



Oakland Housing
Authority

MAKING TRANSITIONS WORK

ANNUAL PLAN FISCAL YEAR 2009

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Oakland Housing Authority

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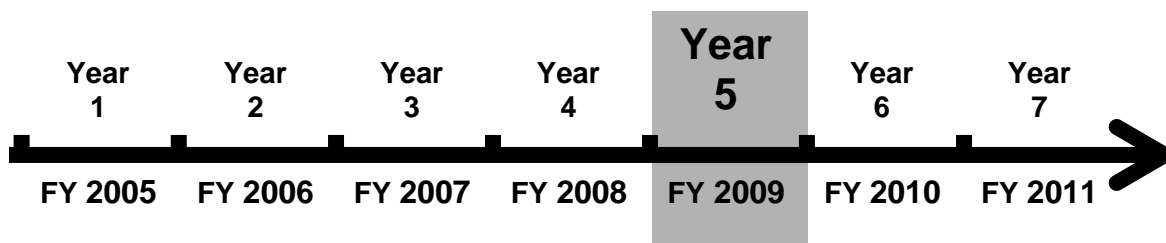
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ATTACHMENTS:

- A.** Inventory of public housing sites, including vacancy rates and list of scattered sites under consideration for disposition
- B.** Comments received from the Resident Advisory Board and responses from OHA staff
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- D.** Written comments received from The National Housing Law Project and response letter from OHA



EXECUTIVE SUMMARY

The OAKLAND HOUSING AUTHORITY (OHA) was established in 1938 to assure the availability of quality housing for low-income persons. OHA operates federally funded low-income housing programs, such as Housing Choice Vouchers (also known as "Section 8") and public housing, and assists over 14,000 of Oakland's lowest-income families, elderly and persons with disabilities. The mission of the OHA is:

To assure the availability of quality housing for low-income persons and to promote the civic involvement and economic self-sufficiency of residents and to further the expansion of affordable housing within Oakland.

As the City's largest provider of low-income housing, OHA recognizes that it takes a tremendous amount of support to help people make a home, and assist residents in building neighborhoods and communities. Accordingly, OHA has previously been recognized by the U.S. Department of Housing and Urban Development (HUD) as a "high performing" housing authority and has earned the opportunity to participate in HUD's *Moving to Work* Demonstration Program.

MTW Demonstration Program

The Moving to Work (MTW) Demonstration Program provides a unique opportunity for OHA to explore and test new and innovative methods of delivering housing and supportive services to low-income residents of Oakland. The broad areas and parameters of OHA's flexibility under MTW are defined in an agreement signed with HUD in 2004 that allows OHA to tailor the programs and policies to the unique needs of Oakland. OHA named the program "**Making Transitions Work.**"

As an MTW participant, OHA submits an annual plan to HUD, the basic format of which is defined by the MTW Agreement. This **MTW Annual Plan** for Fiscal Year 2009 (FY 2009) is intended to provide OHA residents, the public and HUD with baseline information on existing OHA programs, indicate areas of policy in which change is likely to occur during the fiscal year ending June 30, 2009, and information on the OHA budget for FY 2009.

Each of the Annual Plan's sections provides information on current and planned programs, policies, and issues. The Annual Plan is not used to change OHA policy. Instead, the Annual Plan presents issues and ideas that the Authority may consider and adopt during the upcoming year. Whenever policy changes are considered, a detailed comparison between the existing policy or rule and the proposed policy is presented to OHA's Board of Commissioners for formal consideration. As required, any changes to the Public Housing Program will be included in the Admissions and Continued Occupancy Policy (ACOP) while changes to the Section 8 Program will be included in the Administrative Plan. Notice of any resulting policy changes is then sent to HUD. New policy may be implemented immediately and will be described in succeeding MTW Annual Reports. The Annual Reports are released after a fiscal year has ended and are intended to provide HUD and the community a comparison between OHA's performance levels and those outlined in the Annual Plan.

The Authority is committed to ensuring that the community is involved in developing the MTW Annual Plan and the ensuing policy changes. OHA will continue to gather input from residents and the community on new MTW policy proposals via its Resident Advisory Board (RAB) and public meetings.

MTW Activities Planned for FY 2009

In FY 2009, OHA will continue to pursue a series of ongoing initiatives including; bringing OHA's operations into conformance with HUD's new project-based management policies, the redevelopment of the Tassafaronga Village public housing site, simplifying rent setting policies, and exploring a number of options related to the disposition and replacement of the agency's entire stock of scattered site public housing units. A summary of the policies and programs by each section of the FY 2009 MTW Plan is described below.

Households Served: OHA does not anticipate any significant changes in the characteristics of households it will serve during FY 2009. The current mix of households is expected to remain similar to recent years, especially because the demographic composition of families on the Authority's program wait lists generally mirrors current program participants. The number of households OHA serves in public housing will decrease slightly with the disposition of 87 units of public housing as part of the redevelopment of Tassafaronga Village. This decrease will be offset by growth in the Section 8 Voucher Program. Both the public housing and leased housing programs should have an adequate number of applicants on the wait lists to immediately fill vacancies through the end of FY 2009. Accordingly, there is no plan to open wait lists for new applicants for either program during the fiscal year. OHA may develop a new preference in the Section 8 Program for low-income households that have been displaced due to government action from affordable housing developments in the City of Oakland. If this new preference is adopted, the Agency may exceed the 100 percent lease up rate in the Section 8 Program.

Occupancy and Rent Policies: OHA has made developing and testing a simplified rent policy a high priority in FY 2008 and FY 2009. The Authority will also continue the process of transitioning into a project-based management structure for its public housing to conform to new HUD regulations. The use of site-based waiting lists will continue to expand. OHA may develop a new preference in the Section 8 Program for low-income households that have been displaced due to government action from affordable housing developments in the City of Oakland. OHA will develop and adopt new policies and procedures in compliance with the Violence Against Women Act (VAWA). In addition, a new policy allowing for income reexaminations to be conducted every three years for elderly and disabled clients on fixed incomes will be implemented. OHA has initiated a new policy of income mixing at recently renovated sites as the units are returned to service. OHA will also continue a policy of offering rent discounts for families who select specific public housing sites.

Changes in Housing Stock: In addition to the disposition of 87 units at Tassafaronga Village, OHA intends to explore various options and to apply to HUD for the disposition of its entire inventory of 1,615 scattered site public housing units. The multi-year disposition strategy would result in a shift in available units from public housing to Section 8. OHA's replacement strategy will include acquisition and development of new and rehabilitated sites. The agency is also planning to explore an increase in the use of project-based vouchers for supportive housing and preservation activities. Utilizing the flexibility granted the Agency under MTW, OHA may develop a new short-term affordable housing preservation program to subsidize affordable housing developments at risk of closure.

Sources and Uses of Funding: Under the MTW, OHA is allowed to combine funds from several HUD programs into a single fund with full flexibility. During FY 2009, OHA expects to receive several million less federal dollars in funding than it is entitled to for the public housing program (operating and capital funds). Utilizing the flexibility allowed under MTW, OHA will program additional funding received under the Section 8 Housing Choice Voucher program to cover operating

and capital expenses in the public housing programs. OHA has budgeted \$25 million in MTW Funds/Reserves for Locally-Developed Housing Programs.

Capital Planning: Utilizing public housing capital funds, flexible funding under the Moving to Work program and the OHA local fund, the OHA will continue its efforts to address the many physical needs that exist at public housing sites. These efforts will include both comprehensive modernization and a new program of selective and specific repairs and replacements to building exteriors and interiors. OHA will pursue various site acquisition activities related to the Locally-Developed Housing Program. A description of OHA's planned home ownership programs are also outlined in the Capital Planning section.

Management Information for Public Housing Units: During FY 2009, OHA plans to operate its stock of public housing at a 4 percent vacancy rate and make considerable progress at addressing the backlog of non-emergency work orders.

Management Information for Section 8 Units: OHA plans to operate its leased housing programs at full capacity.

Resident Programs: OHA will operate programs to encourage self-sufficiency, civic involvement and economic development. The Authority will respond to a significant reduction in funding for resident services by building additional partnerships with community-based organizations. OHA will also explore the use of MTW funds to establish a Community Support Services endowment fund.

The MTW Annual Plan is posted on OHA's Web site at www.oakha.org/mtw.html

SECTION I

HOUSEHOLDS SERVED

This section describes the number and characteristics of households currently being served by the Oakland Housing Authority and the number and characteristics of those on OHA waiting lists. The data is a snap shot as of December 31, 2007. This section also projects any changes to the totals during the 2009 fiscal year and provides an explanation for the anticipated changes and proposed actions under MTW.

A. Number and Characteristics of Households Being Served at the Beginning of the Fiscal Year

OHA's public housing and leased housing programs are among the nation's largest, serving over 14,000 low-income households. The Authority houses over 9 percent of the households in the City of Oakland, and over 20 percent of Oakland's low-income residents.¹ OHA administers two types of programs that operate under three different arrangements. Under the MTW demonstration program, OHA runs a public housing program with 3,308 units and a Housing Choice Voucher Program under a block grant agreement with HUD that includes 10,858 Section 8 vouchers. In addition to the 14,266 units and vouchers in the MTW program, OHA administers almost 700 Section 8 vouchers under two separate agreements with HUD. The agency also administers the Shelter Plus Care program under contract with Alameda County and a disaster relief program for the City of Oakland. As of December 31, 2007, OHA was serving nearly 14,400 low-income households in the City of Oakland. The table below illustrates how OHA programs are organized, the number of units or vouchers in use and the utilization rate where applicable by program.

Total Public Housing Units/Section 8 Vouchers by Program			
Program	In Use	Total Allocated/Funded	Utilization Rate
MTW Programs			
Public Housing	2,935	3,308	88.8%
Section 8 Block Grant ²	10,601	10,858	97.6%
Total MTW Programs	13,536	14,166	94.9%
Other HUD Funded Programs			
Section 8 Tenant Protection Vouchers	0	100	0.0%
Section 8 Mod Rehab Program	476	516	92.2%
Section 8 Mainstream Program	161	175	92.0%
Total Other HUD Funded Programs	637	791	92.2%
Total	14,173	14,957	
Programs Administered by OHA under Contract			
Shelter + Care	212	N/A	
City of Oakland - Katrina Relief	5	N/A	
Total Other OHA Programs	217		
Total All Programs	14,390		

¹ Source: 2000 CHAS Data Set, U.S. Dept. of Housing and Urban Development.

In the two programs that fall under the MTW agreement, approximately 40 percent of all households served are elderly or disabled non-elderly households. OHA has maintained a comparable mix of clients by income and family size and does not anticipate any significant changes in the demographics of households served during FY 2009. Demographic data was not available for the 54 new households residing in the recently completed Phase II of Lion Creek Crossings.

Family Type (MTW Programs)			
	Public Housing	Section 8	Total
Elderly	711	1,835	2,546
Disabled	423	2,283	2,706
Family (non elderly, non disabled)	1,747	6,483	8,230
Total	2,881	10,601	13,482

The average income of public housing households is slightly higher than those in the Section 8 program. This difference is explained in part by the fact that the Section 8 program serves smaller households while the public housing program typically serves larger households. Nearly 80 percent of the households served by OHA earn less than 30 percent of the Area Median Income (AMI), and approximately 95 percent of households have incomes under 50 percent of AMI.

Average Income (MTW Programs)	
Program	Average Income
Public Housing	\$16,634
Section 8	\$14,364
Average (weighted for program size)	\$14,836

Household Size By Income Level (MTW Programs)					
Household Size	0% - 30% of AMI Extremely Low Income	31% - 50% of AMI Very Low Income	51% - 80% of AMI Low Income	Over 81% of AMI Moderate Income	Total
One	3,294	321	95	7	3,717
Two	2,894	682	239	19	3,834
Three	2,068	522	157	17	2,764
Four	1,392	353	87	12	1,844
Five	625	156	33	5	819
Other	369	115	18	3	505
Total	10,642	2,149	629	63	13,483
%	78.9%	15.9%	4.7%	0.5%	

² The utilization rate of the Section 8 Block Grant reflects the addition of special purpose vouchers (84 preservation vouchers and 75 relocation vouchers) that had yet to reach full lease-up on December 31, 2007.

AREA MEDIAN INCOME BY HOUSEHOLD SIZE (OAKLAND-FREMONT HMFA) Effective February 13, 2008			
Household Size	30% of AMI	50% of AMI	80% of AMI
One	\$18,100	\$30,150	\$46,350
Two	\$20,700	\$34,450	\$53,000
Three	\$23,250	\$38,750	\$59,600
Four	\$25,850	\$43,050	\$66,250
Five	\$27,900	\$46,500	\$71,550
Six	\$30,000	\$49,950	\$76,850
Seven	\$32,050	\$53,400	\$82,150
Eight	\$34,100	\$56,850	\$87,450

Occupied Units by Size (MTW Programs)								
	Studio	1	2	3	4	5	6+	Total
Public Housing Unit Size	1	613	753	1,400	96	18		2,881
Section 8 Voucher Subsidy Size	32	3,218	4,975	2,025	315	31	5	10,601
Total	33	3,831	5,728	3,425	411	49	5	13,482
%	0.2%	28.4%	42.5%	25.4%	3.0%	0.4%	0.0%	

Based on information self reported by families in the MTW programs, just under 75 percent of the heads of household are Black/African American. Nineteen percent of the heads of household are Asian and 5.2 percent are White. Combined, less than 1 percent of the heads of household are American Indian/Alaskan Native and Native Hawaiian/Other Pacific Islander. Just under 3 percent of the heads of household are Hispanic.

Race and Ethnicity of Head of Household (MTW Programs)		
Race	Number	%
White	699	5.2
Black/African American	10,118	74.7
American Indian/Alaskan Native	56	0.4
Asian	2,571	19.0
Native Hawaiian/Other Pacific Islander	9	0.1
Unknown	85	0.6
Total	13,538	
Ethnicity	Number	%
Hispanic/Latino	395	2.9

B. Number and Characteristics of Applicants on MTW Program Waiting Lists at the Beginning of the Fiscal Year

In response to the very high demand for affordable housing in Oakland, OHA has established wait lists that are opened once every few years and then depleted as units come available. This strategy is designed to alleviate exaggerated wait times for applicants and keep the lists current.

In FY 2007, OHA re-opened its Public Housing wait list to increase the number of two-plus person households. Nearly 9,000 responses were received and OHA worked with an independent third party to screen and verify each application for program eligibility. Using a lottery system, 5,000 of applicants for public housing were added to the waiting list.

OHA's last Section 8 wait list opening was in February 2006. More than 42,200 people responded, compelling the Authority to hold a lottery and place 10,000 applicants on a wait list. The lottery was conducted by an independent administrator. Of the original 10,000 households on the wait list, 7,500 remain, and OHA anticipates that approximately 300 new families will be issued Section 8 vouchers during FY 2009.

C. Number of Families by Program on MTW Program Wait Lists

OHA's wait lists currently hold almost 19,000 applicants for low-income housing assistance from the Authority. (Note that the wait lists for the Section 8 Moderate Rehabilitation Program and the site-based wait lists for the Project Based Voucher program are not included in this total.) Approximately 75 percent of the wait list applicants are non-elderly, non-disabled families.

Wait List (MTW Programs)	
Program	Number on Wait List
Public Housing	11,314
Section 8	7,503
Total	18,817

Family Type By Program (MTW Programs)			
Family Type	Public Housing	Section 8	Total Households on Wait List
Elderly	1,894	558	2,452
Disabled	866	1,235	2,101
Family (non-elderly, non-disabled)	8,522	5,710	14,232
Total	11,282	7,503	18,785

Nearly 97 percent of all wait list applicants earn less than 50 percent of the area median income (AMI), with the majority of those individuals (84 percent) earning less than 30 percent AMI.

Household Size By Income (MTW Programs)					
Household Size	Extremely Low Income 0% - 30% of AMI	Very Low Income 31% - 50% of AMI	Low Income 51% - 80% of AMI	Moderate Income Over 81% of AMI	Total
One	5,161	506	119	10	5,796
Two	5,413	896	199	2	6,510
Three	2,717	570	130	2	3,419
Four	1,484	332	91	-	1,907
Five	588	128	26	-	742
Six +	358	98	6	1	463
Total	15,721	2,530	571	15	18,837
%	83.5%	13.4%	3.0%	0.1%	

The racial and ethnic composition of the wait lists is similar to those of the clients currently in the programs. Over 67 percent of applicants are self-identified racially as Black or African American, while 20 percent are Asian and 10 percent are White. Slightly more than one percent of applicants are American Indian/Alaskan Native and just under one percent are either Native Hawaiian or Pacific Islander. Almost 6 percent of wait list applicants are Hispanic.

Race and Ethnicity by Head of Household (MTW Programs)		
Race	Number	%
White	1,891	10.0
Black/African American	12,563	66.8
American Indian/Alaskan Native	211	1.1
Asian	3,798	20.2
Native Hawaiian/Other Pacific Islander	74	0.9
Unknown	180	1.0
Total	18,817	
Ethnicity	Number	%
Hispanic/Latino	1,077	5.7

D. Number Projected to be Served by MTW Programs at the End of the Fiscal Year

OHA estimates that just over 13,500 households will be served by the MTW programs at the end of FY 2009.

Public Housing. With the planned disposition of 87 units at Tassafaronga, the total number of authorized public housing units will be reduced during FY 2009. The completion of 37 units at Lion Creek Crossings Phase III will leave only 21 units remaining off-line for redevelopment as part of the original Coliseum Gardens HOPE VI. During FY 2009, OHA expects to have a total of 128 units off-line for modernization or special use, including 61 units that may remain off line during the fiscal year at 5 scattered sites. Routine vacancies at the end of the fiscal year are projected at three percent with an estimated 2,969 households served. This projection does not include the possible disposition of scattered sites that might lead to a reduction in households served by the public housing program (and corresponding increase in the number served in the Section 8 Program).

Projected Number to be Served at the End of the Fiscal Year (MTW Programs)	
Program	Projected to be Served
Public Housing	2,969
Section 8 Block Grant	10,858
Total MTW Units	13,827

Section 8. The number of Section 8 Block Grant Vouchers is expected to increase incrementally with receipt of replacement vouchers for the disposition of scattered site public housing units. OHA expects to maintain a 97 to 100 percent lease-up rate for the Section 8 Block Grant Program during FY 2009. OHA may develop a new preference for low-income households displaced due to government action from affordable housing development in the City of Oakland. In order to provide assistance to low income households displaced from affordable housing, OHA may exceed the 100 percent lease up rate during FY 2009.

