

Commission Members

CHAIR ANNE GRIFFITH
VICE-CHAIR GREGORY D. HARTWIG
COMMISSIONER JANNY CASTILLO
COMMISSIONER LYNETTE JUNG LEE
COMMISSIONER BARBARA MONTGOMERY
COMMISSIONER MARK J. TORTORICH
COMMISSIONER WILLIAM J. MAYES

Executive Director

Patricia Wells

In accordance with Article III, Section 1 and 2, of the Oakland Housing Authority Bylaws, NOTICE IS HEREBY GIVEN that the **Regular Meeting** of the Board of Commissioners has been called. The meeting will be held as follows:

HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA

Regular Meeting

Monday, July 25, 2022 at 6:00 p.m.

1619 Harrison Street, Oakland, California, Commissioners' Room first floor.

***Meeting In-Person and Via Teleconference Pursuant to Assembly Bill 361
[(Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021)]***

Join Zoom Meeting Online:

<https://oakha-org.zoom.us/j/85933362492?pwd=SithUjNzRmhFQW83ckcwS0lsMXJ3UT09>

Meeting ID (access code): 859 3336 2492 Meeting Password: 141119

Closed Caption – provided through the link

To participate by Telephone: 1 (669) 219-2599

Meeting ID (access code): 859 3336 2492 Meeting Password: 141119#

If you need special assistance to participate in the meetings of the Oakland Housing Authority Board of Commissioners, please contact (510) 874-1510 (TDD: 800-618-4781). Notification 48 hours prior to the meeting will enable the Oakland Housing Authority Board of Commissioners to make reasonable arrangements to ensure accessibility.

All public comment on action items will be taken at the public comment portion of the meeting. You may comment via zoom by “raising your hand” or by submitting an e-mail to publiccomments@oakha.org or call using the zoom participant number.

- You may request to make a public comment by “raising your hand” through Zoom’s video conference or phone feature, as described below. Requests will be received only during the designated times in which to receive such requests and only for eligible Agenda items. Public comments will be subject to the appropriate time limit of three (3) minutes.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time of three (3) minutes, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- To comment by phone, please call on one of the phone numbers listed below. You will be prompted to “Raise Your Hand” by pressing “*9” to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time of three (3) minutes, you will then be re-muted. Please unmute yourself by pressing *6. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.



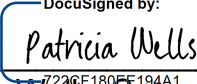
AGENDA
Regular Meeting
July 25, 2022, 6:00 pm

- I. Pledge of Allegiance
- II. Roll Call
- III. Approval of Minutes:
 - A. Approval of Minutes of the Annual Meeting of June 27, 2022
- IV. Recognition of people wishing to address the Commission
- V. Old or Unfinished Business
- VI. Modifications to the agenda
(Allows for any change in the order of business or the announcement of the postponement or continuation of agenda items.) The Board can only take action on items listed on this agenda unless a finding is made that an emergency exists.
- VII. New Business:
 - A. Presentation of Medal of Merit to Officer Ismael Velasquez.
 - B. Public Hearing regarding the OHAPD Military Equipment Policy.
 - C. Presentation regarding the plan for the future adoption of a "Military Equipment Use Policy" resolution in accordance with the requirements of California Assembly Bill 481.
 - D. Adoption of proposed changes to the Administrative Plan for the Housing Choice Voucher Program.
 - E. Consent Agenda:
Items on the Consent Agenda are considered routine and do not require separate discussion. If a Commissioner wishes to have discussion, or if a member of the public wishes to comment on any consent item, the item may be removed from the consent agenda and considered separately. Questions or clarifications may be considered by the Commission without removal from the Consent Agenda. The Consent Agenda is adopted in one motion.
 1. Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

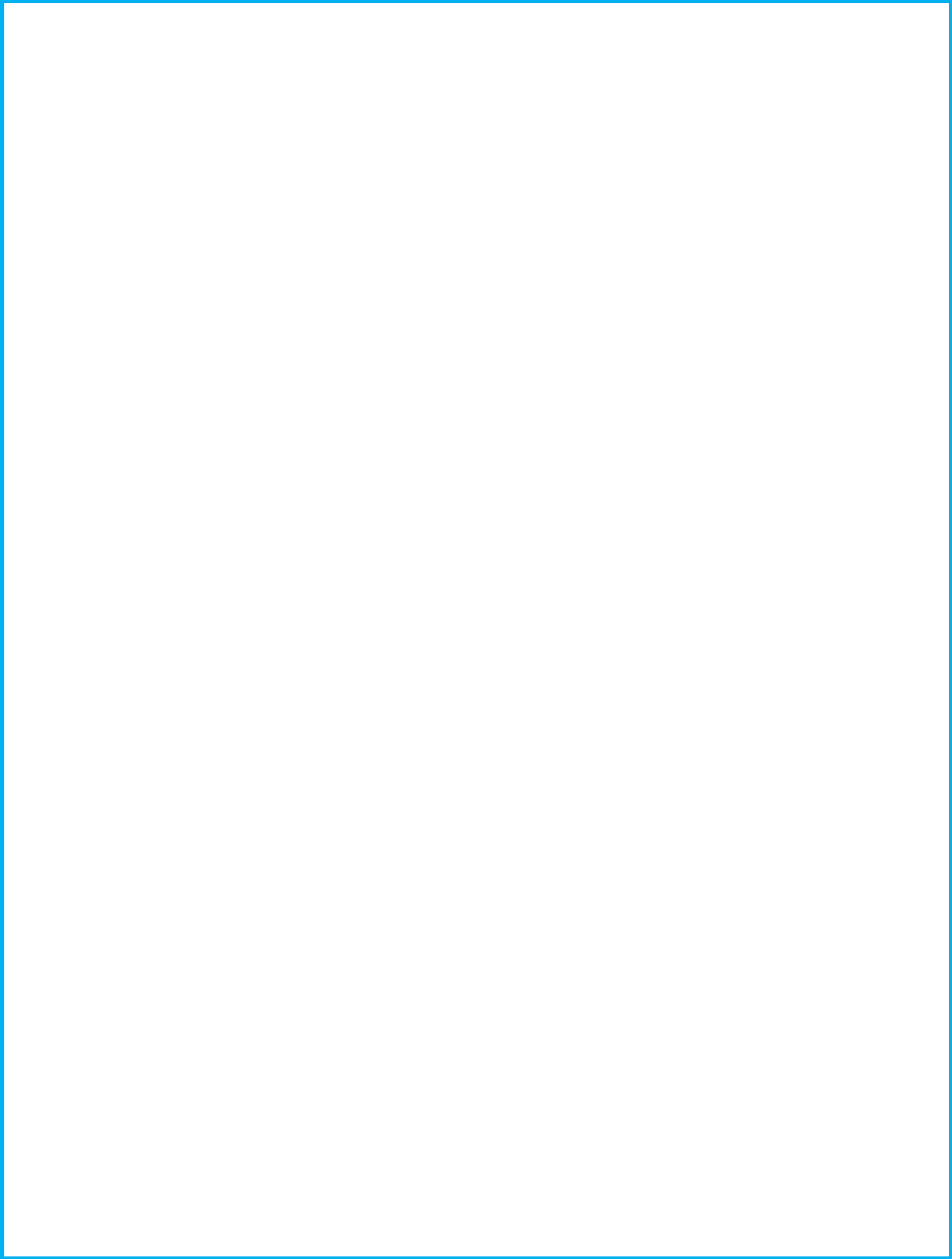
2. Consideration of a resolution authorizing the Executive Director to continue the Authority's participation in the Employment Risk Management Agency (ERMA) insurance pool and to issue payment of the annual premium invoice in an amount of \$248,919.
3. Authorization for the Executive Director to write off \$4,262.00 in Tenant Account Receivables for public housing tenants vacated contract-managed properties during the period of time from January 1, 2021 through June 30, 2022.

- VIII. Written Communications Departments' Monthly Report.
- IX. Executive Director's report regarding matters of special interest to the Commission occurring since the last meeting of the Commission.
- X. Reports of Commission Committees.
- XI. Announcements by Commissioners.
- XII. Adjournment

Anne Griffith, Chair of the Commission

By  Patricia Wells, Secretary

DocuSigned by:
7226E180EE194A1



**MINUTES OF THE SPECIAL MEETING
BOARD OF COMMISSIONERS
HOUSING AUTHORITY OF THE
CITY OF OAKLAND, CALIFORNIA**

[Meetings are recorded and are accessible through our website: www.oakha.org]

Monday, June 27, 2022

Annual Meeting

The Oakland Housing Authority Board of Commissioners convened an Annual Meeting via Zoom software platform online and via teleconference, providing access to the public and enabling submission of public comment by zoom, phone and/or by email.

Chair Gregory Hartwig presided and called the meeting to order at 6:02 p.m.

I. Pledge of Allegiance

II. Roll Call

Present 6 – Gregory Hartwig, Anne Griffith, Janny Castillo, Lynette Jung-Lee, Mark Tortorich. Barbara Montgomery joined at 6:36 p.m.

III. Approval of Minutes:

A. Approval of Minutes of the Regular Meeting of May 23, 2022

On approval of the minutes moved by Commissioner Griffith, seconded by Commissioner Jung-Lee, the motion passed by the following vote:

Ayes 5 – Hartwig, Griffith, Castillo, Jung-Lee, Tortorich

Excused 1 – Montgomery

IV. Recognition of people wishing to address the Commission

There were no persons wishing to address the Board of Commissioners.

V. Old or Unfinished Business

A. Consideration and Adoption of the Fiscal Year 2023 Oakland Housing Authority Operating Budget.

Chief Officer of Program and Finance Administration (COPFA), Duane Hopkins, and Director of Finance, Victor Madamba provided a review of changes made to the Fiscal Year 2023 budget. Mr. Hopkins noted the three

changes made: 1.) the final Federal Budget Allocation from HUD was received with an increase in funding. 2.) The Finance team worked closely with Leased Housing to make solid projections and changes in housing assistance payments and rental assistance to reflect the potential increase up to 120% of the fair market rate. 3.) The net surplus deficit of the budget summary shows a negative surplus; however, although there is a loss, there is significant HUD held reserves that are available to cover for the loss.

Mr. Madamba proceeded to discuss excess subsidy over HAP expenses surplus and deficit. Chair Hartwig asked for further clarification on capital outlay and Mr. Madamba noted that capital outlay includes the funds obligated for the development projects. Mr. Hartwig queried why capital outlay would be classified as an expense. Mr. Hopkins addressed Chair Hartwig's question stating that the Agency is providing full disclosure on the funding expected to be spent this year. Additionally, the operating budget shows a profit of \$2.5 million; however, to place the capital outlay in the manner that it is on the summary, it is to demonstrate the cash flow for the Agency's position for the Fiscal Year 2023.

Commissioner Tortorich inquired on the Gross Margin surplus/deficit line item of the budget summary stating that the net change noted as \$4,372,738 does not connect to the math and should be a \$12,159,998 net change. Chair Hartwig requested that the FY23 budget summary be revised to reflect the correct net changes.

Secretary Wells proposed to table the item for the next hour to allow staff to make the necessary corrections so that Board can vote on the corrected and amended item.

The item was brought back before the board at 7:08 p.m. Chief Officer of Program and Finance Administration, Duane Hopkins, presented on the corrected and amended FY23 budget summary and noted the correction of the gross margin surplus/deficit line item. Secretary Wells directed staff to create a new methodology to present the budget summary so that it is easier to understand for future budget presentations.

Having no further questions from the board, Commissioner Jung-Lee moved to approve and adopt the Amended FY23 Operating Budget for the Authority, which was seconded by Commissioner Castillo.

Ayes 6 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich

- VI. Modifications to the agenda
(Allows for any change in the order of business or the announcement of the postponement or continuation of agenda items.) The Board can only take action on items listed on this agenda unless a finding is made that an emergency exists.

Secretary Wells noted for the record that Item V.A. be tabled and voted on further down in the agenda to allow staff time to make corrections to the FY23 budget summary gross margin surplus/deficit line item.

VII. New Business:

A. Police Department Promotional Swearing-in Ceremony

Secretary Wells introduced the item and Chief Carel Duplessis provided the presentation to the Commission. Chief Duplessis introduced Deputy Chief Alan Love, and proceeded with the ceremony. Chief Duplessis facilitated the swearing in of Chief Love. Chief Love expressed his appreciation on the promotion. Commissioners provided Chief Love with their comments of congratulations and welcome.

B. Nomination and Election of Chair and Vice-Chair for the Oakland Housing Authority for a Two-Year Term.

Secretary Wells introduced the item to the Commission. Chair Hartwig commented by thanking everyone on the Commission for trusting him to be Chair. Chair Hartwig further expressed that if anyone wanted to be Chair, he is ready to assist in any way to ensure the next person is successful as Chair of the Board of Commissioners. Nominations were opened for Chair and Vice-Chair.

Commissioner Jung-Lee nominated Greg Hartwig as Chair and Anne Griffith as Vice-Chair for the next two-years. Commissioner Tortorich seconded the motion. Commissioner Castillo asked for a friendly amendment to the motion to instead nominate Vice-Chair Anne Griffith to step up to the position of Chair and that Chair Hartwig, who “has been an incredible Chair for so many years”, take on the role of Vice Chair to support Anne Griffith as Chair of the Board of Commissions should she be willing. Anne Griffith commented that she would be willing. Commissioner Castillo asked for a second on the motion and Commissioner Jung-Lee seconded the motion amending the original nomination.

Chair Hartwig noted that two people were nominated for Chair and he stated he would be happy to step aside for Anne Griffith. Legal Counsel, Jhaila Brown assisted to clarify the process by establishing that a motion is needed to amend the nomination for Commissioner Griffith to be Chair and Commissioner Hartwig to be Vice-Chair. Commissioner Castillo made the amended motion to nominate Commissioner Griffith as Chair and Commissioner Hartwig as Vice-Chair.

For further clarification, a discussion was initiated among the Commissioners as two nominations were made. Commissioner Jung-Lee expressed that she would like to hear from Greg Hartwig and Anne Griffith as to what they look forward to for the next two-years and to hear from other Commissioners.

Chair Hartwig expressed that he looks forward to doing his best to lead the Housing Authority to higher levels of excellence and greater success and reiterated that he would be happy to step aside. Vice-Chair Griffith noted that she aspires to a similar goal and as first-term Chair; she would seek

guidance on the understanding of the position in its fullness and would enjoy the opportunity to work with the team more closely.

Legal Counsel, Jhaila Brown, guided the Commission on the nomination and voting process, establishing a process to include a first and second motion to approve the final nominees for chair and vice-chair, and a separate first and second motion for the action of electing the Chair and Vice-Chair. Commissioner Castillo stated she is happy to nominate Anne Griffith as Chair. Secretary Wells mentioned that the appointed Chair will have an additional duty to be a member of the Oakland Housing Initiatives and Keller Housing Initiatives board. Commissioner Jung-Lee seconded the motion to nominate Anne Griffith as Chair and expressed her gratitude for Chair Hartwig's service over the years.

A roll call was conducted to approve the nomination of Anne Griffith as Chair. The vote passed unanimously by the following vote:

Ayes 6 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich

Ms. Brown led the Commission to make a motion and a second to elect Anne Griffith as the new Chair of the Board. Commissioner Castillo made the motion and it was seconded by Commissioner Jung-Lee. The vote passed unanimously by the following vote:

Ayes 6 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich

Commissioner Castillo made a motion to nominate Greg Hartwig as Vice-Chair and it was seconded by Commissioner Montgomery. A roll call was conducted to approve the nomination of Greg Hartwig as Vice-Chair. The vote passed unanimously by the following vote:

Ayes 6 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich

Ms. Brown led the Commission to make a motion and a second to elect Greg Hartwig as the Vice-Chair of the Board. Commissioner Castillo made the motion and it was seconded by Commissioner Tortorich. The vote passed unanimously by the following vote:

Ayes 6 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich

Secretary Wells expressed gratitude to newly elected Vice-Chair Hartwig for his support over the years and looked forward to working with newly elected Chair Griffith. There were no further comments from the Board of Commissioners.

C. Nomination and Election of Directors for Oakland Affordable Housing Preservation Initiatives Board for a Two-Year Term.

Secretary Wells introduced the item noting the current Directors of OAHPI are Anne Griffith and Mark Tortorich. Commissioner Montgomery made a

motion to have Anne Griffith and Mark Tortorich continue as Directors for the OAHPI Board. Commissioner Jung-Lee seconded the motion. Both Anne Griffith and Mark Tortorich accepted the nomination and expressed they are interested to continue as Directors of the OAHPI Board.

Ayes 6 – Griffith, Hartwig, Castillo, Jung-Lee, Montgomery, Tortorich

Note-Prior to proceeding to item VII.D., Secretary Wells recommended to return to item V.A. Adoption of the FY23 Operating Budget that was tabled at the beginning of the meeting. Upon approval of the FY23 Operating Budget, the Commission proceeded to Item VII.D.

- D. Resolution authorizing the Executive Director to enter into a three-year contract with OpenGov, Inc. for the purchase and installation of budget and performance software in an amount not to exceed \$453,675.06.

Director of Finance, Victor Madamba presented on the item noting that OpenGov, Inc. is a cloud based business system that will allow the agency to combine financial and non-financial data, which will assist in long-term financial planning. Mr. Madamba introduced Regional Manager, Greg Balter from OpenGov, Inc. who provided the Commission with a brief presentation on the software's components.

Having no further questions from the board, a motion was made by Commissioner Jung-Lee, seconded by Commissioner Montgomery, the motion passed by the following vote:

Ayes 6 – Hartwig, Griffith, Castillo, Jung-Lee, Montgomery, Tortorich

- E. Resolution authorizing the Executive Director to amend the contract with Protiviti Government for Temporary Employment by \$100,000 for an amount not to exceed \$245,000.

Director of Human Resources, Drew Felder, presented the item noting that the amendment with Protiviti Government, previously known as Robert Half, is to supplement the HR department staff's efforts to meet the increase need for temporary services due to COVID illnesses, the Great Resignation, and other staff leave occurrences.

Having no further questions from the board, the item was moved by Commissioner Hartwig, seconded by Commissioner Jung-Lee, the motion passed by the following vote:

Ayes 6 – Hartwig, Griffith, Castillo, Jung-Lee, Montgomery, Tortorich

- F. Resolution authorizing the Executive Director to execute a commitment letter and conditional award of up to four (4) additional project-based VASH vouchers to 500 Lake Park.

Chief Officer of Real Estate Development, Tom Deloye, presented the item

noting that the Board took action on this item in February 2020; however, the project is not keeping pace on pre-development milestones as initially projected. The developer is preparing to submit an application for additional funding through the State Super NOFA on July 12. This request to OHA is for an additional four VASH vouchers, which will provide additional operating revenue. The additional VASH vouchers will provide subsidy for formerly homeless veterans.

Having no further questions from the board, a motion was made by Commissioner Castillo, seconded by Commissioner Jung-Lee, the motion passed by the following vote:

Ayes 6 – Hartwig, Griffith, Castillo, Jung-Lee, Montgomery, Tortorich

- G. Resolution authorizing the Executive Director to execute a commitment letter and conditional award of up to eight (8) project-based VASH vouchers to 285 12th Street.

Chief Officer of Real Estate Development, Tom Deloye, presented the item noting that this item is similar to item F; however, it is a different address and different developer. Mr. Deloye stated that the Authority does not own the land and the developer who owns the land is establishing their capital line up to meet the Super NOFA requirements. The Authority has provided the developer sixteen Non-VASH vouchers and the request is to add eight VASH vouchers to bring the total OHA investment to twenty-four vouchers.

Having no further questions from the board, a motion was moved by Commissioner Hartwig, seconded by Commissioner Jung-Lee, the motion passed by the following vote:

Ayes 6 – Hartwig, Griffith, Castillo, Jung-Lee, Montgomery, Tortorich

- H. Consent Agenda:

Items on the Consent Agenda are considered routine and do not require separate discussion. If a Commissioner wishes to have discussion, or if a member of the public wishes to comment on any consent item, the item may be removed from the consent agenda and considered separately. Questions or clarifications may be considered by the Commission without removal from the Consent Agenda. The Consent Agenda is adopted in one motion.

1. Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.
2. Authorizing the Executive Director to issue Blanket Purchase Orders to various vendors with intergovernmental agreements for routine, recurring, low-dollar amount purchases for Fiscal Year 2022-2023 in a total not to exceed amount of \$6,128,935.
3. Authorizing the Executive Director to issue, Blanket Purchase Orders to the listed vendors for routine, recurring, low-dollar amount materials and

services for Fiscal Year 2022-2023.

A motion was made by Commissioner Tortorich to approve the consent agenda, seconded by Commissioner Hartwig, the motion passed by the following vote:

Ayes 6 – Hartwig, Griffith, Castillo, Jung-Lee, Montgomery, Tortorich

VIII. Written Communications Departments' Monthly Report.

Secretary Wells briefed the Commission on the Departmental Monthly Report for the month of May 2022.

IX. Executive Director's report regarding matters of special interest to the Commission occurring since the last meeting of the Commission.

Secretary Wells briefed the Commission on the following topics:

- Emergency Housing Vouchers
- Final Message from Chief Carel Duplessis
- Letter from Senator Alex Padilla supporting affordable housing

Commissioner Montgomery asked staff to explain the process to provide residents rent payment assistance. Directors of Leased Housing, Asset Management, and Property Operations provided a brief overview of the resources provided to resident's for the different housing programs.

X. Reports of Commission Committees.

There were no reports by Commission Committees

XI. Announcements by Commissioners.

There were no announcements by Commissioners

XII. Adjournment to Closed Session

A. Threat to Public Services or Facilities pursuant to Government Code Section 54957 (a)

Consultation with: Oakland Housing Authority (OHA) Police Department and Chief of Police, Alan Love and OHA Annuitant Assistant to the Executive Director, Carel Duplessis

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Location:	7007 MacArthur Blvd. Oakland, CA 94605
Assessor's Parcel No.:	39-3291-4
Agency Negotiation:	Tom Deloye, Chief Officer of Real Estate Development, Jonathan Young, Development

Negotiating Parties:	Program Manager, and Isabel Brown, Legal Counsel
Under Negotiation:	Wings of Love Maranatha Ministries
	Price and Terms of Payment

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to
Government Code Section 54956.8

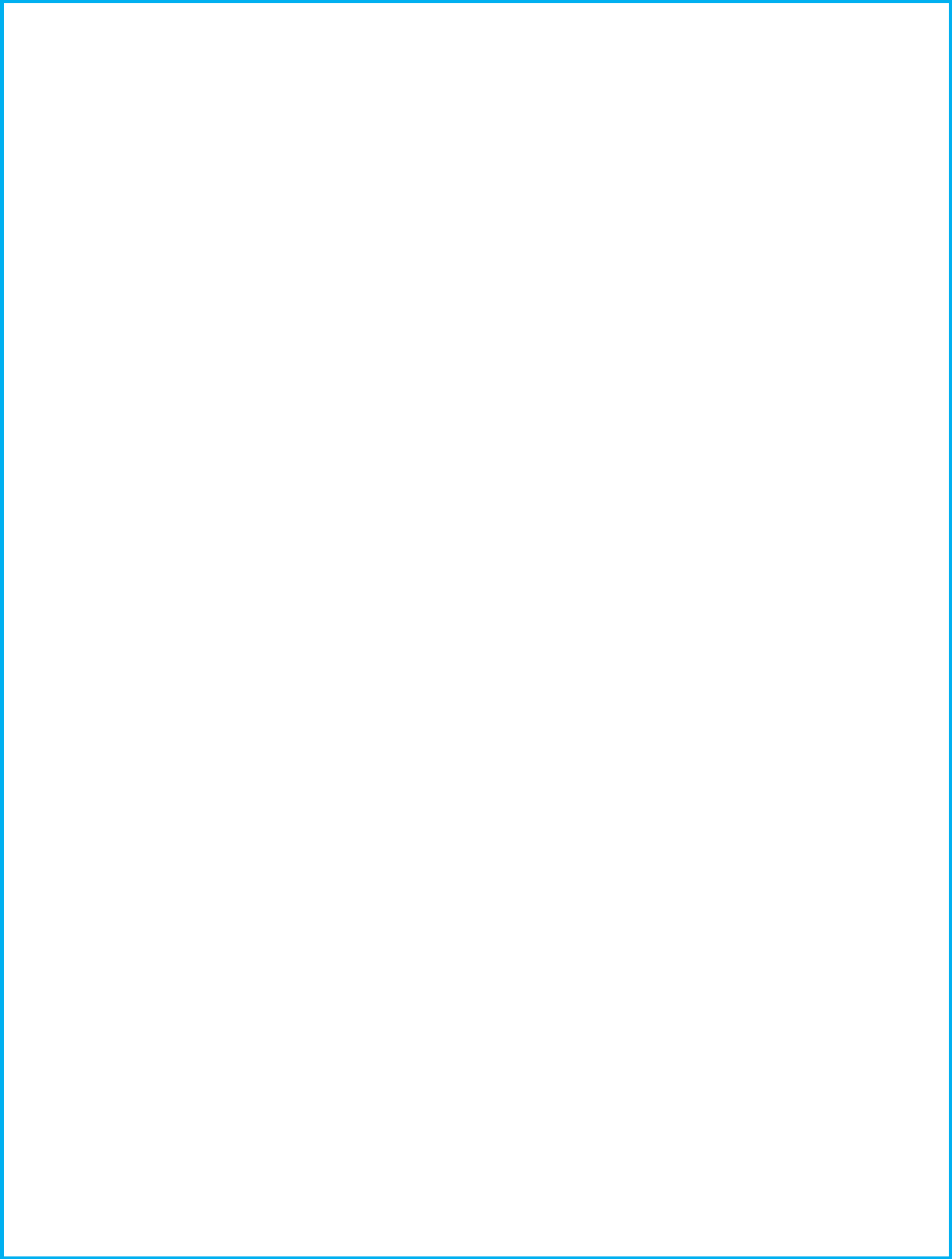
Property Location:	6948 Foothill Blvd. Oakland, CA 94605
Assessor's Parcel No.:	39-3291-18

Agency Negotiation:	Tom Deloye, Chief Officer of Real Estate Development, Jonathan Young, Development Program Manager, and Isabel Brown, Legal Counsel
Negotiating Parties:	Wings of Love Maranatha Ministries

A motion was made by Vice-Chair Hartwig to adjourn to closed session and seconded by Commissioner Jung-Lee. The meeting adjourned at 7:18 p.m.

Anne Griffith, Chair of the Commission

Patricia Wells, Secretary/Executive Director



ITEM: VII.A.

Executive Office
Oakland Housing Authority MEMORANDUM

To: Board of Commissioners

From: Patricia Wells, Executive Director

DocuSigned by:

Patricia Wells

722CF180EE194A1...

Subject: Presentation of the Oakland Housing Authority Police Department Medal of Merit to Officer Ismael Velasquez

Date: June 27, 2022

Officer Ismael Velasquez of the Oakland Housing Authority Police Department (OHAPD) has distinguished himself through outstanding performance, dedication to duty, and service to the community of Oakland and is awarded the OHAPD Medal of Merit for his actions during a fire emergency in the West Oakland community.

BACKGROUND

On February 15, 2022, Officer Velasquez was the first responder on the scene at the Acorn City Tower at 725 Market Street and located a fire breaking out on the sixth floor. After requesting assistance from additional emergency responders, he entered the building alone and immediately began directing the residents to leave the building. Although the hallways were filled with smoke, Officer Velasquez continued to knock on doors on all building floors, stopping to assist elderly tenants in leaving the building. Without firefighting protective equipment, the heat and heavy black smoke made it difficult for him to proceed when he reached the sixth floor. Unable to go further, he went down the stairs assisting others down and out of the building. Officer Velasquez provided vital information to the responding OHAPD officers and Oakland Fire Department (OFD) firefighters.

