, of opposite sex, other than spouses, to be assigned their own bedroom. The proposed change also permits family members of different generations to be assigned their own bedroom.
- 6. Local Preference.** This proposed change applies to both programs and permits the removal of a family's application from the waiting list when a family does not meet the residency preference after one year of applying. Families that have a family member that lives, works, or has been hired to work, or is attending school in Oxnard, are given the local preference.
- 7. Single Room Occupancy (SRO) Administrative Plan Provisions.** The proposed additions to the Section 8 Administrative Plan add wording for policies required by the U.S. Department of Housing and Urban Development (HUD) to be in place for a housing authority that undertakes Single Room Occupancy (SRO) Moderate Rehabilitation Projects. The Housing Authority has recently attempted to initiate two such projects: one for 13 SRO units and one for 2 SRO units. The proposed wording incorporates into the policies HUD requirements for staff to monitor the provision of supportive services to SRO residents, and extends provisions applicable to the tenant based voucher program to the SRO tenants. The new wording also specifies relocation requirements during rehabilitation of the dwelling units, and requires that the Housing Authority establish a separate waiting list for the moderate rehabilitation dwelling units.

Housing Authority staff received 17 written comments regarding the proposed policies. Staff also attended two meetings, one with the Colonia Village Tenants Association and one with the Board of Directors of the Colonia and the Pleasant Valley Village tenant associations to solicit additional input regarding the proposed policy changes. Most of the negative comments regarding the proposed policies related to the large percentage increase for Flat Rents in public housing, which were last adjusted in the year 2000. These are rents that higher income families in public housing may pay instead of paying 30% of their income towards rent. Increases range from 26% to 71%. Some tenants mistakenly interpreted the proposed policies to mean that all tenants' rents would be increased. In response to tenant concerns, staff has pulled the Flat Rents for further review and discussion. Increases in Flat Rents will be considered as part of the process for formulation of the new Housing Authority Agency Plan, which will be effective July 1, 2008.

If the Housing Commission approves the proposed Amendment to the Agency Plan, HUD regulations require that the Amendment be submitted to the local HUD Field Office for approval. If no response is received from HUD within 75 days, then the policies are deemed approved.

FINANCIAL IMPACT

The approval of the recommended action will permit the Housing Authority to recoup more of the cost for tenant damages in vacated units, based on the increase in security deposits. Approval of the proposed recommendation will also permit the Housing Authority to keep pace with a proposed increase in cable television charges by Time Warner, while not incurring any costs. There is no financial impact associated with the other proposed policy changes.

Attachment #1 - Amendment to the Housing Authority Agency Plan

**AMENDMENT TO THE AGENCY PLAN
OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD
JANUARY 15, 2008**

This is an amendment to the Agency Plan of the Housing Authority of the City of Oxnard that was approved by the U.S. Department of Housing and Urban Development (HUD) and the Housing Authority of the City of Oxnard beginning Fiscal Year 2007, and which is on file at the Los Angeles HUD Field Office.

RECITALS

Whereas, the Housing Authority is permitted by law to amend its Annual Agency Plan at any time, and

Whereas, the Housing Authority desires to amend its public housing Admissions and Occupancy Policies and its Section 8 Program Administrative Plan, and

Whereas, some of policy changes represent significant amendments or modifications under HUD's definition and therefore require a public notice and hearing process, and

Whereas, the Housing Authority has taken tenant comments into account and made modifications on the original proposed amendment based on those comments, and

Whereas, the Housing Authority has complied with all public notice and hearing procedures required by HUD.

AGREEMENT

1. Now therefore, it is agreed that the Housing Authority Agency Plan is hereby amended by the following changes to the Public Housing Admissions and Occupancy Policies and to the Section 8 Administrative Plan.

1.1 Security Deposits Increases – Public Housing Program. The Housing Authority is proposing that the new security deposit amounts apply to everyone, and that tenants be able to pay in up to 6 monthly installments beginning on the effective date of their next annual recertification.

<u>Bedroom Size</u>	<u>Current Deposit</u>	<u>New Proposed Deposit</u>	<u>% Increase</u>
Studio	\$100	\$110	10%
1 Bedroom	\$160	\$160	0%
2 Bedroom	\$210	\$290	38%
3 Bedroom	\$260	\$350	35%
4 Bedroom	\$310	\$410	32%
5 Bedroom	\$360	\$470	31%

Failure to pay the increased security amounts may be cause for eviction.

1.2 Cable Charge Increase - Public Housing Program. New television cable rates for public housing tenants will be \$6.44 per month. This change will be upon 30 day notice to tenants after approval of these policies by HUD. Future cable increases made by the television cable service provider will automatically be passed on to public housing tenant households upon 30-day notice of increase.