SECTION II

OCCUPANCY AND RENT POLICIES

This section provides information on OHA's occupancy policies that govern designated housing, eligibility, selection, admissions, assignment and occupancy, and deconcentration. The Oakland Housing Authority's public housing *Admissions and Continued Occupancy Policy* (ACOP) and Section 8 *Administrative Plan* (Admin Plan) list all of these respective programs' policies, while proposed and potential areas of policy revisions under MTW are described in this section. The ACOP and Admin Plan are available in their entirety on the Authority's Web site, www.oakha.org/mtw/mtwplan.html.

OHA will consider a number of occupancy and rent policy changes and has made developing and testing a simplified rent policy a high priority in FY 2008 and FY 2009. The OHA continues to implement and transition into a new project-based management structure that includes new procedures and staffing assignments for carrying out core functions. As the Authority comes into conformance with HUD's new project-based management system, it will begin to manage properties, including groups of scattered sites, independently as Asset Management Projects (AMPs). This transition to an AMP structure is designed to bring the management practices in line with new HUD regulations. The use of site-based waiting lists will continue to expand, and a new policy allowing for income reexaminations to be conducted every three years for elderly and disabled clients on fixed incomes in the Public Housing and HCV Programs is expected to be implemented during the first part of FY 2009. OHA will continue to focus on income targeting requirements that reduce concentrations of poverty. OHA is also considering the expansion of the number of properties managed under contract by third party property management companies.

A. Occupancy Policies

Designated Housing

Public Housing. OHA expects the senior only designation at five sites to become permanent during FY 2009. Oak Grove North and South, Adel Court, Palo Vista Gardens and Harrison Street, with a total of 383 units, have been under a temporary designation as Senior only housing since 2001. Approximately 20 non-elderly, non-disabled households currently live in these properties. These households, who were tenants before the senior only designation took effect, continue to live in these properties and will not be displaced.

Eligibility

Public Housing. OHA will review its current public housing eligibility policy and anticipates opening a waiting list specifically to recruit responsible persons to reside and perform select responsibilities at public housing sites.

Selection

Public Housing. OHA will examine its current public housing tenant selection and assignment policies, and consider ways of increasing tenants' options and Authority efficiency. OHA will also consider options for developing new policies that allow tenants to indicate a preference for specific public housing units by geographic region of the city. As

OHA puts into practice the HUD-mandated Asset Management system, each AMP may maintain a separate wait list of applicants.

OHA has implemented the use of site-based waiting lists at six sites, including four mixed-finance HOPE VI developments, at the following locations:

HOPE VI

- Chestnut Court and Linden Court (HOPE VI)
- Mandela Gateway (HOPE VI)
- Foothill Family Apartments (Coliseum Gardens HOPE VI Off-site)
- Lion Creek Crossings (Coliseum Gardens HOPE VI)

Other Public Housing

- Oak Grove North
- Oak Grove South

OHA has initiated a policy of income mixing for newly renovated public housing sites. This policy is designed to address the disproportionate number of extremely low income families (income below 30 percent of AMI) in OHA public housing. The target income mix at these newly re-tenanted sites is as follows:

- 25 percent of the units serve families with incomes up to 20 percent of AMI
- 25 percent of the units serve families with incomes between 20 and 30 percent of AMI
- 25 percent of the units serve families between 30 and 40 percent of AMI
- 25 percent of the units serve families between 40 and 80 (the public housing limit) percent of AMI

OHA may explore the use of income mixing policies at other public housing sites.

Section 8. OHA will continue to utilize site-based wait lists for its Section 8 project-based voucher program. This will be especially important as the agency explores the expansion of the project-based voucher program for “Housing First”, supportive housing, preservation and rehabilitation efforts. The Authority will also explore and possibly adopt a policy change to organize the Section 8 wait list to meet program goals for selecting families by income and unit size.

Admissions

OHA will develop and adopt preferences and admission policies for victims of domestic violence in compliance with the Violence Against Women Act (VAWA).

Public Housing. The Authority will review existing public housing policies, and may adopt new local preferences and admission policies and procedures. OHA has initiated a policy of income mixing for newly renovated public housing sites (see above).

Section 8. The Authority will review existing Section 8 policies, and may adopt local preferences and admission policies and procedures, especially for the proposed use of Project-Based Vouchers for “Housing First” programs.

OHA may develop a new preference for low-income households involuntarily displaced by government action from affordable housing developments. This new preference is intended to provide a relocation resource in those rare instances when the City of Oakland is required to close an affordable housing development.

Assignment

Public Housing. The Authority will review its current public housing Tenant Selection and Assignment Plan and will consider adopting a policy that allows applicants access to site-specific wait lists and geographic housing choices.

Occupancy

Public Housing and Section 8. In FY 2007, OHA adopted a new policy to conduct income reexaminations every three years for elderly and disabled clients on fixed incomes. In the years between examinations, an automatic adjustment would be applied to these clients' housing payment tied to any cost of living adjustments made to their source of income subsidy. Previously, OHA conducted reexaminations every year for these clients. Implementation of this policy was postponed in anticipation of a major reprogramming of the Authority's computer system that will help administer this change. The new system is expected to be operational in FY 2009. OHA also expects to implement a new training and orientation program for public housing tenants and participants in the Section 8 program as part of a new "good neighbor" program.

Public Housing. The Authority will review and possibly change the Authority's lease and house rules in order to encourage tenant behavior that is consistent with the surrounding community's standard. In addition, OHA will revise the lease as required to be in compliance with VAWA.

Section 8. OHA will explore and may adopt new local occupancy policies and procedures.

Deconcentration

Public Housing. Where applicable, OHA will continue to comply with the deconcentration rule at general occupancy sites.

Section 8. Ninety-six percent of OHA's current client population earns less than 50 percent of the Area Median Income (AMI). Just under 80 percent of participants earn less than 30 percent of AMI. The Authority may examine changing its income targeting requirements. OHA will also explore different policies to expand housing opportunities for participants in the leased housing program.

B. Rent Policies

The MTW Demonstration Program was created to give public housing authorities (PHAs) the opportunity to explore a wide variety of new policies, with an emphasis on the importance of testing new rent policies. The law gives specific guidance for new rent-setting methods, and requires that all

participating PHAs pursue some sort of reform in this area. Accordingly, OHA has made developing and testing a simplified rent policy a high priority in FY 2009. The Authority intends to develop a policy to encourage employment and self-sufficiency, to cover operating expenses and to set rents in a more clear and simple way.

Public Housing. During FY 2009, OHA will complete its evaluation of different rent policies and begin to implement a series of new policies towards rent simplification that will encourage self-sufficiency and economic growth for families, provide stability to senior households and persons with disabilities, and enhance administrative efficiencies. Additionally, OHA will consider various options for a new hardship policy. OHA will also continue to offer rent discounts to families who select and lease specific public housing sites.

Section 8. OHA will explore similar changes to its method of calculating and providing Section 8 subsidy, as described in the preceding paragraph on public housing. The Authority will also examine proposed changes to ensure that programs such as Section 8 Homeownership and Family Self-Sufficiency are utilized to the greatest extent possible.

SECTION III CHANGES IN HOUSING STOCK

This section describes the projected number of public housing and Section 8 units provided by OHA at the beginning and end of the fiscal year. An explanation of projected changes and proposed actions under MTW is also included.

C. Explanation of Projected Changes and Proposed Actions

OHA expects a slight reduction in the number of public housing units at the end of FY 2009. The total public housing inventory will be reduced by 87 units with the disposition of Tassafaronga Village. In addition, OHA expects to have a total of 128 units off line for modernization or special use, including 61 units at 5 scattered sites that will remain off line during the fiscal year. OHA will also explore the options for the disposition and replacement of its entire stock of 1,615 scattered site public housing units. Alternatively, OHA may submit a HOPE VI revitalization application for the scattered site properties, listed in Attachment A, in response to a HOPE VI Notice of Funding Availability.

Total Public Housing Units/Section 8 Vouchers by Program		
Program	Units/Vouchers at Beginning of FY 2009	Units/Vouchers at end of FY 2009
MTW Programs		
Public Housing	3,147	3,093
Section 8 Block Grant	10,858	10,858
Total MTW Programs	14,005	13,951
Other HUD Funded Programs		
Section 8 Tenant Protection Vouchers	0	100
Section 8 Mod Rehab Program	516	516
Section 8 Mainstream Program	175	175
Total other HUD Funded Programs	691	791
Total	14,696	14,742
Programs Administered by OHA under Contract		
Shelter + Care	212	212
City of Oakland - Katrina Relief	5	5
Total Other OHA Programs	217	217
Total	14,913	14,959

Public Housing

Lion Creek Crossings (Former Coliseum Gardens):

In 2000, OHA was awarded a HOPE VI grant to redevelop one of its largest and most challenging public housing sites, Coliseum Gardens. All 178 units at the site were demolished in preparation for a

new development called Lion Creek Crossings, which, together with Foothill Family Apartments, will fully replace the 178 public housing units. Foothill Family Apartments has a total of 65 apartments including 21 public housing units. Lion Creek Crossings, when complete, will include 157 public housing units and an additional 280 affordable rental units and 28 homeownership units.

By the beginning of FY 2009, 137 replacement public housing units are planned to be in service in Phases 1, 2 and 3 of Lion Creek Crossings and at the Foothill Family Housing development. Construction of Phase 4 Lion Creek Crossings, which includes the final 21 replacements units for Coliseum Gardens, is scheduled to start in the Spring of 2009.

Tassafaronga Village:

OHA has been pursuing the revitalization of the Tassafaronga Village site since March 2005 when the Board of Commissioners approved the submission of the first of two unsuccessful applications for HOPE VI funding from HUD. In February of 2006, the Board authorized the submission of a Demolition and Disposition application to HUD that was approved in April of 2007. In September of 2007, OHA was awarded an allocation of 75 Section 8 vouchers from HUD to utilize as a relocation resource for the households at Tassafaronga Village.

The redeveloped Tassafaronga Village will include 157 rental units and 22 new affordable ownership units. The 157 rental units, financed using affordable housing tax credits, will include 87 Project Based Section 8 Voucher units to replace the original public housing units on a one-for-one basis. The 22 ownership units are being developed by Habitat for Humanity of the East Bay. Financing for the project includes \$4.8 million in Redevelopment Agency funds from the City of Oakland.

Assuming approval of all funding applications, construction of the new and replacement rental units is scheduled to start in August of 2008. The ownership units are scheduled to start construction in September of 2008.

Scattered Sites:

OHA operates 254 scattered public housing sites ranging from one to 27 units per site. Comprising approximately half of the entire stock of public housing, the scattered sites were developed to help the Authority deconcentrate poverty and integrate low income families into mixed income neighborhoods. Because of the high per unit cost of management and maintenance associated with the scattered sites, and more than a decade of declining federal funding from HUD, during FY 2009 OHA will consider various options to dispose of its entire inventory of scattered site public housing. In evaluating its options, OHA will consider the availability of new Section 8 vouchers to replace the public housing units, the opportunities to establish affiliates or partnerships to administer disposition and development activities, and the potential to use proceeds generated by the sale of property to acquire and develop new mixed income replacement housing. A complete list of the scattered sites considered for disposition can be found in *Attachment C*. OHA may proceed with an application to HUD for disposition of some or all of these properties before or during FY 2009.

Thirty three units of housing at six scattered sites undergoing comprehensive modernization will be brought back into service during the fiscal year.

The five scattered site developments listed below are currently off line. During FY 2009, OHA will explore various options for these sites, including disposal and modernization.

Scattered Sites Offline		
	Site	Units
1	2011 7 th Ave	6
2	2530 9 th Ave	15
3	4118 Lyon Ave	8
4	1236 E 17 th Street	10
5	2509 77 th Ave	22
Total		61

MTW Section 8 Block Grant Vouchers

The OHA Board of Commissioners has currently approved converting up to 1,000 vouchers to project-based assistance.

Under the Project-Based Voucher (PBV) program, OHA enters into a contract with an owner for specified units and for a specified term. PBV contracts are normally executed for 10-year terms and are often essential for the owner/developer to obtain project financing. Participants with a PBV maintain all the flexibility of their tenant-based assistance after fulfilling an initial lease term. The program is one of OHA's most effective tools for placing low-income families in newly-built or newly-rehabilitated developments. The table below estimates the number of PBVs that will be allocated to specific developments at the start of FY 2009.

PROJECT	BOARD APPROVAL	# of UNITS	CONTRACT SIGNED	CONTRACT EXPIRES	HAP FUNDING*
Mandela Gateway	2/12/2003	30	10/20/2004	10/20/2014	\$3,824,880
Fox Courts / Uptown Oakland	12/3/2004	20	8/6/2007	8/6/2017	\$3,347,880
Altenheim Senior Housing Phase 1	7/13/2005	23	1/1/2007	1/1/2017	\$1,924,320
Madison Apartments	7/13/2005	19	4/7/2006	4/7/2016	\$2,042,520
Seven Directions Native American Health Center	7/13/2005	18	10/2/2006	10/2/2016	\$2,174,160
Lion Creek Crossings 2	9/26/2005	18	6/14/2006	6/14/2016	\$1,996,500
Lion Creek Crossings 3	6/14/2006	20	<i>In Development</i>	<i>In Development</i>	\$2,374,200
Altenheim Senior Housing Phase 2	6/14/2006	20	<i>In Development</i>	<i>In Development</i>	\$1,647,600
Orchards on Foothill	6/14/2006	64	9/19/2006	9/19/2016	\$5,207,040
Jack London Gateway	6/14/2006	13	<i>In Development</i>	<i>In Development</i>	\$1,057,680
Foothill Plaza	6/14/2006	13	<i>In Development</i>	<i>In Development</i>	\$1,317,720
14 th St Apartments at Central Station	1/29/2007	20	12/19/2007	12/19/2017	\$2,490,720
Jack London Gateway 2	2/26/2007	47	2/12/2008	2/12/2018	\$3,842,340
Harrison & 17 th Senior Housing	5/29/2007	18	<i>In Development</i>	<i>In Development</i>	\$2,185,920
St. Joseph's Senior Apartments	5/29/2007	77	<i>In Development</i>	<i>In Development</i>	\$8,929,680
Tassafaronga Village	2/20/2008	87	<i>In Development</i>	<i>In Development</i>	\$8,278,560
Current PBV Unit Total		507	Total Estimated HAP Funding over 10 Year Contract Period		\$52,641,720

These remaining PBVs would be prioritized for developments that include “housing first” units, supportive housing, preservation units or units in newly rehabilitated buildings. During FY 2009, OHA will work with various partners, including the Alameda County EveryOne Home Program, the City of Oakland, representatives from the domestic violence advocacy community and non-profit organizations, to address issues related to the delivery of services, wait lists and applicant screening protocols. OHA has traditionally relied on the City of Oakland’s NOFA to award PBVs. With the expansion of new housing types to the program, OHA may supplement its traditional partnership with the City of Oakland, and issue its own NOFA for the allocation of PBVs.

MTW Short Term Affordable Housing Preservation Program

Using the flexibility granted to OHA under the MTW Agreement, OHA may develop a Short-Term Affordable Housing Preservation Program. The program would provide a new flexible form of operating subsidy in those circumstances where it might be beneficial to keep an existing affordable housing development in service in safe, decent and sanitary condition to avoid displacement. The new program would be utilized in circumstances where there is a risk of imminent displacement of low-income households from buildings where a short term subsidy would provide the necessary time for ownership entities and funders to restructure debt, increase revenue and/or change the ownership structure necessary to preserve the affordable housing resource. The budget for the program is \$500,000 for FY 2009.

SECTION IV

SOURCES AND AMOUNTS OF FUNDING

This section reflects the actual funding for FY 2007, the budgeted and forecasted funding for FY 2008 and the budgeted funding for FY 2009.

A. Source and Amount of Funding Included in the Consolidated MTW Budget

Under MTW, funds from the public housing program operating subsidy, the Capital Fund program, and the Section 8 Housing Choice Voucher program are “fungible.” Under the public housing program the Authority receives federal funding to subsidize the operation of up to 3,308 units of housing. Funding received under the Capital Fund program is primarily used for the repair and rehabilitation of the public housing units. Under the Section 8 Housing Choice Voucher program the Authority receives federal funding to subsidize the operation of 10,858 units of housing under contract with private landlords. For FY 2009 Federal funding for the public housing program is projected to be reduced by \$1.7 million. The Section 8 Housing Choice Voucher program is expected to receive 100% of the federal funds it is eligible for.

Following is the FY 2009 MTW funding plan. For comparison sake, actual data from FY 2007 is listed, as is the budget and forecasted amount for FY 2008. It should also be noted that the FY 2009 budget figures must be based on funding projections, as HUD recently began to distribute funds on a calendar year basis. As a result, OHA knows its funding levels for 2007, which includes the first half of FY 2008. The second half of FY 2008 funding levels will be known later this year when HUD announces the 2008 calendar year funding levels. Therefore, projections for the second half of FY 2008 in the following budget are based on industry estimates of HUD funding. All amounts for FY 2009 are based on estimates. As noted elsewhere, OHA will explore the disposition of scattered sites during FY 2009. Because of the preliminary stages of this effort, any proceeds generated from the sale of these scattered sites are not reflected in the estimated revenue for FY 2009.

Consolidated MTW Budget				
Consolidated MTW Source:	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Public Housing Dwelling Rental Income	\$9,917,451	\$10,072,000	\$9,633,075	\$9,766,018
Public Housing Operating Subsidy Block Grant	\$9,340,674	\$9,143,000	\$10,584,849	\$10,931,745
Capital Fund Block Grant	\$9,437,815	\$15,933,952	\$12,864,292	\$11,032,079
Housing Choice Voucher Block Grant	\$132,741,666	\$133,223,292	\$162,405,050	\$153,242,975
Other Income	\$196,541	\$458,000	\$179,747	\$383,000
Investment Income	\$2,120,397	\$1,200,000	\$2,246,692	\$2,200,000
Total Consolidated MTW Revenue	\$163,754,544	\$170,030,244	\$197,913,705	\$187,555,817

Notes for Consolidated MTW Budget:

1. Public Housing Rental Income is estimated to increase slightly.
2. Public Housing Operating Subsidy is estimated at \$10.9 million, which is 85 percent of the \$12.8 million the Authority is eligible to receive. This amounts to a shortfall of \$1.9 million.