Officer Velasquez's immediate and decisive action ensured all tenants were evacuated safely and provided the OFD with the logistical intelligence to effectively extinguish the fire.

The Executive Director and the OHAPD are proud to announce that Officer Ismael Velasquez has been awarded the Medal of Merit for his demonstrated valor and courage for running into a burning high-rise building, helping evacuate tenants, and directing responding OHAPD and OFD units to the location of the fire through smoke-filled stairwells.

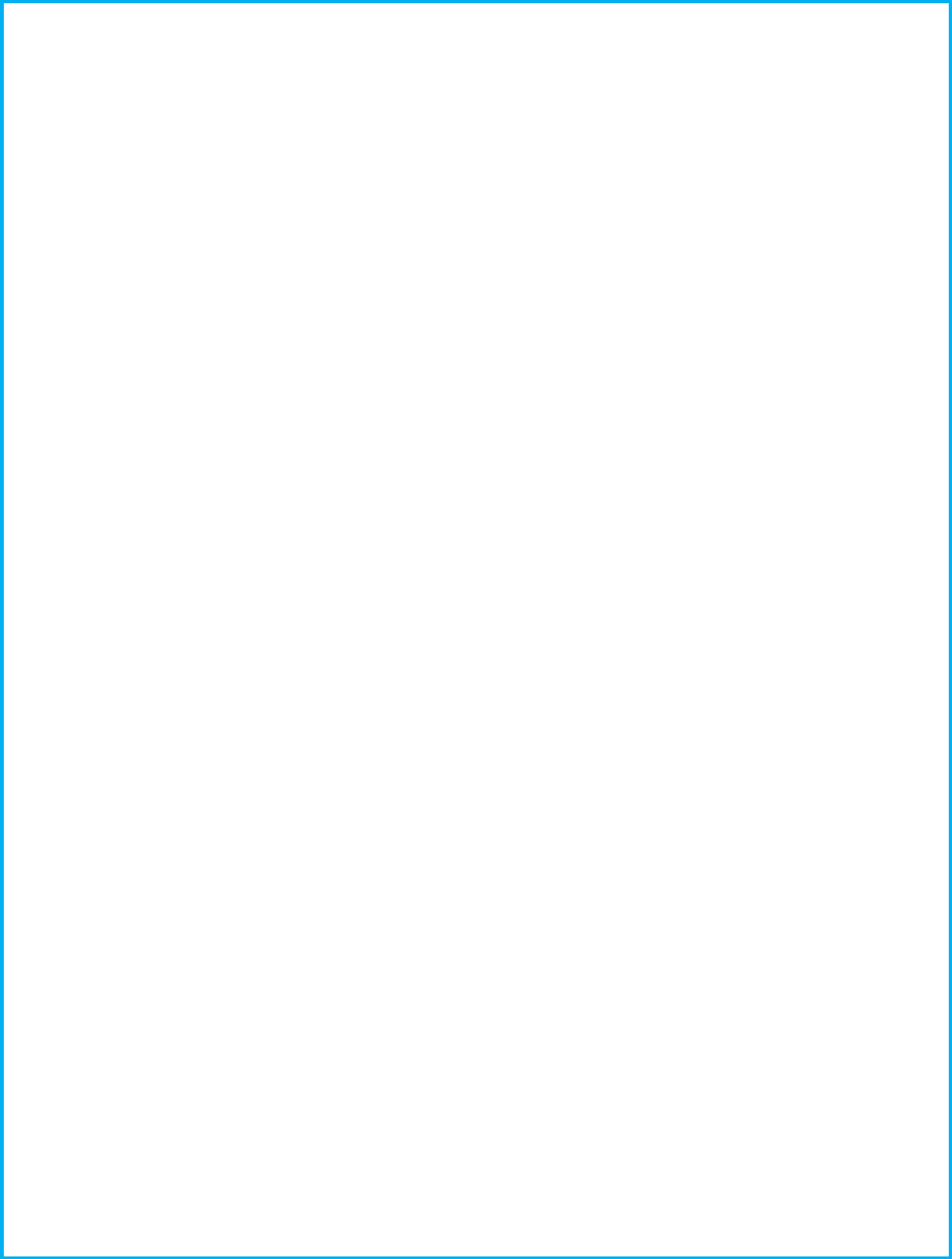
The OHAPD Medal of Merit is awarded to employees who have acted under adverse conditions, risking some degree of hazard to life and limb, or where death or injury to

Medal of Merit to Officer Velasquez

Page 2 of 2


another party is prevented. This nomination was vetted through a review of OHAPD personnel who responded to the fire and Officer Velasquez's body-worn camera footage. Please join us in celebrating Officer Velasquez for this courageous achievement.

Chief Alan Love will facilitate the presentation.



ITEM: VII.B.**Executive Office
Oakland Housing Authority MEMORANDUM**

To: Board of Commissioners

From: Patricia Wells, Executive Director 
722CF180EE194A1...

Subject: Public Hearing on the proposed Oakland Housing Authority Draft Military Equipment Policy.

Date: July 25, 2022

Purpose: The Oakland Housing Authority proposed Military Equipment Policy provides guidelines for the adherence to obligations set forth in Assembly Bill No. 481, regarding the compliance, annual reporting, cataloging and response to complaints regarding specific items deemed “military equipment”. The public comment for the draft plan began on Wednesday, June 8, 2022, and concludes on Monday, July 25, 2022. The 30-day public comment period commenced on June 8, 2022, and the public hearing will be held on Monday, July 25, 2022, at 6:00 PM.

Funding: No funding is required for this item.

Background

On September 30, 2021, Governor Newsom signed into law policing reform legislation, including Assembly Bill 481. AB 481 requires law enforcement agencies (LEA) to obtain approval from the applicable governing body for their respective agency, via the adoption of a “Military Equipment Use Policy” by ordinance, or in the case of the Oakland Housing Authority (OHA), approval must be obtained from the Board of Commissioners, by resolution prior to LEA funding, acquiring, or using military equipment.

Consistent with the requirements of AB 481, staff introduced the Police Department draft policy and a draft resolution to the OHA Board of Commissioners at the April 25, 2022 Board of Commissioners Meeting, along with a plan to elicit public comments related to the draft policy. The plan included two methods to both educate community education and obtain comments from the Oakland community:

- Posting the draft Military Equipment Use Policy – Policy 706, on the OHA website on June 8, 2022, with instructions to the public to provide information related to the policy, and
- A presentation to the OHA Resident Advisory Board (RAB) on the draft policy on June 8, 2022.

Recommended Action

Military Equipment Policy
Page 2 of 2

Staff recommends that the Board of Commissioners open and close the public hearing for public comments on the proposed Military Equipment Policy.

Attachments: OHAPD Military Equipment Policy 706

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, funding, use and reporting requirements of "military equipment", as the term is defined in Government Code Section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. Access to this equipment by sworn members of the OHAPD provides officers options to safeguard lives, ensure safety, and protect civil liberties of all citizens. OHAPD officers must have an understanding of, and true appreciation for, the limitations of their authority, particularly with respect to overcoming unlawful resistance from those with whom they come in official contact. In addition, this policy safeguards the public's welfare, safety, civil rights and civil liberties, and ensures that there are safeguards, including transparency, oversight, and accountability measures in place.

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire or use such equipment. Decisions regarding whether and how military equipment is funded, acquired or used should give strong consideration to the public's welfare, safety, civil rights, civil liberties, and should be based on meaningful public input. (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body - means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

Oakland Housing Authority (OHA) Board of Commissioners (BOC): – The Oakland Housing Authority BOC is the governing body for the OHAPD.

Military Equipment – Includes but is not limited to the following:

- (1) Wheeled armored vehicles that re either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

- (2) Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.
- (3) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion. (4)
- (4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (5) Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (6) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or that is explosive in nature.
- (7) Firearms of .50 caliber or greater.
- (8) Ammunition of .50 caliber or greater.
- (9) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30515 of the Penal Code, with the exception of other service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency.
- (10) Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.
- (11) Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (12) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (13) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (14) Sonic weapons, including the Long Range Acoustic Device sound cannon.
- (15) Any other equipment as determined by the state coordinator pursuant to Section 7074.

706.2 POLICY

It is the policy of the Oakland Housing Authority Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights and civil liberties before military equipment is funded, acquired, or used. Any military equipment acquired prior to the enactment of this policy shall adhere to all protective measures set forth in this policy and comply with the provisions of Government Code § 7071 with respect to military equipment.

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

706.3 MILITARY EQUIPMENT USE CONSIDERATIONS

The military equipment acquired and authorized by the Department is:

- A. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety,
- B. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, and
- C. Military equipment shall only be used by a Department employee after receiving applicable training and demonstrating proficiency in its use.

706.4 MILITARY EQUIPMENT COORDINATOR

The Lieutenant Adjutant will serve as the military equipment coordinator. The responsibilities of the military equipment coordinator include, but are not limited to:

- (a) Acting as liaison to the Chief of Police for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the Board of Commissioners.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Oakland Housing Authority Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.5 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying military equipment for the Department:

Unmanned Vehicle (Equipment Category 1)

- A. **Description, quantity, capabilities and purchase cost:** **Recon Scout XT-**
Quantity (1) – Cost \$8,000 Battery powered, remote operated micro-robot platform that enables trained officers to obtain instantaneous video and audio reconnaissance

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

within hazardous indoor or outdoor environments while not escalating This micro-robot is designed to be able to crawl over a variety of terrain, clearing obstacles up to 2" (5 cm) tall.

- B. **Purpose** – To be used to remotely gain on-scene and real-time visual/audio data allowing officers to quickly make informed decisions.
- C. **Authorized Use** – Only assigned officers who have completed the required training shall be permitted to operate the Recon Scout XT. All applicable State, Federal and Local laws governing police including OHAPD policies apply to the use of the robot.
- D. use of force.
- E. **Expected Lifespan** – 10-15 years
- F. **Fiscal Impact** – No known annual maintenance cost.
- G. **Training** – All robot operators must complete appropriate officer training on operating the Recon Scout XT. Officers are designated by the Police Department to operate the robot during critical incidents.

Command and Control Vehicle (Equipment Category 5)

- A. **Description, quantity, capabilities and purchase cost:** **Mobile Command Center-** Quantity (1) – Cost \$250,000 The vehicle is a converted 1991 Carlin Recreational Vehicle. The vehicle is affixed with Code 3 lights and siren and OHAPD graphics. The vehicle contains two workspaces including computer monitors, seating, and table tops.
- B. **Purpose** – To be used as an alternate Communications Center in the event of a system failure.
- C. **Authorized Use** – The vehicle is only authorized as a secondary Communications Center and is not driven. The vehicle is parked at the Service Center adjacent to the Communications Center. All applicable State, Federal and Local laws governing police including OHAPD policies apply to the use of the Mobile Command Center.
- D. **Expected Lifespan** – The vehicle has exceeded its lifespan.
- E. **Fiscal Impact** – No known annual maintenance cost.
- F. **Training** – Staff members receive training on the operation of the vehicle to include system and generator start-up.

Specialized Firearms and ammunition (Equipment Category 10)

- A. **Description, quantity, capabilities and purchase cost:**
 - 1. **Patrol Rifle** – Quantity (22) Cost \$1,500 (fully equipped). The Colt AR-15 patrol rifle is a firearm capable of accurately stopping an armed subject at various distances. The rifle is a light weight shoulder fired weapon designed for semi-automatic fire.
 - 2. **.223 cal. / 5.56 mm Ammunition** – Quantity (18,000 rounds) Cost (\$12,000) The .223 cal. / 5.56 mm cartridge is used as a lethal option designed to stop a

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

violent encounter. The round is capable of penetrating soft body armor being worn by armed subjects.

- B. **Purpose** – In defense of life, officers may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed.
- C. **Authorized Use** – All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use the patrol rifles. Situations which the rifle may be deployed may include, but are not limited to:
 - 1. Situations where the member reasonably anticipates an armed encounter.
 - 2. When a member is faced with a situation that may require accurate and effective fire at long range.
 - 3. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
 - 4. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
 - 5. When a member reasonably believes that a suspect may be wearing body armor.
- D. **Expected Lifespan** – With proper maintenance and care, there is no expected lifespan of the patrol rifle.
- E. **Fiscal Impact** –
 - 1. Colt AR-15 – Annual Maintenance Cost \$1,500
 - 2. (Training Ammunition) – Annual Cost \$6,800 **(12,000 Total Rounds)**
 - 3. (Duty Ammunition) – Annual Cost \$4,000 **(4,500 Total Rounds)**
- F. **Training** – Prior to using a patrol rifle, officers must be certified through the California Peace Officers Standards and Training (POST). Additionally, all officers that operate a rifle are required to pass a range qualification twice a year.

Pepperball Launcher and Ammunition (Equipment Category 12)

- A. **Description, quantity, capabilities and purchase cost:**
 - 1. **FN 303-** Quantity (3) – Cost \$1,500 each - Specialty munitions launcher that uses compressed air to fire .68 cal. fin stabilized projectiles, which are capable of carrying a variety of payloads such as PAVA/OC Powder and Indelible Marking Paints. The launcher is semi-automatic and fires from a 15 round magazine.
 - 2. **FN 303 INDELIBLE PAINT/ MARKING ROUND** - Cost: \$900 Quantity: 150 rounds. The FN 303 Indelible Paint is a .68 cal round which weighs approximately 8.5 grams. The round works primarily through blunt trauma, similar to other specialty impact munitions. In addition, the round contains a non-washable, indelible, paint. This paint is yellow in color and is designed to allow for the later identification suspects.

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

3. **FN 303 PAVA POWER/ OLEORESIN CAPSICUM ROUND** - Cost: \$900
Quantity: 150 rounds. The FN 303 PAVA Power round is a .68 cal fin stabilized projectile. It weighs approximately 8.5 g. In addition to blunt trauma, the PAVA Power round uses a synthetic version of Oleoresin Capsicum (pepper spray) to create a secondary effect on the target.
 4. **FN 303 CLEAR IMPACT** - The FN 303 clear impact round is a .68 cal round which weighs approximately 8.5 grams. It contains no payload and shall only be used for training purposes.
- B. **Purpose** – The Specialty Impact Munitions are a means of delivering less-lethal projectiles at an armed or violent subject from safer distances than traditional hand-held impact weapons.
 - C. **Authorized Use** – The discharge of the FN 303 Less-Lethal Launcher shall be in accordance with this policy and Departmental Policy 300 - USE OF FORCE and 306 – FN 303 LESS LETHAL LAUNCHER. All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use of the FN-303 and Munitions.
 - D. **Expected Lifespan** – With proper maintenance and care, there is no expected lifespan of the patrol rifle. Air Bottles will need to be replaced as needed.
 1. Fiscal Impact – FN 303 – Annual Cost \$3,000
 2. (Training Ammunition) – Annual Cost \$1,800 **(300 Rounds)**
 3. (Marking Rounds) – Annual Cost \$1,800 **(300 Rounds)**
 4. PAVA / OC Rounds – Annual Cost \$1,800 **(300 Rounds)**
 - E. **Training** – Only sworn personnel who have received training in the use of the FN 303 Less-Lethal Launcher and who have demonstrated proficiency with the system are authorized to deploy the FN 303 Less-Lethal Launcher.

Less-Lethal Projectile (Equipment Category 1)

- A. **Description, quantity, capabilities and purchase cost:**

Extended Range Impact Munition- Quantity (300 rounds) – Cost \$3,600

- (b) **Purpose** – The Specialty Impact Munitions are a means of delivering less-lethal projectiles at an armed or violent subject from safer distances than traditional hand-held impact weapons.
- (c) **Authorized Use** – The use of Extended Range Impact Munitions shall be in accordance with this policy and Departmental Policy 300 – DE-ESCALATION and USE OF FORCE and 306 – FN 303 LESS LETHAL LAUNCHER. All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use of Extended Range Impact Munitions.
- (d) **Expected Lifespan** – There is no expected lifespan on these munitions.
- (e) **Fiscal Impact** – Extended Range Impact Munitions – Annual Cost \$2,000

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

- (f) **Training** – Only sworn personnel who have received training in the use of the Extended Range Impact Munitions and who have demonstrated proficiency with the system are authorized to deploy the Extended Range Impact Munitions.

706.6 BOARD OF COMMISSIONER APPROVAL

The Chief of Police shall obtain approval from the Board of Commissioners by way of a resolution adopting the military equipment policy. As part of the approval process, the Chief of Police shall ensure the proposed military equipment policy is submitted to the Board of Commissioners and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the Board of Commissioners prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment be made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the Board of Commissioners.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.7 MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment ammunition, specifically, Drag Stabilized Flexible Baton rounds, or FN 303 munitions have reached significantly low levels or have been exhausted, the Department may order up to 50% of stock in a calendar year without the Board of Commissioners approval to maintain availability for the Department's needs. All other specified military equipment shall require board authorization to replace.

706.8 COORDINATION WITH OTHER JURISDICTIONS

On occasion, OHAPD may be required to assist or be assisted by other law enforcement agencies in a formal Law Enforcement Mutual Aid Request (LEMA) or support with day to day operational collaboration (i.e. pursuits, investigative unit assistance, joint law enforcement operations, etc.). In certain mutual aid or operational collaboration circumstances, it may be necessary for sworn Department members to utilize military equipment in order to fulfill an assigned mission (i.e. civil unrest, tactical requests, barricaded suspects, etc.).

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

When sworn Department members utilize military equipment in instances of mutual aid or law enforcement collaboration, the following shall apply:

- A. Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the OHAPD's Policy manual regardless of operational jurisdiction.
- B. Should the OHAPD request mutual aid from another law enforcement agency and military equipment is required during the course of the response, the following shall apply:
 1. The OHAPD shall remain in charge of the overall incident command.
 2. The Incident Commander or designee shall brief the supervisor from the assisting agency and inform them of the mission, enforcement posture, and any pertinent information related to the incident.
 3. The assisting agency will be expected to adhere to their respective policies and procedures, particularly those governing the use of military equipment.

Military equipment owned by the OHAPD should not be used by any other law enforcement agency, unless the military equipment is approved for use in accordance with the outside agency's military equipment policy.

706.9 TEMPORARY ACQUISITION OF MILITARY EQUIPMENT

Military equipment owned by the OHAPD shall not be loaned or used by any other law enforcement agency unless the military equipment is approved for use in the outside agency's policy.

At certain times the Department may require the use of military equipment which is maintained agency inventory. This policy authorizes the Chief of Police to temporarily acquire equipment from outside law enforcement agencies in situations which would enhance the safety of the public and officers, and to bring a critical incident to a safe resolution. Equipment authorized for temporary acquisition is limited to;

- A. Unmanned, remotely piloted, powered aerial or ground vehicle (i.e. drones and throw bots), or
- B. Armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

Instances in which the temporary acquisition of equipment has occurred shall be documented in the annual report.

706.10 TESTING AND EVALUATION OF MILITARY EQUIPMENT FOR POTENTIAL FUTURE ACQUISITION

While the Department's current inventory of military equipment is operationally sufficient advancements in technology, tactics, and operational effectiveness may necessitate the expansion or complete replacement of certain items of military equipment in the current inventory. From time to time, certain equipment vendors and/or manufacturers may loan certain military

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

equipment items for testing to conduct assessments involving feasibility of use, cost analysis, effectiveness, and training efficacy. This process is commonly referred to as "Testing and Evaluation" (T&E).

During the Testing and Evaluation process, staff conducts assessments of the equipment being tested and opine the viability of whether or not an item of military equipment should be considered for Department use. Military equipment that is being tested shall not be used operationally without express approval from the Office of the Chief of Police, and approval of the Board of Commissioners.

Only similar military equipment within the Department's current military equipment inventory may be used for Testing and Evaluation provided authorization is received from the Office of the Chief of Police. Military equipment that is not similar to the Department's current military equipment inventory must be approved by the Board of Commissioners and the Office of the Chief of the Police, prior to acquisition for the Testing and Evaluation process.

Military equipment items that have been assessed and recommended for final approval after undergoing the Testing and Evaluation process must be approved by the Board of Commissioners and the Office of the Chief of the Police prior to being formally acquired for Department inventory and operational use.

706.11 ANNUAL REPORT

Upon approval of a military equipment policy, the Lieutenant Adjutant should submit a military equipment report to the Board of Commissioners for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Lieutenant Adjutant shall also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

The annual military equipment report shall, at a minimum, include the following information for the immediately proceeding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following the submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment (in the form of an annual inventory).

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

- (f) If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

706.12 COMMUNITY ENGAGEMENT

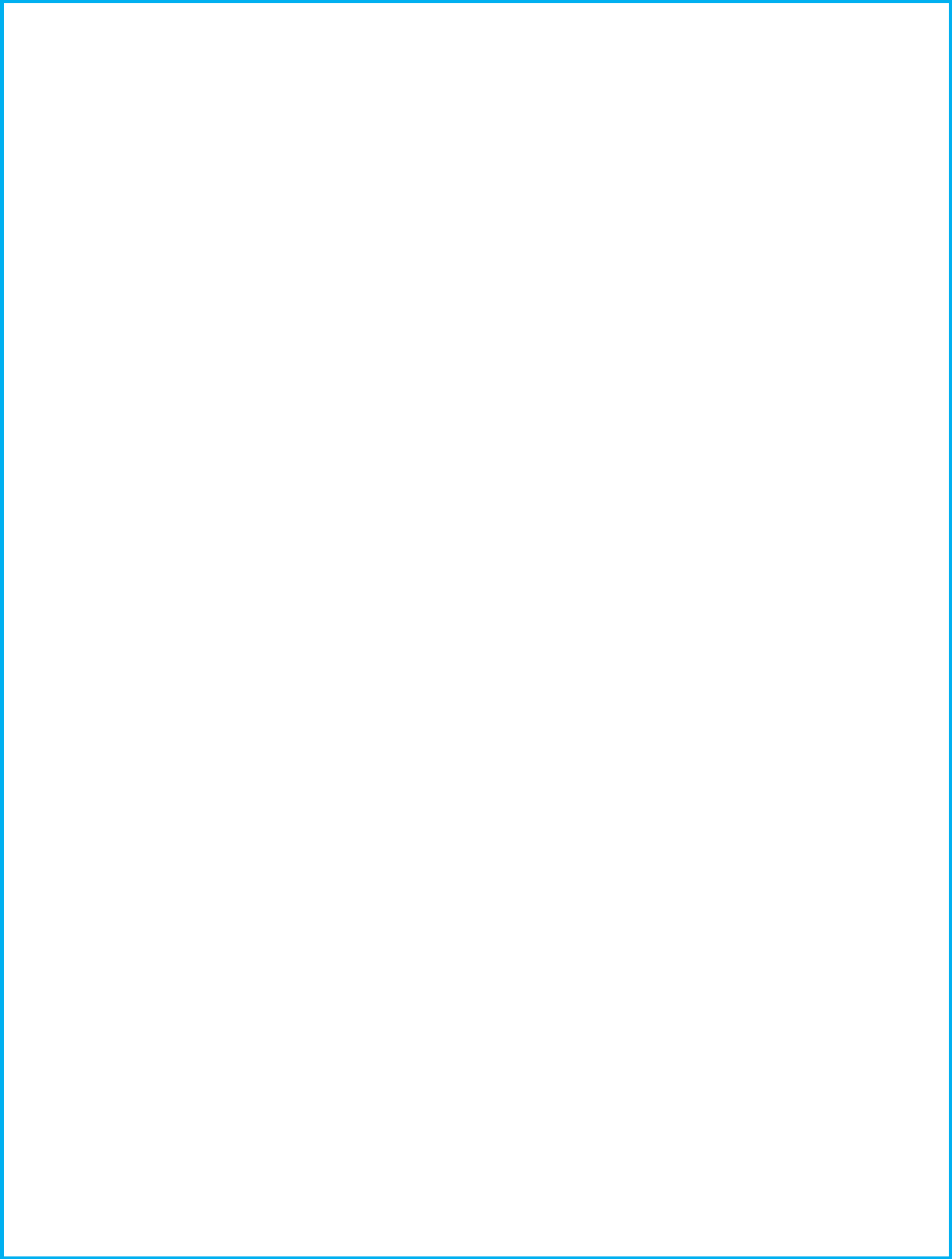
Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.) to the Office of the Chief of Police. The received form will be considered a public records request and handled in accordance to the Oakland Housing Authority's public records policy.

706.13 DIRECTIVE HISTORY AND REVISION(S)

CALEA STANDARD - N/A

Prior Directive - N/A

Revisions - N/A



ITEM: VII.C.

**Executive Office
Oakland Housing Authority MEMORANDUM**

To: Board of Commissioners

From: Patricia Wells, Executive Director

DocuSigned by:

Patricia Wells

722CF180EE194A1...

Subject: Presentation and briefing plan for the future adoption of a "Military Equipment Use Policy" resolution in accordance with the requirements of California Assembly Bill 481.

Date: July 25, 2022

Purpose: The Oakland Housing Authority Police Department (OHAPD) seeks approval from the Board of Commissioners to authorize the Executive Director to approve the "Military Equipment Use Policy" in order to comply with California law.

Funding: Acceptance of this policy has no fiscal impact on the Authority.

Summary and Recommendation

On September 30, 2021, Governor Newsom signed into law a series of policing reform legislation, including Assembly Bill 481 (AB 481). AB 481 requires a law enforcement agency (LEA) to obtain approval from the applicable governing body, via the adoption of a "Military Equipment Use Policy" by ordinance, or in the case of the Oakland Housing Authority, by resolution prior to the LEA funding, acquiring, or using military equipment.

The OHAPD has prepared the attached proposed Military Equipment Use Policy – 706, in order to allow OHAPD to continue to use the vital equipment specified therein. Items considered "military equipment" by AB 481 are used as a component of overall best practices for LEAs throughout the country. These tools have been tested in the field, and are used by LEAs to enhance citizen safety and officer safety. The loss of these items would jeopardize the welfare of residents, community members, and peace officers within the OHAPD.

Consistent with the requirements of AB 481, the policy and drafted resolution are offered for the Board of Commissioners' consideration and adoption.

- The Draft Military Equipment Use Policy – 706 was presented to the Board of Commissioner's – Ad Hoc Public Safety Committee on March 30, 2022.
- The Draft Military Equipment Use Policy – 706 was presented at the Board of Commissioner's Meeting on April 25, 2022.

Presentation of the Military Equipment Use Policy

Page 2 of 3

- The Draft Military Equipment Use Policy – 706 has been posted on the OHA website since June 8, 2022, with instructions to the public to provide information related to the policy. To date, no community feedback has been received.
- The draft policy was presented to the Resident Advisory Board (RAB) on June 8, 2022. RAB members and a member of the Board of Commissioner's Public Safety Ad Hoc Committee attended the meeting. No alterations to the policy were recommended at the RAB.

Fiscal Impact

There are no new fiscal impacts associated with the introduction of this policy. No new equipment purchases or expenditures are being requested as part of this item.

Background and Analysis

The term "military equipment", as used in AB 481, does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be "military equipment" include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, and less lethal munitions.

OHAPD is committed to using the most up-to-date tools and equipment to safeguard the residents and staff of the Authority. Many of the law's items deemed "military equipment" 481 are currently employed by the OHAPD and LEAs across the country to reduce risk to community members.

These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. The items in this report, the accompanying Military Equipment Use Policy, and a comprehensive Use of Force policy provide OHAPD's peace officers with vital tools to facilitate community safety.

Other items deemed to be "military equipment" via AB 481 include foundational equipment such as rifles. These rifles allow peace officers to address deadly threats from a greater distance and precision.