1.3 Policy on Pets - Public Housing Program. Section 3, c. (5) of Exhibit D, Lease Addendum on Pets is hereby amended to exclude the clause that "Cats must be declawed..." The rest of the sentence remains in effect and may be stated as: 'Cats must be trained to use a litter box or other waste receptacle.'

1.4 Use of Certified Statements – Public Housing and Section 8 Programs. For items that families self-certify, notarized statements will not be required.

1.5 Section 8 Program Exceptions to the Bedroom Standard – Section 8 Program. Two family members, over the age of 3, of opposite sex, other than spouses, may be assigned their own bedroom. Family members of different generations may be assigned their own bedroom.

1.6 Local Preferences – Section 8 and Public Housing Program. When a family does not meet the residency preference, the family will be allowed to apply and the application will be placed on "low-priority" status for a time not to exceed one year. If during this time, the family begins to live, work, or has been hired to work, or is attending school in Oxnard, they must report this change in writing, and the local preference will be applied to their application. If no change is reported during the one year following the date of application, the family's application will be removed from the waiting list.

1.7 Single Room Occupancy (SRO) Section 8 Program Administrative Plan Provisions - Section 8 Program. The proposed additions to the Section 8 Administrative Plan add wording for policies required by the U.S. Department of Housing and Urban Development (HUD) to be in place for a Housing Authority that undertakes Single Room Occupancy (SRO) Moderate Rehabilitation Projects. The Housing Authority has recently been attempting to initiate two such projects: one for 13 SRO units and one for 2 SRO units.

The wording that follows that is in italics represents proposed new wording for the Section 8 Administrative Plan. The non-italic wording that follows below is the context where the new wording will be inserted and consists of policies already in place, but which do not presently apply to SRO projects. The page numbers pertain to the pertinent current pages in the Administrative Plan where these sections are located.

Page 15-3

The OHA and general local government will monitor annually the provision of Supportive Services provided to SRO residents by housing provider directly or through agreement or understanding with outside agencies or organizations, *including any supportive services agreed to by owners in a Moderate Rehabilitation project.*

Page 17-2

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program or *Moderate Rehabilitation Program* regulations, the OHA policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants, *including Moderate Rehabilitation Program participants.*

Page 17-3

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of the PHA to ensure the owner complies with these requirements.

Temporary relocation. The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for the Moderate Rehabilitation project. Such tenants must be provided:

- (1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation;*
- (2) Appropriate advisory services, including reasonable advance written notice of:*
 - (i) The date and approximate duration of the temporary relocation;*
 - (ii) The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;*
 - (iii) The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the project upon completion; and*
 - (iv) The assistance required under paragraph (1) of this section.*

Page 17-24

17.VI.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program *and the Moderate Rehabilitation Program*. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program *including my additional procedures required when assistance applies to units in the Moderate Rehabilitation Program*.

Page 17-24

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the PHA *including Moderate Rehabilitation units*, are considered an “in-place family.” These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the

OHA’s waiting list. Once the family’s continued eligibility is determined (the OHA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and the OHA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

Page 17-25

The OHA will establish a separate waiting list for the OHA’s entire PBV program.

Moderate Rehabilitation Program-Additional Procedures

Public Notice to Low-Income Families; Waiting List [CFR882.513]

- (a) *Public notice to low-income families. (1) If the OHA does not have a waiting list which is sufficient to provide applicants for the units under the Moderate Rehabilitation Program, the OHA must, promptly after receiving the executed ACC, make known to the public the availability of the Program. The notice must state that assistance under this Program will be available only in specified units which have been rehabilitated under the*

Program. The notice must be made in accordance with the HUD guidelines for fair housing.

(b) Waiting list. The OHA will establish a separate waiting list for the OHA's Moderate Rehabilitation Program.

Page 17-26

Refusal of Offer [24 CFR 983.251(e)(3)]

The OHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance; *including assistance in Moderate Rehabilitation units:*

- *Refuse to list the applicant on the waiting list for tenant-based voucher assistance;*
- *Deny any admission preference for which the applicant qualifies;*
- *Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the OHA's selection policy;*
- *Remove the applicant from the tenant-based voucher waiting list.*

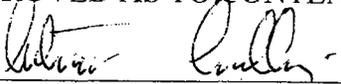
1.8 Effective date. This amendment will be effective upon approval by the U.S. Department of Housing and Urban Development.

APPROVED:

Housing Director
Housing Authority of the City of Oxnard

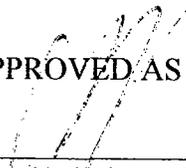
Public Housing Director
U.S. Department of Housing & Urban
Development

APPROVED AS TO CONTENT:



Arturo Casillas
Housing Programs Manager

APPROVED AS TO FORM:



Alan Holmberg, Deputy General Counsel

Date

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