3. Capital Fund Block Grant, which includes funding from FFY 2007 and FFY 2008, is being drawn down to cover Construction, Non-Construction and On-Demand capital costs. (See Section VI-Capital Planning.)
4. The Housing Choice Voucher Section 8 Block Grant for FY 2008 reflects estimated HUD funding the Authority at 105 percent of its eligible funding level. This additional funding will be used to support the needs of other programs. The FY 2009 Budget reflects a funding level of 100 percent of what the Authority is eligible to receive.
5. Other Income will increase 113 percent due to the continued efforts of the Authority's Fraud Investigation Unit.
6. Investment Income is earned on Section 8 Housing Choice Voucher reserves.

B. Source and Amount of Special Purpose Funding

Non-MTW programs are categorized with budget estimates below. OHA does not anticipate any funding shortfall for these special purpose programs.

Special Purpose Budget				
Special Purpose Source:	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Sec 8 Moderate Rehab Subsidy	\$3,534,094	\$3,321,588	\$3,707,484	\$3,684,075
Sec 8 Moderate Rehab Investment Income	\$99,376	\$80,000	\$76,481	\$80,000
Sec 8 Voucher Opt Out Subsidy			\$855,636	
Sec 8 Mainstream Subsidy	\$1,789,942	\$1,835,508	\$1,704,968	\$1,712,800
Shelter Plus Care Subsidy	\$2,397,776	\$2,495,988	\$2,363,261	\$2,316,643
Shelter Plus Care Investment Income	\$8,033	\$2,000	\$992	\$2,000
Sec 8 Pension Fund (Acorn Housing)	\$223,949			
Family Self Sufficiency	\$126,630	\$126,000	\$127,123	\$126,000
HOPE VI Grants	\$6,580,509	\$2,729,000	\$1,190,931	\$1,117,807
ROSS Homeownership Grant	\$270,359	\$164,000	\$74,332	\$240,791
Local Fund Rental Income	\$76,913	\$60,000	\$39,870	\$31,000
Local Fund Investment Income	\$170,034	\$200,000	\$326,021	\$385,000
Local Fund Other Income	\$300,065	\$185,000	\$363,409	\$380,000
Other Special Purpose Income	\$315,363	\$50,000	\$190,116	\$50,000
Total	\$15,893,044	\$11,249,084	\$11,020,624	\$10,126,116

- Section 8 Moderate Rehab – 516 units of housing owned by private landlords who received funding from HUD to rehabilitate their properties and then contracted with OHA to administer the subsidy program.
- Section 8 Opt Out – Private owners of 84 units of rental housing have elected to terminate their contractual relationship with HUD thus requiring the tenant in place to move. OHA supplies the tenant with a voucher to find a new place to live.
- Section 8 Mainstream – 175 units of housing owned by private landlords who lease their units to individuals and families with disabilities.
- Shelter Plus Care – 220 units of housing currently owned by private landlords who lease their units to individuals and families with special needs.

- HOPE VI Program – federal funding earmarked for the completion of Phase III of Lion Creek Crossings development project.

C. Total Revenue Budget

Total Revenue Budget				
SOURCE	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Consolidated MTW Revenue	\$163,754,544	\$170,030,244	\$197,913,705	\$187,555,817
Special Purpose Funding not included in MTW	\$15,893,044	\$11,249,084	\$11,020,624	\$10,126,116
Total	\$179,647,588	\$181,279,328	\$208,934,329	\$197,681,933

D. Explanation of Projected Changes and Proposed Actions

Effect of Federal Budget Shortfall: Federal budget cutbacks in public housing subsidy continue to hinder the Authority’s ability to maintain and upgrade its housing stock and provide more housing for those in need. The public housing program has been operating at a deficit for a number of years and required the spending of MTW Funds.

Compounding the funding shortfall are the increased demands placed on the program during the transition into asset management and project based budgeting. The Authority will be stretched to effectively operate on a private market housing model without private market rents and revenue to sustain operations. Federal funding cuts in public housing operating subsidy for the coming year are expected to be around **15 percent** or **\$1.7 million**, which presents a tremendous challenge to the Authority as it works to comply with HUD’s project-based budgeting and accounting rules.

Investment Policy: Utilizing MTW authority, OHA will continue to explore the adoption of investment policies consistent with California state law to replace HUD investment policies. The primary goal is to allow OHA the flexibility to invest its financial resources productively and efficiently, without a duplication of regulations.

Transfer of MTW and Local Fund Reserves: OHA will continue to spend MTW Funds/Reserves for locally-developed housing programs (operating and development) consistent with the goals of the agency such as housing redevelopment, replacement and capital improvements. Such advances may be structured as loans to be repaid from future year’s consolidated public housing funds and/or repaid from the proceeds realized upon disposition of properties.

SECTION V USES OF FUNDS

This section reflects the actual expenditures for FY 2007, the budgeted and forecasted expenditures for FY 2008 and the budgeted expenditures for FY 2009.

OHA will continue to operate programs as strategically as possible in response to federal budget cuts and increased costs of property management, labor and materials.

A. Fiscal Year Expenditures

Consolidated MIW Uses				
Line Item	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Administration Salaries	\$ 7,829,325	\$ 9,426,632	\$ 7,520,850	\$ 8,766,758
Administration Benefits	\$ 3,766,254	\$ 4,462,004	\$ 3,667,758	\$ 4,139,898
Administration Other	\$ 3,319,843	\$ 2,488,092	\$ 4,585,064	\$ 3,218,370
Tenant Services Salaries	\$ 245,282	\$ 329,964	\$ 313,029	\$ 524,430
Tenant Services Benefits	\$ 118,551	\$ 168,156	\$ 148,343	\$ 279,607
Tenant Services Materials/Contracts	\$ 11,483	\$ 15,108	\$ 12,752	\$ 15,144
Utilities	\$ 2,540,686	\$ 2,469,048	\$ 2,611,398	\$ 2,670,000
Maintenance Salaries	\$ 4,393,676	\$ 4,621,432	\$ 4,099,435	\$ 3,979,851
Maintenance Benefits	\$ 2,863,069	\$ 3,059,556	\$ 2,650,134	\$ 2,806,832
Maintenance Materials	\$ 1,482,138	\$ 1,295,124	\$ 1,330,790	\$ 1,231,057
Maintenance Contracts	\$ 3,037,959	\$ 3,030,876	\$ 3,840,008	\$ 3,854,672
Police Services Salaries	\$ 1,436,321	\$ 1,656,240	\$ 1,722,176	\$ 1,641,109
Police Services Benefits	\$ 593,720	\$ 793,176	\$ 636,628	\$ 687,498
Police Services Materials/Contracts	\$ 247,935	\$ 186,876	\$ 307,973	\$ 272,574
Housing Assistance Payments	\$ 117,897,695	\$ 122,502,000	\$ 111,540,776	\$ 117,461,891
General	\$ 568,693	\$ 2,924,888	\$ 4,569,023	\$ 5,153,461
Capital Fund Salaries/Benefits	\$ 747,608	\$ 650,000	\$ 610,329	\$ 2,038,079
Capital Projects (HUD Funds)	\$ 8,298,051	\$ 8,570,000	\$ 8,970,244	\$ 8,994,000
Capital Projects - Locally-Developed Housing Program (Site Acquisition)	\$ -	\$ -	\$ -	\$ 25,000,000
Capital Equipment	\$ 288,042	\$ 510,300	\$ 193,728	\$ 834,400
Short-Term Affordable Housing Preservation Program				\$ 500,000
Total Consolidated MIW Expenditures	\$ 159,686,331	\$ 169,159,472	\$ 159,330,437	\$ 194,069,631

Special Purpose Program Uses				
Line Item	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Administration Salaries	\$ 914,168	\$ 897,024	\$ 912,917	\$ 876,782
Administration Benefits	\$ 404,381	\$ 453,880	\$ 403,991	\$ 396,420
Administration Other	\$ 336,031	\$ 180,769	\$ 244,715	\$ 174,912
Tenant Services Salaries	\$ 55,953	\$ 51,348	\$ 200,728	\$ 51,595
Tenant Services Benefits	\$ 27,079	\$ 20,832	\$ 96,288	\$ 20,839
Tenant Services Materials/Contracts	\$ -		\$ 18	\$ 160,000
Maintenance Materials	\$ 257	\$ 7,032	\$ 141	\$ 465
Maintenance Contracts	\$ 168,851	\$ 20,196	\$ 31,578	\$ 8,225
Police Services Salaries	\$ 138,148	\$ 7,944	\$ 19,136	\$ 5,269
Police Services Benefits	\$ 50,682	\$ 3,648	\$ 8,267	\$ 2,160
Police Services Materials/Contracts	\$ 13,383	\$ 2,424	\$ 3,840	\$ 133
Housing Assistance Payments	\$ 7,303,214	\$ 6,950,236	\$ 7,282,483	\$ 7,232,394
General	\$ 314,976	\$ 2,268	\$ -	\$ 70,292
HOPE VI Salaries/Benefits	\$ 38,427	\$ 100,000	\$ 36,045	\$ 117,807
Retirees Medical Premiums	\$ 783,510		\$ 876,000	\$ 963,600
Capital Equipment	\$ 22,087	\$ 67,600	\$ 164,411	\$ 230,000
HOPE VI Projects (HUD Funds)	\$ 6,374,919	\$ 2,729,000	\$ 1,160,163	\$ 1,000,000
HOPE VI Projects (Sec 8 Reserves)	\$ 2,610,290	\$ 3,500,000	\$ 3,858,557	\$ 4,300,000
Capital Projects (Sec 8 Reserves)	\$ 4,296,490	\$ 6,452,500	\$ 7,245,985	\$ 24,825,000
Total Special Purpose Expenditures	\$ 23,852,846	\$ 21,446,701	\$ 22,545,261	\$ 40,435,893

Notes for Consolidated MTW and Special Use Program Uses

Under the Consolidated MTW and Special Purpose Programs the material variances are as follows:

1. Administration Salaries for FY 2009 will increase 14.3 percent over the FY 2008 forecast. The increase is due to filling long-standing vacant positions (positions were filled with temporary employees and charged to “Administrative Other”) as well as recognizing higher labor costs.
2. Administration Other costs for FY 2009 will decrease 29.7 percent from the FY 2008 forecast. The decrease is due to the reduced use of temporary help services.
3. Housing Assistance Payments will increase 4.93 percent over the FY 2008 forecast. The increase is due to the additional lease up of Section 8 Voucher units.
4. Capital Fund Salaries/Benefits for FY 2009 will increase 233.9 percent over the FY 2008 forecast. The increase is due to an increase in staff positions covered by the Capital Fund grant. Much of this increase results from the shift to an asset management model and the allocation of maintenance positions to carry out deferred maintenance projects.
5. Capital Equipment will increase by 197.2 percent over the FY 2008 forecast. The increase is due to additional equipment needed for the Information Technology, Property Operations, and Police Department.
6. HOPE VI Projects (MTW Funds/Reserves) will increase 11.4 percent over the FY 2008 forecast. The increase is due to additional expenses related to Lion Creek Crossing (Coliseum Gardens-HOPE VI) infrastructure, park and homeownership development.
7. Capital Projects (MTW Funds/Reserves) will increase 263 percent over the FY 2008 forecast. The increase is due to the revitalization of Tassafaronga and for site acquisition activities related to the Locally-Developed Housing Program.

8. Total Expenditures will increase 28.9 percent over the FY 2008 forecast.

TOTAL USES OF FUNDS	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Consolidated MTW	\$ 159,686,331	\$ 169,159,472	\$ 159,330,437	\$ 194,069,631
Special Purpose not included in MTW	\$ 23,852,846	\$ 21,446,701	\$ 22,545,261	\$ 40,435,893
Total Expenditures	\$ 183,539,177	\$ 190,606,173	\$ 181,875,698	\$ 234,505,524

B. Net Change in Reserves

The Authority has committed \$24,500,000 from MTW Funds/Reserves to complete the infrastructure and homeownership phase of Lion Creek Crossings (Coliseum Gardens HOPE VI) and re-development of Tassafaronga Village. It is anticipated that by June 30, 2008, \$2,660,000 of these funds will have been spent. As noted below, during FY 2009 the Authority expects to draw from MTW Funds/Reserves a net of \$36.8 million, which is in large part due to spending an estimated \$12,300,000 on the two projects (Lion Creek Crossings and Tassafaronga Village), \$25 million on site acquisition and \$16,825,000 million on exterior deferred maintenance and repairs (Building Envelope Program) in FY 2009. A balance of \$9,540,000 will remain committed to Lion Creek Crossings and Tassafaronga Village, but unspent from reserves for these two projects at the end of FY 2009.

CONSOLIDATED MTW	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Total Revenue	\$ 163,754,544	\$ 170,030,244	\$ 197,913,705	\$ 187,555,817
Total Expenditures	\$ 159,686,331	\$ 169,159,472	\$ 159,330,437	\$ 194,069,631
Total Net Change To Reserves	\$ 4,068,213	\$ 870,772	\$ 38,583,268	\$ (6,513,814)

SPECIAL PURPOSE PROGRAMS	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Total Revenue	\$ 15,893,044	\$ 11,249,084	\$ 11,020,624	\$ 10,126,116
Total Expenditures	\$ 23,852,846	\$ 21,446,701	\$ 22,545,261	\$ 40,435,893
Total Net Change To Reserves	\$ (7,959,802)	\$ (10,197,617)	\$ (11,524,636)	\$ (30,309,777)

ALL PROGRAMS	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Total Revenue	\$ 179,647,588	\$ 181,279,328	\$ 208,934,329	\$ 197,681,933
Total Expenditures	\$ 183,539,177	\$ 190,606,173	\$ 181,875,698	\$ 234,505,524
Total Net Change To Reserves	\$ (3,891,589)	\$ (9,326,845)	\$ 27,058,632	\$ (36,823,591)

As noted elsewhere in this 2009 MTW Plan, the Authority anticipates applying to HUD during the remainder of FY 2008 or in early FY 2009 to dispose of up to all of its 254 scattered sites (1615 units). This will be an initial step in the Authority's strategy to re-position its inventory of housing for low-income families to consolidate into fewer, larger properties based on the successful model of mixed-income development. The replacement housing will be funded by proceeds from the sale of scattered sites, tax credits and other low-income rental housing development financing and will include project-based vouchers. In order to carry out this strategy it is necessary that the Authority move forward with plans to acquire suitable sites for the development of this new model of housing.

To carry out these activities, OHA estimates that it might spend \$25 million of MTW Funds/Reserves on its locally-developed housing program. OHA may procure vacant land or developed property for the development of new or rehabilitated residential property to serve low-income families. Further, OHA may expend MTW Funds/Reserves for predevelopment, development, construction, or operating costs of properties serving low-income families. The actual amounts of all such investments, which depend upon

the identification of investments/development opportunities, are unknown at the time this plan is being prepared; and therefore, the amounts of such investments are also unknown and unspecified. At such time as the Authority is presented with any opportunity(ies) for investment in site acquisition, predevelopment, or any other low-income housing development activity, including mixed-income, the Authority will consider among other things, its reserve levels along with its other financial needs, unanticipated revenues and expenses, alternative sources and costs of capital, etc. The Authority does not consider any change in the amount of MTW Funds/Reserves invested in locally-developed housing programs as a cause for amending this MTW plan.

C. Adequacy of Reserves

As the table below illustrates, the end of year forecast for FY 2008 shows that OHA will have \$60.5 million in reserves. Reserves at the end of FY 2009 are estimated to be \$23.7 million, a reduction of \$36.8 million. Estimated reserves for FY 2009 are approximately 10 percent of total expenditures and are equivalent to one month of operating expenses.

Reserves	FY 2007 Actual	FY 2008 Budget	FY 2008 Forecast	FY 2009 Budget
Section 8 Housing Choice Voucher Project Reserves	\$ 11,401,314	\$ 6,401,314	\$ 11,401,314	\$ 11,401,314
Section 8 Housing Choice Voucher and Local Fund Administrative Fee Reserves	\$ 17,404,470	\$ 7,869,209	\$ 30,418,686	\$ 1,980,095
Public Housing Operating Reserves	\$ -	\$ 5,000,000	\$ 13,752,000	\$ 5,000,000
State 12 and State 6 Reserves	\$ 2,708,303	\$ 2,822,000	\$ 2,806,000	\$ 2,957,000
Moderate Rehab and Shelter Care Plus Reserves	\$ 1,932,281	\$ 2,027,000	\$ 2,127,000	\$ 2,343,000
Total Net Change to Reserves	\$ 33,446,368	\$ 24,119,523	\$ 60,505,000	\$ 23,681,409

SECTION VI **CAPITAL PLANNING**

This section describes OHA's major capital needs and projects, estimated costs and proposed timetables for addressing these needs. This section also identifies planned capital expenditures, planned demolition and disposition requests and homeownership activities during the fiscal year ending June 30, 2009 and proposed actions under MTW.

During FY 2009, OHA will have a portfolio of 3,221 public housing units after the demolition and disposition of 87 units at Tassafaronga Village. The agency's portfolio of public housing units is spread across 267 sites as follows: five privately owned and managed HOPE VI sites; eight large developments of between 30 to 390 units, and; 254 "scattered sites" with an average of six units. This mix of development types is unique for a public housing agency.

OHA receives funding from HUD under the Capital Fund program to address the modernization and deferred maintenance needs of its Public housing stock. Since 1996, there has been a systematic disinvestment in the public housing Capital Fund, with PHAs across the country receiving substantially less funding than required to cover the modernization and deferred maintenance needs of the aging of public housing sites. As a result, since 1995, OHA has received many millions less in Capital Funding than it was due under HUD's funding formula. This persistent under-funding has created an enormous backlog of deferred property improvements and modernizations. Over ten straight years of under-funding has put a severe strain on the quality and appearance of OHA's housing units. In FY 2009, OHA estimates that it will receive approximately \$7.9 million, well under what is needed on an annual basis for capital funding. The agency's most recent Physical Needs Assessment identified approximately \$168 million in current physical needs.