OHAPD officers have faced potential and actual gunfire from suspects requiring the protection of armored/ballistic vehicles to shield officers and the community. The protection with ballistic equipment allows for more time and opportunity to attempt to deescalate situations and provide for safer tactics to resolve life-threatening events in the safest way possible.

There is significant interest in ensuring that law enforcement continues to have access

Presentation of the Military Equipment Use Policy

Page 3 of 3

to equipment that provides peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the tools identified below is vital to OHAPD's mission and will continue to be strictly regulated through internal processes and oversight. OHAPD's Military Equipment Policy outlines each item identified in Government Code section 7070, which is currently owned by the Authority or items that the Authority may acquire in the future.

The policy does include the current inventory that OHAPD currently maintains. Inventory changes will be periodically provided to the Board of Commissioners in the annual report as is required in AB 481.

The proposed policy protects the public's welfare, safety, civil rights, and civil liberties by ensuring safeguards such as transparency, oversight, and accountability measures are in place. Violations of OHAPD Policy 706 will be corrected when discovered and members of the public will be provided directions on how to register complaints for violations. Any use of the equipment listed in the policy resulting in a use of force will be investigated, per the existing OHAPD policy.

There are no reasonable alternatives to the items listed below. OHAPD has not discovered alternative items that can achieve the same objectives of officer and civilian safety.

Recommendation:

It is recommended that the Board of Commissioners approve OHAPD's Policy 706, which constitutes OHAPD's Military Equipment Use Policy.

Attachments: Oakland Housing Authority Police proposed Policy #706
Resolution

Legislative Update

Government Code 7070 - 7072

Presented by:

Alan Love, Chief of Police

Oakland Housing Authority Police Department

Board of Commissioners Meeting July 25, 2022



Purpose

- Inform the Board of Commissioners
- Provide drafted policy regarding Military Equipment
- Conclude the process in accordance with the statute.



Definitions

Governing Body – Elected or appointed body which oversees a law enforcement agency

Law Enforcement Agency – All Police Departments, Sheriffs Offices, County Probation Departments, and District Attorney's Offices

Military Equipment – Equipment that is militaristic in nature



Equipment List

- Unmanned Vehicles
- Military-style vehicles or Armored Personnel Carriers
- Additional Military – Style vehicles
- Tracked Armored Vehicles
- Command Vehicles
- Weaponized aircraft, vessels, or vehicles
- Explosive Breaching Equipment
- Large Caliber Firearms
- Large Caliber Ammunition
- Specialty Firearms and ammunition
- Projectile Launchers
- Flashbangs & Explosive Breaching Tools
- Acoustic, Microwave, and Water Weapons
- Kinetic Energy Weapons and Munitions



Equipment List

- Unmanned Vehicles
- ~~Military-style vehicles or Armored Personnel Carriers~~
- Additional Military – Style vehicles
- ~~Tracked Armored Vehicles~~
- Command Vehicles
- ~~Weaponized aircraft, vessels, or vehicles~~
- ~~Breeching Equipment~~
- ~~Large Caliber Firearms~~
- ~~Large Caliber Ammunition~~
- Specialty Firearms and ammunition
- ~~Projectile Launchers~~
- ~~Flashbangs & Explosive Breeching Tools~~
- ~~Acoustic, Microwave, and Water Weapons~~
- Kinetic Energy Weapons and Munitions



Additional Military-style vehicles

OHAPD has access to this type of equipment.



Unmanned Vehicles

Unmanned, remotely piloted, powered aerial or ground vehicles.



Command Vehicles

Command vehicles built or modified to facilitate the operational control and direction of public safety units



Specialty Firearms and Ammunition

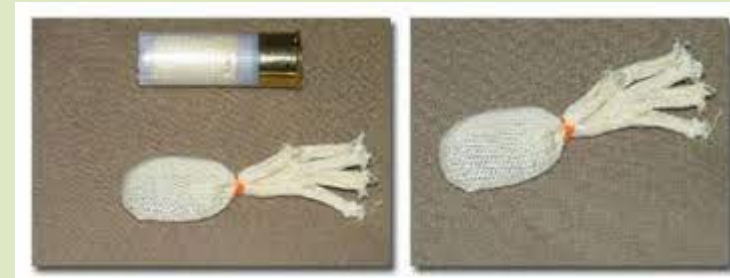
- Patrol Rifles and ammunition



Kinetic Energy Weapons and Munitions

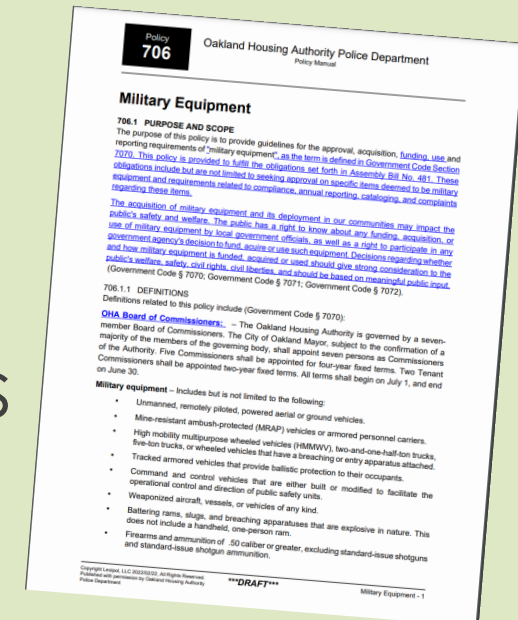
Less-Lethal kinetic projectiles and specialty impact munition (SIM) weapons.

- **Kinetic Energy Projectiles**
- **Less Lethal FN-303 launchers (3)**
- **Pepperball Munitions**



Draft Policy

- Provides guidelines for the approval, acquisition and reporting requirements
- Provides Equipment Inventory
- Describes the Approval Process
- Outlines Annual Reporting requirements
- Public Input and Complaints



Next Steps / Action Plan

- ✓ Public Safety Ad-Hoc (3/30/22)
- ✓ Board of Commissioners (4/25/2022)
 - ✓ Presentation
 - ✓ Equipment
 - ✓ Draft Policy
- ✓ Post on OHAPD Web-site (6/8/2022)
- ✓ Resident Advisory Board (6/8/2022)
 - ✓ Presentation
- BOC Meeting 7/25/2022
 - Public Hearing
 - Board of Commissioners Approval and Resolution



*Thank
you*



Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, funding, use and reporting requirements of "military equipment", as the term is defined in Government Code Section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. Access to this equipment by sworn members of the OHAPD provides officers options to safeguard lives, ensure safety, and protect civil liberties of all citizens. OHAPD officers must have an understanding of, and true appreciation for, the limitations of their authority, particularly with respect to overcoming unlawful resistance from those with whom they come in official contact. In addition, this policy safeguards the public's welfare, safety, civil rights and civil liberties, and ensures that there are safeguards, including transparency, oversight, and accountability measures in place.

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire or use such equipment. Decisions regarding whether and how military equipment is funded, acquired or used should give strong consideration to the public's welfare, safety, civil rights, civil liberties, and should be based on meaningful public input. (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body - means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

Oakland Housing Authority (OHA) Board of Commissioners (BOC): – The Oakland Housing Authority BOC is the governing body for the OHAPD.

Military Equipment – Includes but is not limited to the following:

- (1) Wheeled armored vehicles that re either built or modified to provide ballistic protection to their occupants, including a mine-resistant ambush protected (MRAP) vehicle or an armored personnel carrier.

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

- (2) Wheeled tactical vehicles that are either built to operate both onroad and offroad in supporting military operations, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck, or built with a breaching or entry apparatus attached.
- (3) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion. (4)
- (4) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (5) Weaponized aircraft, vessels, or vehicles of any kind, whether manned or unmanned.
- (6) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, ballistic, such as a slug, or that is explosive in nature.
- (7) Firearms of .50 caliber or greater.
- (8) Ammunition of .50 caliber or greater.
- (9) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Section 30515 of the Penal Code, with the exception of other service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency.
- (10) Any firearm or firearm accessory, excluding the service weapons described in paragraph (9), that is designed to launch small projectiles, including, but not limited to, a grenade launcher or a riot gun used to disperse chemical agents.
- (11) Any large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.
- (12) Explosives and pyrotechnics, including grenades referred to as flashbang grenades and explosive breaching tools.
- (13) Riot batons, riot helmets, and riot shields, but excluding service-issued telescopic or fixed-length straight batons.
- (14) Sonic weapons, including the Long Range Acoustic Device sound cannon.
- (15) Any other equipment as determined by the state coordinator pursuant to Section 7074.

706.2 POLICY

It is the policy of the Oakland Housing Authority Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights and civil liberties before military equipment is funded, acquired, or used. Any military equipment acquired prior to the enactment of this policy shall adhere to all protective measures set forth in this policy and comply with the provisions of Government Code § 7071 with respect to military equipment.

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

706.3 MILITARY EQUIPMENT USE CONSIDERATIONS

The military equipment acquired and authorized by the Department is:

- A. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety,
- B. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety, and
- C. Military equipment shall only be used by a Department employee after receiving applicable training and demonstrating proficiency in its use.

706.4 MILITARY EQUIPMENT COORDINATOR

The Lieutenant Adjutant will serve as the military equipment coordinator. The responsibilities of the military equipment coordinator include, but are not limited to:

- (a) Acting as liaison to the Chief of Police for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the Board of Commissioners.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Oakland Housing Authority Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.5 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying military equipment for the Department:

Unmanned Vehicle (Equipment Category 1)

- A. **Description, quantity, capabilities and purchase cost:** **Recon Scout XT-**
Quantity (1) – Cost \$8,000 Battery powered, remote operated micro-robot platform that enables trained officers to obtain instantaneous video and audio reconnaissance

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

within hazardous indoor or outdoor environments while not escalating This micro-robot is designed to be able to crawl over a variety of terrain, clearing obstacles up to 2" (5 cm) tall.

- B. **Purpose** – To be used to remotely gain on-scene and real-time visual/audio data allowing officers to quickly make informed decisions.
- C. **Authorized Use** – Only assigned officers who have completed the required training shall be permitted to operate the Recon Scout XT. All applicable State, Federal and Local laws governing police including OHAPD policies apply to the use of the robot.
- D. use of force.
- E. **Expected Lifespan** – 10-15 years
- F. **Fiscal Impact** – No known annual maintenance cost.
- G. **Training** – All robot operators must complete appropriate officer training on operating the Recon Scout XT. Officers are designated by the Police Department to operate the robot during critical incidents.

Command and Control Vehicle (Equipment Category 5)

- A. **Description, quantity, capabilities and purchase cost:** **Mobile Command Center-** Quantity (1) – Cost \$250,000 The vehicle is a converted 1991 Carlin Recreational Vehicle. The vehicle is affixed with Code 3 lights and siren and OHAPD graphics. The vehicle contains two workspaces including computer monitors, seating, and table tops.
- B. **Purpose** – To be used as an alternate Communications Center in the event of a system failure.
- C. **Authorized Use** – The vehicle is only authorized as a secondary Communications Center and is not driven. The vehicle is parked at the Service Center adjacent to the Communications Center. All applicable State, Federal and Local laws governing police including OHAPD policies apply to the use of the Mobile Command Center.
- D. **Expected Lifespan** – The vehicle has exceeded its lifespan.
- E. **Fiscal Impact** – No known annual maintenance cost.
- F. **Training** – Staff members receive training on the operation of the vehicle to include system and generator start-up.

Specialized Firearms and ammunition (Equipment Category 10)

- A. **Description, quantity, capabilities and purchase cost:**
 - 1. **Patrol Rifle** – Quantity (22) Cost \$1,500 (fully equipped). The Colt AR-15 patrol rifle is a firearm capable of accurately stopping an armed subject at various distances. The rifle is a light weight shoulder fired weapon designed for semi-automatic fire.
 - 2. **.223 cal. / 5.56 mm Ammunition** – Quantity (18,000 rounds) Cost (\$12,000) The .223 cal. / 5.56 mm cartridge is used as a lethal option designed to stop a

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

violent encounter. The round is capable of penetrating soft body armor being worn by armed subjects.

- B. **Purpose** – In defense of life, officers may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed.
- C. **Authorized Use** – All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use the patrol rifles. Situations which the rifle may be deployed may include, but are not limited to:
 - 1. Situations where the member reasonably anticipates an armed encounter.
 - 2. When a member is faced with a situation that may require accurate and effective fire at long range.
 - 3. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
 - 4. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
 - 5. When a member reasonably believes that a suspect may be wearing body armor.
- D. **Expected Lifespan** – With proper maintenance and care, there is no expected lifespan of the patrol rifle.
- E. **Fiscal Impact** –
 - 1. Colt AR-15 – Annual Maintenance Cost \$1,500
 - 2. (Training Ammunition) – Annual Cost \$6,800 **(12,000 Total Rounds)**
 - 3. (Duty Ammunition) – Annual Cost \$4,000 **(4,500 Total Rounds)**
- F. **Training** – Prior to using a patrol rifle, officers must be certified through the California Peace Officers Standards and Training (POST). Additionally, all officers that operate a rifle are required to pass a range qualification twice a year.

Pepperball Launcher and Ammunition (Equipment Category 12)

- A. **Description, quantity, capabilities and purchase cost:**
 - 1. **FN 303-** Quantity (3) – Cost \$1,500 each - Specialty munitions launcher that uses compressed air to fire .68 cal. fin stabilized projectiles, which are capable of carrying a variety of payloads such as PAVA/OC Powder and Indelible Marking Paints. The launcher is semi-automatic and fires from a 15 round magazine.
 - 2. **FN 303 INDELIBLE PAINT/ MARKING ROUND** - Cost: \$900 Quantity: 150 rounds. The FN 303 Indelible Paint is a .68 cal round which weighs approximately 8.5 grams. The round works primarily through blunt trauma, similar to other specialty impact munitions. In addition, the round contains a non-washable, indelible, paint. This paint is yellow in color and is designed to allow for the later identification suspects.

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

3. **FN 303 PAVA POWER/ OLEORESIN CAPSICUM ROUND** - Cost: \$900
Quantity: 150 rounds. The FN 303 PAVA Power round is a .68 cal fin stabilized projectile. It weighs approximately 8.5 g. In addition to blunt trauma, the PAVA Power round uses a synthetic version of Oleoresin Capsicum (pepper spray) to create a secondary effect on the target.
 4. **FN 303 CLEAR IMPACT** - The FN 303 clear impact round is a .68 cal round which weighs approximately 8.5 grams. It contains no payload and shall only be used for training purposes.
- B. **Purpose** – The Specialty Impact Munitions are a means of delivering less-lethal projectiles at an armed or violent subject from safer distances than traditional hand-held impact weapons.
 - C. **Authorized Use** – The discharge of the FN 303 Less-Lethal Launcher shall be in accordance with this policy and Departmental Policy 300 - USE OF FORCE and 306 – FN 303 LESS LETHAL LAUNCHER. All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use of the FN-303 and Munitions.
 - D. **Expected Lifespan** – With proper maintenance and care, there is no expected lifespan of the patrol rifle. Air Bottles will need to be replaced as needed.
 1. Fiscal Impact – FN 303 – Annual Cost \$3,000
 2. (Training Ammunition) – Annual Cost \$1,800 **(300 Rounds)**
 3. (Marking Rounds) – Annual Cost \$1,800 **(300 Rounds)**
 4. PAVA / OC Rounds – Annual Cost \$1,800 **(300 Rounds)**
 - E. **Training** – Only sworn personnel who have received training in the use of the FN 303 Less-Lethal Launcher and who have demonstrated proficiency with the system are authorized to deploy the FN 303 Less-Lethal Launcher.

Less-Lethal Projectile (Equipment Category 1)

- A. **Description, quantity, capabilities and purchase cost:**

Extended Range Impact Munition- Quantity (300 rounds) – Cost \$3,600

- (b) **Purpose** – The Specialty Impact Munitions are a means of delivering less-lethal projectiles at an armed or violent subject from safer distances than traditional hand-held impact weapons.
- (c) **Authorized Use** – The use of Extended Range Impact Munitions shall be in accordance with this policy and Departmental Policy 300 – DE-ESCALATION and USE OF FORCE and 306 – FN 303 LESS LETHAL LAUNCHER. All applicable OHAPD Policies, State, Federal and Local laws governing police apply to the use of Extended Range Impact Munitions.
- (d) **Expected Lifespan** – There is no expected lifespan on these munitions.
- (e) **Fiscal Impact** – Extended Range Impact Munitions – Annual Cost \$2,000

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

- (f) **Training** – Only sworn personnel who have received training in the use of the Extended Range Impact Munitions and who have demonstrated proficiency with the system are authorized to deploy the Extended Range Impact Munitions.

706.6 BOARD OF COMMISSIONER APPROVAL

The Chief of Police shall obtain approval from the Board of Commissioners by way of a resolution adopting the military equipment policy. As part of the approval process, the Chief of Police shall ensure the proposed military equipment policy is submitted to the Board of Commissioners and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the Board of Commissioners prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment be made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the Board of Commissioners.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.7 MAINTENANCE OF MILITARY USE SUPPLY LEVELS

When stocks of military equipment ammunition, specifically, Drag Stabilized Flexible Baton rounds, or FN 303 munitions have reached significantly low levels or have been exhausted, the Department may order up to 50% of stock in a calendar year without the Board of Commissioners approval to maintain availability for the Department's needs. All other specified military equipment shall require board authorization to replace.

706.8 COORDINATION WITH OTHER JURISDICTIONS

On occasion, OHAPD may be required to assist or be assisted by other law enforcement agencies in a formal Law Enforcement Mutual Aid Request (LEMA) or support with day to day operational collaboration (i.e. pursuits, investigative unit assistance, joint law enforcement operations, etc.). In certain mutual aid or operational collaboration circumstances, it may be necessary for sworn Department members to utilize military equipment in order to fulfill an assigned mission (i.e. civil unrest, tactical requests, barricaded suspects, etc.).

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

When sworn Department members utilize military equipment in instances of mutual aid or law enforcement collaboration, the following shall apply:

- A. Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the OHAPD's Policy manual regardless of operational jurisdiction.
- B. Should the OHAPD request mutual aid from another law enforcement agency and military equipment is required during the course of the response, the following shall apply:
 - 1. The OHAPD shall remain in charge of the overall incident command.
 - 2. The Incident Commander or designee shall brief the supervisor from the assisting agency and inform them of the mission, enforcement posture, and any pertinent information related to the incident.
 - 3. The assisting agency will be expected to adhere to their respective policies and procedures, particularly those governing the use of military equipment.

Military equipment owned by the OHAPD should not be used by any other law enforcement agency, unless the military equipment is approved for use in accordance with the outside agency's military equipment policy.

706.9 TEMPORARY ACQUISITION OF MILITARY EQUIPMENT

Military equipment owned by the OHAPD shall not be loaned or used by any other law enforcement agency unless the military equipment is approved for use in the outside agency's policy.

At certain times the Department may require the use of military equipment which is maintained agency inventory. This policy authorizes the Chief of Police to temporarily acquire equipment from outside law enforcement agencies in situations which would enhance the safety of the public and officers, and to bring a critical incident to a safe resolution. Equipment authorized for temporary acquisition is limited to;

- A. Unmanned, remotely piloted, powered aerial or ground vehicle (i.e. drones and throw bots), or
- B. Armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

Instances in which the temporary acquisition of equipment has occurred shall be documented in the annual report.

706.10 TESTING AND EVALUATION OF MILITARY EQUIPMENT FOR POTENTIAL FUTURE ACQUISITION

While the Department's current inventory of military equipment is operationally sufficient advancements in technology, tactics, and operational effectiveness may necessitate the expansion or complete replacement of certain items of military equipment in the current inventory. From time to time, certain equipment vendors and/or manufacturers may loan certain military

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

equipment items for testing to conduct assessments involving feasibility of use, cost analysis, effectiveness, and training efficacy. This process is commonly referred to as "Testing and Evaluation" (T&E).

During the Testing and Evaluation process, staff conducts assessments of the equipment being tested and opine the viability of whether or not an item of military equipment should be considered for Department use. Military equipment that is being tested shall not be used operationally without express approval from the Office of the Chief of Police, and approval of the Board of Commissioners.

Only similar military equipment within the Department's current military equipment inventory may be used for Testing and Evaluation provided authorization is received from the Office of the Chief of Police. Military equipment that is not similar to the Department's current military equipment inventory must be approved by the Board of Commissioners and the Office of the Chief of the Police, prior to acquisition for the Testing and Evaluation process.

Military equipment items that have been assessed and recommended for final approval after undergoing the Testing and Evaluation process must be approved by the Board of Commissioners and the Office of the Chief of the Police prior to being formally acquired for Department inventory and operational use.

706.11 ANNUAL REPORT

Upon approval of a military equipment policy, the Lieutenant Adjutant should submit a military equipment report to the Board of Commissioners for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Lieutenant Adjutant shall also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

The annual military equipment report shall, at a minimum, include the following information for the immediately proceeding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following the submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment (in the form of an annual inventory).

Oakland Housing Authority Police Department

Policy Manual

Military Equipment

- (f) If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

706.12 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.) to the Office of the Chief of Police. The received form will be considered a public records request and handled in accordance to the Oakland Housing Authority's public records policy.

706.13 DIRECTIVE HISTORY AND REVISION(S)

CALEA STANDARD - N/A

Prior Directive - N/A

Revisions - N/A

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner

Seconded by Commissioner

and, approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**A RESOLUTION OF THE OAKLAND HOUSING AUTHORITY
BOARD OF COMMISSIONERS, AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE AN APPROVED
POLICE DEPARTMENT MILITARY EQUIPMENT USE POLICY**

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (creating Government Code Section 7070, et seq.), relating to use of military equipment by California law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, the Oakland Housing Authority Police Department is in possession of certain items of equipment that qualify under the broad definition of “military equipment” under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released and written military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department’s use of such equipment; and

WHEREAS, the policy and supporting information must be approved by the governing body by resolution, and reviewed annually; and

WHEREAS, the Oakland Housing Authority Board of Commissioners, having received the information required under AB 481 regarding the Oakland Housing Authority Police Department's use of "military equipment" as defined in said law, deems it to be in the best interest of the Board to approve the Military Equipment Use Policy as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA:**

THAT, the Board of Commissioners hereby decrees:

SECTION 1. The Board of Commissioners finds that the above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Board of Commissioners hereby approves and adopts the following Military Equipment Policy.

(a) The Board of Commissioners has made the following determinations:

- (1) The military equipment inventoried and presented to the Board of Commissioners is necessary because there is no reasonable alternative that can achieve the same objective of officer and resident/civilian safety; and
- (2) This proposed military equipment use policy attached hereto as Exhibit "A" ("Policy") will safeguard the public's welfare, safety, civil rights, and civil liberties; and
- (3) The equipment described in the Policy is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any); and

(b) The Oakland Housing Authority Department has made the Policy available on the Authority's website for at least 30 days prior to the public hearing concerning the military equipment at issue and described in the Policy.

(c) The Policy was considered by the Board of Commissioners as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

- (d) The Policy shall be made publicly available on the Police Department's website for as long as the military equipment is available for use.
- (e) The Oakland Housing Authority Department shall submit an annual military equipment report to the Board of Commissioners containing the information required in Government Code Section 7072, and the Board of Commissioners shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.
- (f) The Board of Commissioners shall review this Resolution, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2).
- (g) The Board of Commissioners approves the use of the Policy and finds that it satisfies the requirements of Government Code Section 7070(d); and

THAT, the Board of Commissioners hereby authorizes and directs the Executive Director to execute this resolution on behalf of the Oakland Housing Authority forthwith upon its adoption; and

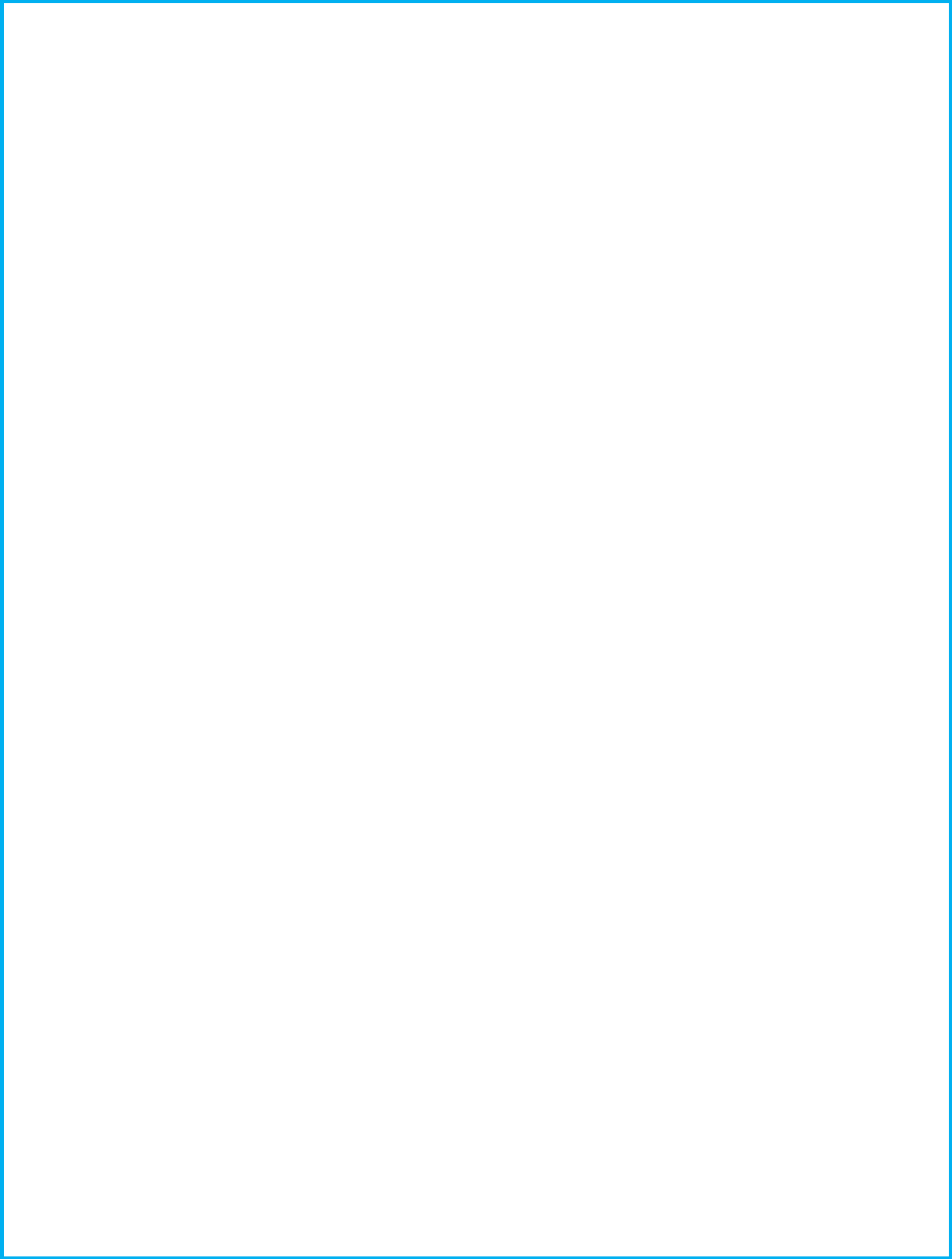
THAT, the Executive Director, on behalf of the Authority, is hereby authorized to take all necessary actions to implement the foregoing resolution.

I hereby certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Commissioners of the Housing Authority of the City of Oakland, California on July 25, 2022.

Secretary/Executive Director


ADOPTED: July 25, 2022

RESOLUTION NO.



ITEM: VII.D.**Executive Office
Oakland Housing Authority MEMORANDUM**

To: Board of Commissioners

From: Patricia Wells, Executive Director 
722CF180EE194A1...

Request: Adopt proposed changes to the Administrative Plan for the Housing Choice Voucher Program.

Date: July 25, 2022

Purpose: The Authority's Administrative Plan sets policy and provides guidance for the administration of the Authority's Housing Choice Voucher program. Changes to the Administrative Plan require a 30-day public comment period. The public comment period for the proposed changes to this document began on May 16, 2022 and ended on June 21, 2022.

Funding: No funding is required for this item.

Background

The Administrative Plan outlines policies, operations, and management of the Authority's Housing Choice Voucher (HCV) program administering approximately 14,700 vouchers. The Department of Housing and Urban Development (Department) requires publication of the Administrative Plan for at least 30 days to allow for public comment and feedback on the agency's policies. After the public comment period ends, the Board of Commissioners can take action to adopt the proposed changes.

The proposed changes were made to ensure compliance with current operating policies originally piloted during COVID-19 and CARES Act waivers and extensions offered in PIH Notices (2020-5, 2021-14, 2022-09), Emergency Housing Vouchers requirements, better compliance with federal regulations, MTW activity modifications proposed in the FY 2023 Annual MTW Plan and a recently approved expedited payment standard waiver request offered in PIH notice 2021-34. These changes are summarized in the table below.

On March 24, 2022, the Authority requested permission to use an expedited regulatory waiver called "Voucher Tenancy New Payment Standard Amount," which waives regulatory requirements under 982.503(b) as specified in PIH notice 2021-34. This waiver relief of regulatory requirements allows the Authority to establish payment standards from 111 to 120 percent of the Fair Market Rent (FMR) for all of its voucher programs. The Authority requested this waiver because and certified that current year-to-date HCV utilization rates are lower in the HCV program and are below 98 percent. This waiver and the MTW activity modification request to allow payment standards of up to 120 percent

Proposed changes to Administrative Plan

Page 2 of 4

and 150 percent of current FMRs will give the Authority the opportunity to meet demands for more competitive/open market rents especially in the one- and two-bedroom unit sizes. The table below shows modified payment standards at specific levels.

Projected Alternative Payment Standards

	Studio	1BR	2BR	3B	4BR	5BR
FY 2022 FMRs	\$1,538	\$1,854	\$2,274	\$3,006	\$3,578	\$4,115
110% of FY 2022 FMRs (regulatory)	\$1,692	\$2,039	\$2,501	\$3,307	\$3,936	\$4,526
120% of FY 2022 FMRs (expedited waiver)	\$1,846	\$2,225	\$2,729	\$3,607	\$4,294	\$4,938
150% of FY 2022 FMRs (MTW Plan Activity #17-01)	\$2,307	\$2,781	\$3,411	\$4,509	\$5,367	\$6,172

Summary of Proposed Changes to the Administrative Plan

Section	Change/Revision	Reason/Justification
5.I.B	Added language that briefings may be held virtually or in-person.	Compliance with current operating policy
5.II.E	Added voucher extension requests exceeding 180 days must be approved by Director or designee	Clarification in anticipation of Emergency Housing Voucher extensions
6.III.C	Language to establish alternative payment standards and exception payment standard hubs as authorized by MTW activity #17-01 and approved payment standard waiver requests.	A modification to MTW activity #17-01 was proposed in the FY 2023 Annual MTW Plan and this language reflects the modification. Approved payment standard waiver request to go up to 120% of payment standards per PIH Notice 2021-34 and 150% in accordance with the MTW Plan.
8.II.I	Clarification language regarding virtual inspections	Compliance with current operating policy
9.I.B, 9.I.E, 11.II.D	Electronic submission of Requests for Tenancy Approval, Leases and Interim Documentation	Clarification of Operating policy
Chapter 15	Language to establish alternative payment standards and exception payment standard hubs as authorized by MTW activity #17-01 and approved payment standard waiver requests.	A modification to MTW activity #17-01 was proposed in the FY 2023 Annual MTW Plan and this language reflects the modification.

Proposed changes to Administrative Plan

Page 3 of 4

		Approved payment standard waiver request to go up to 120% of payment standards per PIH Notice 2021-34 and 150% in accordance with the MTW Plan.
16.Part 1	Language to align the Executive Director procurement authority with Board authorizations.	Modification to align with existing Board resolutions and remove specific amounts.
16.II.B	Payment standards	A modification to MTW activity #17-01 was proposed in the FY 2023 Annual MTW Plan and this language reflects the modification. Approved payment standard waiver request to go up to 120% of payment standards per PIH Notice 2021-34 and 150% in accordance with the MTW Plan.
16.X.A	Conflict of Interest Policy updated	Better reflection of regulations and clarification of scope
17.VIII.B	Any alternative payment standards authorized for the MTW tenant-based voucher program will also apply to the project-based voucher program	A modification to MTW activity #17-01 was proposed in the FY 2023 Annual MTW Plan and this language reflects the modification. Approved payment standard waiver request to go up to 120% of payment standards per PIH Notice 2021-34 and 150% in accordance with the MTW Plan.
Chapter 18	Emergency Housing Vouchers (EHVs) (Temporary Policy Supplement) – addresses waivers and discretionary policies for administering EHVs. Expected to be in effect for period in which the Authority administers these vouchers (Sunset date for issuing new EHVs is Sept. 2023)	Department requirement for Administering EHVs

Public Outreach

Proposed changes to Administrative Plan

Page 4 of 4

The Authority published an announcement of the public comment period and the public hearing in the Oakland Tribune on May 23, 2022. Authority staff also followed the typical public outreach strategy, which included:

- an announcement on the Authority's website and electronic mail to public agency partners and stakeholder groups,
- a presentation of the policy changes at the April 13, 2022 meeting of the Resident Advisory Board, and
- a public hearing for comments at the May 23, 2022 Board of Commissioners meeting.

The public comment period began on May 16, 2022 and ended on June 21, 2022. Staff did not receive any comments during the public comment period.

The final draft of the Administrative Plan was posted on the Authority's website (www.oakha.org) and was made available by calling the Executive Office.

Recommendation Action:

Staff recommends that the Board of Commissioners adopt the proposed changes to the Administrative Plan for the Housing Choice Voucher Program.

Attachments: Proposed changes to OHA's Administrative Plan
Resolution



Administrative Plan Changes

Board of Commissioners Meeting

July 25, 2022

Presented by: Julie Christiansen, Assistant Director of PI&C

Proposed Changes

Administrative Plan

1. Virtual briefings and inspections/verifications
2. Electronic document submissions
3. Voucher extensions may exceed 180 days with approval
4. Alternative payment standards (120 and 150%)
5. Updated Conflict of Interest policy and ED procurement authority
6. New Chapter 18 on Emergency Housing Vouchers



Policy Documents Updated by:



Dominica
Henderson, Director

Julie Christiansen,
Assistant Director

Erika McLitus
Policy Analyst

**Please send comments to:
jchristiansen@oakha.org**



Admin Plan Extract

May 2022

5-I.B. BRIEFING

OHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed individually or in groups. At the briefing, OHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

OHA Briefings will be conducted in group meetings. These meetings may be held virtually or in-person.

5-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS

Extensions of Voucher Term [24 CFR 982.303(b)]

OHA may approve one or more extensions to the initial voucher term for a maximum of 90 calendar days, starting on the day after the voucher expires. There can be no break in the term of the voucher. Extensions will be granted for a maximum of 90 days. Any requests for more than one extension of the initial voucher term, must be approved by Director of Leased Housing or her designee. For any extension requests that exceed 180 calendar days, the request must be approved by the Director of Leased Housing or their designee.

6-III.C. APPLYING PAYMENT STANDARDS [24 CFR 982.505; 982.503(b)]

OHA Policy

To increase housing choices for low income families, OHA is not limited to establishing payment standards the within the HUD required basic range of between 90 percent and 110 percent of the published FMR for each that unit size. OHA is authorized to establish payment standards for the MTW Housing Choice Voucher program that reflect current local rental market conditions. Per MTW Activity 17-01, OHA may establish payment standards of up to 150% of the published FMR for each unit size based on various criteria specified to establish payment exception standard hubs.

8.II.I. VERIFICATION OF REPAIRS

Verifying HQS Deficiencies through Owner/Tenant Self-Certification and Virtual Methods

If the PHA determines that a unit does not meet the Housing Quality Standards (HQS) requirements during an annual, biennial, Complaint, Quality Control, or Special inspection, verification that the deficiencies are corrected may be done by means other than an in person re-inspection.

The Federal guidelines that govern the Section 8 Program require that repairs be made timely. Therefore, ~~this~~ Certification of Repairs form must be signed by both the owner and the tenant and returned within 30 days from the inspection date or by the designated return date, whichever is sooner. The same timeframe applies to virtual inspections.

9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]

OHA Policy

The RTA must be signed by both the family and the owner.

The owner may submit the RTA on behalf of the family.

Completed RTA (including the proposed dwelling lease) must be submitted as hard copies, in-person, electronically, by mail, or by fax.

9-I.E. LEASE AND TENANCY ADDENDUM

PHA Review of Lease

HUD requires PHAs to review the dwelling lease for compliance with all applicable HCV program requirements.

OHA Policy

If the dwelling lease is incomplete or incorrect, OHA will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be accepted as hard copies, in-person, electronically, by mail, or by fax. OHA will not accept missing and corrected information over the phone

11-II.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

OHA Policy

The family must notify OHA of changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if OHA determines that an interview is warranted, the family must attend.

Based on the type of change reported, OHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from OHA. This time frame may be extended for good cause with OHA approval. OHA will accept required documentation by mail, electronically, email, by fax, or in person.

Chapter 15

Under MTW authority, OHA may determine property eligibility criteria, including types of units currently prohibited by Section 8 regulations, as well as shared living facilities. If the Agency chooses to use this authorization, it will provide a transition plan to both the affected residents and HUD prior to the end of the demonstration. *This authorization waives certain provisions of Section 8(p) of the 1937 Act and 24 CFR 983.53-54 and Subparts H and M as necessary to implement the Agency's Annual MTW Plan. OHA may establish alternate payment standards and exception payment standard hubs as authorized by MTW activity #17-01, or alternative payment standards through authorized payment standard waiver requests.*

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Chapter 16

Part 1

OHA Policy

Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements and will align with OHA's Board of Commissioners ~~authorizes the approved Executive Director procurement authority. Executive Director to expend up to \$50,000 per occurrence without prior Board approval.~~

~~Any item(s) exceeding \$50,000 will require prior Board approval before any charge is made against the Section 8 Administrative Fee Reserve.~~

16-II.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]

Under MTW Authority, OHA is authorized to adopt and implement any reasonable policy to establish payments, rents or subsidy levels from tenant-based

assistance that differ from the currently mandated program requirement in the 1937 Act and its implementing regulations. OHA is authorized to adopt and implement any reasonable policies to calculate the tenant portion of rent that differ from the currently mandated program requirement in the 1937 Act and its implementing regulations. *This authorization waives certain provisions of Section 8(o)(1), 8(o)(2), 8(o)(3), 8(o)(10), and 8(o)(13)(H)-(I) of the 1937 Act and 24 CFR 982.508, 982.503 and 982.518, as necessary to implement the Agency's Annual MTW Plan. OHA may establish alternate payment standards or exception payment standard hubs as authorized by MTW activity #17-01 or alternative payment standards through authorized payment standard waiver requests.*

PART X: CONFLICT OF INTEREST POLICY

16-X.A. OVERVIEW (24 CFR 982.161)

Neither ~~the~~ OHA nor any person or entity who is a member of the following classes defined below as "Covered Individuals" may enter into any contract or arrangement in connection with any of OHA's programs in which any of the following covered individuals has any interest, direct or indirect, or in any benefits or payments under a contract (including the interest of an "Immediate Family Member" of such covered individuals) during their tenure with OHA or for one year thereafter:

~~of its contractors or subcontractors may enter into any contract or arrangement in connection with any of OHA's programs in which any of the following classes of persons has any interest, direct or indirect, during their tenure or for one year thereafter:~~

1. Any present or former Board of Commissioners member or officer of ~~the Authority~~ OHA (except a participant commissioner); or
2. Any All employees of the Authority OHA or an employee's partner or employees' Immediate Family Members; or
~~, or any contractor, subcontractor or agent of the Authority, who formulates policy or who influences decisions with respect to the programs (except that program participants may be hired as employees of the Authority);~~
3. Any contractor, subcontractor or agent of OHA, who formulates policy or who influences decisions with respect to the programs (except that program participants may be hired as employees of OHA); or
43. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or

4. Any member of or delegate to the Congress of the United States or resident commissioner of OHA; or
5. "Immediate Family Member" means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother), or any person related by blood or marriage to any covered individual.

The contract owner/participant certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the contract, or at any time during the contract or any other contract term.

If a prohibited interest occurs, the covered individual shall promptly and fully disclose such interest to OHA and HUD.

The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of a contract with OHA or to any benefits which may arise from it.

This policy applies to all traditional voucher programs and all non-traditional local programs created through the MTW demonstration.

17-VIII.B. RENT LIMITS [24 CFR 983.301]

OHA Policy

The same utility allowance schedule and any utility allowance policies developed for the MTW tenant-based program, also apply to -the project-based voucher program. Any alternate payment standards or exception payment standard hubs as authorized in the MTW Plan or payment standard waiver requests for the MTW tenant-based program will also apply to the project based voucher program.

CHAPTER 18: Emergency Housing Vouchers

Temporary Policy Supplement

EMERGENCY HOUSING VOUCHERS (EHVs)

INTRODUCTION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated \$5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-based EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

PART I: FUNDING

TPS-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
 - \$400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
 - This fee may be used for any eligible administrative expenses related to EHVs.
 - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).

- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHV's:
 - \$100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 14 days of voucher issuance or the date the system becomes available for reporting.
 - Placement fees:
 - o \$500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
 - o \$250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
 - o HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
 - Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- **Ongoing administrative fees**, which are calculated in the same way as the standard HCV program:
 - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
 - Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.
- **Services fees**, which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
 - The fee is allocated once the PHA's CACC is amended to reflect EHV funding.
 - The amount allocated is \$3,500 for each EHV allocated.

TPS-I.B. SERVICE FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA's administrative plan.

OHA Policy

Eligible uses of services fees include the following:

Holding fees are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. The PHA may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The PHA and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

Security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The PHA may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, the PHA will require documentation that the family paid the security deposit. This assistance may be offered to direct referrals from the CoC as needed.

Utility deposit assistance/utility arrears. The PHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The PHA may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, the PHA will require documentation the family paid the utility deposit. The PHA will require the utility supplier or family to return the utility deposit assistance to the PHA at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier). In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the PHA will be

used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

Moving expenses (including move-in fees and deposits). The PHA may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The PHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

Tenant-readiness services. The PHA may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

Application fees/non-refundable administrative or processing fees/refundable application deposit assistance. The PHA may choose to assist the family with some or all these expenses.

Essential household items. The PHA may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries. OHA intends to provide each EHV family with a "Welcome Kit" that contains various essential household items.

Renter's insurance if required by the lease. OHA may choose to assist the family with some or all this cost.

Owner recruitment and incentives. OHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments. Other activities may include but not limited to:

- New unit incentive payments
- Payments to fix HQS fail items
- Speed leasing bonus payments

Owner incentive and/or retention payments. OHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family. Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance

payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

PART II: PARTNERING AGENCIES

TPS-II.A. CONTINUUM OF CARE (CoC)

PHAs that accept an allocation of EHV's are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHV's.

OHA Policy

OHA has entered into an MOU with the Alameda County Continuum of Care (CoC) and the County of Alameda on behalf of its Alameda County Health Care Services Agency (HCSA) See Exhibit TPS-1 for a copy of the MOU.

TPS-II.B. OTHER PARTNERING ORGANIZATIONS

The PHA may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. If the PHA chooses to partner with such agencies, the PHA must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between the PHA and CoC.

OHA Policy

The CoC will be responsible for administering relationships with other partnering organizations. See Exhibit TPS-1 for a copy of the MOU.

TPS-II.C. REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHV's. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

OHA Policy

1. The following populations shall be eligible for EHV assistance and will be referred to Oakland Housing Authority by the County CoC [or other partnering agencies through specific Housing Authority MOUs referred to as "partnering agency"]:

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories, definitions of which are set forth in Exhibit A attached hereto and incorporated herein by this reference:

- Homeless

- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

In Alameda County, the following groups have been prioritized for EHV referral:

- Homeless (prioritized through coordinated entry, including a 9% set-aside for Transition-aged youth)
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking (prioritized through coordinated entry in collaboration with provider agencies, a 10% set-aside)
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability (targeted to people who were at high risk for COVID-19 complications and exited Project Roomkey with temporary subsidies).

In general, the verification that the individual or family meets one of these four eligibility categories is conducted by the County CoC or another partnering agency that makes direct referrals to OHA. The County CoC or other partnering agency must provide supporting documentation at the time of referral to OHA of the referring agency's verification and certification that the family meets one of the four eligible categories for EHV assistance. OHA must retain this documentation as part of the family's file. Examples of HUD approved certifications that can be used to document the referring agency's verification are attached hereto as Exhibits B and C respectively and incorporated herein by this reference.

Individuals and families classified as recently homeless must be referred by the County CoC or its designee. Referrals to OHA will follow procedures outlined in the MOU and determined by OHA in collaboration with Coordinated Entry partners. OHA may elect to use EHV's for emergency VAWA transfers per OHA's Emergency Transfer Plan. If it is determined that the amount or timeliness of referrals from the CoC is not sufficient to meet leasing goals, OHA may pursue other referral options as outlined in PIH Notice 2021-15 and the MOU.

2. General Eligibility and Prioritization. Coordinated Entry prioritization and assessment factors are approved by the CoC and posted at <https://everyonehome.org/>.

3. HCSA, as the management entity of the County COC, shall generally submit eligible EHV tenant referrals to one of the four Housing Authorities pursuant to the

following procedures: based on where tenants have been housed (if recently housed and homeless), "home city" as reported in the Homeless Management Information System, and where the referred person would like to live in as long as EHV's are available at that Housing Authority.

The Housing Authorities plan to work with the CoC referral partners to establish a detailed workflow for the referral process and will use these procedures once they have been established. The referral process may differ for each Housing Authority and be based on items such as but not limited to email, data sharing portals or business system transmittals.

Offers of Assistance with CoC Referral

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP) in Chapter 16.

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PART III: WAITING LIST MANAGEMENT

TPS-III. A. HCV WAITING LIST

The regulation that requires OHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 4 does not apply to PHAs operating the EHV program. Direct referrals are not added to the PHA's HCV waiting list.

OHA must inform families on the HCV waiting list of the availability of EHV's by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

OHA Policy

OHA will post information about the EHV program for families on their website. The notice will:

Describe the eligible populations to which EHV's are limited

Clearly state that the availability of these EHV's is managed through a direct referral process

Advise the family to contact the CoC (or any other referral partner designated by the CoC, if applicable) if the family believes they may be eligible for EHV assistance

OHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. The PHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

TPS-III.B. EHV WAITING LIST

The HCV regulations requiring OHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHV's available, OHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to OHA policies in Chapter 4 regarding opening and closing the HCV waiting list. OHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

TPS-III.C. PREFERENCES

HCV Waiting List Preferences

If local preferences are established by the PHA for HCV, they do not apply to EHV. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHV in accordance with Notice PIH 2021-15.

OHA Policy OHA has a homeless preference for the HCV waiting list as outlined in Section 4-III.C. Local Preferences. OHA will refer any applicant on the waiting list that indicates they qualify for the homeless preference to the CoC. The CoC will determine whether the family is eligible for an EHV (based on the qualifying definition for EHV assistance for homelessness or another eligible category as applicable). The CoC will also determine if the family is eligible for other homeless assistance.**EHV Waiting List Preferences**

With the exception of a residency preference, OHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV. OHA may, however, choose to not establish any local preferences for the EHV waiting list.

OHA Policy

No local preferences have been established for the EHV waiting list.

PART IV: FAMILY ELIGIBILITY

TPS-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to OHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. OHA must retain this documentation as part of the family's file.

TPS-IV.C. PHA SCREENING

Overview

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established an alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, OHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, OHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

OHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

OHA Policy

OHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, OHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

OHA will deny admission based on the mandatory conditions outlined in PIH Notice 2021-15 and listed above.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

OHA Policy

OHA will not use any of the permissive or optional reasons for denial of admission.

In compliance with PIH 2021-15, the PHA **will not** deny an EHV applicant admission regardless of whether:

Any member of the family has been evicted from federally assisted housing in the last five years;

A PHA has ever terminated assistance under the program for any member of the family;

The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 CFR 982.553(a)(3);

The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

TPS-IV.D. INCOME VERIFICATION AT ADMISSION

Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

OHA Policy

Any documents used for verification must be the original (not photocopies) and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to OHA and must be signed by the family member whose information or status is being verified.

OHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. OHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, OHA will terminate the family's assistance in accordance with the policies in Chapter 12.

Recently Conducted Income Determinations

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

OHA Policy

OHA will not accept income calculations and verifications from third-party providers.

The family certification must be made in a format acceptable to the OHA and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 11.

EIV Income Validation

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 3.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 12.

TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

OHA Policy

OHA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. OHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If OHA determines that an ineligible family received assistance, the OHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

TPS-IV.F. AGE AND DISABILITY VERIFICATION

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

OHA Policy

OHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to OHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, OHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. OHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If OHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

TPS-IV.G. INCOME TARGETING

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy in Chapter 3; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

OHA Policy

OHA does not use income targeting.

PART V: HOUSING SEARCH AND LEASING

TPS-V.A. INITIAL VOUCHER TERM

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II.E. will apply.

OHA Policy

All EHV's will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless OHA grants an extension.

TPS-V.B. HOUSING SEARCH ASSISTANCE

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity. ;

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

OHA Policy

As identified in the MOU between the OHA and CoC, the following housing search assistance will be provided to each EHV family:

OHA will:

1. Coordinate and consult with the HCSA and CoC in developing the services and assistance to be offered to the EHV referrals;
2. The Housing Authority will establish windows of time for EHV applicants to complete intake interviews or review the intake packets for completeness and work directly with assigned staff to resolve missing or incomplete items and notify the applicant and any designated assistance staff such as Housing Navigators of appointment information as specified in process workflows;
3. Accept direct referrals for eligible individuals and families from HCSA through the Coordinated Entry System, and where applicable other referring agencies if the PHA has a separate MOU with those agencies;
4. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner;
5. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner;
6. Designate a staff to serve as the lead EHV liaison;
7. Offer landlord and resident incentives consisting of but not limited to:
 - a new unit incentive payment for owners;
 - a renewal incentive for families that successfully complete the first lease term;
 - a leasing incentive to lease by designated dates to an owner and to an applicant
 - an incentive to residents for on time rental payments;
8. Inform HCSA once a month about the status of each referral including: denials, issue and expiration date of each voucher issued, and move-in date;
9. Start lease dates the first day of the month after inspection for clients who are transitioning from another rental assistance program;
10. Comply with the provisions of the MOU;
11. Provide one-time security deposits assistance for referrals if not provided by CoC services.

The CoC will:

1. HCSA Coordinated Entry staff and providers will support individuals and families in completing applications and obtaining necessary supporting documentation to

support referrals and applications for assistance; while aiding households in addressing barriers;

2. HCSA Coordinated Entry staff and providers will support the Housing Authority in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the Housing Authority;

3. HCSA Coordinated Entry staff and providers will provide housing search assistance called Housing Navigation for eligible individuals and families. This assistance may consist of identifying and visiting possible units, transportation and direction assistance, documentation preparation, counseling on lease requirements, housing application assistance, advocacy for benefits and move-in assistance;

4. HCSA Coordinated Entry staff and providers will provide Housing Deposit assistance, which includes as deemed necessary security deposits, utility establishment fees which may include paying for any arrears, flexible funding for unit holds or incentives, utility deposits and optional essential household items and renters insurance as deemed necessary, to the extent that such funding is available and allocated in ESG-CV;

5. HCSA Coordinated Entry staff and HCSA-contracted providers will assess and refer individuals and families to additional benefits and supportive services including post move-in services, where applicable;

6. Coordinated Entry staff and HCSA-contracted providers will provide to voucher participants Tenancy Support services, which consist of support services throughout the duration of the tenancy such as education and training, linkage to community resources, and assistance with regularly scheduled housing recertifications;

7. HCSA Coordinated Entry staff and HCSA-contracted providers will provide Landlord Liaison assistance, by working with property owners to secure units and 24 hotline assistance per funding availability;

8. Coordinated Entry staff and HCSA-contracted providers will be responsible for all entry in HMIS.

TPS-V.C. HQS PRE-INSPECTIONS

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

OHA Policy

To expedite the leasing process, the OHA may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV

family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305.

The family will be free to select his or her unit.

When a pre-inspected unit is not selected, the OHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required re-inspections.

TPS-V.D. INITIAL LEASE TERM

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Section 9-I.E., Term of Assisted Tenancy.

TPS-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHV's. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Section 10-II.B.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHV's under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV's under its own ACC:
 - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
 - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
 - Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

OHA Policy

In addition to following OHA's policy on briefings in Chapter 5, as part of the briefing packet for EHV families, OHA will include a written notice that OHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, OHA will provide interpretation services in accordance with OHA's LEP plan (See Chapter 2).

Coordination of Services

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

OHA Policy

For EHV families who are exercising portability, when OHA contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, OHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1,750, unless the initial PHA and receiving PHA mutually agree to change the \$1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHV's, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHV's, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuance reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

TPS-V.F. PAYMENT STANDARDS

Payment Standard Schedule

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHV's. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHV's, HUD has provided other regulatory waivers:

- Defining the "basic range" for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).

OHA Policy

OHA will establish an exception payment standard up to 120 percent.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that the PHA apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

OHA Policy

OHA will not establish an alternative policy for increases in the payment standard. OHA policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

TPS-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, a PHA may not reissue EHV when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV's that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV's to cease leasing any unleased EHV's if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

OHA Policy:

The EHV program has been allocated full funding through the American Rescue Plan (ARP). When the remaining EHV HAP renewal funding is no longer sufficient to fully fund all PHAs' EHV renewal funding eligibility, HUD will prorate EHV renewal funding allocations. If EHV funding received from HUD is not sufficient to cover the HAP of the remaining families, OHA will follow all available options to secure more EHV funding. If after all procedures are followed to obtain more funding, the funding is still insufficient to cover EHV HAP expenses, OHA will terminate assistance in the following order:

- In consultation with any agencies providing supportive services, those families deemed the most self-sufficient with the resources to maintain housing
- Families with the smallest EHV HAP payment
- Families with the longest tenure in the program. EHV families are not eligible for conversion to a Housing Choice Voucher while residing in OHA's jurisdiction. EHV families are eligible to apply to any open wait lists OHA administers, but the EHV does not guarantee the family a place on the wait list. The EHV family must apply and be processed in the same manner as all other applicants.

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHV in accordance with the HCV program requirements at 24 CFR 982.158.