In response to these circumstances, OHA will only complete comprehensive modernization on those sites already begun. The remaining limited resources will be focused on deferred maintenance, replacement and repairs, and redesign and reconstruction for accessibility.

A. Major Capital Needs and Projects, Estimated Costs and Proposed Timetables

Utilizing public housing capital funds, flexible funding under the Moving to Work program and the OHA reserves, the OHA will continue its efforts to address the many physical needs that exist at public housing sites. These efforts will include the comprehensive modernization of those sites already begun and a new program of selective and specific upgrades to building exteriors (Building Envelop Program or BEP) and interiors that address deferred maintenance and improve the physical appeal and safety of the buildings. This new approach of selective and specific improvements reduces the per unit costs and allows the Agency to spread limited funding across more units. OHA has budgeted \$16,825,000 for Exterior Deferred Maintenance and Repairs under the BEP. OHA anticipates that the HUD Capital Fund will be approximately \$ 7.9 million for FY 2009.

The table below illustrates what properties and programs are part of the capital plan for FY 2009. The first six properties on the list are part of a comprehensive modernization program. OHA has budgeted \$600,000 for the restoration of 9500-9510 Sunnyside Street, which includes repairs resulting from fire damage. The proceeds from the insurance settlement to cover the fire damage at Sunnyside is unknown at this time. In addition, OHA is budgeting \$500,000 for phase II of the moisture barrier project at Lockwood Gardens. In total, the Agency is budgeting over \$10.5 million for roof replacements, exterior

upgrades and interior improvements. The agency has budgeted \$500,000 to provide accessibility improvements at a number of sites.

FY 2009 Capital Plan Expenditures			
Projects	Units	Projected FY 2009 Expenditures	Source of Funds
Comprehensive Modernization			
3500 Bruce Street	8	\$646,000	CFP 2007
4203 Terrace Street	4	\$400,000	CFP 2007
6916 Arthur	6	\$500,000	CFP 2007
6921 Fresno	5	\$679,000	CFP 2007
1739 89th Ave	6	\$525,000	CFP 2007
2381 E 21st Street	4	\$319,000	CFP 2007
	33	\$3,069,000	CFP 2007 Total
9500-9510 Sunnyside Restoration			
Roofs		\$600,000	CFP 2008
Interior Enhancement UPCS		\$1,200,000	CFP 2008
CGI Consultant Fees		\$2,000,000	CFP 2008
Oak Grove Elevators & Security		\$225,000	CFP 2008
Accessible Units		\$400,000	CFP 2008
AMP Office Improvements		\$500,000	CFP 2008
Administration		\$250,000	CFP 2008
Lockwood Moisture Barrier Project (Phase II)		\$2,038,709	CFP 2008
On Demand		\$500,000	CFP 2008
		\$250,000	CFP 2008
		\$7,963,709	CFP 2008 Total
Exterior Deferred Maintenance and Repairs			
Lion Creek Crossing (Coliseum HOPE VI) -		\$16,825,000	MTW Reserves
Lion Creek Crossing (Coliseum HOPE VI) -		\$3,000,000	MTW Reserves
Tassafaronga		\$1,300,000	MTW Reserves
Locally-Developed Housing Program (Site		\$8,000,000	MTW Reserves
		\$25,000,000	MTW Reserves
		\$54,125,000	MTW Res. Total
		\$65,157,709	Grand Total

On Demand

OHA has budgeted \$250,000 to cover capital needs unknown at the time the FY 2009 MTW Plan was approved.

Substitutions

OHA may substitute any of the capital projects listed in the MTW Plan for new capital projects.

B. Planned Demolition and Disposition Requests

As outlined in Section III, OHA will explore options and may apply to HUD for the disposition of its entire stock of 1,615 scattered site public housing units. If HUD approves the application for disposition, then OHA will apply to HUD for Section 8 vouchers to replace the public housing units.

C. Planned Homeownership Activities

Public Housing

In March 2005, the Authority received a HUD Resident Opportunities for Self-Sufficiency Homeownership Supportive Services (ROSS-HSS) grant in the amount of \$500,000. The grant has been extended through mid-January, 2009. The ROSS-HSS funds allow the Authority to deliver homeownership training, a \$3,000 match for individual development account (IDA) savings and self-sufficiency supportive services to assist 30 public housing residents with home purchase. The ROSS-HSS program allows OHA to allocate Housing Choice Vouchers, to be used for home purchase only, for each of the 30 public housing participants who complete their individual family plan and qualify for a home purchase loan with a lender. OHA has partnered with several non-profit organizations to assist public housing families to become self-sufficient and achieve the American dream of homeownership. Currently, over 80 households are enrolled in the program and are working towards homeownership. The plan focuses on asset building, financial literacy and management including budgeting, saving, credit, predatory lending, understanding homeownership and the home loan process. Throughout the homebuyer process, participants move closer to family self-sufficiency.

Section 8

OHA will continue its Section 8 Homeownership program. At the beginning of FY 2009, over 250 families will be in various phases of homeownership counseling and 27 families will have purchased a home through the program. During FY 2009, OHA estimates that an additional 10 new families will have graduated from the program. The Authority may make changes to its homeownership program in response to other proposed changes under the MTW program (e.g., changes in the method of calculating subsidy).

HOPE VI and Other

As part of the HOPE VI development at Lion Creek Crossings, formerly known as Coliseum Gardens, OHA plans to complete the pre-development phase for 28 town homes for sale during FY 2009. Approximately 20 percent of the ownership units at Coliseum Gardens are expected to be affordable for first time homebuyers.

As part of the new Tassafaronga Village development, OHA is partnering with Habitat for Humanity of the East Bay to develop 22 new affordable ownership units. These units are scheduled to start construction in September of 2008.

SECTION VII

MANAGEMENT INFORMATION FOR PUBLIC HOUSING UNITS

This section provides information on management performance indicators for public housing units under OHA management at the beginning of FY 2009. Of the complete inventory of 3,308 public housing units, 286 HOPE VI units are under private management (with 21 HOPE VI units still under development). An additional 152 units at two OHA owned sites are under private management. OHA directly manages the remaining 2,849 units of public housing at seven large sites of 30 or more units and 254 small or “scattered sites” with an average of six units each. With the planned demolition of Tassafaronga during FY 2009, the total number of public housing units will decrease by 87.

FY 2009 will mark the second year of transition to a decentralized project-based management structure. Under this new structure designed to bring OHA into conformance with HUD-mandated Asset Management system, each property or grouping of properties will be managed independently as an Asset Management Project (AMP). During FY 2009, OHA expects to seek proposals from private management firms to manage four large sites and a group, or AMP, of scattered sites.

A. Vacancy Rates

Vacancy Rates by Public Housing Site at the Beginning of the Fiscal Year. *See “Attachment C” for detailed information about vacancy rates at each site as of December 31, 2007.*

Issues and Proposed Actions. OHA estimates it will begin FY 2009 with a routine vacancy rate of approximately five percent. The Authority will continue to increase efficiencies in its leasing process during the year to ensure that vacant units are leased to eligible families in the shortest period of time.

Target Rates by Property at End of the Fiscal Year. The Authority’s target is to achieve a vacancy rate of three percent for all public housing sites by the end of FY 2009.

B. Rent Collections

Percentage of Rents Uncollected at Beginning of the Fiscal Year. The percentage of rents uncollected at the beginning of FY 2009 is expected to be 5.5 percent.

Issues and Proposed Actions. OHA will continue to analyze tenant accounts on a monthly basis. To preserve the tenancy, the Authority will continue to work with public housing families to help them improve rent payment practices. In some cases, repayment agreements will be considered as an alternative to eviction for failure to pay rent.

Targeted Percentage of Rents Uncollected at End of the Fiscal Year. The targeted percentage of rents uncollected at the end of FY 2009 is 4.5 percent.

C. Work Orders

Target Rates at Beginning of the Fiscal Year

Percentage of Emergency Work Orders Abated within 24 Hours. One hundred percent of all emergency work orders are abated within 24 hours.

Percentage of Non-Emergency Work Orders Completed within 30 days. Ninety percent of all non-emergency work orders are completed within 30 days.

Issues and Proposed Actions. With the conversion to the AMP system with decentralized property management and the assignment of maintenance mechanics to each AMP, OHA expects to improve the number of urgent and routine work orders closed within target time frames.

Target Rates at End of the Fiscal Year.

Percentage of Emergency Work Orders Abated within 24 Hours. One hundred percent of all emergency work orders are abated within 24 hours.

Percentage of Non-Emergency Work Orders Completed within 30 days. Ninety five percent of all non-emergency work orders are completed within 30 days.

D. Inspections

Description of Inspection Strategy. OHA will continue to inspect all available public housing units and buildings on an annual basis. Units and buildings that are vacant and undergoing comprehensive modernization through capital improvement renovations or HOPE VI redevelopment will not be inspected until they are ready for re-occupancy. OHA will utilize outside vendors to complete the Uniform Physical Condition Standards (UPCS) inspections.

Percentage of Planned Inspections this Fiscal Year. OHA will target 100 percent of all units and buildings that are occupied or are available for occupancy for inspection.

E. Utilities

OHA is currently in the eighth year of a 12-year energy performance contract with Citizens Ameresco. The contract allowed OHA to complete energy and water conservation measures in 2000-2001 using a \$2.3 million energy construction lease with a payback term of 12 years. OHA's ongoing efforts to is cutting utility costs, reducing carbon emissions, providing greater comfort to its residents and reducing maintenance costs due to the installation of new equipment. At the end of FY 2007, OHA had realized a net savings (after debt and fees) of nearly \$285,000.

For FY 2009, two initiatives will be considered: the extension of the energy performance contract for an additional eight years per HUD's new ruling and the well-head purchase of natural gas. OHA's continuous efforts to reduce costs and increase energy efficiency costs have generated better results than the more costly five-year energy audits. On-going utility auditing is in place to help identify excess uses of gas, electricity and water to control cost, decrease the use of natural resources, and capture maximum savings under the performance contract.

F. Security – Issues and Proposed Actions

The Oakland Police Department (OPD) is the primary law enforcement agency in the city, including properties owned by OHA. The Oakland Housing Authority Police Department (OHAPD) has been established to supplement and leverage the resources of the much larger municipal police agency. OHAPD officers do not respond to emergency 911 calls or conduct lengthy investigations, and therefore are able to focus their time on community issues raised by OHA tenants and residents in neighborhoods surrounding Authority properties.

OHAPD officers have played a key role in the integrity of OHA's programs, including investigating potential fraud in the Section 8 and public housing programs. OHAPD will continue to focus attention on crime-related issues and other community concerns that affect public housing tenants and Section 8 participants.

During Fiscal Year 2009, OHAPD will focus on the following goals and objectives:

- Employ proactive measures toward reducing crime on and around Authority-owned properties;
- Conduct regular crime analysis on calls for service to determine trends as well as types of calls OHAPD is receiving and adjust workload assessments and officer deployment accordingly;
- Continue to investigate fraud in the Section 8 and public housing programs;
- Increase resident involvement through community meetings and resident patrols;
- Continue to create safety brochures for public housing residents, Section 8 participants and Authority employees;
- Maintain national accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA);
- Continue Police Athletic League (PAL) activities which includes camping trips and other outings with youth;
- Conduct emergency action plan drills and demonstrations at all Authority service facilities; and
- Conduct resident surveys and utilize the survey result information when developing patrol strategies.

SECTION VIII

MANAGEMENT INFORMATION FOR SECTION 8 UNITS

This section provides information on OHA management performance indicators for administering the Section 8 Program, notes issues and proposed actions that will affect the indicators and provides OHA's projected targets for the indicators for the end of the fiscal year.

A. Leasing Information

Percentage of Section 8 Units Under Lease at the Beginning of the Fiscal Year. The Authority projects that 97 to 100 percent of Section 8 units will be under lease at the beginning of the fiscal year.

Percentage of Section 8 Units Projected to be Under Lease at the End of the Fiscal Year. With a target of 100 percent under lease, the Authority projects that 97 to 103 percent of Section 8 units will be under lease at the end of FY 2009. The actual percentage depends on the success rate of eligible families searching for housing on the private rental market. As an MTW housing authority, OHA has the flexibility to issue more vouchers than it is under contract with HUD to provide. As a result of adopting a new preference for low-income households displaced from affordable housing developments due to government action in the City of Oakland, OHA may exceed the target 100 percent lease up rate at the end of FY 2009.

Plans Regarding:

Rent Reasonableness: OHA may examine changes in areas such as subsidy provision or in response to program funding changes. Currently, OHA determines rent reasonableness for all new contracts and for all requests to increase rent. OHA follows HUD regulations requiring units assisted under the program to have rents that are reasonable when compared to unassisted units in the same market area. For this purpose, OHA maintains a detailed database of advertised and actual rents. Adoption of the "Go Section 8" software has enhanced OHA's ability to accurately determine reasonable rents for specific submarkets.

Expanding Housing Opportunities: OHA will continue its outreach activities to increase housing opportunities. The Authority has begun to utilize site-based wait lists in its Project-Based Voucher program and may expand such use to its Section 8 Moderate Rehabilitation Program over the coming year. OHA will establish quality control procedures to ensure that these site-based wait lists comply with the outreach requirements established by both HUD and OHA. The Authority may consider and expand eligible housing types under the program to include assisted living facilities and communities. OHA may examine and change its income targeting requirements. OHA may also adjust payment standards for different sub-markets to increase access and expand housing opportunities for participants.

Deconcentration of Low-Income Families: OHA may examine and change its income targeting requirements. The Authority also may examine utilizing differing payment standards or subsidies for families in areas with differing rental costs.

Issues and Proposed Actions: OHA will develop updated and effective reporting and monitoring systems in response to any program changes it makes. The Authority will explore methods of streamlining both the reporting requirements it has for Section 8 clients and what is reported to HUD.

B. Inspection Strategy

Annual HQS Inspections: OHA has entered into a three year contract with a third party vendor to provide the majority of the annual HQS inspections. OHA staff will continue to conduct inspections in situations where the unit is occupied by a disabled or elderly household. Currently, 100 percent of Section 8 units have HQS inspections. During FY 2009, OHA may develop an alternative inspection methodology and frequency for HQS inspections based on a risk assessment system and findings from prior inspections.

Pre-contract HQS Inspections: OHA will continue to inspect 100 percent of Section 8 units prior to contract.

HQS Quality Control Inspections: The Authority will increase the number of quality control inspections it conducts compared to HUD's SEMAP guidelines. OHA staff will be responsible for conducting these inspections.

HQS Enforcement: OHA will continue to enforce 100 percent of HQS findings in cases of complaints and failed inspections that might lead to an abatement of rent.

SECTION IX **RESIDENT PROGRAMS**

This section describes the community and supportive services programs available to OHA public housing residents and Section 8 clients in the MTW programs. This section also describes issues and proposed actions for resident programs during this fiscal year.

A. Description of Programs and Activities

The mission of the Oakland Housing Authority includes supporting the self-sufficiency, civic involvement and economic development of public housing residents and Section 8 participants. During FY 2009, OHA programs and services will continue to assist residents and Section 8 participants to obtain employment, complete educational goals, participate in savings programs, engage in civic participation activities, maintain heightened awareness and improved lifestyle toward positive mental and physical health, and participate in life enrichment activities, and when appropriate, participate in homeownership programs. While the Authority and its partners have experienced reduced resources, OHA staff continues to provide resident programs and activities through the creative reorganization of services and programs, fundraising, and the establishment of new and unique partnerships with community based organizations.

The primary issue that continues to affect resident programs is the reduction in funding for services and the lack of skills required for OHA clients to compete successfully in the ever-changing job market. To address this challenge, the Authority will consider and may adopt the following program enhancements:

Community and Support Services (CSS) endowment:

During FY 2009, the Authority will consider and may establish (using MTW Funds/Reserves) a Community and Support Services (CSS) endowment fund. The fund, which might be administered by a non-profit foundation, would be used to leverage grants from private foundations and other sources to carry out CSS activities for low income Authority clients. Services funded might include youth tutoring, case management, arts programs, resident councils, Section 3 business development, drug/alcohol prevention, intervention, and treatment services to reduce drugs and drug-related criminal activity among program participants and to encourage community involvement, strengthen families, increase school performance and self-sufficiency of resident and/or participant households.

Public Housing: The Authority's model for resident support services is based on developing strategic partnerships with service providers. At full capacity, OHA would seek high performance organizations that can provide direct services and/or coordinate partnerships with other quality organizations that can provide needed services. The model program would incorporate a comprehensive collaboration of service providers to address the needs of residents and provide services on site or at the nearest OHA community center.

The model encourages partnership with government and non-profit agencies to provide supportive services that include, but are not limited to: job placement assistance, job readiness assistance, job training, life skills training, work place protocol training, micro enterprise development, child care,

adult education, family services, youth services and budgeting education. By leveraging partnerships, there are in-kind services that are offered by partner services.

The Authority continues to provide resident support services through the grant-based programs including ROSS Family Self-Sufficiency and ROSS Homeownership Supportive Services for all public housing tenants and HOPE VI Community Support Services and ROSS Neighborhood Network at Lion Creek Crossings. Outreach and access to support services are provided through multiple outreach strategies. OHA conducts outreach through door-to-door canvassing, telephone campaigns, resident newsletter articles and flyers included with rent statements to recruit and enroll residents.

Section 8

During FY 2009, the Section 8 program will focus on recruiting more participants to the Family Self Sufficiency (FSS) program with an emphasis on providing services to participants that report income and that have potential to increase their household income. OHA staff will expand services with more proactive case management and expanded partnerships with community based services providers and the creation of an FSS Participant Advisory Committee (PAC). In addition, there will be an increased effort to organize more events and activities for FSS participants to learn from each other and connect with community based supportive services.