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner:

Seconded by Commissioner:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

EXCUSED:

ABSENT:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**RESOLUTION TO ADOPT CHANGES TO THE HOUSING CHOICE
VOUCHER PROGRAM ADMINISTRATIVE PLAN**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires housing authorities to adopt a written Administrative Plan (Admin Plan) for the administration of the Housing Choice Voucher Program; and

WHEREAS, the Oakland Housing Authority (Authority) Admin Plan serves as the core document to establish the policies and procedures for the Authority's administration of the Housing Choice Voucher Program, including policies implemented under MTW authority; and

WHEREAS, any substantive changes to the Admin Plan require a 30-day public comment period; and

WHEREAS, the proposed changes to the Admin Plan were available for review during a 30-day public comment period that began on May 16, 2022 and ended on June 21, 2022; and

WHEREAS, the Authority held a Public Hearing during the Board of Commissioners meeting on May 23, 2022, at 6:00 p.m. to hear comments on the proposed changes to the Admin Plan; and

WHEREAS, no oral comment was provided at the public hearing; and

WHEREAS, the proposed policy changes were presented to the Resident Advisory Board (RAB) on April 13, 2022; and

WHEREAS, no oral comment from the RAB was received; and

WHEREAS, the Authority received no written comments that were provided during the public comment period in response to the proposed revisions to the Admin Plan; and

WHEREAS, the amended policy has been finalized after the close of the 30-day comment period with consideration of comments received from the public.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA;**

THAT, the Board of Commissioners adopts the proposed changes to the Administrative Plan effective immediately; and

THAT, the Executive Director, on behalf of the Authority, is hereby authorized to take all actions necessary to implement the foregoing resolution.

*I certify that the foregoing resolution is a full, true and correct
copy of a resolution passed by the Commissioners of the Housing
Authority of the City of Oakland, California on July 25, 2022.*

Secretary/Executive Director

ADOPTED: July 25, 2022

RESOLUTION NO.

CONSENT AGENDA ITEMS

ITEM: VII.E.1.

Executive Office
Oakland Housing Authority MEMORANDUM

To: Board of Commissioners

From: Patricia Wells, Executive Director

Subject: Resolution Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

Date: July 25, 2022

DocuSigned by:

Patricia Wells

722CF180EE194A1...

Purpose: This action will authorize continued remote teleconference meetings of the Board of Commissioners pursuant to Brown Act Provisions, as amended by Assembly Bill Number 361.

Funding: No funding is required.

Background:

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) for legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings via teleconferencing expired on September 30, 2021. On October 25, 2021 through Resolution Number 4997 and in compliance with Assembly Bill 361 (Chapter 165, Statutes of 2021) (AB 361), the Board of Commissioners ratified the proclamation of a state of emergency and made findings, which authorized continued remote teleconference meetings.

On November 24, 2021, The Board of Commissioners adopted Resolution Number 5009 within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On December 6, 2021, The Board of Commissioners adopted Resolution Number 5020, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

Assembly Bill Number 361

Page 2 of 3

On December 27, 2021, The Board of Commissioners adopted Resolution Number 5022, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On January 24, 2022, The Board of Commissioners adopted Resolution Number 5033, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On February 28, 2022, The Board of Commissioners adopted Resolution Number 5034, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On March 21, 2022, The Board of Commissioners adopted Resolution Number 5051, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On April 25, 2022, The Board of Commissioners adopted Resolution Number 5056, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On May 23, 2022, The Board of Commissioners adopted Resolution Number 5079, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

On June 27, 2022, The Board of Commissioners adopted Resolution Number 5090, within the thirty-day period, which made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361.

AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021 expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on state or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 will sunset on January 1, 2024.

In light of AB 361, the continuing COVID-19 State of Emergency declared by the Governor, the continuing Local Emergency declared by the City of Oakland, the continuing recommendations by the County of Alameda Health Officer of social distancing as a mechanism for preventing the spread of COVID-19, and the continued threats to health and safety posed by indoor public meetings, staff recommends the Board of Commissioners adopt the proposed Resolution making the findings required to initially invoke AB 361.

Assembly Bill Number 361

Page 3 of 3

The procedures currently set up for Board of Commissioners' meetings, which provide public attendance and comment through a call-in or internet-based service option, satisfy the requirements of AB 361. The Executive Director, or designee, will work with the Board to ensure that meeting procedures for all teleconferenced meetings comply with AB 361. Continued reliance will require the Board of Commissioners to adopt a new resolution making required findings every 30 days.

Recommendation:

It is recommended that the Board of Commissioners adopt a resolution making findings authorizing continued remote teleconference meetings of the Board of Commissioners pursuant to Brown Act provisions, as amended by Assembly Bill Number 361.

Attachments: Resolution

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner:

Seconded by Commissioner:

And approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**RESOLUTION MAKING FINDINGS AUTHORIZING CONTINUED REMOTE
TELECONFERENCE MEETINGS OF THE BOARD OF COMMISSIONERS
PURSUANT TO BROWN ACT PROVISIONS, AS AMENDED BY ASSEMBLY BILL
NO. 361**

WHEREAS, the Housing Authority of the City of Oakland ("Housing Authority") is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the Housing Authority's Board of Commissioners are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Housing Authority's Board of Commissioners conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of

disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist within the jurisdiction of the Housing Authority, specifically, on March 17, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19, and such declaration has not been lifted or rescinded; and

WHEREAS, as a result of the COVID-19 pandemic the California Department of Health and the Health Officer of the County of Alameda continue to recommend measures to promote social distancing. Additionally, On March 9, 2020, in response to the COVID-19 pandemic, the City Council of the City of Oakland declared a local emergency as set forth in Resolution No. 898075 C.M.S., which remains in full force and effect to date; and

WHEREAS, the Board of Commissioners does hereby find that the COVID-19 pandemic has caused, and will continue to cause, imminent risk to the health and safety of attendees meeting in person for a Board of Commissioners' meeting, and the COVID-19 pandemic has caused conditions of peril to the safety of persons within the jurisdiction of the Housing Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Housing Authority, and desires to ratify the proclamation of a state of emergency by the Governor of the State of California and ratify the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing; and

WHEREAS, Resolution 4997 ratified the proclamation of the state of emergency and made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on November 24, 2021, Resolution 5009 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on December 06, 2021, Resolution 5020 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on December 27, 2021, Resolution 5022 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on January 24, 2022, Resolution 5033 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on February 28, 2022, Resolution 5034 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on March 21, 2022, Resolution 5051 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on April 25, 2022, Resolution 5056 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on May 23, 2022, Resolution 5079 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, on June 27, 2022, Resolution 5090 made findings to continue remote teleconference meetings pursuant to Brown Act provisions, as amended by AB 361; and

WHEREAS, as a consequence of the local emergency and state of emergency the Board of Commissioners shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board of Commissioners shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA:**

THAT, Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference; and

THAT, Section 2. Reconsideration. The Board hereby reconsiders the circumstances of the state of emergency; and

THAT, Section 3. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing. The Board hereby finds that state and local officials continue to recommend measures to promote social distancing. The Board further hereby ratifies the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing and finds that, as a result of the state of emergency, meeting in person would present imminent risk to the health or safety of attendees; and

THAT, Section 4. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, which declaration has not been lifted or rescinded, and hereby finds that the state of emergency continues to directly impact the ability of the Board of Commissioners and members of the public to meet safely in person; and

THAT, Section 5. Remote Teleconference Meetings. The Housing Authority's Executive Director, and designee, and the Board of Commissioners are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continued teleconferencing and conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and

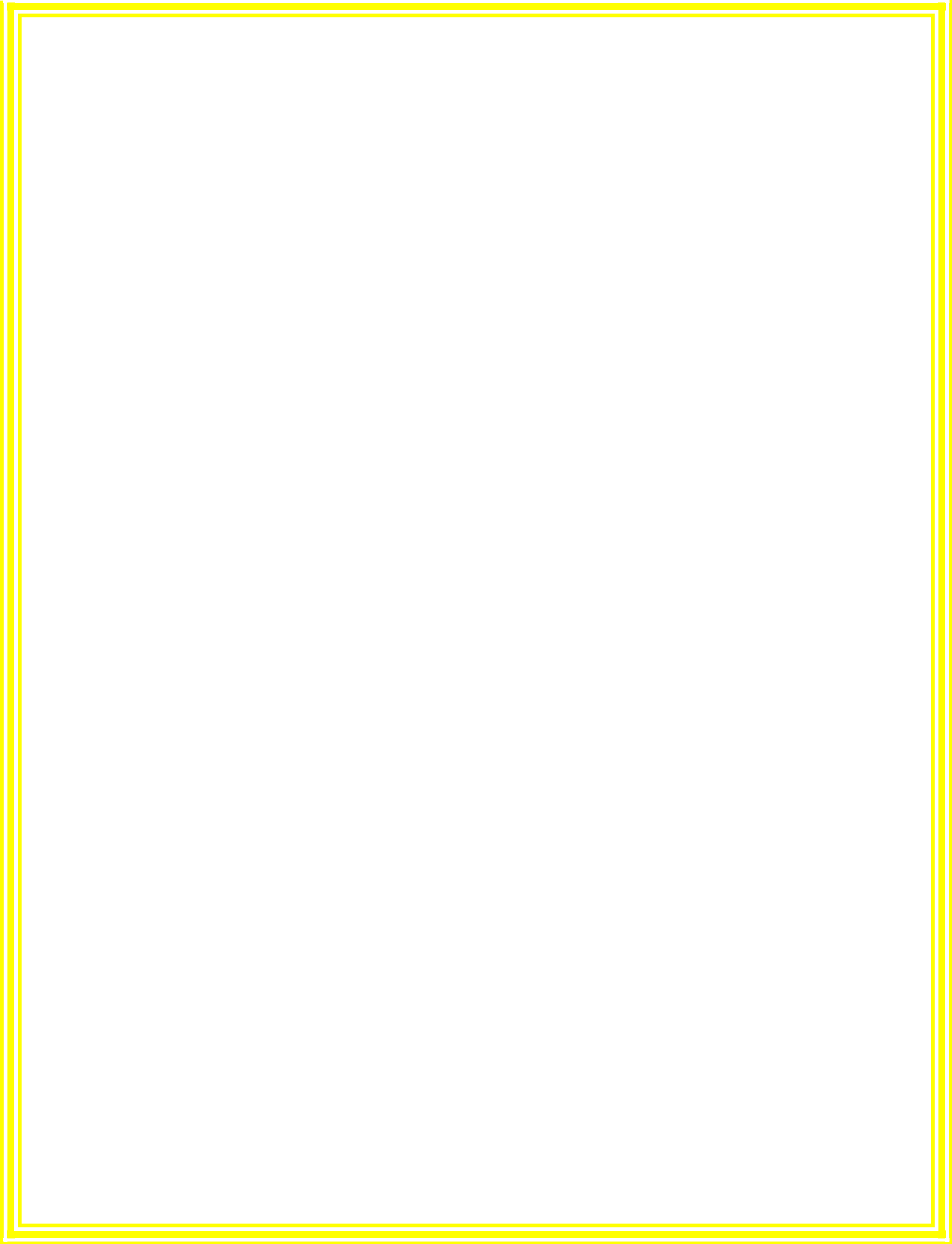
THAT, Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution, or, (ii) such time as the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Commissioners of the Housing Authority may continue to teleconference without compliance with Government Code section 54953(b)(3).

I hereby certify that the foregoing resolution is a full, true and correct copy of a resolution passed by the Commissioners of the Housing Authority Of the City of Oakland, California on July 25, 2022.

Secretary / Executive Director

ADOPTED: July 25, 2022

RESOLUTION NO.



ITEM: VII.E.2.**Executive Office
Oakland Housing Authority MEMORANDUM**

To: Board of Commissioners

From: Patricia Wells, Executive Director

DocuSigned by:

Patricia Wells

722CF180EE194A1...

Subject: Consideration a resolution authorizing the Executive Director to continue the Authority's participation in the Employment Risk Management Agency (ERMA) insurance pool and to issue payment of the annual premium invoice in an amount of \$248,919.

Date: July 25, 2022

Purpose: This action will authorize Authority's participation in the Employment Risk Management Agency (ERMA) insurance pool and to issue payment of the annual premium invoice in the amount of \$248,919.

Funding: The proposed funding was approved in the FY 2023 Operating Budget approved Line Item 4565-00-000, by the Board of Commissioners on June 27, 2022.

Background:

The Employment Risk Management Agency (ERMA) is an insurance pool comprised of various public entities that provides employment practices liability insurance. Oakland Housing Authority (OHA) has been a direct member of ERMA since 2007.

The policy represented by the attached invoice provides \$1 million primary policy plus a \$3 million excess rider for a total of \$4 million in employment liability practices coverage. OHA carries a \$50,000 self-insured retention on this coverage with no aggregate cap on the number or amount of claims that can be paid.

Recommended Action:

It is recommended that the Board of Commissioners adopt the resolution authorizing the Executive Director to continue the Authority's participation in the Employment Risk Management Agency (ERMA) insurance pool and to issue payment of the annual premium invoice in the amount of \$248,919.

Attachment: Resolution

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner

Seconded by Commissioner

and approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER

**RESOLUTION OF THE OAKLAND HOUSING AUTHORITY (OHA) AUTHORIZING
CONTINUED PARTICIPATION IN THE EMPLOYMENT RISK MANAGEMENT
AUTHORITY, AND PAYMENT OF THE ANNUAL PREMIUM OF \$248,919.**

WHEREAS, the Oakland Housing Authority has a need for continued Employment Practices and Excess Liability coverage for the period July 1, 2022 to June 30, 2023; and

WHEREAS, the Employment Risk Management Authority (ERMA) is an insurance pool comprised of various public entities who are each insured up to \$1 million as well as excess liability coverage beyond the \$1 million standard limit against potentially unlawful employment practices and discrimination claims; and

WHEREAS, ERMA has met all of the high professional standards established by the California Association of Joint Powers Authorities (CAJPA) in the areas of governance, finance, claims control, safety and loss control and ERMA is fully accredited by CAJPA. CAJPA's accreditation process requires reviews by independent consultants in the areas of accounting, claims adjusting, and actuarial analysis; and

WHEREAS, the Authority has been a direct member of ERMA since 2007; and

WHEREAS, the Board of Commissioners has determined that it is in the best interest to remain a member of ERMA for the purpose of obtaining Employment Practices Liability and Excess Liability coverage.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA:**

THAT, the Board of Commissioners approve the Oakland Housing Authority's continued participation in Employment Risk Management Authority (ERMA) as an individual member and authorizes the Executive Director to make the annual premium payment of \$248,919 for Employment Practices Liability and Excess Liability insurance coverage for Fiscal Year 2022-2023; and

THAT, the Executive Director, on behalf of the Authority, is hereby authorized to take any and all actions necessary to implement the foregoing resolution.

*I hereby certify that the foregoing resolution is a full, true and
correct copy of a resolution passed by the Commissioners of the
Housing Authority of the City of Oakland, California on July 25, 2022.*

Secretary/Executive Director

ADOPTED:

RESOLUTION NO.



1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833
 800.541.4591 916.244.1199 Fax

INVOICE

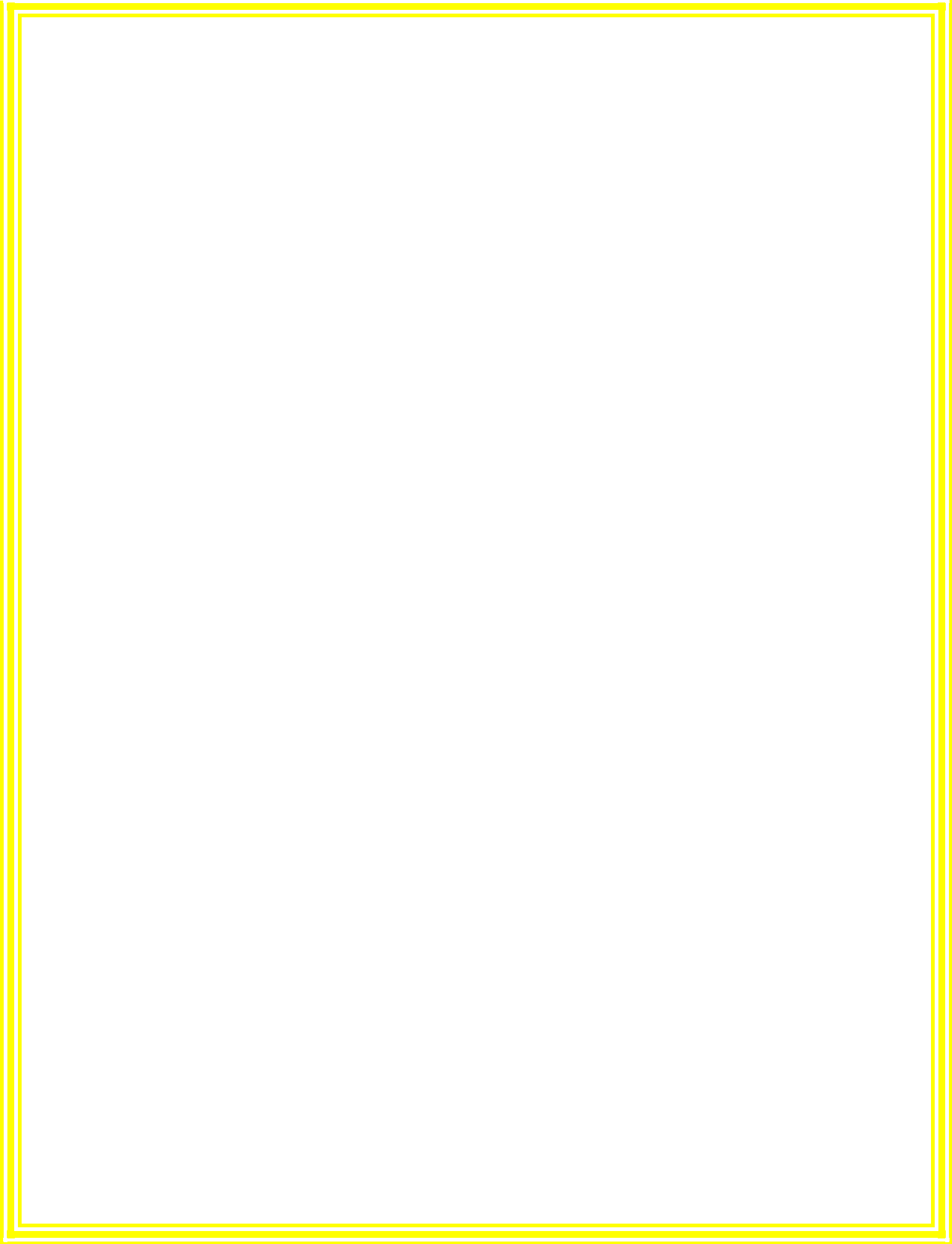
Bill To
Oakland Housing Authority Attn: HR Department 1619 Harrison Street Oakland, CA 94612

Customer # OAK01	Invoice # ERMA-00475
Invoice Date 7/01/2022	Due Date 7/15/2022
Total Due \$248,919.00	Delinquent Date 7/29/2022

2022/2023 Contribution

Description	Amount
Employment Practices Liability Contribution	228,970.00
Employment Practices Liability Excess Insurance \$3M X \$1M	19,949.00
TOTAL AMOUNT DUE	\$248,919.00

Interest shall accrue on all delinquent amounts due and payable at a rate of 7% per annum.



ITEM: VII.E.3.**Executive Office
Oakland Housing Authority MEMORANDUM**

To: Board of Commissioners

From: Patricia Wells, Executive Director

DocuSigned by:
Patricia Wells
722CF180EE194A1...

Subject: Authorization for the Executive Director to write off \$4,262.00 in Tenant Account Receivables for public housing tenants vacated contract-managed properties during the period of time from January 1, 2021 through June 30, 2022

Date: July 25, 2022

Purpose: This action will authorize the Executive Director to write off \$4,262.00 in Tenant Account Receivables (TARs) for public housing tenants vacated contract-managed properties during the period of time from January 1, 2021 through June 30, 2022. The Authority should not count these delinquent accounts as an asset or potential income. This action, however, does not hinder on going collection activities when appropriate.

Funding: This request does not require an expenditure of funds. The write off amount of \$4,262.00 is included in the approved FY 2021-2022 public housing operating budget in account 4570-00-000 Bad Debt - Tenant Rents.

Background

The Department of Housing and Urban Development (HUD) *Financial Management Handbook 7475.1 Revised* states that as a matter of good business practice the Board of Commissioners, on the recommendation of the Executive Director, should periodically write off unpaid rent receivables owed to the Authority and determined to be uncollectable. Best practices of Generally Accepted Accounting Principles (GAAP) recommend that write offs of TARs typically should occur on an annual or semi-annual basis. The amounts written off are still owed to the Authority and the write off process does not hinder future collection activities when appropriate.

The previous request to write off delinquent tenant accounts for tenants vacated contract-managed properties during the period of time between July 1, 2020 through December 31, 2020, was approved by the Board of Commissioners on January 25, 2021 under resolution of 4959.

The proposed write offs in the amount of \$4,262.00 consist of balances from ten (10) public housing tenants vacated contract-managed properties between January 1, 2021

Tenant Accounts Receivables Write Off

Page 2 of 2

through June 30, 2022. Nine (9) units were vacated due to the death of a sole household member and one (1) unit was abandoned by the household.

Recommendation

It is recommended that the Board of Commissioners approve the attached resolution authorizing the Executive Director to write off \$4,262.00 in Tenant Accounts Receivables deemed uncollectable for public housing tenants vacated contract-managed properties during the period of time from January 1, 2021 through June 30, 2022.

Attachments: Write Off Accounts Details by Tenant
Resolution

**THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA**

On Motion of Commissioner:

Seconded by Commissioner:

and approved by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXCUSED:

THE FOLLOWING RESOLUTION WAS ADOPTED:

NUMBER:

**AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO WRITE OFF
\$4,262.00 IN TENANT ACCOUNT RECEIVABLES DEEMED
UNCOLLECTABLE FOR PUBLIC HOUSING TENANTS VACATED
CONTRACT-MANAGED PROPERTIES DURING THE PERIOD OF TIME FROM
JANUARY 1, 2021 THROUGH JUNE 30, 2022**

WHEREAS, according to Generally Accepted Accounting Principles (GAAP) it is a good business practice to write off uncollected accounts receivables on a regular basis; and

WHEREAS, from an accounting standpoint, the write offs reflect receivables for tenants who vacated public housing rental units and these receivables are not likely to be collected; therefore, these delinquent rents should not be counts as an asset or potential income by the authority; and

WHEREAS, the previous request to write off delinquent tenant accounts for public housing tenants vacated contract-managed properties during the period of time between July 1, 2020 through December 31, 2020, was approved by the Board of Commissioners on January 25, 2021 under resolution of 4959; and

WHEREAS, this action will authorize Executive Director to write off \$4,262.00 in Tenant Accounts Receivables for public housing tenants vacated contract-managed properties during the period of time between January 1, 2021 through June 30, 2022; and

WHEREAS, the proposed write offs in the amount consist of balances from ten (10) public housing tenants vacated between January 1, 2021 through June 30, 2022; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE CITY OF OAKLAND, CALIFORNIA:**

THAT, the Executive Director is authorized to write off \$4,262.00 in Tenant Account Receivables deemed uncollectible for public housing tenants vacated contract-managed properties during the period of time from January 1, 2021 through June 30, 2022; and

THAT, the Executive Director, on behalf of Oakland Housing Authority, is hereby authorized to take all actions necessary to implement the foregoing resolution.

*I hereby certify that the foregoing is a full, true and
correct copy of a resolution passed by the Commissioners of the
Housing Authority of the City of Oakland, California on July 25, 2022*

Secretary

ADOPTED: July 25, 2022

RESOLUTION NO.

Write Off Accounts Details by Tenant

Property	Unit	Monthly Rent	Rent Balance	Damages	Garbage	Total Balance	MO DATE	Move-Out Reason
Adel Court	173A-208	\$164.00	\$160.00	\$0.00	\$0.00	\$160.00	2/28/2022	Death of Sole Family Member
Campbell Village	302D1-883	\$137.00	\$552.00	\$0.00	\$0.00	\$552.00	3/8/2021	Tenant Abandoned Unit
Campbell Village	302B2-914	\$208.00	\$92.00	\$0.00	\$0.00	\$92.00	10/20/2021	Death of Sole Family Member
Campbell Village	302A2-914	\$193.00	\$1,387.00	\$0.00	\$0.00	\$1,387.00	10/15/2021	Death of Sole Family Member
Harrison Towers	113A-504	\$353.00	\$0.00	\$501.00	\$0.00	\$501.00	1/26/2022	Death of Sole Family Member
Harrison Towers	113a-1105	\$251.00	\$0.00	\$0.00	\$372.00	\$372.00	1/28/2021	Death of Sole Family Member
Harrison Towers	113A-1304	\$276.00	\$0.00	\$0.00	\$160.00	\$160.00	4/1/2022	Death of Sole Family Member
Palo Vista Gardens	17403-94	\$352.00	\$704.00	\$0.00	\$0.00	\$704.00	12/31/2021	Death of Sole Family Member
Palo Vista Gardens	17403-81	\$377.00	\$0.00	\$0.00	\$132.00	\$132.00	3/10/2021	Death of Sole Family Member
Palo Vista Gardens	17403-52	\$319.00	\$0.00	\$0.00	\$202.00	\$202.00	3/31/2021	Death of Sole Family Member
Total Balance		\$2,630.00	\$2,895.00	\$501.00	\$866.00	\$4,262.00		

WRITTEN
COMMUNICATIONS
(MONTHLY REPORT)



Oakland Housing Authority
Monthly Status Report
June 2022



Section 3 Construction and Non-Construction

- Twenty-four (24) participants are enrolled in the Section 3 program; Sixteen (16) are currently working on construction projects, and eight (8) are seeking employment.

Section 3 List

Number*	Trade	Level	Union Affiliation	Work Status
Currently Working				
1-6	Carpentry	Apprentice (1 st) - Journeyman	Carpenters, Carpenters 713, Millwright	Fruitvale Transit Project, Green St. Station, W.A. Rose Construction, Oliver Company, BBI BGB, James E. Roberts Obayashi, Country Builders
7	Electrical	Apprentice	Electrical Union	Design Electric
8-11	Laborer	Apprentice (1 st) – Journeyman	Laborers, Laborers Local 304	Brooklyn Basin, James E. Roberts Obayashi, Branagh Inc., Plant Construction, Baines Group, Chevron, BBI
12	Cement Mason	Apprentice (1 st)	Local 300	Luminart Concrete
13	Laborer	Journey level	Laborers	Ranger Pipelines
14	Cypress Mandela Graduate	Pre-Apprentice	N/A	Non-Union – Cement
15	Welder	Journeyman	Boilermakers	Non-Union – Welding
16	Painter	Journey Level	Painters	Cal Trans
Currently Seeking Employment				
17	Carpenters Union	Apprentice (Rising Sun Graduate)	Carpenters	Not working
18	Operating Engineers	Journey Level	Operating Engineers – Local 3	Not working
19	Laborers	Journey Level	Laborers	Not Working
20	Carpenters	Journey Level	Carpenters	Not working
21	Iron Workers	Apprentice (1 st)	Iron Worker –Local 378	Not Working
22	Laborers	Journey Level	Laborers	Not Working

23	Carpenters	Apprentice	Carpenters	Not Working
24	Carpenters	Journey Level	Carpenters	Not working

Section 3 New Hires (Construction & Non-Construction)

FCP Program	Interviewed	Hired Part-Time	Hired Full-Time	Company	Position
Section 3	X	0	X	Cement Mason Union	Cement Mason
Total	1	0	1	YTD Total	1

Section 3 Compliance

FCP received zero (0) trade requests from contractors.

Section 3 Compliance

Employer(s)	Trade	Requests	OHA Referrals	OHA Hires	Compliance Reports Issued
Total	0	0	0	0	0

Employment and Economic Development

FCP Program	Job Readiness	Job Referrals	Job Retention	Total
FSS	4	7	0	11
General Support	4	30	1	35
ROSS	0	59	0	59
Section 3	0	2	0	2
Total	8	98	1	107

Winning Wednesday Hiring Events

OHA hosted six (6) on-site hiring/career events in partnership with Laney College

Company	OHA participants	Community Participants	Total
United States Postal Office*	14	7	21
Homebridge	5	0	5
RydeTrans	11	0	11
Fed Ex and Veritas	9	0	9
Allied Universal	17	2	19
Total	56	9	65



General Employment

FCP Program	Interviewed	Hired Part-Time	Hired Full-Time	Company	Position
FSS	X		X	Veritas	Leasing Agent
FSS	X		X	Roots Community Health Center	Health Navigator
FSS	X		X	Fed Ex	Shipping Clerk
FSS	X	X		Proper Fashion Boutique	Sales Clerk
General Support	X			Homebridge	Caretaker
General Support	X			Homebridge	Caretaker
General Support	X		X	Allied Universal	Security Guard
General Support	X		X	CalTrans	Maintenance Worker
General Support	X		X	Durham	Driver
General Support	X		X	RydeTrans	Driver
General Support	X		X	RydeTrans	Dispatcher
Total	11	1	8		

In addition to the Winning Wednesday's events, OHA participated in an outdoor job fair on 6/30/2022 at Defremery Park organized by the Oakland PIC. The event attracted over two hundred (200) job seekers; it is yet to be determined how many OHA residents participated in the event.



The Bread Project

- On June 3rd, five (5) OHA residents graduated from The Bread Project – 5-week Culinary training program.
- Three (3) OHA residents enrolled in the next cohort of The Bread Project – Culinary training program.



Pryor Learning

One (1) General Support participant completed a Pryor Learning training on Microsoft Excel – Pivot Charts.

Education

Schools	New Enrollment	Continued Enrollment	Graduates
Adult Education (GED/ HS Diploma)	0	38	0
Community Colleges	0	47	0
California State Colleges (CSU)	0	16	0
University of California Colleges (UC)	0	6	0
Private Colleges	0	12	0
Vocational Training	0	15	6
Professional Development	0	0	0
Entrepreneurship Program	0	1	0
Total	0	119	6

Resident Owned Businesses

Business	Business
Raw Christal – Cosmetology	Brown Sisters Speak – Mental Health
Dress Your Mess	Ashby Market
Services by MSWELLS, LLC	H. Butlers Bar B.Q.
Coco Breeze	Designs by Charmeng
MagicallyMe By Dena	
Total	9

Financial Literacy

Programs	New Enrollment	Cont. Enrollment	Completed
Financial Literacy Workshop	4	0	4
Total	4	0	4

- One (1) FSS participant completed a financial literacy workshop offered through OCCUR's Financial Management Training Series.
- Three (3) FSS participants completed six (6) FDIC Financial Literacy Money Smart modules.

Digital Literacy

Four (4) FSS participants received Digital Literacy assistance on how to navigate the internet. They learned how to access the FDIC Money Smart website.

T-Mobile Tablet & Chromebook Distribution

One (1) FSS participant received a Chromebook this month.

T-Mobile Tablet Distribution		
FCP Program	Chromebooks/Tablets Distributed (Month)	YTD Total
FSS	1	1
Total	1	1

Family Self-Sufficiency Program (FSS)

- One (1) FSS participant graduated the program with \$4,095.96 in escrow funds. The participant qualified for automatic graduation due to her rising income. The participant is a full-time registered nurse with Alameda Health Services, making over 100k per year. While in the program, she completed her nursing education and passed her license exam. The participant feels like she has achieved economic independence and self-sufficiency and plans to save her escrow funds for her children's needs.
- One (1) FSS participant graduated the program with \$9,293.63 in escrow earnings. During her time in the FSS Program, this single mom of one maintained employment while furthering her college education as a part-time student. She also prepared for homeownership by completing an 8-hour Homebuyer Education workshop. She plans to save her escrow earnings and use it towards a future down payment on a home and for an emergency fund.
- One (1) FSS participant received a reference letter needed for an employment opportunity from her FSS Coordinator.
- Four (4) residents enrolled in the FSS program effective June 1st.
- Thirteen (13) FSS participants are within six (6) months of graduation and have met with their Coordinator to prepare for their graduation. Fourteen (14) FSS participants received a quarterly contact to review to update their Individual Training Service Plans (ITSP) for program graduation.



Family Self-Sufficiency (FSS)								
Program	Total	New Enrollees	Escrow Accounts	Graduates	Escrow Disbursed	Termination or Exits	Escrow Forfeited	Escrow Transferred (RHA)
Section 8	143	4	89	2	\$13,389.59	0	\$0	\$0
PH	13	0	4	0	\$0	0	\$0	\$0
FUP-Youth	12	0	5	0	\$0	0	\$0	\$0
Total	168	4	98	2	\$13,389.59	0	\$0	\$0

Family Unification Program (FUP) Youth

- The FUP Youth participants received informational resources and referrals to employment opportunities, parenting training, and financial education.

Family Unification Program (FUP) Youth

Applicants	Current Participants	New Enrollments (Current Month)	Transitioned to FSS	Program Exits To Date	Program Enrollments To Date
3	9	0	12	0	29

Parents and Children Together (PACT) Program

- Eight (8) PACT families attended the weekly small group therapy sessions facilitated on-site by the PACT staff and participated in parenting classes.
- Eight (8) PACT participants are receiving drug rehabilitation services.
- All the PACT families received eighteen (18) informational resources for employment opportunities and financial education.

Parents and Children Together (PACT) Program

New Enrollments (Month)	Program Participants	Terminations	Pending Terminations	Enrollments (YTD)	Exits (YTD)
0	8	0	3	0	1

Resident Opportunities Self Sufficiency (ROSS) Program

Program	ROSS Participants	New Enrollees (Month)	YTD (Exits)
Public Housing	151	0	2

OHA Resident Advisory Board (RAB)

On June 8th, the Resident Advisory Board held a virtual meeting with nine (9) RAB members in attendance. Three (3) RAB members also attended the RAB debrief and agenda planning committee meetings.

	RAB committee meetings	RAB Meetings	Volunteers	Total
OHA Residents	3	9	0	12
Non OHA Residents	0	0	0	0
Total	3	9	0	12

OHA Volunteer Program

There were no volunteers this month.

Youth and Education

The Education Team is utilizing the summer to build strong relationships with the twelve (12) schools included in our K-12 Feeder School Model. We are also establishing a network of partners that will support OHA students' success, such as Oakland Natives Give Back, which provides incentives to improve attendance and address chronic absenteeism.

The summer is also a critical period to keep our students engaged in positive experiences, such as the Summer Lunch Program. OHA is operating our annual Free Summer Lunch Program at both Peralta Village and Lockwood Gardens sites, Monday-Thursday. During the month of June, the Education Team provided lunch and educational activities to twenty-four (24) youth and three hundred and ninety (390) meals between both sites since the beginning of the summer lunch program on June 13th. Youth participating in the summer lunch program will also have the opportunity to design a poster for the regional NAHRO poster contest.

For the 2021-22 School year, we provided coordinated services to the following schools:

School	Current Enrollment	Enrollment 2015 - Present
Lockwood Steam Academy	17	80
Markham	3	21
MLK Jr.	11	54
Parker	0	35
Prescott	0	21
WOMS	14	30
Non-Partner School	51	107
• New Enrollments	10	10
Total	106	358

Education Community Events

Welcome Back Outside

The Education Team participated in the "Welcome Back Outside" Community Block Parties at Peralta Village and Lockwood Gardens. We outreached and enrolled youth and families in our Education Program, Summer Lunch program and youth activities Run, Roar Read Literacy Days and OHA Police Department summer field trips.

During the event, twelve (12) youth signed up to participate in the OHA Police Department summer field trips, and we completed ten (10) enrollments into the Education Program.

Camp Mendocino

Forty-five (45) OHA youth are registered to attend Camp Mendocino on July 13th. Staff worked closely with parents to complete the necessary registration and medical

paperwork. The Parent Orientation was held via Zoom in preparation for the camp, OHA shared with parents that each youth will receive a care package with essential care items, sleeping bags, and a personal disposable camera to capture their camping experience. The youth will depart for Camp by bus on July 13th and return on July 22nd.

OUSD School Site Attendance Meetings and Tutoring Services

School site meetings COST is paused for the summer months. At the onset of the new school year, we will have a presence at all twelve (12) feeder schools' COST and Attendance Team meetings.

Tutoring services and referrals for tutoring are continuing during the summer months. It is our goal to increase tutoring services throughout the school year with an increased presence and engagement at school site meetings.

Tutoring Referrals

Referrals	In-Progress	Assigned Tutor	Total Assigned Tutor (YTD)
4	6	30	30

Senior Services

During June, one hundred and one (101) senior residents from Peralta Village, Lockwood Gardens, Palo Vista Gardens, and Campbell Village received a *Seniors Connect* newsletter and one 'Paint your own rock' and 'Color your own' mug



The June *Seniors Connect* Newsletter, "Father's Day & Healthy Eating" edition included information for National Fresh Fruits and vegetable month, and resources provided included the food pantry flyer for Lockwood Gardens and Peralta Village and the June "*Zoom on the Move*" schedule. The newsletter also showcased seniors who completed their art kits in May.

This program allows senior residents to expand their creative growth, promote stress relief, bolster memory, and stimulate an optimistic attitude. Seniors have expressed their gratitude for the Art & Craft kit and the Seniors Connect Newsletter.

Senior Lunch "Grab & Go" Hot Meals - Peralta Village residents

For the month of June, twenty-eight (28) Peralta Village senior residents participated in the Spectrum meal program. The total number of hot meals provided to seniors this month was three hundred and ninety-two (392). The seniors received weekly educational materials and resources provided by Spectrum.



Senior Lunch Delivery Program

	Monthly Total	YTD
Meals "Grab &Go"	392	1,949

Special Programs

FYI Program Briefing

On June 7th, the Leased Housing Department hosted a briefing with six (6) Foster Youth to Independence (FYI) participants to provide information regarding their voucher subsidies and issue their vouchers. The briefing included a condensed FCP presentation with emphasis on the FSS program, with all participants expressing interest in the program.

FYI Program Housing Workshop

On June 14th, the FCP Department hosted its first housing search workshop to support the FYI participants with their housing search. Four (4) FYI participants received a thorough presentation on how to search for units, prepare a rental resume, dress for success, and additional deposit resources. Each participant was provided a master rental application, housing search tracker and telephone guide, a landlord email template, and available units for their voucher subsidy. Participants were instructed to follow up with Beyond Emancipation and FCP for additional housing search support.

Health and Wellness

Food Programs - Peralta Village & Lockwood Gardens

FCP collaborated with the Alameda County Community Food Bank to conduct two (2) food pantry events, one (1) at Peralta Village and one (1) at Lockwood Gardens. FCP resources were provided in each food bag, including the calendar for "Zoom on the Move," job fair notices, and health care resources.

Food Pantry

Support Items	Lockwood Garden	Peralta Village
Food Bank (Food bags)	48	172
Semi Freddi's bread donation	75	75

Food Assistance

	Senior Lunch Food Delivery	Peralta Village	Lockwood Gardens	Total
Food bags provided	392	72	48	512
Total people served	28	133	111	272

Zoom on the Move Virtual Workshops

FCP's "Zoom on the Move" virtual workshop series included sessions on the FCP Homeownership program, FSS Orientation, and the St. Mary's Senior Exercise class.

Zoom on the Move Attendance Table

Organizations	Number of Sessions (Month)	Number of Participants (Month)
FCP Homeownership	1	1
FSS Orientation	2	5
Total	3	6

Wellness Checks

FCP continues to conduct wellness calls to ensure residents are okay throughout this pandemic and outreach FCP services and resources. FCP contacted two-hundred and eighty-one (281) residents this month.

FCP Program	Monthly Total	YTD
FSS	24	165
General Support	44	205
OHA Seniors	101	699
ROSS	99	452
Section 3	3	17
PACT	3	9
FUP	10	37
Total	284	1584

COVID-19 Relief Closet

- The COVID-19 Relief closet filled 48 orders for residents in need.

	Individual Resident Orders	Bulk Orders	Total
Residents served	30	0	30

Homeownership

- One (1) participant who was selected from the A.C. Boost waiting list to receive down payment assistance is still in contract to purchase a home and is expected to close in mid-July.
- Two (2) homeownership program participants are continuing to search for a home.
- Two (2) OHA residents participated in the "Zoom on the Move" Homeownership Q&A session facilitated by the homeownership team on June 22nd.
- Currently, nineteen (19) residents have met the homeownership program's minimum income, savings, and credit requirements, and seventeen (17) are going through the Section 8 Eligibility process; one (1) is working on obtaining loan

approval, and one (1) is waiting for additional down payment assistance funding from A.C. Boost.

- The Homeownership Coordinator responded to ten (10) program inquiries by phone or email.

Residents Pre-qualified for Homeownership

Voucher Size	# Families Searching	Average Household Income	Average Loan Amount
1 Bedroom	0	N/A	N/A
2 Bedrooms	3	\$34,473	\$450,000
3 Bedrooms	0	N/A	N/A
4 Bedrooms	0	N/A	N/A

*Table updated 5/2/22 to reflect the three families searching. (one of the three is now in contract.)

Homeownership Applicants

Homeownership Requirements Met	Approved for Mortgage	Executed Purchase Contract/In Escrow	Closings	Homes Purchased (YTD)	Homes Purchased Outside of Oakland (YTD)
19	2	1	0	0	0

Homeownership Program

Current Homeowners	Total Homes Purchased (Since 2004)	Program Terminations (YTD)	Program Graduates (YTD)	Pending Refinance	Total Homes Refinanced (YTD)
79	120	0	1	0	1

Site Services

OPO – "Welcome Back Outside" Block Party Events

The Office of Property Operations (OPO), in partnership with OHAPD and FCP, held two (2) block parties to encourage resident engagement; The Peralta Village event occurred on Friday, June 24th and the Lockwood Garden event occurred Thursday, June 30th. The Family Community Partnerships Department collaborated to secure seventeen (17) vendors to provide resources to OHA residents. Community-Based Organizations, local businesses, and OHA inter-agency support included Alameda County Community Food Bank, Life ElderCare, Spectrum Meal Program, LIHEAP Program, Alameda County Public Health Asthma Start Program, West Oakland Health Center, Oakland Natives, Clean Slate, United States Postal Service, Allied Universal, Laney College, Ryde Trans, OHA Recycle Team, OHA Human Resources, and OHAPD Cadets.



Site Intervention and Service Referrals

FCP staff closed thirteen (13) resident referrals and provided counseling, supportive services, or resources.

Development	Rent	HQS	Lease Comp.	DV	Supportive Services	Housing Search	Continued	Completed	Completed YTD
Lockwood	0	0	0	0	0	0	0	0	22
Peralta	2	3	2	0	2	0	0	9	40
Deep East (9)	0	0	0	0	0	0	0	0	2
East (10)	0	0	0	0	0	0	0	0	5
Fruitvale (11)	0	0	1	0	0	0	0	1	8
San Antonio (12)	0	0	0	0	0	0	0	0	2
West (13)	0	0	0	0	2	0	0	2	10
North (14)	0	0	0	0	0	0	0	0	11
Asset Management	0	0	0	0	0	0	0	0	0
Leased Housing	0	0	0	0	0	1	0	1	20
OHAPD	0	0	0	0	0	0	0	0	0
Total	2	3	3	0	4	1	0	13	120

Transportation

	OHA	Bus Pass	BART Pass	Gas Card	Total
Adults	0	0	1	0	1

Leased Housing Department- June 2022 Report

2011 Housing Choice Voucher Wait List

There are a total of **303** applicants on the waitlist. OHA has reconciled its purged records for a final applicant list.

Virtual briefings FY22

IE Virtual Briefing Dates	# of families invited	# of families attended
July 2021	120	106
August 2021	86	81
September 2021	58	53
October 2021	61	49
November 2021	37	34
December 2021	64	62
January 2022	44	39
February 2022	46	43
March 2022	64	62
April 2022	94	79
May 2022	130	121

Mainstream Section 8

Intake Date	# of Families invited	# of Families attended
September 21, 2021	87	30
January 13, 2022	111	35
March 10, 2022	61	16

OAHPI Intake

Intake date	# of families invited	# of families attended	# of families removed from waitlist	# Referred pending
August 26, 2021	24	14	0	1
October 14, 2021	95	59	7	3

November 18, 2021	30	10	1	7
December 16, 2021	138	77	2	11
January 27, 2022	164	82	39	29
April 2022	N/A	0	0	22
May 2022	N/A	0	0	5

PBV to HCV Activity

- Thirty-Five families remain on the Request List.

2014 Public Housing Wait List

Intake date	# of families invited	# of families attended	# of families removed from waitlist	# Referred pending
July 2021	0	0	0	2
August 2021	0	0	0	1
October 2021	151	38	25	0
Dec 2, 2021	89	7	82*	13
February 10, 2022	100	19	0	0
March 24, 2022	100	29	0	7
April 28, 2022	0	0	0	6
May 2022	154	15	139	8

*no show 2nd intake appointment

Waitlist Openings:

Leased Housing opened the OAHPI PBV waitlist for 2bdrm and 3bdrm units during the period February 1-18, 2022. A total of 5,733 pre-applications were received. OHA will conduct a lottery to place 600 applicants for OAHPI 3 bedrooms and 200 applicants for 2 bedroom units. Additionally, we expect to open the Public Housing waitlists for Lockwood and Peralta in August 2022.

Summary Report

May 2022

June 2022

Eligibility

Waitlist Activities and Port-in

• Intake appointments scheduled 2011 waitlist	0	0
• Intake appointments attended 2011 waitlist	0	0
• Briefing and voucher issued for applicants from 2011 wait list and Mainstream	0	0

Summary Report**May 2022****June 2022**

- Intake, Briefing and voucher issued for Port-In and Survivor vouchers/FUP

1

0

Project Based Voucher and Tenant Protection Vouchers

- New Move-in Intake and briefing PBV/TPV
- Relocation vouchers issued for OAHPI Households

73

30

0

0

Special Programs (including non-MTW)

Intake, briefing and voucher issued:

- HUD VASH
- Mod Rehab/S+C to Section 8
- Intake, briefing: Local Programs/ PACT

2

1

8

3

2

0

Public Housing and OAHPI Eligibility:

- Intake 0
- Processing for Eligibility 30
- Referred Households 13

Total new vouchers issued (tenant & unit based)

88

34

Denial of Admission/Withdrawals

0

139

Owner Services**Initial Inspections**

- Move-in inspections
- Passed Inspections
- New contracts (new, transfer, port-ins)

218

235

121

141

126

141

Rent Increases

- Rent increases requested
- Rent increases approved
- Rent increases denied/declined
- Rent increases pending review/HQS

417

357

387

272

29

50

1

35

Annual Inspections

- Total number of Annual Inspections performed
- Number of annual inspections passed
- Failed with owner and tenant items

591

655

175

178

276

289

Summary Report**May 2022****June 2022**

• Inspections rescheduled, vacant, or cancelled	83	122
• No Shows	57	66

Reasonable Accommodations

• Total number of requests received	52	60
• Total number approved	29	37
• Total number pending	17	10
• Total number denied	6	12

Occupancy

• Total annual recertification scheduled	242	277
• Total annual recertifications completed	250	210
• Total interim recertifications completed	164	201
• Transfer voucher within Oakland	53	39
• Portability vouchers issued	34	24
• Total no. of transfer vouchers issued	87	63
• Total no. of Decisions to Terminate Assistance	18	23
• Total Meet & Discuss appointments	0	0
• Resolution cases	103	147

Special Programs

• Interims completed	99	110
• Recertifications completed	159	109
• Field recertifications	0	0
• Transfer port vouchers issued	26	10
• Resolution cases	34	61

Program Terminations

• Informal Hearings held	0	0
• Termination upheld	0	0
• Termination reversed	0	0
• Pending outcome	0	0
• Requests for Executive Review	0	0
• ER Termination upheld	0	0
• ER Termination reversed	0	0
• ER Outcome pending	3	2

Summary Report

Customer Service

	May 2022	June 2022
• Walk in visitors	0	0
• 1540 Leased Housing main phone line	3,195	3,345
• Avg. calls/day to Customer Service	168	167

LEP Calls

• Cantonese/Mandarin	57	38
• Spanish	38	23
• Vietnamese	28	9

Leased Housing Department Special Programs and Initiatives:

VASH

OHA has a total allocation of 526 VASH vouchers and 310 leased. OHA received a new allocation of 130 new vouchers effective January 1, 2021. OHA received 2 new referrals. OHA approved a conditional award of 14 vouchers to the Lake Park affordable housing project. OHA is working with Operation Dignity, a non-profit, and the Veterans Administration to lease 22 SRO units at the Temescal Inn to VASH eligible veterans. All units passed HQS. The Temescal Inn, a former motel, was purchased by the City of Oakland as part of the Home Key program administered by the State. The property is located at 3720 Telegraph Avenue. Currently 12 units are leased to VASH voucher holders.

Mainstream

OHA has a total allocation of 212 Mainstream vouchers (MS5/MS28), 188 utilized and 10 searchers.

Confidential Client Request (CCR) Policy

The purpose of this policy is to ensure OHA and OAHPI are in compliance with the provisions of the Violence Against Women's Act (VAWA) and to describe the procedures for processing VAWA and the Threat of Physical Harm requests, timely, effectively, fairly, and to maintain confidentiality. OAHPI PBV is amending its transfer policy to allow a 5 to 1 ratio. For every five applicants housed, one transfer will be approved. If determined an imminent threat exists, OHA will offer transfer to vacant and available 3rd party PBV unit or if available a Housing Choice Voucher. The goal is to fill vacant available units with applicants in need of affordable housing on the existing OAHPI waitlist and not simply transfer internal housed residents.

The Leased Housing Department received 15 CCR's for review and processing.

Portability

A total of 19 participant households ported in from other PHA's. OHA is absorbing all port in households except VASH and EHV.

There are 58 unabsorbed OHA participant families living in the jurisdiction of another housing authority. The majority are living in the following jurisdictions: Contra Costa County, Alameda County, City of Alameda, Berkeley, and Richmond.

The Housing Authority of Alameda County and Contra Costa Housing Authority are absorbing all port in program participants. OHA has a MTW activity that restricts portability to neighboring PHA's within 30 miles of OHA unless the receiving PHA is absorbing the voucher or family has one of 11 exceptions. Exceptions include emergency VAWA cases, employment, reasonable accommodations and educational needs.

Emergency Housing Vouchers

The Department of Housing and Urban Development (HUD) allocated \$5 billion in American Rescue Plan (ARP) funds for emergency housing vouchers that will assist individuals and families who are experiencing or at risk of experiencing homelessness. The \$5 billion funding gives communities the resources needed to help eligible households find and remain in housing. HUD estimates that these Emergency Housing Vouchers (EHVs), alongside resources provided by the CARES Act, could help house 130,000 households nationwide.

In May 2021, HUD awarded the Oakland Housing Authority 515 EHVs. OHA will work in partnership with its local Continuum of Care, the Coordinated Entry System and other local Public Housing Authorities to advance and improve the housing outcomes of individuals most impacted in Alameda County.

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The EHV program is a direct referral program. Alameda County Coordinated Entry will send direct applicant referrals for Emergency Housing Vouchers to OHA. OHA will conduct eligibility screening and inspect all units. OHA also received Administrative fees for activities related to assisting EHV applicants with leasing units. OHA is working

closely with Alameda County PHAs and the Continuum of Care to finalize a joint Memorandum of Understanding. OHA has convened an EHV work team who are collaborating with other local PHAs, County staff and a community partner to prepare a standardized application, workflow and SOP's. HUD has also provided administrative fee funding for a number of activities to assist with leasing such as landlord incentives, security deposits, "speed" leasing bonus and care packages for new residents. The program launched late July 2021. The EHV dashboard is available on the website www.oakha.org.

Owner Incentives

Per OHA's MTW plan, Leased Housing has launched four owner incentives: Vacancy Loss (Re-Rent Bonus), Pre-Qualifying inspections, Signing Bonus, and Owner Recognition and Unit Repair.

Vacancy Loss (Re-Rent Bonus)- Payment for up to two months HAP is offered to existing HCV owners if they re-rent a unit previously occupied by an HCV tenant to another HCV participant within two months of contract cancellation.

OHA paid \$40,774 in vacancy loss to 10 owners. Units had an average vacancy period of 99 days.

Pre-Qualifying Unit Inspections- A pre-qualifying unit inspection is offered to all HCV program owners to expedite the lease up process, and minimize delays or losses due to inspections. Inspections are not be linked to a participant. Once a unit has passed, the owners will have up to 60 days to find a tenant for the unit..

OHA conducted 0 initial pre-inspections. OHA has conducted 81 pre-qualifying inspections for HCV units.

Signing Bonus - For new landlords who sign a contract with OHA allowing a Section 8 family to move into one of their available units; OHA will pay the owner a \$1,000 signing bonus. This is for all owners who sign a contract with OHA.

OHA paid 46 new owners a \$1,000 bonus/\$46,000.

Apartment Repair Loan -OHA will reimburse owners up to \$2,250 for repairs made to fix Housing Quality Standard fail items on units that have never received HUD subsidy. The repairs must be verified by OHA. Once the Housing Assistance Payment (HAP) contract is signed and repairs are verified, OHA will reimburse the owner requests received within 30 days of HAP contract execution. This incentive launched November 2021.

New Contracts Entered for Owner Payment May 2022

PBV	41
Section 8	90
HUD VASH	5
TRA/Shelter Plus	5
Mod Rehab	0
Other	0
Contracts Entered for Payment	141

Project Based Vouchers**Projects in the pipeline/leasing**

	Project	Awarded PBVs	Families submitted	Families in Process	Eligible Families	Denied/Declined
1	Coliseum Place	37	42	5	32	4
2	Fook Lok West	65	66	34	54	7

Program Compliance Team

Program Compliance team is focused on the analysis, prevention or remedial action, if necessary, to prevent or correct program noncompliance by participants and owners. Program Compliance staff works with all the Leased Housing teams as well as the Oakland Housing Authority Police Department and the Executive Office. The team conducted 21 client interactive/warning meetings, processed 17 owner notification letters, resolved 17 late rent notices, resolved 62 resolution cases and processed 10 proposed termination notices. Additionally, the team assigned 0 police reports and calculated no subsidy overpayments. The team is developing an owner notice explaining the federal eviction moratorium end and in place City of Oakland moratorium and State resources for non-payment of rent to limit potential evictions.

Rent Increases

Leased Housing received 357 rent increase requests. There were 273 Housing Choice Vouchers completed. A total of 84 were Project Based Vouchers and Mod Rehab. The average rate of increase was 6% and average amount approved was \$109.

Existing Units PBV 16-008 project update

The Oakland Housing Authority issued RFQ #16-008 to invite qualified owners, property managers, and developers servicing the residents within the City of Oakland to solicit proposals for the award of Project Based Voucher Rental Assistance for existing units.

There are a total of 636 project based vouchers in 21 projects which received an award through the Existing Project Based Voucher program. OHA has executed Housing Assistance Payment contracts for twenty (20) projects.

Projects in process :

	Project	Awarded PBVs	Families submitted	Families in Process	Eligible Families	Denied/Declined
1	Kenneth Henry Court	15	13	1	8	4
2	Acorn	21	14	7	7	0

Special Needs Housing

The Harrison Hotel is part of the County's Shelter Plus Care program subsidizing 59 units, reported 100% lease up for formerly homeless disabled residents. The County refers applicants to OHA for intake and unit inspections.

Local Programs

Sponsor Based Housing Assistance Program (SBHAP)

On June 22, 2020, the Board of Commissioners passed resolution 4915 approving funding in the amount of \$3,081,093 for FY21 to serve an additional 40 homeless families with children. The BOC further approved expansion for an additional 40 Community Cabin exits in FY23. The total FY 23 budget is \$4,209,693.