SECTION X
OTHER INFORMATION REQUIRED BY HUD

This section provides documentation to HUD that OHA has complied with specific requirements of the MTW Agreement. The following items are submitted under separate cover along with the Annual Plan:

B. Board Resolutions

Board Resolution adopting the FY 2009 MTW Annual Plan

C. Required Certifications and Other Submissions from which OHA is Not Exempted by the MTW Agreement

None

D. Submissions required for the Receipt of Funds

Form HUD-52723, Calculation of PFS Operating Subsidy
Form HUD-52722-A, Calculation of Allowable Utilities Expense Level
Employee Allocation Certification

ATTACHMENTS

- A.** Inventory of public housing sites, including vacancy rates and list of scattered sites under consideration for disposition
- B.** Comments received from the Resident Advisory Board and responses from OHA staff
- C.** Comments received at the Public Hearing and responses from OHA staff
- D.** Written comments received from The National Housing Law Project and response letter from OHA

Attachment A

Inventory of Public Housing Sites

The following table lists Oakland Housing Authority's public housing properties, the number of units at each site and the number of units vacant as of December 31, 2007. Sites identified in **BOLD** will be offline or under comprehensive modernization at the start of FY 2009. The table also indicates with a "Yes" the scattered site public housing properties being considered for disposition. A "N/A" indicates that the property is not targeted for disposition. For a more complete description of OHA's disposition strategy, please see Section III.

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
SCATTERED SITES								
101	755 ALCATRAZ AVE	10	1			1	10%	Yes
102	624 APGAR ST	5	0			0	0%	Yes
103	6309 BAKER ST	6	0			0	0%	Yes
104	5805 CANNING ST	4	0			0	0%	Yes
105	5825 CANNING ST	14				0	0%	Yes
106	3839 CLARKE ST	5				0	0%	Yes
107	5914 COLBY ST	6				0	0%	Yes
108	85 GARLAND AVE	3				0	0%	Yes
109	2933 MLK, JR. WAY	12	1			1	8%	Yes
110	3025 MLK, JR. WAY	7	0			0	0%	Yes
111	5125 MLK, JR. WAY	8	0			0	0%	Yes
112	5661 MLK, JR. WAY	4				0	0%	Yes
114	4520 MONTGOMERY ST	4				0	0%	Yes
115	3855 SHAFTER AVE	4				0	0%	Yes
116	5120 SHAFTER AVE	7				0	0%	Yes
117	4203 TERRACE ST	4	0	0		0	0%	Yes
118	869 WALKER AVE	4	1			1	25%	Yes
119	3901 WEBSTER ST	14				0	0%	Yes
120	4825 WEBSTER ST	8	2			2	25%	Yes
121	2922 WEST ST	3				0	0%	Yes
122	3017 WEST ST	8	1			1	13%	Yes
123	3217 WEST ST	6	0			0	0%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
124	2530 9TH AVE	15			15	15	100%	Yes
126	541 29TH ST	5				0	0%	Yes
127	565 29TH ST	7				0	0%	Yes
128	678 29TH ST	3	1			1	33%	Yes
129	675 30TH ST	5	2			2	40%	Yes
130	522 32ND ST	4	0			0	0%	Yes
131	537 32ND ST	12	3			3	25%	Yes
133	873 32ND ST	12	3			3	25%	Yes
134	716 34TH ST	4	1			1	25%	Yes
135	729 34TH ST	3				0	0%	Yes
136	944 34TH ST	4	1			1	25%	Yes
137	454 36TH ST	4				0	0%	Yes
138	554 37TH ST	9	0	3		3	33%	Yes
139	727 37TH ST	8				0	0%	Yes
140	866 37TH ST	5	1			1	20%	Yes
141	725 39TH ST	5	1			1	20%	Yes
142	950 40TH ST	27	0			0	0%	Yes
143	768 41ST ST	7	1			1	14%	Yes
144	881 41ST ST	4				0	0%	Yes
145	717 43RD ST	4	0			0	0%	Yes
146	945 44TH ST	5	1			1	20%	Yes
147	565 45TH ST	6	2			2	33%	Yes
148	880 45TH ST	6	0			0	0%	Yes
149	557 46TH ST	6				0	0%	Yes
151	933 46TH ST	5	1			1	20%	Yes
152	582 48TH ST	10	0			0	0%	Yes
153	365 49TH ST	24				0	0%	Yes
154	827 52ND ST	5	1			1	20%	Yes
155	656 53RD ST	14				0	0%	Yes
156	680 55TH ST	4	1			1	25%	Yes
157	648 57TH ST	5	1			1	20%	Yes
158	584 58TH ST	12	0			0	0%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
159	533 59TH ST	9	0			0	0%	Yes
160	810 60TH ST	4				0	0%	Yes
161	837 60TH ST	4				0	0%	Yes
162	972 61ST ST	4				0	0%	Yes
163	368 62ND ST	5				0	0%	Yes
164	920 62ND ST	4				0	0%	Yes
165	1037 62ND ST	10	0			0	0%	Yes
166	1126 62ND ST	16	2			2	13%	Yes
168	594 63RD ST	4				0	0%	Yes
169	987 63RD ST	5	1			1	20%	Yes
170	1039 63RD ST	5				0	0%	Yes
201	6916 ARTHUR ST	6		6		6	100%	Yes
202	4531 BOND ST	6				0	0%	Yes
203	5944 BROMLEY AVE	4	1			1	25%	Yes
204	5945 BROMLEY AVE	4				0	0%	Yes
205	9615 E ST	5				0	0%	Yes
206	5730 ELIZABETH ST	20	0			0	0%	Yes
207	1061 ELMHURST AVE	5		0		0	0%	Yes
208	7107 FAVOR ST	4				0	0%	Yes
209	6921 FRESNO ST	5		3		3	60%	Yes
210	6121 HARMON AVE	3				0	0%	Yes
211	6229 HAYES ST	6	0			0	0%	Yes
212	6130 HILTON ST	8	0			0	0%	Yes
213	7204 HOLLY ST	3				0	0%	Yes
214	7209 HOLLY ST	5				0	0%	Yes
215	1430 SEMINARY AVE	10	1			1	10%	Yes
217	1465 SEMINARY AVE	8	1			1	13%	Yes
218	1915 SEMINARY AVE	18	0			0	0%	Yes
219	2139 SEMINARY AVE	12	5			5	42%	Yes
221	10221 STANLEY AVE	6				0	0%	Yes
222	1737 E 15TH ST	6	0			0	0%	Yes
223	1921 E 15TH ST	7				0	0%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
224	2919 E 16th St	12	1			1	8%	Yes
225	3012 E 16th St	5				0	0%	Yes
226	610 E 18TH ST	12	2			2	17%	Yes
227	1815 28TH AVE	11				0	0%	Yes
228	1500 38TH AVE	4				0	0%	Yes
229	1726 38TH AVE	6	2			2	33%	Yes
230	1853 38TH AVE	15	3			3	20%	Yes
231	1422 47TH AVE	7	2			2	29%	Yes
232	1424 50TH AVE	4				0	0%	Yes
233	1445 50TH AVE	6				0	0%	Yes
234	1458 52ND AVE	4	1			1	25%	Yes
235	1599 54TH AVE	4	0			0	0%	Yes
236	1723 62ND AVE	4				0	0%	Yes
237	3366 62ND AVE	6				0	0%	Yes
238	1449 73RD AVE	3	1			1	33%	Yes
240	2311 98TH AVE	8	1			1	13%	Yes
241	2315 98TH AVE	8	0			0	0%	Yes
304	3352 ARKANSAS ST	14				0	0%	Yes
307	1120 BELLA VISTA AVE	5				0	0%	Yes
308	9514 BIRCH ST	10	1			1	10%	Yes
313	9703 CHERRY ST	4				0	0%	Yes
316	4908 CONGRESS AVE	4				0	0%	Yes
317	5009 CONGRESS AVE	3				0	0%	Yes
318	2468 COOLIDGE AVE	5				0	0%	Yes
319	4516 FAIRFAX AVE	4	1			1	25%	Yes
320	676 FAIRMOUNT AVE	6	0			0	0%	Yes
321	1127 FOOTHILL BLVD	11	1			1	9%	Yes
322	3634 FOOTHILL BLVD	16				0	0%	Yes
323	3244 GALINDO ST	3				0	0%	Yes
324	2961 GEORGIA ST	4				0	0%	Yes
325	320 HADDON ROAD	4				0	0%	Yes
326	2126 HIGH ST	9	1			1	11%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
327	9233 HILLSIDE ST	4				0	0%	Yes
328	7000 LACEY AVE	6	1			1	17%	Yes
331	3590 LINCOLN AVE	4				0	0%	Yes
332	3228 LOGAN ST	4				0	0%	Yes
333	3291 LYNDE ST	8				0	0%	Yes
336	1323 MACARTHUR BLVD	7	0			0	0%	Yes
337	5018 MELROSE AVE	4				0	0%	Yes
338	2202 MITCHELL ST	7				0	0%	Yes
339	7510 NEY AVE	10				0	0%	Yes
340	7636 NEY AVE	6	1			1	17%	Yes
343	2943 NICOL AVE	6				0	0%	Yes
344	421 OAKLAND AVE	8				0	0%	Yes
346	59 PEARL ST	12	1			1	8%	Yes
347	3532 PIERSON ST	5	1			1	20%	Yes
348	3102 PLEITNER AVE	4				0	0%	Yes
349	8021 PLYMOUTH ST	4				0	0%	Yes
350	9427 PLYMOUTH ST	4	2			2	50%	Yes
351	9746 PLYMOUTH ST	3				0	0%	Yes
352	3265 PRENTISS ST	4				0	0%	Yes
353	734 RAND AVE	5				0	0%	Yes
354	2451 RENWICK ST	4				0	0%	Yes
355	2995 SCHOOL ST	5				0	0%	Yes
356	6238 SEMINARY AVE	4	1			1	25%	Yes
357	9224 SUNNYSIDE ST	10				0	0%	Yes
358	9320 SUNNYSIDE ST	6	0			0	0%	Yes
359	9510 SUNNYSIDE ST	16	4			4	25%	Yes
361	9711 SUNNYSIDE ST	5				0	0%	Yes
362	4737 YGNACIO AVE	6				0	0%	Yes
363	5250 YGNACIO AVE	4				0	0%	Yes
364	2011 7TH AVE	6			6	6	100%	Yes
365	2529 9TH AVE	4	1			1	25%	Yes
366	1608 11TH AVE	20	1			1	5%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
367	2021 11TH AVE	4				0	0%	Yes
368	2511 11TH AVE	4	1			1	25%	Yes
369	2607 12TH AVE	4				0	0%	Yes
370	1128 E 15TH ST	7				0	0%	Yes
371	1944 16TH AVE	9				0	0%	Yes
372	1227 E 17TH ST	9				0	0%	Yes
373	1236 E 17TH ST	10			10	10	100%	Yes
374	2102 E 17TH ST	4				0	0%	Yes
375	2284 E 17TH ST	4				0	0%	Yes
376	3314 E 17TH ST	4				0	0%	Yes
377	3000 E 18TH ST	7				0	0%	Yes
378	1632 E 19TH ST	7	1			1	14%	Yes
380	2246 E 19TH ST	7				0	0%	Yes
381	2247 E 19TH ST	5				0	0%	Yes
382	2272 E 19TH ST	4				0	0%	Yes
383	1716 E 20TH ST	4	1			1	25%	Yes
384	1750 E 21ST ST	5				0	0%	Yes
385	2000 E 21ST ST	4				0	0%	Yes
386	2005 E 21ST ST	8	0			0	0%	Yes
387	2216 E 21ST ST	4				0	0%	Yes
388	2381 E 21ST ST	4				0	0%	Yes
389	2439 E 21ST ST	3				0	0%	Yes
390	2440 E 21ST ST	8	2			2	25%	Yes
391	2626 E 21ST ST	4				0	0%	Yes
392	2527 21ST AVE	4	1			1	25%	Yes
393	2219 E 22ND ST	4				0	0%	Yes
394	2323 E 22ND ST	6	1			1	17%	Yes
395	2430 E 22ND ST	5	0			0	0%	Yes
396	2925 E 22ND ST	4				0	0%	Yes
397	1031 E 24TH ST	4				0	0%	Yes
398	1900 E 24TH ST	4				0	0%	Yes
399	1951 E 24TH ST	5				0	0%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
400	2017 E 24TH ST	4	0			0	0%	Yes
401	2146 E 24TH ST	4				0	0%	Yes
402	2229 E 24TH ST	3				0	0%	Yes
403	2353 E 24TH ST	3				0	0%	Yes
404	2023 24TH AVE	6				0	0%	Yes
405	2218 24TH AVE	3				0	0%	Yes
406	1305 E 25TH ST	4				0	0%	Yes
407	2003 E 25TH ST	4				0	0%	Yes
408	2030 E 25TH ST	5	2			2	40%	Yes
409	2630 E 25TH ST	3				0	0%	Yes
410	2110 25TH AVE	6	0			0	0%	Yes
411	2032 E 26TH ST	9	0			0	0%	Yes
412	2435 26TH AVE	6				0	0%	Yes
413	2474 26TH AVE	7		7		7	100%	Yes
414	2711 26TH AVE	4				0	0%	Yes
415	2402 E 27TH ST	8	1			1	13%	Yes
416	2155 E 28TH ST	5	2			2	40%	Yes
417	2170 E 28TH ST	11		11		11	100%	Yes
418	1324 E 32ND ST	5				0	0%	Yes
419	1248 E 34TH ST	10	1			1	10%	Yes
420	2056 35TH AVE	9		9		9	100%	Yes
421	2558 35TH AVE	12				0	0%	Yes
422	2820 35TH AVE	14	1			1	7%	Yes
423	2115 38TH AVE	4				0	0%	Yes
424	2181 48TH AVE	4				0	0%	Yes
425	2228 48TH AVE	5	1			1	20%	Yes
426	3330 72ND AVE	8	1			1	13%	Yes
427	3350 72ND AVE	6	1			1	17%	Yes
428	2509 77TH AVE	22			22	22	100%	Yes
430	1486 77TH AVE	4				0	0%	Yes
431	1644 81ST AVE	3				0	0%	Yes
432	1763 82ND AVE	3				0	0%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
433	2349 83RD AVE	6				0	0%	Yes
434	1639 84TH AVE	4				0	0%	Yes
436	2261 84TH AVE	12				0	0%	Yes
437	1730 85TH AVE	6				0	0%	Yes
438	2329 85TH AVE	4	1			1	25%	Yes
439	2325 86TH AVE	5				0	0%	Yes
440	1711 88TH AVE	3	1			1	33%	Yes
441	1815 88TH AVE	3				0	0%	Yes
442	2416 88TH AVE	6				0	0%	Yes
443	1739 89TH AVE	6	2			2	33%	Yes
444	2238 90TH AVE	6	3			3	50%	Yes
446	1521 92ND AVE	5				0	0%	Yes
447	1733 92ND AVE	4	1			1	25%	Yes
448	2230 94TH AVE	6				0	0%	Yes
449	2425 94TH AVE	6				0	0%	Yes
450	1928 96TH AVE	4	1			1	25%	Yes
451	2308 96TH AVE	7	0			0	0%	Yes
452	3716 ALLENDALE AVE	3				0	0%	Yes
453	4068 ALLENDALE AVE	5				0	0%	Yes
454	4100 ALLENDALE AVE	3	1			1	33%	Yes
455	3302 BROOKDALE AVE	6				0	0%	Yes
456	3500 BRUCE ST	8		8		8	100%	Yes
457	9008 CHERRY ST	4				0	0%	Yes
458	9024 CHERRY ST	3				0	0%	Yes
459	8330 BANCROFT AVE	8				0	0%	Yes
460	9232 BANCROFT AVE	9	1			1	11%	Yes
461	1900 COMMERCE WAY	5	1			1	20%	Yes
462	4903 CONGRESS AVE	3				0	0%	Yes
463	6656 LAIRD AVE	8				0	0%	Yes
464	6631 LAIRD AVE	6	1			1	17%	Yes
465	4005 LYON AVE	6				0	0%	Yes
466	4118 LYON AVE	8			8	8	100%	Yes

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
467	7908 NEY AVE	6	0			0	0%	Yes
468	7950 NEY AVE	10		6		6	60%	Yes
614	3311 VIOLA ST	1				0	0%	Yes
615	1715 67TH AVE	1				0	0%	Yes
616	6645 BRANN ST	1				0	0%	Yes
617	2282 83RD AVE	1				0	0%	Yes
618	2157 38TH AVE	1				0	0%	Yes
619	5378 WALNUT ST	1				0	0%	Yes
Total ACC Units		1,615	98	53	61	212		
Total Vacant		212						
Total Comp. Mod., Spc. Use, Off-Line		114						
Total Routine Vacancies		98						
Total Occupied		1,403						

LARGE SITES								
113	Harrison Street (1621 Harrison Street)	101	5	1		6	6%	N/A
171	Oak Grove Court South (570 16th St)	75	2	4		6	8%	N/A
172	Oak Grove Court North (620 17th St)	77	4	3		7	9%	N/A
173	Adel (2001 Macarther Blvd)	30	0			0	0%	N/A
174	Palo Vista (1110 64th Ave)	100	17			17	17%	N/A
175	Tassafaronga (945 84th Ave)	87		17		17	20%	Yes
301	Peralta Villa (906 Mandela Pkwy)	390	17	1		18	5%	N/A
302	Campbell Village (1657 10th St)	154	7			7	5%	N/A
303	Lockwood Gardens (1263 65th Ave)	372	23			23	6%	N/A
Total ACC Units		1,386	75	26	-	101		
Total Vacant		101						
Total Comp. Mod., Spc. Use, Off-Line		26						
Total Routine Vacancies		75						
Total Occupied		1,285						

Attachment A

Site	Address	Total Units	Routine Vacancy	Comprehensive Mod., Special Use, Redevelopment	Off-Line	Total Vacant Units	Vacancy Rate	Consider Disposition
HOPE VI DEVELOPMENTS								
311	Coliseum							N/A
	Lion Creek Phase I (6722 Olmstead St)	45	1			1	2%	
	Lion Creek Phase II (6722 Olmstead St)	54				0	0%	
	Foot Hill (6900 Foothill Blvd)	21				0	0%	
	<i>Coliseum Units Off-line (6722 Olmstead St)</i>	58		58		58	100%	
469	Chestnut Court (1088 West Grand)	45	1			1	2%	N/A
470	Linden Court (1089 26th St)	38				0	0%	N/A
471	Mandela (Mandela East Block)	33				0	0%	N/A
472	Mandela (Mandela West Block)	13				0	0%	N/A
	Total ACC Units	307	2	58	0	60		
	Total Vacant	60						
	Total Redevelopment	58						
	Total Routine Vacancies	2						
	Total Occupied	247						

ALL PUBLIC HOUSING								
	Total ACC Units	3,308	175	137	61	373	11.3%	
	Total Vacant	373						
	Total Comp. Mod., Spc. Use, Redevelopment, Off-Line	198						
	Total Routine Vacancies	175						
	Total Occupied Units	2,935						

Attachment B

OAKLAND HOUSING AUTHORITY RESIDENT ADVISORY BOARD MEETING Tuesday, April 1, 2008

On April 1, 2008, OHA held a RAB to specifically review the Draft Plan. OHA held a Resident Advisory Board meeting on April 1st, 2008. Nineteen resident leaders participated, including Housing Choice Voucher program participants and public housing residents. Staff presented the draft FY Annual Plan and led a valuable discussion.