The program can serve up to 140 households in FY22.

Services/ Funder	HH Served Min - Max.	Target Population	Supportive Services Provider	Housing Services Provider
------------------	-------------------------	----------------------	------------------------------------	---------------------------------

PATH: Community Housing Services	27-30	Encampments/ Shelter	Lifelong Medical St. Mary's Center Building Futures w/ Women & Children	Abode Services
Behavioral Health Care Services	18 - 20	Encampments/ Shelter: Homeless. Serious Mental Illness	Lifelong Medical	Abode Services
Oakland Unite: Dept. of Human Services	25-30	Re-entry: Adult Probation & Parole	Abode Services	Abode Services
PATH: ESG & THP+ Funding	17-20	Homeless Youth Ages 18-24 who are homeless or at-risk of homelessness and exiting the foster care or juvenile justice system	First Place for Youth	First Place for Youth
City of Oakland – HSD - CHS	20-40	Families experiencing homelessness, at risk of homelessness or victims of domestic violence	Building Futures for Women & Children	Building Futures for Women & Children

Building Bridges

The Building Bridges Program is a result of recommendations from the Board of Commissioners Ad Hoc Special Needs committee whose purpose was to identify special needs populations who will benefit in securing stable short term local housing assistance. Two pilot programs were implemented: the first serving Emancipated Foster Youth participating in the THP+ program, and the second serving CalWORKs participants participating in County short term housing assistance program. Through systems alignment, Alameda County Social Services Agency and, First Place for Youth in partnership with OHA will ultimately improve the effectiveness of the delivery of assistance programs and services to low-income households by allocating scarce resources more effectively, leveraging other public and private resources, and institutionalizing best practices.

CalWORKs

CalWORKs Building Bridges program, provides a stable shallow housing subsidy (1-2 years) for Social Services Agency clients who are actively engaged in a plan to achieve self-sufficiency, specifically employable, formerly homeless CalWORKs clients.

An average of 50 families per month will receive an average of \$1,500 per month local rental assistance from OHA. Contract term is 5 years. Costs to not exceed \$5,000,000 over the five year term; with \$1,000,000 budgeted annually. Reasons for denial: Incomplete information, client exited from Housing Support Program by County, client request, non-compliance with CalWORKs program, or no inspection requested or passed.

Available	Referrals received	Households admitted	Households in eligibility process/inspection
50	38	27	3

First Place for Youth (FPFY)

FPFY Building Bridges program is a short-term five-year program for up to 50 participants. The short-term assistance payment will phase down funding in year four and year five. Roommate living arrangements are allowed. The service provider will be responsible for ensuring that participants and units meet program eligibility requirements and submitting required reports and periodic invoices. OHA Board of Commissioners on April 9, 2018 approved funding for the project up to \$5,000,000 over a five year term. Reasons for denial: no HQS passed inspection and incomplete or missing documentation

Available	Referrals received	Households Admitted	Households in eligibility process and inspection
50	57	17	21

Local Housing Assistance Program/Single Room Occupancy – LHAP/SRO

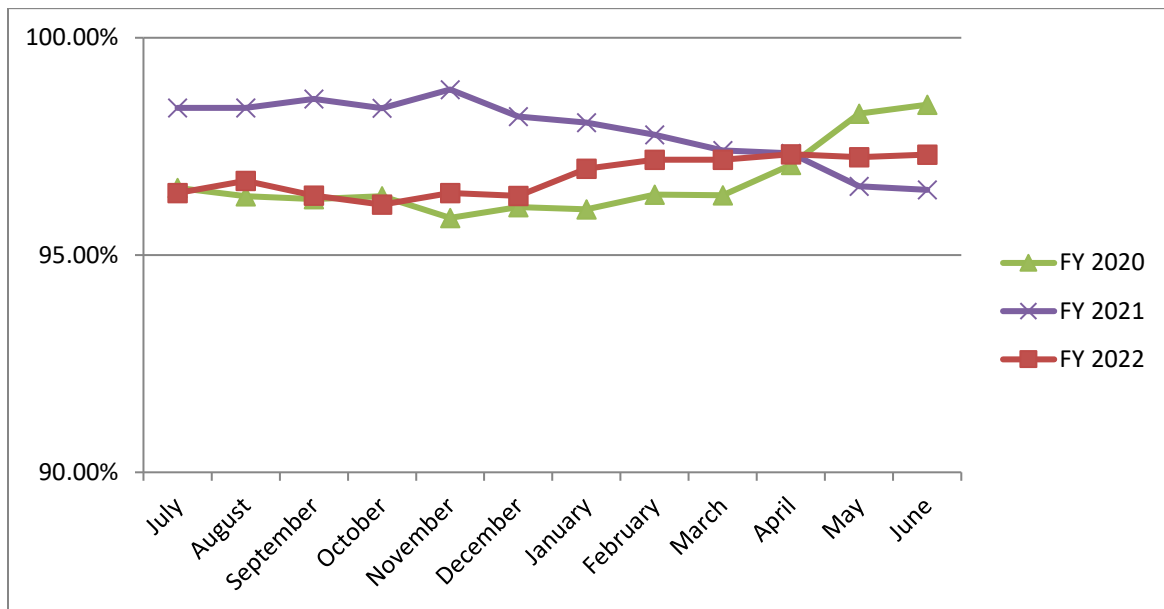
As of December 2021 TOTALS	Total Units	Vacant or Non- Eligible Units	Eligible Units	Subsidy Per Unit
	311	128	183	\$897

- All properties received subsidy increase with FY21 HUD Fair Market Rent.

Property Operations Department

Occupancy Report

Public Housing Occupancy Rates - TOTAL PORTFOLIO 97.31%



All Authority Public Housing Units

Month	Occupancy Rate
July 2021	96.43%
August 2021	96.71%
September 2021	96.37%
October 2021	96.16%
November 2021	96.43%
December 2021	96.36%
January 2022	96.99%
February 2022	97.19%
March 2022	97.19%
April 2022	97.32%
May 2022	97.25%
June 2022	97.31%

Authority Managed Public Housing Units

Development	Total Units	Non-dwelling Units/Exempt	Available Units	Occupied Units	Units in Turnover	Reserved Units	Vacant and Available	Previous Month Occupancy Rate	Current Month Occupancy Rate
Lockwood Gardens	372	2	370	360	10	0	0	97.30%	97.30%
Peralta Villa	390	2	388	382	4	0	2	97.94%	98.45%
Total	762	4	758	742	14	0	2	97.63%	97.89%

OAHPI Project Based Section 8 Units

Portfolio	Total Units	Excluded Units (HCEB)	Available Units	Occupied Units	Down Units	Units in Turnover	Reserved Units	Vacant and Available	Previous Month Occupancy Rate	Current Month Occupancy Rate
Deep East	278	10	268	225	14	4	9	16	82.84%	83.96%
East	258	0	258	224	12	3	4	15	85.66%	86.82%
Fruitvale	270	3	267	252	11	1	3	0	94.38%	94.38%
San Antonio	244	4	240	226	9	0	2	3	95.00%	94.17%
West	231	0	231	219	9	3	0	0	94.81%	94.81%
North	239	0	239	227	7	2	1	2	94.56%	94.98%
Total	1,520	17	1,503	1,373	62	13	19	36	91.02%	91.35%

OAHPI – PACT Program

Portfolio	Total Units	Office Units for Admin Purposes	Program Units	Program Occupied Units	Employee Occupied Units	Down Units/CID	Units in Turnover	Application in process from ACSO	Reserved/Preleased Units	Vacant and Available	Previous Month Occupancy Rate	Current Month Occupancy Rate
East	20	1	19	14	1	1	0	0	0	4	78.9%	78.9%

Recertification Report

Authority Managed Public Housing Units

Development	Completed Annual Recertifications	Recertifications/ Outstanding	Recertifications/ Legal	Current Month Backlog
Lockwood Gardens	55	28	4	24
Peralta Villa	32	9	4	5
Total	87	37	8	29

Tenant Rent Collections**Authority Managed Public Housing Units**

Development	Charged	Collected	Percent Collected
Lockwood Gardens	\$83,986	\$80,274	95.58%
Peralta Village	\$123,347	\$119,576	96.94%

OAHPI Project Based Section 8 Units (Includes HAP)

Portfolio	Charged	Collected	Percent Collected
Deep East	(\$62,866)	\$442,294	803.55%
East	\$248,714	\$431,773	173.60%
Fruitvale	\$486,425	\$559,335	114.99%
San Antonio	\$416,200	\$494,613	118.84%
West	\$326,444	\$454,982	139.38%
North	\$429,574	\$519,680	120.98%

Tenant Accounts Receivable**Authority Managed Public Housing Units**

Development	0-30 Days	31-60 Days	61-90 Days	90+ Days	Prepays	Total TARs
Lockwood Gardens	\$78,189	\$63,880	\$61,218	\$643,730	(\$62,161)	\$784,856
Peralta Villa	\$73,878	\$47,064	\$34,112	\$344,199	(\$62,938)	\$436,315

OAHPI Project Based Section 8 Units Tenant Rent

Portfolio	0-30 Days	31-60 Days	61-90 Days	90+ Days	Prepays	Total TARs
Deep East	\$120,625	\$87,900	\$72,567	\$1,397,358	(\$57,454)	\$1,620,995
East	\$119,499	\$105,050	\$94,181	\$1,557,757	(\$68,730)	\$1,807,756
Fruitvale	\$104,261	\$90,346	\$75,539	\$937,654	(\$90,498)	\$1,117,301
San Antonio	\$70,909	\$58,255	\$49,525	\$644,814	(\$110,923)	\$712,580
West	\$87,913	\$67,414	\$49,445	\$577,908	(\$128,137)	\$654,543
North	\$88,433	\$74,337	\$56,910	\$850,733	(\$162,572)	\$907,841

Work Order Report

Work Order Report - Authority Managed Public Housing Units

Development	Total Units	Beginning of Month Open WOs	Opened Within Date Range	Closed Within Date Range	Current Month Remaining Open WOs
Lockwood Gardens	372	285	235	240	280
Peralta Villa	390	59	190	208	41
Total	762	344	425	448	321

Work Order Report – OAHPI Project Based Section 8 Units

Portfolio	Total Units	Beginning of Month Open WOs	Opened Within Date Range	Closed Within Date Range	Current Month Remaining Open WOs
Deep East	278	617	127	220	524
East	278	763	155	346	572
Fruitvale	270	88	183	202	69
San Antonio	244	62	125	126	61
West	231	255	184	199	240
North	239	322	155	174	303
Total	1,540	2,107	929	1,267	1,769

Legal Report

Legal Report – Authority Managed Public Housing Units

Month	Voluntary Move Out/Abandonment	Eviction	Total Vacated	Balance
Jul-21	0	0	0	\$ -
Aug-21	0	0	0	\$ -
Sep-21	0	0	0	\$ -
Oct-20	0	1	1	\$ 600.00
Nov-21	0	0	0	\$ -
Dec-21	0	0	0	\$ -
Jan-22	0	0	0	\$ -
Feb-22	0	0	0	\$ -
Mar-22	0	0	0	\$ -
Apr-22	0	0	0	\$ -
May-22	0	0	0	\$ -
Jun-22	0	0	0	\$ -

Legal Report – OAHPI Project Based Section 8 Units

Month	Voluntary Move Out/Abandonment	Eviction	Total Vacated	Balance
Jul-21	4	0	4	\$ 64,805.41
Aug-21	2	0	2	\$ 251.00
Sep-21	0	0	0	\$ -
Oct-21	0	0	0	\$ -
Nov-21	0	0	0	\$ -
Dec-21	0	0	0	\$ -
Jan-22	0	0	0	\$ -
Feb-22	0	0	0	\$ -
Mar-22	1	0	0	\$ 4,024.00
Apr-22	0	0	0	\$ -
May-22	1	0	1	\$ 51,975.52
Jun-22	0	0	0	\$ -

Resource Conservation Community Engagement and Outreach**Authority Managed Public Housing Units**

Development	Site Assessments	Resident Contact	Flyer Outreach	In-Person Site Meetings
Lockwood Gardens	4	0	360	0
Peralta Villa	4	0	382	0
Total	8	0	742	0

OAHPI Project Based Section 8 Units

Portfolio	# of Sites Visited	Site Assessments (includes multiple visits)	Resident In-Person Contact	Resident Phone Outreach	Flyer Outreach	In-Person Site Meetings
Deep East	26	32	1	0	225	0
East	15	16	2	0	224	0
Fruitvale	21	21	2	0	252	0
San Antonio	38	71	0	0	226	0
West	34	70	2	0	219	0
North	31	56	4	0	227	0
Total	165	266	11	0	1,373	0

Emergency Rental Assistance Program

*Emergency Rental Assistance Program information is a cumulative summary of payments received

Emergency Rental Assistance - OAHPI Project Based Section 8 Units

Portfolio	# Residents Processed	Assistance Processing	# of Residents Paid	Assistance Received	Total Dollars
Deep East	31	\$2,411	16	\$162,584	\$164,995
East	13	\$0	6	\$49,368	\$49,368
Fruitvale	12	\$0	6	\$35,745	\$35,745
San Antonio	35	\$12,240	16	\$109,345	\$121,585
West	23	\$0	13	\$122,656	\$122,656
North	28	\$4,516	15	\$94,877	\$99,923

Emergency Rental Assistance – Authority Managed Public Housing Units

Portfolio	# Residents Processed	Assistance Processing	# of Residents Paid	Assistance Received	Total Dollars
Lockwood Gardens	77	\$9,157	16	\$86,809	\$95,966
Peralta Village	54	\$4,151	35	\$118,431	\$122,582

Additional Rental Assistance Resources - OAHPI Project Based Section 8 Units

Portfolio	Alameda County	BACS	City of Oakland	EDC	Assistance Received
Deep East	\$0	\$3,233	\$3,146	\$10,512	\$16,891
East	\$0	\$10,467	\$0	\$6,648	\$17,115
Fruitvale	\$0	\$0	\$1,623	\$15,563	\$17,186
San Antonio	\$4,785	\$0	\$10,789	\$14,473	\$30,047
West	\$2,604	\$32,290	\$2,062	\$47,167	\$84,123
North	\$0	\$10,796	\$7,238	\$0	\$18,034

Additional Rental Assistance Resources –Authority Managed Public Housing Units

Portfolio	Alameda County	BACS	City of Oakland	EDC	Assistance Received
Lockwood Gardens	\$0	\$0	\$9,937	\$0	\$9,937
Peralta Village	\$0	\$562	\$7,238	\$0	\$7,800

Capital Improvement Department

Unit Renovations

	OHA	OAHPI
Units Completed and Returned to OPO in June	2	14
Units Received From OPO in June	3	7
Units Completed in Fiscal Year 2021-22 To Date	25	110

These unit renovations are complete turns, typically stripped down to the sheetrock. They include:

- Asbestos abatement in walls and flooring if present
- Re-textured and painted
- Kitchen and bathroom cabinet replacements including granite countertops
- New bathtubs and new plumbing fixtures
- All the mill work gets replaced i.e. doors, frames, floor molding, closet doors etc.
- Electrical panels are moved to new, code approved locations
- All smoke and carbon monoxide detectors are rewired to the main panel
- Installation of new, always on, bath fans to improve indoor air quality
- Replacement of all flooring and carpeting
- Added light fixtures on the ceilings of living and bedroom areas

OHA/OAHPI Completed in June:

- 554 37th St. #102
- 3500 Bruce St. #3
- 1815 28th Ave. #1
- 1445 50th #5
- 1915 Seminary Ave. #16
- 1644 81st Ave. Unit C
- 1521 92nd Ave. Unit E
- 2402 E. 27th #4
- 1360 65th Ave.
- 1125 65th Ave.
- 2308 96th Ave. #4
- 1733 92nd Ave. #1
- 1733 92nd Ave. #3
- 2181 48th Ave. Unit C
- 2139 Seminary Ave. #101
- 2139 Seminary Ave. #202
- 541 29th Street soft story seismic retrofit
- 3217 West St. deck and repairs
- 1248 E 34th dry rot
- 9427 Plymouth sewer clean out installation
- 1599 54th Ave. sewer cleanout installation
- 827 52nd sewer cleanout installation
- 2439 E 21st St. sewer cleanout installation

- 2056 35th Ave. sewer cleanout installation

In the Preconstruction/Construction Process:

- 1248 34th Avenue soft story seismic retrofit
- 676 Fairmount Avenue soft story seismic retrofit
- 368 62nd Street soft story seismic retrofit
- Campbell Village gable dry rot
- 2925 E 22nd St. roof
- 2435 26th Ave. roof
- 2435 26th Ave. dry rot
- 59 Pearl Rd. roof
- 2451 Renwick St. roof
- 950 40th Street concrete repairs
- 1125 65th Ave. Unit A fire repairs

Administrative Buildings

- Service Center Driveway asphalt R&R, reseal, and stripe
- Additional card reader locations
- 1619 Harrison rooftop HVAC unit sound attenuation
- 1619 Harrison automatic doors

Oak Groves Rehab - OHA/RAMP Development



Oak Groves is an acquisition/ rehabilitation low-income housing tax credit, tax exempt bond project for 151 units of formerly public housing for low-income seniors in two buildings in downtown Oakland.

Project Description:

Project Address:	620 17 th St. & 570 16 th St.	Affordability Targeting:	30-60% of AMI
Project Type:	Acquisition/Rehabilitation	Architect:	Okamoto-Saijo Arch.
Number of Units:	151	General Contractor:	BBI Construction Inc.
PBVs:	149	Property Management:	John Stewart Co.
Target Population:	Low-Income Seniors	Total Development Cost:	\$86.4MM

Permanent Funding Sources:

• Tax Exempt Perm Loan:	\$23,600,000	• OHA Ground Lease Loan	\$599,901
• Seller Carryback Loan:	\$34,400,000	• Release of Forward Commit. Fee:	\$472,000
- Accrued/Deferred Interest:	\$1,729,173	• Deferred Developer Fee:	\$5,449,437
• OHA Sponsor Loan	\$15,000,000	• GP Equity	\$100
		• Tax Credit (LP) Equity	\$44,967,088

OHA Board Authorizing Resolutions:

- No. 4696, 07/25/16: Okamoto-Saijo Architecture Contract
- No. 4728, 07/27/17: BBI General Contractor Contract
- No. 4743, 04/03/17: Overland Pacific & Cutler Relocation Contract
- No. 4767, 08/28/17: HUD Section 18 Disposition and PBV Award
- No. 4801, 04/09/18: Okamoto-Saijo Architecture Budget Increase
- No. 4803, 06/04/18: BBI General Contractor Contract Amendment
- No. 4837, 09/24/18: OHA as Development Partner and Option to Lease Land & Improvements
- No. 4838, 09/24/18: Creation of New OAHPI Development Corporation
- No. 4848, 02/11/19: Section 18 Disposition and Financing and Withdrawal of OHA Development LLC from Partnership
- No. 4869, 05/13/19: Substitute RAMP for OAHPI in RHI Oak Groves LLC and Execute County Environmental Land Use Covenants
- No. 4880, 07/22/19: Amend Resolution 4848 to Update Financing
- No. 4890, 10/14/19: OHA as Co-Guarantor with RAMP and Unit Count Confirmation
- No. 4898, 12/09/19: Add California Bank & Trust as Co-lender
- No. 4899, 12/19/19: Amend Resolution 4898 to Remove California Bank and Trust as Co-lender and Reapprove US Bank as Sole Lender

Affiliate Board Authorizing Resolutions:

- No. 19-001, 07/09/19: Secure Financing
- No. 19-002, 07/09/19: Secure Financing, Implement Rehabilitation, and Act as Guarantor-Developer
- No. 19-003, 10/22/19: Amendment to Resolution No. 19-001 to Clarify Existing Guarantee Obligations, have OHA Act as Co-Guarantor until Environmental Closure, to Authorize Patricia Wells to Execute Documents Previously Executed by Eric Johnson, and to Confirm the Unit Count
- No. 19-004, 10/22/19: Amendment to Resolution No. 19-002 to Clarify Existing Guarantee Obligations, have OHA Act as Co-Guarantor until Environmental Closure, to Authorize Patricia Wells to Execute Documents Previously Executed by Eric Johnson
- No. 19-005, 10/22/19: Enter into Assignment & Assumption Agreement with OHA for Relocation Contract and Amend Contract to Add Moving Services
- No. 19-006, 10/09/19: Partnership Co-lender Bifurcation
- No. 19-007, 10/09/19: Add California Bank & Trust as Co-Lender and Bifurcate Construction/Permanent Loan Using Two Promissory Notes - one Recourse to RAMP and the Partnership and one Non-recourse
- No. 19-008, 12/09/19: Amend No. 19-005: Amend Relocation Contract, Secure Temporary Housing with Extended Stay America, and Contract with Chipman Movers
- No. 19-009, 12/19/19: Amend No. 19-006: Re-approve US Bank as Sole Lender and Remove California Bank & Trust as Co-lender
- No. 19-010, 12/19/19: Amend No. 19-007: Re-approve US Bank as Sole Lender and Remove California Bank & Trust as Co-lender

Approved OHA/Affiliate Funding:

RAMP: \$100 GP Equity

Disbursements to Date:

\$100 GP Equity

Current Project Status: Work is completed on Oak Grove North and almost complete at Oak Grove South.**Construction Progress:**

% Complete on 2/28/22: 99.99%

% Complete last Month: 99.99%

Scheduled Completion Date: 6/2022

New Hires:

Number of New Hires: 161

Number of Section 3 Hires: 47

% Section 3: 29.19%

Construction Contract Status:

Original Contract Amount	\$44,117,725.00	Pending Change Orders (PCOs)	\$0.00
Approved Change Orders	\$ 5,099,609.85	Potential Future Changes	\$0.00
Current Contract Amount	\$49,217,334.85	Potential Contract Amount	<u>\$49,217,334.85</u>

Milestones Completed Past Month:

Oak Grove North

- The building is fully occupied and residents are utilizing the courtyard
- City sidewalk work, including street trees, has been completed

Oak Grove South

- All temporarily relocated residents have been moved back
- Approval for ground floor occupancy received from ACDEH
- The courtyard and east side yard are complete
- The landscaping is complete
- Sidewalk and street trees have been installed

Harrison Tower – OHA/RAMP Development



Harrison Tower, a 101-unit senior public housing development, was approved for a Section 18 Disposition by HUD in July 2018. This approval will allow the property to be refinanced utilizing tax-exempt bonds, conventional debt, and low income housing tax credits to modernize all building systems and renovate the 100 senior apartments and one (1) manager's unit.

In addition to substantially rehabilitating all residential units, the 3rd floor residential amenities and property management/ services offices will be reconfigured and updated, and seismic upgrades will be performed throughout the building which will include the garage and the Authority's offices on the 1st and 2nd floors.

Project Description:

Project Address: 1621 Harrison Street
Project Type: Rehabilitation
Number of Units: 101
PBVs: 100
Target Population: Seniors

Affordability Targeting: 50% AMI or less
Other Uses: OHA Headquarters
Architect: Saida +Sullivan Architects
General Contractor: To be determined
Property Management: To be determined
Total Development Cost: \$86.4M (includes \$30.1M Seller Carryback Loan)

Targeted Permanent Funding Sources:

- Permanent Hard Loan
- Tax Credit (LP) Equity
- GP Equity
- OHA Loan
- OAHPI Seller Carryback Loan
- Deferred Developer Fee

OHA Board Authorizing Resolutions – None to date

Affiliate Board Authorizing Resolutions:

- OAHPI No. 19-006, 5/31/19: Arch. and Engineering Contract with Saida + Sullivan Design Partners
- OAHPI No. 20-001, 5/5/20; Construction Manager contract with Buis Construction Services, Inc.
- OAHPI No. 20-009, 10/19/20; First Amendment to Saida + Sullivan Design Partners Contract
- OAHPI No. 21-002, 2/9/21; Relocation Consultant Contract with Overland Pacific & Cutler

Approved OHA/Affiliate Funding:

\$4,840,000 for Predev. in FY21 OAHPI Budget

Disbursements to Date:

\$795,400

Current Project Status:

Predevelopment: Four residents have transferred from Harrison Tower to Oak Grove South in January. Eight (8) additional residents are preparing to move in July (for a total of 13 Harrison Tower resident transfers) now that the Oak Grove South ground floor units have been approved for occupancy. Staff continue to work through rehab phasing and related financing options in response to significant program changes to the CA tax-exempt bond program.

Milestones Completed Past Month:

Predevelopment activities are ongoing.

Partnerships with Nonprofit Developers

Brooklyn Basin Master Plan

The Authority, in partnership with the City of Oakland and MidPen Housing, is engaged in developing 465 units of affordable housing for low-income families and seniors as part of the Brooklyn Basin master planned community.

The Brooklyn Basin project (formerly known as “Oak to Ninth”) is a large scale, master planned community on a formerly-industrial site along Oakland’s waterfront. The site is approximately 64 acres of waterfront property off Embarcadero Road and 10th Ave.

When complete, the project will include up to 3,100 residential units (including the 465 affordable rental units), 200,000 square feet of commercial space, approximately 32 acres of parks and public open space, two renovated marinas (170 boat slips), and an existing wetlands restoration area. The master developer is Zarsion-OHP I, LLC (ZOHP) whose principal local partner is the Signature Development Group.

The City of Oakland acquired Parcels A and F from ZOHP for the purpose of developing the 465 affordable units of affordable housing. The Authority acquired a 50% share of Parcels A and F on October 19, 2017 for \$10 million. Four distinct projects are planned for these properties. Projects 1, 2 and 3 are described in detail below. Project 4 is expected to break ground in the second quarter of 2022.



BROOKLYN BASIN ILLUSTRATIVE PLAN

Brooklyn Basin Projects 1 and 2 – Partnership with MidPen



Brooklyn Basin Projects 1 (Paseo Estero) and 2 (Vista Estero) include a total of 211 units on Parcel F. Both projects were completed in January 2021.

Paseo Estero includes 101 units for very low-income families and Vista Estero includes 110 units for very low-income seniors.

Photo: Front view of Vista Estero.

Photo credit: David Wakely

Project Description:

Project Address:	255-285 8 th Avenue	Affordability Targeting:	30-60%
Project Type:	New Construction	Other Uses:	None
Number of Units:	211	Architect:	HKIT Architects
PBVs:	132	General Contractor:	Nibbi Brothers
Target Population:	Paseo Estero - families Vista Estero - seniors	Property Management:	MidPen
		Total Development Cost:	\$137.2M

Permanent Funding Sources:

• OHA Acquisition Funds (included in City Loan)	• City of Oakland	\$12,670,000
• Federal Home Loan Bank AHP	• Tax Credits – Wells Fargo	\$70,076,353
• Deferred Dev. Fee	• General Partner Equity	\$580,507
• Parcel T Reimb.	• Permanent Mortgage – Wells Fargo/Freddie Mac	\$37,111,000

OHA Board Authorizing Resolutions:

- No. 4765, 8/28/17: CEQA
- No. 4766, 8/28/17: Purchase and Sale Agreement; Joint Ownership Agmt.; Master Housing Agmt.
- No. 4792, 2/26/18: Lease Disposition and Development Agreement for Projects 1 and 2; 258 PBVs
- No. 4868, 5/13/19: Lease Disposition and Development Agreement for Projects 3 and 4

Affiliate Board Authorizing Resolutions – Not applicable

Approved OHA/Affiliate Funding:

MTW: \$10,000,000 Land Acquisition

Disbursements to Date:

\$10,000,000

Current Project Status:

Construction is 100% complete and achieved 100% occupied in July 2021. All construction period financing was converted to permanent financing on January 14, 2022.