The following format records the meeting:

Topic Presented by Staff

Comments/Questions from RAB members

- Response from staff

Section I Households Served

What is the difference between the different Section 8 programs?

- OHA provides three different types of housing subsidy in the Section 8 Program:

Section 8 Block Grant program: This is one of the MTW programs. HUD gives OHA one lump sum of money to cover the administrative costs and the subsidy paid to the private landlords. Under the block grant funding format, OHA is required to make the program work with the funding provided and any funding left over at the end of the year goes into the reserves. In the past few years, the reserve funding from the Section 8 block grant has been used to help support OHA's public housing program.

Section 8 Mainstream program: This is not one of the MTW programs. Look at the table on page 4 of the plan. This program is designed to help people with a disability find housing. It is not part of the MTW program and is run separately with its own wait list and there is generally very low turnover in the program.

Section 8 Mod Rehab program: This program is not part of MTW. Mod Rehab is designed to assist the private building owner with funding to make repairs to the building and bring it up to code in addition to subsidizing the rent. The subsidy remains with the unit.

Is Lion's Creek an example of a mainstream program?

- No, it is a mixed-income property developed as part of the HOPE VI program.

What are you to do in the case of a landlord requesting that you pay rent over and beyond the rental agreement?

Attachment B

- It is against program rules to pay extra rent. It is important that each participant let their assigned manager or housing representative know about the problem so that it can be addressed!

Will there be changes in the households OHA is serving in the Public Housing Program over the next year?

- There will be some change in the number of units available. For example, as some of the scattered sites come back on line from comprehensive modernization there will be an increase in the number of available units. But the income and ethnicity of the households served by OHA will remain generally the same.

What are OHA's programs and the difference between them?

- **Moving to Work** program is a HUD demonstration program that was made available to a limited number of housing authorities. Being part of MTW gives OHA some flexibility with how it operates its public housing and Section 8 programs and the flexibility to operate all the programs with a single budget.
- **Public Housing** is a program. OHA owns and maintains the property.
- **Section 8** is a program. Eligible families are provided with a housing subsidy that they use to rent housing in the private market. OHA pays the housing subsidy, or the difference between what the resident can afford and the fair market rent.
- The guidelines for these programs are outlined in the following plans: **Administrative Plan** covers the Section 8 program and The **Admission and Continued Occupancy Plan (ACOP)** covers the public housing program.

What is the average AMI for Alameda County?

- For a family of 4 approximately \$ 84,000

Section II Occupancy and Rent Policies

What is the property on Macarthur known as Altenheim?

- It is a privately owned non-profit development that includes some Section 8 Project Based Vouchers. Look at the list of developments with Project Based Vouchers on page 16 of the Plan.

What is the screening process at a site based waitlist like Lions Creek?

- If the property with a site based wait list has an opening and you already have a Section 8 voucher you will still need to meet the landlord's screening for suitability and it is possible that you could be denied. Just having a voucher does not guarantee a move-in. That said, all HOPE VI clients get services, including credit repair and other services that prepare them for meeting suitability and remaining a tenant in good standing. Tassa is not a HOPE VI

Attachment B

development so the resident services plan is different but, the goal is consistent - to support residents for the move into new housing.

The proposed 3 year re-certification, is that only for seniors and disabled?

- Yes! The new tri-annual certification is for senior and disabled households that are living on a fixed income.

What is the definition of a senior?

- 62 years and older

How does OHA respond to issues with the seniors needing services?

- OHA has a staff person dedicated to working with seniors who can link them to quality of life enhancement service, case management, in-home care, etc. Tenants should contact their housing manager regarding the process for a reasonable accommodation and/or to add a live-in aide to household.

What is the deconcentration rule?

- HUD wants to ensure that communities have a variety of incomes living in them. OHA only has 2 properties that fall under the rule because it only applies to larger developments. The new income mixing policy at recently modernized scattered sites that are being re-tenanted is an example of OHA applying a deconcentration policy at smaller sites.

Residents may not be aware there is a child care deduction. How can we make sure families are aware?

- OHA will have to review its procedures to ensure that new tenants are aware of the deduction. Tenants should be updated on all allowances and deductions during the annual re-certification. We are developing new procedures that will ensure updates are provided.

Can the deduction be used by the head of household?

- Yes.

Can deductions for full-time student status be used by head of household?

- No.

Section III Changes in Housing Stock

What happens to households at the disposed sites?

- Serving the families is the priority. For example, at Tassafaronga staff scheduled community meetings and individual with each household in advance of the funding for the project. Residents had a chance to meet with design partners and provided input. As the development process proceeded, work began to support residents using section 8 vouchers moving into the private marketplace, to participate in the homeownership activities.

Attachment B

Will they be able to move back to Tassa?

- The families will get first opportunity to get on the waitlist but will need to meet the landlord eligibility criteria in addition to the income criteria.

If you move with a Section 8 voucher can you increase your bedroom size?

- It will have to be done within the limits of the existing voucher program rules and with the knowledge of the housing representative. If anyone has more questions on this subject please contact your housing representative.

Section VII Management Information for Public Housing Units

Is the 4% vacancy rate good under industry standards?

- It's not where we should be and the goal is to get it even lower.

When is rent due?

- Rent is due the first day of the month. It is considered late if not received by the 5th day, at which time a 14 day notice is automatically sent to the tenant.

How is the Fraud Unit doing?

- It has been very successful in recovering public funds.

Is the housing authority considering wireless rent payments?

- Yes. OHA is looking at how it might provide this as option for residents.

Attachment C

PUBLIC HEARING Wednesday, March 26, 2008

On March 26, 2008, the Authority held a public hearing to solicit comments on the Draft Annual Plan. Announcements about the public hearing were sent to community stakeholders, legal advocates, locally-elected officials, community-based organizations, development partners, OHA residents and others. In addition, the hearing was announced in the Oakland Tribune, and newspapers that serve the Spanish, Cantonese and Vietnamese speaking communities. OHA also provided interpretation services at the Public Hearing in American Sign Language, Spanish, Cantonese and Vietnamese. The interpretation services were provided through a third-party contractor. The Public Hearing was attended by three people. During this meeting, OHA staff presented the MTW Annual Plan and specific policies under consideration. No comments were received at the public hearing about the Draft Annual Plan.

The following format records the meeting:

Topic presented by staff

Comments/questions from the public

- Responses from staff.

Executive Summary

(No comments received)

Households Served

(No comments received)

Occupancy and Rent Policies

(No comments received)

Changes in Housing Stock

(No comments received)

Sources and Amounts of Funding

(No comments received)

Uses of Funds

(No comments received)

Capital Planning

(No comments received)

Management Information for Public Housing Units

(No comments received)

Management Information for Section 8 Units

(No comments received)

Resident Programs

(No comments received)

Attachment D

Written comments received from The National Housing Law Project, dated April 11, 2008 (20 Pages) and response letter from OHA, dated April 21, 2008 (4 Pages).

VIA EMAIL AND MAIL

April 11, 2008

Sean Heron, Senior Policy Analyst
Oakland Housing Authority
1619 Harrison Street
Oakland, CA 94612



RE: Proposed Annual Plan for Fiscal Year 2009

Dear Mr. Heron:

The National Housing Law Project submits the following comments in connection with the Oakland Housing Authority's (OHA) proposed Annual Plan for Fiscal Year 2009, including comments on the Section 8 Administrative Plan and the Admissions and Continued Occupancy Policy (ACOP).

The National Housing Law Project (NHLP) is a national housing law and advocacy center that provides legal assistance, advocacy advice and housing expertise to legal services and other attorneys, low-income housing advocacy groups, and others who serve the poor. We submit these comments in the hope that they will facilitate a continued dialogue with OHA and assist the agency in administering its housing programs in a manner consistent with its mission of promoting adequate and affordable housing.

Our comments on the Annual Plan focus on the following areas: 1) number of households served; 2) occupancy and rent policies; 3) changes in housing stock; 4) reasonable accommodation policies; 5) implementation of the Violence Against Women Act. We welcome meeting with OHA to respond to any questions or concerns that the agency may have with regard to our comments.

I. Annual Plan Section I: Households Served, Page 4

We are concerned that fewer families are being served under the Section 8 voucher program than in prior years. OHA reports that it had a utilization rate of only 96.7% (page 4) and then on page 9 it states that it will maintain a 100% lease-up rate. The numbers need to be conformed.

A lease-up rate of 96.7% equates to 357 families on the waiting list that could have been served but were not. (Funded vouchers 10,958¹ less number of vouchers in use 10,601= 357) OHA has in the past achieved higher utilization rates. Our concern is increased because it is our understanding, based upon information from the Center on Budget and Policy Priorities (CBPP), copy of which is attached, that the number of authorized vouchers for OHA for calendar year 2008 is 11,033. Therefore, if OHA takes no further action, it may be that 432 families on the waiting list will not be served.

¹ Page 18 states that OHA "received funding for 10,858 vouchers." Which number is correct, and is there a typo?

Our questions are:

- What steps is OHA taking today to ensure that it is fully using all available vouchers in calendar year 2008?
- Has OHA evaluated the reasons why it is underutilizing available vouchers?

Failure to fully use all available vouchers will likely mean that in the next fiscal year, OHA will receive less funding for vouchers. It is our understanding that OHA will likely receive funding for vouchers in 2009 based upon the number of vouchers in use times the average cost. Because OHA is a Moving to Work housing authority, is our understanding of how OHA is funded for vouchers accurate, or has OHA contracted with HUD for a different funding formula for vouchers? If the latter is true, how is the amount of funding that OHA receives for vouchers calculated? Was funding for calendar year 2008 based upon the number of vouchers in use in 2007?

II. Annual Plan Section II: Occupancy and Rent Policies, Page 10

OHA states that it “will consider a number of occupancy and rent policy changes” in the coming two years. We are very concerned about what the rent policies may be and the proposed lease changes “to encourage tenant behavior that is consistent with the surrounding community’s standard.” The descriptions in the Annual Plan of what policies may be adopted are very cryptic. We urge OHA to engage in an extensive outreach effort to consult with and engage residents and housing advocates in any consideration of policy changes.

III. Annual Plan Section III: Changes in Housing Stock, Page 14

We are very concerned about OHA efforts to explore the options for the demolition *and* disposition of its *entire* stock of 1,615 scatter site public housing units. These public housing units represent a reasonable distribution of public housing units throughout Oakland. As noted in the Annual Plan for Fiscal Year 2009, “the scatter sites were developed to help the Authority deconcentrate poverty and integrate low income families into mixed income neighborhoods.” Page 15. OHA should undertake all efforts to preserve the current stock, by seeking additional federal state and local funds.

If OHA is considering the demolition and disposition of more than one half of the entire stock of public housing units, the following ground rules should apply:

1. There shall be one-for-one replacement of every unit that is demolished or disposed of and the rents charged in the replacement units shall be set at 30% of family income. In other words, the replacement units shall be affordable to the families that currently live in public housing in Oakland.
2. Replacement units should be built before units are demolished or disposed of.
3. Any replacement units should be built in areas that are not more impacted either racially or economically than the areas in which the units that are being replaced are currently located.

4. There shall be no displacement of residents prior to the adoption of a relocation plan, which complies with State and Federal law.
5. Any tenant displaced because of demolition or disposition shall have a priority to occupy any replacement unit and shall not be subject to any additional screening.

Please let us know if OHA will agree to commit to these policies.

Tassaforanga Village, Page 15

The Annual Plan for Fiscal Year 2009 states that OHA received 75 vouchers to use as a relocation resource for the households at Tassaforanga Village. It appears that there were 87 units at Tassaforanga Village. (Attachment A). We believe that OHA should be entitled to vouchers for the full 87 units. In 2001, HUD adopted a policy for replacing demolished and disposed units² by providing public housing authorities (PHAs) replacement vouchers for each unit that the PHA did not receive replacement funding to rebuild. This policy, which was reaffirmed in 2002, 2004, and 2005,³ sought to ensure that demolition and disposition did not result in the overall loss of assisted housing in the community.

In 2006, HUD issued PIH Notice 2006-05, which contained a deeply buried provision announcing that Housing Assistance Payment and administrative fees for replacement vouchers would only be provided for units *occupied* at the time of a PHA's application for replacement vouchers.⁴ On April 30, 2007, HUD issued PIH Notice 2007-10, more clearly illuminating the 2006 policy with respect to demolition and disposition, completing the dramatic departure from the pre-2006 policy. Under this current policy, vouchers will no longer replace all the housing that is disposed or demolished and not replaced. Instead, HUD announced that it would only provide vouchers for occupied units.

The Bush Administration sought to obtain legislative authorization for this policy change in its HUD Fiscal Year 2007 and 2008 budgets by getting Congress to provide replacement funding

²Submission and Processing of Public Housing Agency (PHA) Applications in Fiscal Year (FY) 2001 for Housing Choice Vouchers for Relocation or Replacement Housing Related to Demolition or Disposition (Including HOPE VI), and Plans for Removal (Mandatory Conversion) of Public Housing Units Under Section 33 of the U.S. Housing Act of 1937, as Amended, PIH 2001-20 (Jun. 21, 2001).

³Submission and Processing of Public Housing Agency (PHA) Applications in Fiscal Year (FY) 2001 for Housing Choice Vouchers for Relocation or Replacement Housing Related to Demolition or Disposition (Including HOPE VI), and Plans for Removal (Mandatory Conversion) of Public Housing Units Under Section 33 of the U.S. Housing Act of 1937, As Amended, PIH 2002-21 (Oct. 2, 2002); Submission and Processing of Public Housing Agency (PHA) Applications for Housing Choice Vouchers for Relocation or Replacement Housing Related to Demolition or Disposition (Including HOPE VI), and Plans for Removal (Required/Voluntary Conversion Under Section 33 of the U.S. Housing Act of 1937, As Amended, and Mandatory Conversion Under Section 202 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996) of Public Housing Units, PIH 2004-4 (Mar. 29, 2004); Submission and Processing of Public Housing Agency (PHA) Applications for Housing Choice Vouchers for Relocation or Replacement Housing Related to Demolition or Disposition (Including HOPE VI), and Plans for Removal (Required/Voluntary Conversion Under Section 33 of the U.S. Housing Act of 1937, As Amended, and Mandatory Conversion Under Section 202 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996) of Public Housing Units, PIH 2005-15 (Apr. 26, 2005). See note 9, *infra*.

⁴Implementation of the 2006 HUD Appropriations Act (Public Law 109-15) Funding Provisions for the Housing Choice Voucher Program, PIH 2006-5 (Jan. 13, 2006).

only for units *under lease*.⁵ However, Congress never provided that authorization.⁶ Because the appropriation still provides funds for “relocation and replacement of housing units that are demolished or disposed of...,”⁷ HUD’s recent policy changes have arguably jumped the gun. Significantly the HUD appropriation act for Fiscal Year 2008 appropriates \$200 million for tenant protection vouchers and requires HUD to issue them “for all units that were occupied within the previous 24 months that cease to be available as assisted housing due to demolition, disposition, or conversion, subject only to the availability of funds.”⁸

We believe that OHA is entitled to the additional 14 vouchers. Accordingly, OHA should make a claim for these vouchers and engage in other advocacy that is necessary to obtain them. Fourteen vouchers is no small amount. It is our understanding that the average cost for a voucher in Oakland for calendar year 2007 was \$11,269. Assuming that figure is accurate, Oakland will be out \$157,766 in 2008, and will be out more than \$1.5 million over the next ten years.

MTW Section 8 Block Grant Vouchers

We are pleased that OHA has determined that it would be beneficial to project-base up to 1,000 vouchers. Please note that page 15-31 of the Administrative Plan states that OHA will convert a maximum of 500 vouchers to project-based assistance. OHA should amend this language to reflect the goal of project-basing up to 1000 vouchers.

We believe that OHA ought to determine how it may use project-based vouchers rapidly so as to address needs that arise quickly. The current situation at Park Village Apartments illustrates the need for OHA to develop a plan for utilizing project-based vouchers in a timely fashion. One proposed sale of Park Village to an affordable housing purchaser could not be completed partly because it would have taken several months for OHA to issue project-based vouchers.

While generally OHA is restricted to issuing project-based vouchers by NOFA, page 15-32 of OHA’s Administrative Plan provides that OHA may utilize project-based vouchers at OHA-owned properties without engaging in a competitive process. We encourage OHA to expand this policy to include non-OHA entities who are purchasing a property where project-based assistance has expired and who seek to maintain the property as affordable housing. Eliminating the competitive process in these cases would increase the likelihood that these properties can be sold to affordable housing purchasers. Waiver of the competitive process could be restricted to purchasers who meet certain criteria, such as an agreement by an otherwise qualified purchaser

⁵Office of Management and Budget, Budget of the United States Government, FY 2007, Appendix Department of Housing and Urban Development, at <http://www.gpoaccess.gov/usbudget/fy07/pdf/appendix/hud.pdf>; Office of Management and Budget, Budget of the United States Government, FY 2008, Appendix Department of Housing and Urban Development, at <http://www.gpoaccess.gov/usbudget/fy08/pdf/appendix/hud.pdf>.

⁶The House bill would have adopted the Administration’s proposal, but the Senate Committee version did not include the “under lease” limitation. Compare H.R. 5576 (109th Cong., 2d Sess.), pp. 341-42 (as reported from Senate Appropriations Committee, July 26, 2006), with H.R. 5576 (109th Cong., 2d Sess., House version, set forth as stricken text in Senate version, pp. 73-74, *supra*).

⁷Pub. L. No. 109-115, tit. III, 119 Stat. 2396, 2441 (2005) (for FY 2006); H.J.Res. 20, Pub. L. No. 110-5, §§ 101, 104 (Feb. 15, 2007) (for FY 2007, incorporating FY 2006 conditions).

⁸ Pub. L. No. 110-161, Tenant-Based Rental Assistance (2007).

to: (1) accept project-based vouchers for the maximum allowable minimum term (10 years); (2) accept all contract extensions for project-based vouchers when offered; (3) adopt reasonable admission policies which will be reviewed and approved by OHA; and (4) comply with voucher targeting, i.e. 75% of all new admissions shall be ELI families. If an extension of the non-competitive process to preservation purchasers cannot be adopted due to regulatory or other constraints, OHA should explore whether, as a MTW agency, it can obtain a waiver of the NOFA requirements in order to issue project-based vouchers more rapidly. Please let us know what more OHA will do so that it may respond to unique situations such as Park Village.

IV. Reasonable Accommodation Policies

Administrative Plan

2 II.A. Overview/6 III 3 Applying Payment Standard/ 16 II B. Payment Standard

These sections of the Administrative Plan are directly affected by HUD's recent Notice PIH 2008-13, issued on March 10, 2008, entitled "Requests for Exception Payment Standards for Persons with Disabilities as a Reasonable Accommodation." The notice details the process for making this type of accommodation request. As before, the housing authority may approve any increase in payment standard up to 110% without requesting a waiver. However, the notice also provides that the HUD Field Office Public Housing Director can approve an increase in the payment standard that falls between 110-120%. For increases above 120%, the housing authority must request a waiver from HUD headquarters.

Because of confusion regarding the extent of documentation required for an exception to the payment standard, the HUD notice provides detailed guidance. The PHA should include "A.) a statement from a health care provider regarding the nature of the disabled person's disability/ies and the features of the unit (which may include its location) which meet that persons needs; B.) the contract rent and utility allowance for the unit; C.) a statement from the PHA that it has determined the rent for the unit is reasonable, and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider; D.) the household's monthly adjusted income; E.) the FMR for the unit size for which the family is eligible; F.) proposed effective date of the new lease or actual effective date of the lease renewal." This documentation does not require a probing analysis of the nature of the person's disability, but rather the nexus between the disability and the necessity of the features of the unit. We urge OHA to incorporate the new HUD notice into these sections of the plan.

V. Implementation of the Violence Against Women Act (VAWA)

Annual Plan

Admissions, Page 11

The Annual Plan states that OHA may adopt new local preferences and admissions policies and procedures. OHA does not currently have an admissions preference for victims of domestic violence in its Section 8 or public housing programs. We encourage OHA to adopt such a

preference. As recognized by Congress in VAWA, “Victims of domestic violence often return to abusive partners because they cannot find long-term housing.” 42 U.S.C. § 14043e. HUD has also recognized the need for a domestic violence preference in its Public Housing Occupancy Guidebook, which states,

In most instances victims of domestic violence are made powerless by the abuse. As such, the inability of victims to access and maintain housing that is decent and safe becomes a consequence of the abuse. Allowing preferences for victims of domestic violence creates alternatives for assisting those who may otherwise remain in an abusive situation or become homeless because of the need to flee the abuse.

HUD, Public Housing Occupancy Guidebook Ch. 19, p. 217 (June 2003). Modifying OHA’s admissions policies to include a preference for survivors of domestic violence would accord with the findings made by both Congress and HUD that survivors face substantial obstacles in securing long-term housing.

We understand that OHA would need to verify incidents of domestic violence to determine whether an applicant qualifies for the preference. If an applicant claims the domestic violence preference, OHA could verify the preference by requesting the applicant to provide one of the three forms of documentation listed in VAWA. As discussed in further detail below, VAWA permits an individual to verify incidents of domestic violence by providing a HUD-approved certification form, a signed statement from a qualified third party, or a police or court record. *See* 42 U.S.C. § 1437d(u)(1)(A), (C); 42 U.S.C. § 1437f(ee)(1)(A), (C).

Occupancy Policies: Public Housing, Page 12

The Annual Plan states that OHA intends to revise its public housing lease. In making these revisions, OHA should modify its public housing lease to comply with VAWA. OHA’s lease must state that an incident of domestic violence or stalking does not qualify as serious or repeated violations of the lease; that criminal activity directly relating to domestic violence, dating violence, or stalking does not constitute grounds for termination of a tenancy; that confidentiality provisions govern the disclosure of information under the law; and that the lease may be bifurcated to remove just the perpetrator. *See* 42 U.S.C. § 1437d(l)(5), (6).

MTW Section 8 Block Grant Vouchers, Page 17

The Annual Plan provides that OHA will work with nonprofit organizations on issues relating to delivery of services, wait lists, and applicant screening tools in administering its additional project-based vouchers. We encourage OHA to involve members of the domestic violence advocacy community in this planning process, because domestic violence is a leading cause of homelessness in Alameda County. For more information on how these agencies could be involved, we recommend contacting Nadia Lockyer, executive director of the Alameda County Family Justice Center, at (510) 267-8800, or nadia.lockyer@acgov.org.

OHA's Failure to Include VAWA in the Administrative Plan and ACOP

It is our understanding that since April 2006, Bay Area Legal Aid has requested OHA to include VAWA's provisions in its Administrative Plan and ACOP. We support Bay Legal's efforts and again request that OHA revise its Administrative Plan and ACOP to comply with VAWA. Many other MTW agencies, including Baltimore, Chicago, Seattle, and San Antonio, have included VAWA's protections in their Administrative Plans and ACOPs. In fact, the Chicago Housing Authority worked closely with domestic violence advocates to adopt policies to ensure victims' safety. Additionally, most Bay Area PHAs, including the city of Alameda, Alameda County, Berkeley, Contra Costa County, San Francisco, San Mateo County, Sonoma County, and Vallejo, have incorporated VAWA into their Administrative Plans and ACOPs.

VAWA's provisions have prevented many domestic violence survivors from being needlessly evicted or terminated from assistance due to the misconduct of their abusers. We therefore urge OHA to include VAWA in its Administrative Plan and ACOP, and we are available to assist OHA in these efforts. Please contact Meliah Schultzman at 510-251-9400 x. 116 or mschultzman@nhlp.org for examples of PHA plans that have incorporated VAWA, and for VAWA notices that are suitable for distribution to tenants and Section 8 owners. Ms. Schultzman is also available to provide training to OHA staff on VAWA implementation.

Included below are the statutory provisions that OHA should incorporate into its Administrative Plan and ACOP, as well as suggestions for ways in which OHA could better serve the needs of domestic violence survivors.

Proposed Language to Include in the Administrative Plan:

Definitions (Glossary) [42 U.S.C. § 13925(a)(6)-(8); 42 U.S.C. § 1437f(f)(8)-(11); Cal. Fam. Code § 6211]

"Domestic violence" is defined as felony or misdemeanor crimes of violence committed by:

- (1) a current or former spouse of the victim;
- (2) a person with whom the victim shares a child in common;
- (3) a person who is cohabitating with or has cohabitated with the victim as a spouse;
- (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies;
- (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction [i.e., California].

VAWA also protects persons who are covered by state law definitions of domestic violence. California law defines "domestic violence" as abuse perpetrated against the victim by:

- (1) The victim's spouse or former spouse.
- (2) Someone the victim lives with or lived with in the past.
- (3) Someone the victim is dating or has dated.
- (4) Someone the victim has a child with.
- (5) Someone to whom the victim is related by blood, marriage, or adoption (including the victim's parent, grandparent, child, grandchild, brother, or sister)

“*Dating violence*” is defined as violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim;
AND

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

“*Stalking*” is defined as:

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; OR
(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person;

AND

(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to--

- (i) that person;
- (ii) a member of the immediate family of that person; OR
- (iii) the spouse or intimate partner of that person

“*Immediate family member*” means, with respect to a person –

- a. a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- b. any other person living in the household of that person and related to that person by blood or marriage.

Denial of Admission (Chapter 3)

That an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for admission. [42 U.S.C. §§ 1437f(c)(9)(A) and (o)(6)(B).]

Termination of Rental Assistance (Chapter 12)

The Housing Authority may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant. [42 U.S.C. § 1437f(o)(20)(A).]

Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim. [42 U.S.C. § 1437f(o)(20)(B).]

Bifurcation (Splitting) of Rental Assistance (Chapter 12)

Notwithstanding this provision, or any Federal, State, or local law to the contrary, the Housing Authority may terminate assistance to, or an owner or manager may bifurcate a lease under this provision, or remove a household member from a lease under this provision, without regard to whether the household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without terminating assistance to, or otherwise penalizing, the victim of such violence who is also a tenant or lawful occupant. Such eviction shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.

Nothing in this Plan may be construed to limit the authority of the Housing Authority to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others. [42 U.S.C. §§ 1437f(o)(7)(D)(ii), 1437f(o)(20)(D)(i).]

Honoring Court Orders (Chapter 12)

Nothing in this Plan may be construed to limit the authority of the Housing Authority, when notified, to honor court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. [42 U.S.C. § 1437f(o)(20)(D)(ii).]

Lease Violations Unrelated to Domestic Violence (Chapter 12)

Nothing in this provision limits any otherwise available authority of the Housing Authority to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the Housing Authority does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate. [42 U.S.C. § 1437f(o)(20)(D)(iii).]

Cases in Which Tenant Poses Actual and Imminent Threat to Other Tenants (Chapter 12)

Nothing in this provision may be construed to limit the authority of the Housing Authority to terminate assistance to a tenant if the Housing Authority can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or Housing Authority if that tenant is not evicted or terminated from assistance. [42 U.S.C. § 1437f(o)(20)(D)(iv).]

Relationship to Other Laws (Chapter 12)

Nothing in this Plan shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking. [42 U.S.C. § 1437f(o)(20)(D)(v).]

Rights and Obligations of Section 8 Owners Under VAWA (Chapter 12)

1. Restrictions on Terminations of Tenancies

During the term of a lease under the voucher program, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause, and an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence. *[42 U.S.C. § 1437f(o)(7)(C).]*

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking. *[42 U.S.C. §§ 1437f(o)(7)(D).]*

2. Authorization of a Section Owner to Bifurcate (Split) a Lease

Notwithstanding this provision, an owner or manager may bifurcate a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing. *[42 U.S.C. § 1437f(o)(7)(D)(ii).]*

3. Responsibility of Section 8 Owners to Honor Court Orders

Nothing in this provision may be construed to limit the authority of an owner or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. *[42 U.S.C. § 1437f(o)(7)(D)(iii).]*

4. Section 8 Owner's Authority to Evict for Lease Violations Unrelated to Domestic Violence

Nothing in this provision limits any otherwise available authority of an owner or manager to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence,

or stalking to a more demanding standard than other tenants in determining whether to evict. [42 U.S.C. § 1437f(o)(7)(D)(iv).]

5. Section 8 Owner's Authority to Evict Tenant Who Poses Actual and Imminent Threat

Nothing in this provision may be construed to limit the authority of an owner or manager to evict any tenant or lawful occupant if the owner or manager can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted. [42 U.S.C. § 1437f(o)(7)(D)(v).]

Portability (Chapter 10) [42 U.S.C. § 1437f(r)(5)]

A family may not receive a voucher from the Housing Authority and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease, except that a family may receive a voucher from the Housing Authority and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

Certification of Domestic Violence, Dating Violence, or Stalking (Chapter 12)

If an individual seeks to assert the protections of the Violence Against Women Act, the owner, manager, or the Housing Authority may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse. The individual shall provide such certification within 14 business days after the individual receives a written request for such certification from the owner, manager, or Housing Authority. [42 U.S.C. § 1437f(ee)(1)(A).]

If the individual does not provide the certification within 14 business days after the individual receives a request in writing for such certification from the owner, manager, or Housing Authority, nothing in this Plan may be construed to limit the authority of the owner or manager to evict, or the Housing Authority to terminate voucher assistance for, the tenant or lawful occupant that commits violations of a lease. The owner, manager, or Housing Authority may extend the 14-business-day deadline at their discretion. [42 U.S.C. § 1437f(ee)(1)(B).]

An individual may satisfy the certification requirement in any of the following ways –

1. completing a HUD-approved certification form verifying that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certification shall include the name of the perpetrator; OR

2. providing the requesting owner, manager, or Housing Authority with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; OR
3. producing a Federal, State, tribal, territorial, or local police or court record. *[42 U.S.C. § 1437f(ee)(1)(C).]*

Nothing in this Plan shall be construed to require the owner, manager, or Housing Authority to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this Plan. At their discretion, the owner, manager, or Housing Authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence. *[42 U.S.C. § 1437f(ee)(1)(D).]*

Confidentiality (Chapter 12) *[42 U.S.C. § 1437f(ee)(2)(A).]*

All information provided to the owner, manager, or Housing Authority pursuant to the certification requirement, including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by the owner, manager, or Housing Authority, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is –

1. requested or consented to by the individual in writing;
2. required for use in an eviction proceeding under 42 U.S.C. § 1437f(c)(9), (d)(1)(B(ii)), (d)(1)(B(iii)), (o)(7)(C), (o)(7)(D), or (o)(20), or
3. otherwise required by applicable law.

Voucher Program – Notification (Chapter 12) *[42 U.S.C. § 1437f(ee)(1)(B).]*

The Housing Authority shall provide notice to tenants assisted under the voucher program of their rights under the Violence Against Women Act, including their right to confidentiality.

Proposed Language to Include in the ACOP:

Definitions (Glossary) [42 U.S.C. § 13925(a)(6)-(8); 42 U.S.C. § 1437f(f)(8)-(11); Cal. Fam. Code § 6211]

“*Domestic violence*” is defined as felony or misdemeanor crimes of violence committed by:

- (1) a current or former spouse of the victim;
- (2) a person with whom the victim shares a child in common;
- (3) a person who is cohabitating with or has cohabitated with the victim as a spouse;
- (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies;
- (5) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction [i.e., California].

VAWA also protects persons who are covered by state law definitions of domestic violence.

California law defines “*domestic violence*” as abuse perpetrated against the victim by:

- (1) The victim’s spouse or former spouse.
- (2) Someone the victim lives with or lived with in the past.
- (3) Someone the victim is dating or has dated.
- (4) Someone the victim has a child with.
- (5) Someone to whom the victim is related by blood, marriage, or adoption (including the victim’s parent, grandparent, child, grandchild, brother, or sister)

“*Dating violence*” is defined as violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim;
AND

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

“*Stalking*” is defined as:

- (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; OR
(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person;

AND

(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to--

- (i) that person;
- (ii) a member of the immediate family of that person; OR
- (iii) the spouse or intimate partner of that person

“*Immediate family member*” means, with respect to a person –

- c. a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- d. any other person living in the household of that person and related to that person by blood or marriage.

Admission (Chapter 3)

The Housing Authority shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission. [42 U.S.C. § 1437d(c)(3).]

Termination of Tenancy (Chapter 13)

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence. [42 U.S.C. § 1437d(l)(5).]

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking. [42 U.S.C. § 1437d(l)(6).]

Nothing in this provision limits any otherwise available authority of the Housing Authority to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the Housing Authority does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate. [42 U.S.C. § 1437d(l)(6)(D).]

Nothing in this provision may be construed to limit the authority of the Housing Authority to terminate the tenancy of any tenant if the Housing Authority can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated. [42 U.S.C. § 1437d(l)(6)(E).]

Bifurcation of the Lease (Chapter 13)

Notwithstanding this provision or any Federal, State, or local law to the contrary, the Housing Authority may bifurcate a lease, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. [42 U.S.C. § 1437d(l)(6)(B).]

Obligation to Honor Court Orders (Chapter 13)

Nothing in this provision may be construed to limit the authority of the Housing Authority, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. *[42 U.S.C. § 1437d(l)(6)(C).]*

Relationship to Other Laws

Nothing in this provision shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking. *[42 U.S.C. § 1437d(l)(6)(F).]*

Certification (Chapter 13) *[42 U.S.C. § 1437d(u)(1)(A), (B)]*

If an individual seeks to assert the protections of the Violence Against Women Act, the Housing Authority may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in this Plan. The individual shall provide such certification within 14 business days after the individual receives a written request for such certification from the owner, manager, or Housing Authority.

If the individual does not provide the certification within 14 business days after the individual receives a request in writing for such certification from the Housing Authority, nothing in this Plan may be construed to limit the authority of the Housing Authority to terminate voucher assistance for, the tenant or lawful occupant that commits violations of a lease. The Housing Authority may extend the 14-business-day deadline at its discretion.

An individual may satisfy the certification requirement in any of the following ways –

1. completing a HUD-approved certification form verifying that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certification shall include the name of the perpetrator; OR
2. providing the Housing Authority with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; OR
3. producing a Federal, State, tribal, territorial, or local police or court record.

Nothing in this Plan shall be construed to require the Housing Authority to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this Plan. At its discretion, the Housing Authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

Confidentiality (Chapter 13) [42 U.S.C. § 1437d(u)(2)(A).]

All information provided to the Housing Authority to verify incidents of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by the Housing Authority, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is –

1. requested or consented to by the individual in writing;
2. required for use in an eviction proceeding; or
3. otherwise required by applicable law.

Notification (Chapter 13) [42 U.S.C. § 1437d(u)(2)(B).]

The Housing Authority shall provide notice to tenants assisted under the public housing program of their rights under the Violence Against Women Act, including their right to confidentiality.

Additional Policies to Protect Domestic Violence Victims' Housing Rights:

We recommend that OHA adopt the policies below to supplement VAWA's protections and improve domestic violence victims' ability to obtain and maintain housing.

Translation of Vital Documents (Administrative Plan page 2-17; ACOP page 2-14)

We urge OHA to provide written and/or oral translation of its notices informing tenants of their rights under VAWA, as well as the HUD-approved certification form (Form HUD-50066). Victims of domestic violence who are limited English proficient face additional barriers to escaping abuse, such as difficulties in accessing law enforcement, the courts, and victims' services. It is therefore unlikely that LEP victims will have knowledge of their VAWA rights unless OHA provides translation.

Absent Family Members (Administrative Plan page 3-9; ACOP page 13-13)

The Administrative Plan states that if an individual is absent from the assisted unit for 60 consecutive days, the individual is considered permanently absent and no longer a family member. The ACOP provides that the family must promptly notify OHA when it will be absent from the assisted unit for more than 30 days. We encourage OHA to create an exception to these policies for families who flee their assisted units due to domestic violence. As you may be aware,

incidents of violence often increase once the domestic violence survivor takes steps to leave the batterer. As a result, a domestic violence survivor may be forced to enter a shelter or other safe location while she develops a safety plan, obtains a protective order, and/or waits for law enforcement to apprehend the perpetrator. The survivor may fear disclosing her location to any outside entity, such as housing authority staff, due to concerns that the batterer will be able to track her location. In these circumstances, OHA should not terminate assistance if the survivor provides verification of the domestic violence.

Admissions: Mitigation of Negative History (Administrative Plan page 3-22; ACOP page 3-26)

During the admissions and screening process, we encourage OHA to allow for mitigation of negative history for victims of domestic violence, dating violence, or stalking. This approach is consistent with HUD regulations, which provide that if a PHA receives unfavorable information with respect to an applicant, “consideration shall be given to the time, nature, and extent of the applicant’s conduct (including the seriousness of the offense).” 24 C.F.R § 960.203. Also, as noted in VAWA, “Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.” *See* 42 U.S.C. § 14043e.

We encourage OHA to consider whether an applicant would be suitable for admission but for a negative history caused by domestic violence, dating violence, or stalking. Negative history that may have been caused by domestic violence, dating violence, or stalking often includes poor credit history, poor rental history (including damage to an apartment), or lack of steady employment. If inquiries reveal that the negative history was the consequence of domestic violence, dating violence, or stalking against a member of the applicant household, OHA should not deny the household assistance on the basis of this information. Any inquiries regarding domestic violence, dating violence, or stalking should make clear that members of applicant households have a right to confidentiality.

Information Provided to Prospective Owners (Administrative Plan page 3-24)

The Administrative Plan states that OHA will provide prospective Section 8 landlords with the names and addresses of the landlords at the applicant’s current and former address. A policy requiring applicants to disclose prior landlords’ contact information or mandating that the information be shared if available may cause serious problems for victims of domestic violence. If the prospective owner contacts a victim’s current or former landlord, the abuser may be able to track the victim’s location. We suggest that OHA tell applicants which parties will be contacted so that safety risks can be identified. We encourage OHA to work with victims of domestic violence to identify alternative means of verification for critically needed information where primary means may place the applicant’s safety at risk.

Briefing for New Participants (Administrative Plan pages 5-3 and 5-4; ACOP page 8-2)

The Administrative Plan and ACOP currently list several items that will be included in briefing packets and orientations for new participants. We recommend that the HUD form for

certification of domestic violence (Form HUD-50066) be included in all packets distributed during the briefing session for new Section 8 participants. We also encourage OHA to verbally inform participants, tenants, owners, and managers of their rights and obligations under VAWA through initial briefing sessions or other orientation meetings.

Eligibility for Transfer (ACOP page 12-8)

The ACOP provides that OHA will only consider transfer requests from residents who owe no back rent or other charges and have no housekeeping lease violations or history of damaging property. Many domestic violence survivors may owe back rent or other charges due to financial abuse by the batterer, or may have damage to their assisted units that was caused by the batterer. We therefore encourage OHA to make exceptions to the good record requirement where the negative history resulted from the applicant's being a victim of domestic violence, dating violence, or stalking.

Good Cause for Unit Refusal (ACOP page 12-12)

The ACOP provides that good cause for refusal of a transfer unit includes reasons related to health and proximity work, school, and childcare. In cases where a domestic violence victim requests transfers to preserve their safety, it is crucial that the alternative units offered are in locations that will not be readily discovered by the batterer or the batterer's friends and family. We therefore encourage OHA to add a statement that "Good cause for refusal shall also include demonstration that accepting the offer will place a household member's life, health, or safety in jeopardy, including the existence of an imminent threat of domestic violence, dating violence, or stalking."

Terminations: Consideration of Circumstances (Administrative Plan page 12-8; ACOP page 13-16)

The Administrative Plan and ACOP state that OHA will consider a variety of circumstances in determining whether a family's assistance should be terminated. In determining whether to terminate assistance, we encourage OHA to consider whether an individual's action or failure to act was related to the individual's status as a victim of domestic violence, dating violence, or stalking. For example, a victim of stalking may be forced to miss an appointment with the housing authority due to threats of violence by the stalker. If inquiries reveal that a family's action or failure to act was the consequence of domestic violence, dating violence, or stalking against a member of the household, OHA should not deny or terminate assistance on the basis of this information. Any inquiries regarding domestic violence, dating violence, or stalking should make clear that victims have a right to confidentiality.

Termination Notices (Administrative Plan page 16-11; ACOP page 13-21)

The Administrative Plan and ACOP state that if OHA seeks to terminate a family's assistance or tenancy, it will provide the family with a written description of the grounds for termination and the procedures for seeking an informal hearing or grievance hearing. We encourage OHA to include information regarding VAWA's protections in its termination notices. Even if OHA has

sent written notices to tenants informing them of VAWA, many victims may remain unaware of their rights because the batterer monitors the mail or because the victim is limited English proficient. As a result, many victims may not know that they can raise VAWA as a defense to terminations relating to the abusive conduct of their batterers. Including a paragraph regarding VAWA in the termination letters could prevent victims from unnecessarily losing their housing assistance for reasons related to abuse.

CONCLUSION

Thank you for the opportunity to submit these comments. We look forward to discussing these issues with you in greater depth.

Sincerely,

Meliah Schultzman
Catherine Bishop
Navneet Grewal
National Housing Law Project
614 Grand Avenue Suite 320
Oakland, CA 94610
(510) 251-9400

CBPP Voucher Estimates for 2004-2008 3-25-08
(see Notes for 2004-2008 Spreadsheet for an explanation of these figures)

A	B	C		D		E		F		G		H		I		J		K		L	M		N		O	P	Q
Agency Code	Agency Name	CY 2004		CY 2005		CY 2006		CY 2007				Estimated Fund Balance (or Reserves) at end of CY 2007	08 Authorized Vouchers (Jan08 RCR)	Renewal Funding Eligibility, without adjustments	Reserves Offset as Part of '08 Renewal Funding	Authorized Vouchers Funded by Renewal Funding and Offset	Additional Authorized Vouchers Funded by Remaining Reserves	Estimated Per Unit Cost									
		Vouchers in Use	Utilization Rate	Vouchers in Use	Utilization Rate	Vouchers in Use	Utilization Rate	Vouchers in Use	Utilization Rate	Vouchers in Use	Utilization Rate																
AZ025	South Tucson sec. 8 voucher	87	66%	68	51%	95	72%	103	78%	\$242,770	132	\$887,233	\$0	110	22	\$8,095											
AZ028	Chandler Housing & Redevelopment Division	474	99%	476	99%	476	99%	485	101%	\$100,628	480	\$4,309,009	\$0	479	1	\$8,994											
AZ031	Tempe HA	1,043	96%	1,019	94%	1,015	94%	1,092	101%	\$2,111,835	1,082	\$8,076,907	\$1,556,158	1,082	0	\$7,268											
AZ032	Scottsdale	659	98%	654	93%	641	91%	660	93%	\$762,513	707	\$4,802,599	\$91,880	670	37	\$7,173											
AZ033	Pima Co.	731	97%	655	87%	682	91%	717	95%	\$821,312	752	\$4,377,011	\$340,991	752	0	\$5,801											
AZ034	Cochise Co. sec. 8 voucher	374	93%	360	89%	318	71%	372	76%	\$0	493	\$1,753,651	\$0	365	0	\$4,806											
AZ035	Yuma, City	1,120	100%	1,089	97%	1,147	102%	1,060	95%	\$1,029,614	1,122	\$6,748,288	\$173,745	1,090	32	\$6,193											
AZ037	Douglas HA	192	99%	177	92%	161	83%	167	87%	\$51,969	193	\$768,442	\$0	170	11	\$4,526											
AZ038	Peoria HA	71	86%	68	83%	63	77%	70	85%	\$70,816	82	\$541,886	\$0	69	9	\$7,812											
AZ041	Williams HA	44	94%	40	84%	34	73%	39	83%	\$39,362	47	\$243,729	\$0	36	6	\$6,757											
AZ043	Mohave Co. HA	224	79%	223	95%	225	96%	234	100%	\$84,548	234	\$1,293,435	\$0	232	2	\$5,579											
AZ045	Gila Co. HA	53	100%	51	96%	47	89%	47	89%	\$36,561	53	\$263,587	\$0	48	5	\$5,489											
AZ901	Arizona State HA	51	87%	49	83%	47	64%	57	64%	\$0	89	\$264,646	\$0	49	0	\$5,365											
	Arizona Total	19,461		18,966	94%	18,544	91%	18,788	92%	\$22,212,321	20,441	\$126,527,053	\$5,323,307	18,853	1,343												
CA001	San Francisco HA	7,256	100%	7,207	98%	7,163	96%	7,062	95%	\$25,557,730	7,410	\$103,434,916	\$12,801,437	7,213	197	\$14,340											
CA002	Los Angeles Co. HA	20,256	100%	19,626	96%	17,891	87%	18,278	89%	\$43,797,401	20,747	\$179,108,639	\$8,427,933	17,627	3,120	\$10,161											
CA003*	Oakland HA	10,527	98%	10,258	96%	10,163	94%	10,833	99%	N/A	11,033	\$151,374,387	N/A	11,033	0	\$11,269											
CA004	Los Angeles, City	47,716	108%	43,863	99%	41,661	94%	42,310	95%	\$76,039,964	44,537	\$372,853,866	\$30,845,650	41,280	3,257	\$9,032											
CA006	Fresno, City	6,221	100%	6,124	99%	6,401	101%	6,699	102%	\$209,993	6,723	\$39,043,767	\$0	6,719	4	\$5,811											
CA007	Sacramento County	11,214	103%	10,838	97%	10,124	90%	10,884	96%	\$19,121,367	11,290	\$94,298,405	\$9,459,256	10,833	457	\$8,705											
CA008	Kern Co.	3,072	95%	3,033	93%	2,891	88%	3,021	91%	\$0	3,375	\$14,802,025	\$0	2,963	0	\$4,995											
CA009	Upland HA	616	99%	602	96%	589	94%	578	93%	\$359,435	624	\$4,192,347	\$0	573	49	\$7,317											
CA010	Richmond HA	1,653	94%	1,577	90%	1,498	86%	1,383	79%	\$5,051,095	1,750	\$14,993,891	\$119,817	1,408	342	\$10,650											
CA011	Contra Costa Co.	6,756	100%	6,391	94%	6,268	92%	6,344	94%	\$10,905,206	6,781	\$73,873,957	\$733,779	6,549	232	\$11,280											
CA014	San Mateo Co.	4,090	102%	3,994	99%	3,876	96%	3,803	95%	\$10,980,287	4,023	\$51,148,857	\$4,288,985	3,937	86	\$12,990											
CA019	San Bernardino Co.	8,254	99%	8,146	99%	8,061	98%	7,820	95%	\$6,645,503	8,244	\$59,169,724	\$0	8,025	219	\$7,373											
CA021	Santa Barbara Co.	3,268	96%	3,333	98%	3,298	97%	3,371	99%	\$4,210,614	3,396	\$29,352,950	\$1,877,427	3,370	26	\$8,709											
CA022	Needles	19	95%	19	95%	19	95%	19	95%	\$22,870	20	\$81,332	\$13,484	20	0	\$4,157											
CA023	Merced	2,599	96%	2,609	96%	2,655	98%	2,465	91%	\$1,768,110	2,705	\$15,371,275	\$0	2,586	119	\$5,944											
CA024	San Joaquin Co.	4,985	103%	4,425	91%	4,394	90%	4,566	94%	\$6,350,577	4,871	\$32,232,474	\$2,205,703	4,540	331	\$7,100											
CA026	Stanislaus Co.	3,816	96%	3,894	98%	3,817	96%	3,904	98%	\$6,691,397	3,995	\$19,572,408	\$4,938,402	3,911	84	\$5,005											



**Housing Authority
of the City of
Oakland, California**

EXECUTIVE OFFICE: 1619 HARRISON STREET
OAKLAND, CA 94612, (510) 874-1500

April 21, 2008

Meliah Schultzman
Catherine Bishop
Navneet Grewal
National Housing Law Project
614 Grand Avenue Suite 320
Oakland, CA 94610

RE: Comment Letter on Draft FY 2009 Annual Plan

Dear Ms. Schultzman, Ms Bishop, and Ms. Grewal:

Thank you for your comment letter, dated April 11, 2008, regarding the Oakland Housing Authority's Draft Annual Plan for Fiscal Year 2009. We are very appreciative of the important issues that you have raised and the thoroughness and detail of your comments. We look forward to working with the National Housing Law Project and others to ensure that the programs and policies in place at the Oakland Housing Authority comply with the law, are consistent with our mission and address the needs of the broader community.

Please find below specific responses to your comments on the Draft Annual Plan for Fiscal Year 2009.

I. Annual Plan Section I: Households Served

The sentence referenced in your letter on Page 9 of the Draft Plan will be changed to "OHA expects to maintain a 97 to 100 percent lease-up rate for the Section 8 Block Grant Program during FY 2009."

Note that the correct number of Housing Choice Vouchers (HCVs) allocated to the Section 8 Block Grant is 10,858, not 10,958 as shown in the Draft Plan. As a result, the correct utilization rate is 97.6 percent. We share your concern about authorized vouchers going unused. As the note at the bottom of page 4 of the Draft Plan indicates, the underutilized vouchers in the Section 8 Block Grant program are related to the recent addition of new HCVs to the Block Grant. As of December 31, 2007, the vast majority

of these vouchers had not been leased up, which is reflected in the utilization rate. We are currently in the process of actively leasing-up the HCVs, which will increase our utilization rate.

Under our MTW agreement with HUD, funding for the Housing Choice Vouchers is tied to a base year allocation and any subsequent incremental vouchers made available to the Authority. Funding is based on the allocation as of July 1, 2004, with an adjustment factor for inflation added to the calculation for subsequent years. Funding is tied to this formula (and congressional appropriations) and is not related to our utilization rate.

II. Annual Plan Section II: Occupancy and Rent Policies

Any policy changes, including occupancy and rent policy changes, will be brought before the Board of Commissioners for formal consideration at a public meeting. OHA is committed to engaging residents and other stakeholders in the consideration of policy changes. Note that the new Standard Agreement that will extend MTW for an additional 10 years, make changes to rent policy a requirement.

III. Annual Plan Section III. Changes to Housing Stock

OHA shares your commitment to preserving scarce housing resources. Indeed, the goal of exploring the disposition of scattered sites is to see how we can reposition the portfolio so that it is viable into the future. After experiencing many years of reduced subsidy (operating and capital) for public housing, and increasing costs associated with managing a geographically dispersed portfolio, we believe that the housing resource is not viable in its current configuration. The long term preservation of this housing resource requires that we explore ways to match costs with anticipated sources and amounts of subsidy, leverage new sources of funding and improve efficiencies in the administration of these programs.

In response to the proposed “Ground rules” for the disposition of public housing units:

1. The goal will be to replace, to the extent possible, every unit demolished or no longer serving low income households, with new affordable units that serve low income households with rents affordable to households with low incomes.
2. It may not be feasible in all circumstances to develop replacement units before existing units are demolished or disposed of.
3. The selection of sites for replacement units will be consistent with the standards and guidelines of federal, state and local agencies.
4. There will be no displacement of residents prior to the adoption of a relocation plan, which complies with State and Federal law.
5. Any tenant displaced because of demolition or disposition will have a priority to occupy a replacement unit on the condition that they are a tenant in good standing and that they meet the eligibility requirements of the property management entity.

Tassafaronga Village

OHA will explore whether the agency was entitled to replacement vouchers for the entire 87 units at Tassafaronga Village.

MTW Section 8 Block Grant Vouchers

OHA will update the Administrative Plan to make it consistent with the newly adopted policy to project-base up to 1,000 HCVs.

We share your concern about the ability to allocate project based vouchers rapidly in those situations where the preservation of existing affordable housing is at stake. OHA is currently exploring a number of new strategies to allocate project-based vouchers and will take into consideration the recommendations regarding the waiver of a competitive process where specific pre-determined criteria have been met.

IV. Reasonable Accommodation Policies

Administrative Plan

OHA will explore the development and adoption of a policy to increase payment standards for persons with disabilities as a reasonable accommodation.

V. Implementation of the Violence Against Women Act (VAWA)

Annual Plan

Admissions

OHA will explore the development and adoption of preferences and admission policies for victims of domestic violence that address the findings summarized in your letter.

Occupancy Policies: Public Housing

The revisions to the OHA lease will incorporate the requirements of VAWA.

MTW Section 8 Block Grant Vouchers

OHA will consult with representatives from the domestic violence advocacy community, in addition to other community stakeholders, when developing new policies related to the allocation of the project-based MTW Section 8 Block Grant Vouchers.

OHA's Failure to Include VAWA in the Administrative Plan and ACOP

OHA will incorporate VAWA provisions into the Administrative Plan and ACOP during FY 2009.

Proposed Language to Include in the Administrative Plan

OHA is currently reviewing and revising the Administrative Plan. At the completion of this process our intention is to be in full compliance with VAWA. OHA will take into consideration the detailed language suggested in your letter as we revise the Administrative Plan.

Proposed Language to Include in the ACOP

OHA is currently reviewing and revising the ACOP. At the completion of this process our intention is to be in full compliance with VAWA. OHA will take into consideration the detailed language suggested in your letter as we revise the ACOP.

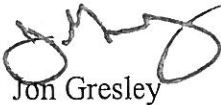
Additional Policies to Protect Domestic Violence Victims' Housing Rights

Thank you for identifying additional policies and procedures for consideration in the Administrative Plan and ACOP to protect victims of domestic violence. As an MTW agency, OHA has considerable flexibility to develop policies and procedures that are specific to our local community. We will consider your suggestions in the revision of the Administrative Plan and ACOP

Conclusion

Again, I want to thank you for submitting these detailed comments to OHA. We look forward to the opportunity to work with NHLP as we develop new policies and procedures over the coming year.

Sincerely,



Jon Gresley
Executive Director