Construction Progress:

% Complete on 1/31/21:	100%
% Complete last Month:	100%
Completion Date	1/31/21

New Hires:

Number of New Hires:	767
Number of Section 3 Hires:	65
% Section 3:	8.47%
% Local Residents:	31.55%
% Local Apprentices:	27.12%

Milestones Completed Past Month:

Project is a finalist for a Pacific Coast Builders 2022 Gold Nugget Award for “Best Affordable Housing Community – 60 Units / Acre or More”.

Brooklyn Basin, Project 3 Partnership with MidPen Housing Corp.



*Project 3 (named **Foon Lok West**) on Parcel A will include 130 units for very low-income families and formerly homeless individuals and couples.*

Photo: Foon Lok West and remainder of Parcel A to the left where Foon Lok East (Project 4) will be built. The Orion, a market rate property is to the right (April 1, 2022).

Project Description:

Project Address:	311 9 th Avenue	Affordability Targeting:	20-60%
Project Type:	New Construction	Other Uses:	None
Number of Units:	130	Architect:	HKIT Architects
PBVs:	65	General Contractor:	Nibbi Brothers
Target Population:	Very low-income families and formerly homeless individuals and couples	Property Management:	MidPen
		Total Development Cost:	\$108.7M

Permanent Funding Sources:

• OHA Acquisition Funds (included in City loan)	• Alameda County A1 Funds	\$9,698,000
• SF Federal Home Loan Bank AHP	• Tax Credits – Wells Fargo	\$50,907,000
• CA HCD – No Place Like Home	• General Partner Equity	\$110,000
• City of Oakland	• Permanent Mortgage – CA Community Reinvestment Corporation	\$19,970,000
\$1,290,000		
\$5,500,000		
\$12,442,000		

OHA Board Authorizing Resolutions:

- No. 4765, 8/28/17: CEQA
- No. 4766, 8/28/17: Purchase and Sale Agreement; Joint Ownership Agmt.; Master Housing Agmt.
- No. 4792, 2/26/18: Lease Disposition and Development Agreement for Projects 1 and 2; 258 PBVs
- No. 4868, 5/13/19: Lease Disposition and Development Agreement for Projects 3 and 4

Affiliate Board Authorizing Resolutions – Not applicable

Approved OHA/Affiliate Funding:

MTW: \$10,000,000 Land Acquisition

Disbursements to Date:

\$10,000,000

Current Project Status:

Construction is 100 complete. The Temporary Certificate of Occupancy was issued on 5/9/22. The project is 57% leased overall including 58 of the 65 PBV units are leased (89% of the total). The project team is targeting an April 2023 conversion.

Construction Progress:

% Complete:	100.00%
% Complete last Month:	100.00%
Scheduled Completion Date	May 2022

New Hires:

Number of New Hires:	316
Number of Section 3 Hires:	35
% Section 3:	11.08%
% Local Residents:	43.99%
% Local Apprentices:	48.18%

Milestones Completed Past Month: TCO received on 5/9/22 and the final permit card sign off was received on 7/6/22. The Final Certificate of Occupancy is still pending and is not expected to be received for 8-12 months.

Brooklyn Basin, Project 4 Partnership with MidPen Housing Corp.



VIEW ALONG NINTH AVENUE AND CLINTON LANE
RENDERING
HKT ARCHITECTS
BROOKLYN BASIN PARCELS A
MidPen Housing A.5

*Project 4 (named **Foon Lok East**) on Parcel A will include 124 units for very low-income families and formerly homeless individuals and couples.*

Project Description:

Project Address:	389 9 th Avenue	Affordability Targeting:	20-60%
Project Type:	New Construction	Other Uses:	None
Number of Units:	124	Architect:	HKIT Architects
PBVs:	61	General Contractor:	Nibbi Brothers
Target Population:	Very low-income families, formerly homeless individuals and couples	Property Management:	MidPen
		Total Development Cost:	\$109.7M

Permanent Funding Sources:

- OHA Acquisition Funds (included in City loan
- City of Oakland
- CA HCD – No Place Like Home (homeless funding)
- CA HCD – Cal Housing Accelerator Program
- General Partner Equity
- Permanent Mortgage – Century Housing

OHA Board Authorizing Resolutions:

- No. 4765, 8/28/17: CEQA
- No. 4766, 8/28/17: Purchase and Sale Agreement; Joint Ownership Agmt.; Master Housing Agmt.
- No. 4792, 2/26/18: Lease Disposition and Development Agreement for Projects 1 and 2; 258 PBVs
- No. 4868, 5/13/19: Lease Disposition and Development Agreement for Projects 3 and 4

Affiliate Board Authorizing Resolutions – Not applicable

Approved OHA/Affiliate Funding:

MTW: \$10,000,000 Land Acquisition

Disbursements to Date:

\$10,000,000

Current Project Status:

Project closed on all construction financing on 5/27/22. The Notice to Proceed was issued to the general contractor, Nibbi Brothers, on 6/3/22. Pile driving is approximately 80% complete and site re-grading work will begin the week of 7/11/22. The majority of the first construction payment application covers pile driving work and stored materials.

Construction Progress:

% Complete: 5.45%
% Complete last Month: 0%
Scheduled Completion Date February 2024

New Hires:

Number of New Hires: 0
Number of Section 3 Hires: 0
% Section 3: 0%
% Local Residents: 0%
% Local Apprentices: 0%

Milestones Completed Past Month: Closed on all construction financing on 5/27/22. Construction started on 6/6/22.

285 12th Street – Partnership with EBALDC



Construction of a new 65-unit affordable housing building on a former parking lot at 12th and Harrison Street Downtown Oakland.

Project Description:

Project Address:	285 12 th Street	Affordability Targeting:	20%-70% AMI
Project Type:	New Construction	Other Uses:	3,500 sq. ft. commercial
Number of Units:	65	Architect:	David Baker Architects
PBVs:	16 regular PBVs, 8 HUD-VASH PBVs	General Contractor:	Roberts-Obayashi Corp.
Target Population:	Low-income families, 7 special needs units	Property Management:	EBALDC
		Total Development Cost:	\$61.7M

Targeted Permanent Funding Sources:

<ul style="list-style-type: none"> • Tax Credit Investor Equity • Permanent Hard Loan • OHA Land Purchase • General Partner Equity • Deferred Developer Fee 	Soft Loans & Grants <ul style="list-style-type: none"> • OHA Loan • Multifamily Housing Program (MHP) • Infill Infrastructure Grant (IIG)
--	---

OHA Board Authorizing Resolutions:

- Reso. No. 4881, 9/22/19: Land purchase and soft loan in combined amount not to exceed \$12,000,000. Conditionally awarded 16 Project-Based Section 8 Vouchers.
- Reso. No. 4992, 8/23/21: Acquisition bridge loan not to exceed \$7,265,880.
- Reso. No. 5089, 6/27/22: Conditional award of 8 HUD-VASH Project-Based Vouchers.

Affiliate Board Authorizing Resolutions – Not applicable.

Approved OHA/Affiliate Funding:

MTW: \$12,000,000 for land purchase and loan

Disbursements to Date:

\$6,874,259.22

Current Project Status:

Predevelopment – EBALDC is continuing architecture and engineering design, refining construction cost estimates, and applying for funding. EBALDC submitted an application for \$19.3 million in MHP and \$4.5 million in IIG funding through the California Department of Housing and Community Development Super NOFA. Awards are expected to be announced in December. If the project receives these awards, it would have all of the sources of financing it needs to be able to apply for tax exempt bonds and 4% low income housing tax credits.

Milestones Completed Past Month:

Submitted MHP & IIG Super NOFA application.

500 Lake Park – Partnership with EAH



OHA is partnering with EAH on the development of a 53-unit affordable housing building on the former site of the Kwik-Way Drive-In, in the Grand Lake Neighborhood of Oakland.

Project Description:

Project Address:	500 Lake Park	Affordability Targeting:	20%-60% AMI
Project Type:	New Construction	Other Uses:	2,900 sq. ft. commercial
Number of Units:	53	Architect:	Lowney Architecture
PBVs:	18 VASH Vouchers	General Contractor:	JH Fitzmaurice
Target Population:	Low-income families; 20 units for homeless or at-risk veterans	Property Management:	EAH
		Total Development Cost:	\$69.2 M

Targeted Permanent Funding Sources:

<ul style="list-style-type: none"> • Tax Credit Investor Equity • Permanent Hard Loan • OHA Land Purchase • General Partner Equity • Deferred Developer Fee 	Soft Loans & Grants <ul style="list-style-type: none"> • OHA Loan • Calif. HCD Veterans Housing & Homelessness Prevention Program (VHHP) • Calif. HCD Multifamily Housing Program (MHP) • Calif. HCD Infill Infrastructure Grant (IIG) • City of Oakland
--	--

OHA Board Authorizing Resolutions:

- Reso. No. 4900, 2/3/20: Land purchase and soft loan in combined amount not to exceed \$7,500,000. Conditionally awarded 14 HUD-VASH Project-Based Vouchers.
- Reso. No. 5088, 6/27/22: Conditional award of 4 additional HUD-VASH Project-Based Vouchers.

Affiliate Board Authorizing Resolutions – Not applicable.

Approved OHA/Affiliate Funding:

MTW: \$7,500,000 for land purchase and loan

Disbursements to Date:

\$6,499,291

Current Project Status: Predevelopment – EAH is continuing architecture and engineering design, refining construction cost estimates, and applying for funding. EAH submitted an application for MHP and IIG funding through the California Department of Housing and Community Development Super NOFA. Awards are expected to be announced in December. If the project receives these awards, it would have all of the sources of financing it needs to be able to apply for tax exempt bonds and 4% low income housing tax credits.

Milestones Completed Past Month:

Submitted MHP & IIG Super NOFA application.

Asset Management Department

Occupancy Report - Contract Managed Public Housing Units

Development	Total Units	Non-dwelling units/ Exempt	Offline	Units Occupied by Employee	Available Units	Units In Rehab	Vacant and Available	Reserved Units	Occupied Units	Previous Month Occupancy Rate	Current Month Occupancy Rate
Harrison Towers	101	0	25	1	75	0	0	0	75	100.00%	100.00%
Adel Court	30	0	0	0	30	0	2	2	28	93.33%	93.33%
Campbell Village	154	2	0	1	151	0	7	7	144	96.69%	95.36%
Palo Vista	100	0	0	1	99	0	0	0	99	97.98%	100.00%
Linden Court	38	0	0	0	38	0	4	4	34	89.47%	89.47%
Mandela Gateway	46	0	0	0	46	0	1	1	45	100.00%	97.83%
Chestnut Court	45	0	0	0	45	0	4	4	41	91.11%	91.11%
Foothill Family	21	0	0	0	21	0	1	1	20	95.24%	95.24%
Lion Creek I & II	99	0	0	0	99	0	2	2	97	98.99%	97.98%
Lion Creek III	37	0	0	0	37	0	1	1	36	100.00%	97.30%
Lion Creek IV	21	0	0	0	21	0	0	0	21	100.00%	100.00%
Total	692	2	25	3	662	0	22	22	640	97.13%	96.68%

Recertification Report - Contract Managed Public Housing Units

Development	Completed Annual Re-certifications	Re-certifications/ Outstanding	Re-certifications/ Legal	Total Backlog
Harrison Towers	34	2	0	2
Adel Court	27	1	0	1
Campbell Village	12	0	0	0
Palo Vista Gardens	0	0	0	0
Linden Court	1	0	0	0
Mandela Gateway	3	0	0	0
Chestnut Court	6	2	0	2
Lion Creek Crossings	4	2	0	2
Foothill Family	0	0	0	0
Total	87	7	0	7

TARs - Contract Managed Public Housing Units

Development	Charged	Collected	Current Month Uncollected	TARs	1- 30 Days	31- 60 Days	61 and Over	Total Balance
Harrison Towers	\$29,359	\$29,178	\$181	0.62%	\$0	\$160	\$1,312	\$1,653
Adel Court	\$10,260	\$9,223	\$1,037	10.11%	-\$1,276	\$434	\$9,311	\$9,506
Campbell Village	\$50,552	\$49,931	\$621	1.23%	\$6,871	\$2,284	\$38,497	\$48,273
Palo Vista Gardens	\$32,795	\$36,603	-\$3,808	12%	\$4,197	\$1,730	\$25,443	\$27,562

Work Order Report - Contract Managed Public Housing Units

Development Name	Total Units	Beginning of Month Open WOs	Opened Within Date Range	Closed Within Date Range	Remaining Open WO's
Harrison Towers	101	0	0	0	0
Adel Court	30	0	0	0	0
Campbell Village	154	6	38	37	0
Palo Vista Gardens	100	0	30	30	0
Chestnut Court	38	11	24	11	5
Linden Court	45	22	17	11	4
Mandela Gateway	46	7	7	11	4
Lion Creek Crossings	157	64	137	88	113
Foothill Family	21	0	5	2	3
Total	692	110	258	190	129

Senior Site Activities

Outreach Efforts/Activities	Harrison Towers	Adel Court	Palo Vista Gardens	Total
Wellness Phone Calls	150	10	15	175
Mercy Brown Bags	140	34	45	219
Case Management	6	N/A	N/A	6
Home Management	6	N/A	N/A	6
Benefits/Insurance Support	35	N/A	N/A	35
Birthday Cards	6	2	8	16
Laundry Card Refill	N/A	N/A	14	14
Bingo	39	0	0	39
Arts and Crafts	7	N/A	N/A	7
Tai Chi/Meditation Class	12	N/A	5	17

iPad Learning Class	8	N/A	N/A	8
ESL Class	7	NA	N/A	7
Fun Friday/ Card Games	32	N/A	N/A	32
Movie Day	9	2	7	18
Country Fair Trip	N/A	1	9	10
Walk Club	8	N/A	17	25
Father's Day Celebration Lunch	N/A	20	40	50

Food Resources

- Mercy Brown Bags/Produce Bags:** during the month of June, the Mercy Brown Bag program provided one hundred and forty (140) produce bags to Harrison Towers residents, thirty-four (34) bags to Adel Court residents, and forty-five (45) bags to Palo Vista Gardens residents. Each Mercy Brown Bag contained a variety of protein, fresh produce and baked goods, including ground beef, pork chops, eggs, cereal, bread, potatoes, celery, mustard greens, tomatoes, apples, strawberries, and oranges. Staff continued to assist with bagging the groceries and delivering the bags directly to the residents with mobility constraints.
- Spectrum Lunch Program:** due to on-going driver-related issues, Spectrum Foods was unable to deliver hot meals to the residents of Palo Vista Garden. The property management team and resident service coordinator expect the meal delivery to resume in the next few weeks. The residents still had access to food resources through the Mercy Brown Bag program.



Health & Wellness

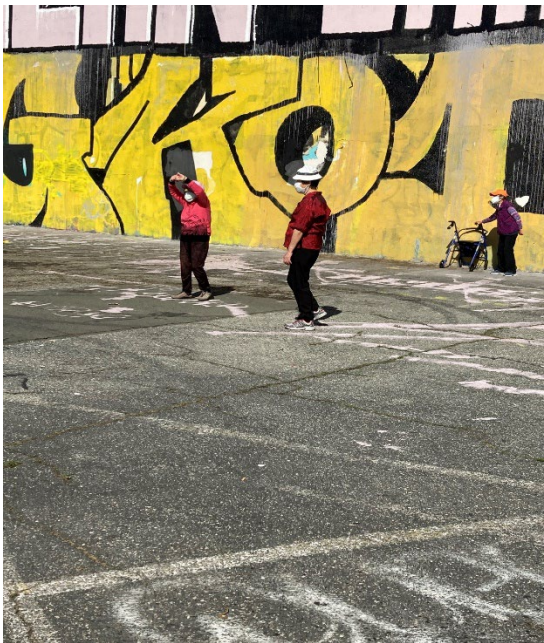
- **Wellness Checks:** the property management staff at Harrison Towers continues to walk the floors every Tuesday of the week to ensure that the notices left at residents' doors have been received. If management observes that notices have been left out for a few days and/or residents do not answer their doors, the team calls the resident and their emergency contacts. In June, the management team was able to get in touch with each household. The respective staff made a total of one hundred fifty (150) wellness calls to Harrison Towers residents, ten (10) calls to Adel Court residents and fifteen (15) calls to Palo Vista residents. When calling each household, the property management staff check-in and assess residents' wellness with a series of questions that were designed to determine whether the residents required additional support and/or assistance.
- **Birthday Celebrations:** six (6) Harrison Towers residents, two (2) Adel Court residents, and eight (8) Palo Vista residents had their birthdays in the month of June. To celebrate, property management staff at Harrison Towers continued the tradition of delivering a birthday gift bag and a birthday card to each celebrant. The gift bag included snacks, hand soap, laundry detergent, household cleaning products, and a birthday cupcake. Celebrants at Adel Court and Palo Vista Gardens were invited to a pizza birthday lunch in their community room where they were provided with a small gift bag and their fellow residents sang them "Happy Birthday". Those celebrating their birthdays expressed gratitude and appreciation for the lunch and recognition.



- **Social Activities:** since resuming in-person games and social activities for residents in the Community Room, the management team at Harrison Towers continue to help keep residents safe and healthy, by encouraging social distancing in the common areas. Residents had an opportunity to sign-up for and participate in activities, including Bingo, mahjong and tai chi. In June, a total of thirty-nine (39) Harrison residents came together to play Bingo, thirty-two (32) residents enjoyed Fun Fridays, while another twelve (12) residents got together for Tai Chi. This month, management staff also did a walk club tour of Lake Merritt and the local farmer's market with eight (8) residents participating. The tour included a discussion on the history of the lake and the culture of the farmer's market. Additionally, eight (8) and seven (7) residents benefitted from an iPad learning class and an ESL class, respectively.

Similarly, at Adel Court and Palo Vista Gardens, as in-person social activities have opened back up, the management team helped to plan several fun activities for the residents in June, including Bingo, meditation classes, and a walk club. At Palo Vista, five (5) residents participated in a meditation class while another seventeen (17) got together for the walk club. The resident service coordinator also planned trips where, respectively, a total of nine (9) and ten (10) Adel Court and Palo Vista residents, were able to attend the movies and the Alameda County Fair.





- Supplementary Services:** based on the additional needs of the residents, Harrison Towers property management has incorporated a weekly language translation service on a by-appointment-only basis. In June, thirty-five (35) residents benefited from these services, and it included translating social security letters, food stamp letters, bank statements, filling out renewal forms for food stamps, filling out jury duty forms, calling social security with the tenant for SSI benefits, calling AT&T for billing questions, scheduling doctor appointments, and reading medical prescriptions.
- Father's Day Celebration Lunch:** To celebrate Father's Day, the resident service coordinator for Adel Court and Palo Vista Gardens planned a delicious lunch catered by Famous Dave's. A total of ten (10) Adel Courts residents and forty (40) Palo Vista residents enjoyed a BBQ lunch.



Campbell Village Community Center

Outreach Efforts/Activities	Total
Alameda County Food Pantry	135
Summer Lunches (SFSP Oakland)	200
Contactless Food & Supply Delivery (Seniors only)	22
Resident Phone Calls	33
Auto-Dialer Resident Phone Calls	33
Resident Text Messages	164
Garden Club	3
Senior Bingo	48

Birthday Cards	20
Computer Lab	7
Ross Program (Zoom on the Move)	13
Coffee Hour	2
Rent Assistance	3

Food Resources

- **Food Pantry:** in June, the resident services coordinator sent out text message reminders to the households at Campbell Village, letting them know that the community room pantry is once more open for food distribution. Through the partnership with the Alameda County Food Bank, this pantry distributed one hundred thirty-five (135) fresh food boxes this month. The pantry contains fresh produce, milk, eggs, hot dogs, frozen meats, and other food staples and is open every Tuesday.
- **SFSP Oakland Summer Lunches:** Campbell Village's property management team partnered with Oakland's Summer Food Service Program (SFSP) to provide lunch for school-aged children between. In June, two hundred (200) meals were received by the residents and community members in the surrounding areas.
- **Senior Meal & Supply Delivery:** in June, twenty-two (22) senior households had boxes containing food, water, toilet paper, and hand sanitizer brought to their household's door through contactless delivery.

Health & Wellness

- **Wellness Checks:** in the month of June, the resident service coordinator reached out to thirty-three (33) households by telephone. During the phone conversations, the resident services coordinator assessed the needs of the residents and provided them with information about the programs currently running at Campbell Village including the food pantry program and opportunities to volunteer outside in the garden. The calls also gave residents an opportunity to provide feedback about programs they would like to see at Campbell Village. In addition to these regular calls, thirty-three (33) auto-dialer calls and one hundred sixty-four (164) text messages were made to residents to inform them about the food program as well as site updates.
- **Garden club:** in June, three (3) residents participated in the Garden Club. They helped to clean out weeds from the garden, planted new seedlings, and harvested a round of herbs and greens. The harvested produce was then distributed and made available to residents at the Community Produce Stand.
- **Computer Lab:** seven (7) residents used the computer lab to print documents and apply for unemployment benefits during the month of June. Each time, the computer lab was utilized by only one person through an appointment and was thoroughly cleaned in between uses.

- **Birthday Celebrations:** in June, twenty (20) residents celebrated their birthdays and the property management acknowledged each one of them with a birthday card.
- **Rent Assistance:** three (3) residents indicated they were having difficulties with paying rent and the resident service coordinator supported them by connecting them with resources that could assist them in meeting their rental obligations.

WRITTEN
COMMUNICATIONS
(Executive Director's Report)



OHAPD
Summer Events
at the Oakland
Athletics ball
game.



Lockwood
Block
Party



Summer Block Parties



Last Friday, June 23, OHA's Office of Property Operations (OPO) held the first resident block party since the start of the pandemic over two years ago. The block parties are an opportunity for OPO staff to engage with our families, focusing on celebrating them as residents, welcoming them for summer activities and encouraging safe outdoor interaction after the long pandemic. The festive event, offered at both the Peralta and Lockwood locations, marking the beginning of the summer season, welcomed more than 100 residents for an afternoon of food, facts and fun.

The event serves as an opportunity to distribute much needed information about resources available to our families from community-based organizations and local businesses including:

- Alameda County Community Food Bank
- Life Eldercare-Health Forward/Fall Prevention
- Spectrum Meal Program and Spectrum LIHEAP program
- Alameda County Asthma Start Program
- Allied Universal
- Laney College
- Ryde Trans
- OHA Human Resources

As always, the event was fun for everybody as the community came together to enjoy delicious BBQ and danced to music by the live DJ. Thanks to all who made it happen including our staff from Family & Community Partnerships (FCP) and the OHA Police Department (OHAPD) who provided event support.

A second block party was held today, **Thursday, June 30, at Lockwood Gardens.**

Please share information about future block parties and events with your clients who might live in or near these communities. And stop by if your work schedule allows!



The Fourth of July—also known as Independence Day—has been a federal holiday in the United States since 1941, but the tradition of Independence Day celebrations goes back to the 18th century and the American Revolution. On July 2nd, 1776, the Continental Congress voted in favor of independence, and two days later delegates from the 13 colonies adopted the Declaration of Independence, a historic document drafted by Thomas Jefferson. From 1776 to the present day, July 4th has been celebrated as the birth of American independence, with festivities ranging from fireworks, parades and concerts to more casual family gatherings and barbecues. The Fourth of July 2022 is on Monday, July 4, 2022. Read more from [History.com](https://www.history.com).



Patch.com has prepared a comprehensive list of 4th of July activities including parades, concerts and fireworks all around the Bay Area.



**WHEN NEIGHBORS KNOW EACH OTHER,
NEIGHBORHOODS ARE SAFER**

IT'S TIME TO ORGANIZE YOUR BLOCK PARTY!

or other outdoor event that brings neighbors together.
Keep it small. Wear your mask, social distance.

**TUESDAY, AUGUST 2, 2022
6:00 – 8:00 P.M.**

Register by July 22, 2022 to receive give-aways for the kids,
and a special gift for the host.

**FOR MORE INFORMATION OR TO REGISTER
OAKLANDCA.GOV/NNO
510-238-6200**



**CITY OF
OAKLAND**

NEIGHBORHOOD SERVICES DIVISION



REFRESH SCHEDULED Julie Christiansen Email for questions:ehv@oakha.org]

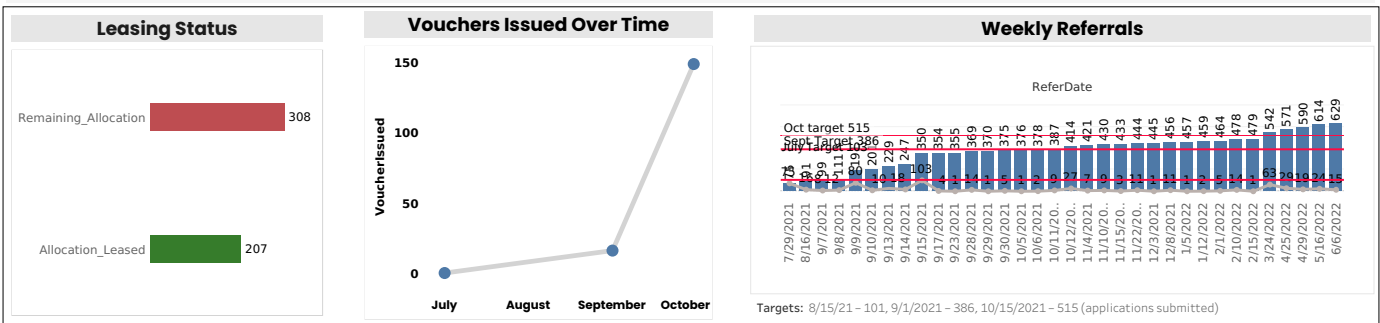
July 7, 2022

Emergency Housing Vouchers

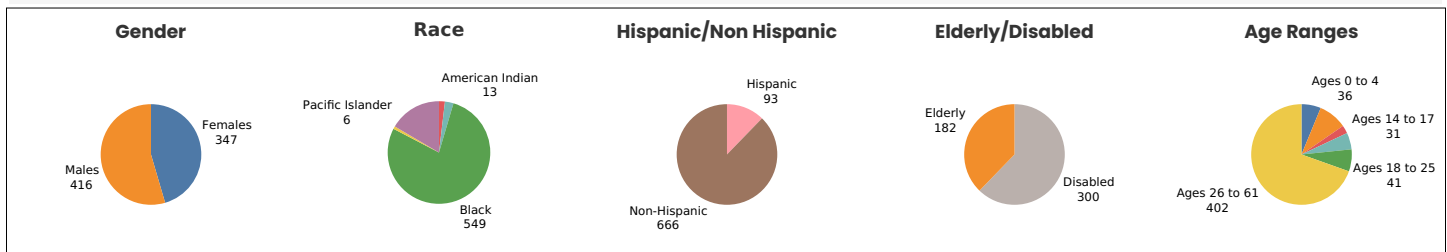
A dashboard to show information related to OHA's leasing efforts to utilize 515 Emergency Housing Vouchers awarded through the American Recovery Plan in 2021...

Number of Vouchers Allocated to OHA 515	Voucher Holders Searching for an Apartment 315	Percentage of Vouchers Leased or Issued 103%	Voucher Turnover 8	Applications Sent to OHA 512	Applications Processed by OHA 576
Vouchers Leased 207				Number of Households Identified for Referral 629	

Port Info	Search Info	Owner Incentives	Tenant Incentives
Immediate Portouts: 8	Average Search Time(days) 97	Landlord Incentive - HQS Fail Fixes 48,021	Tenant Incentive - Lease by 10/31/2021 400
Portouts after leasing in Oakland: 0	Number Searching 315	Landlord Incentive - Landlord Bonus 263,000	Tenant Incentive - Lease by 12/31/2021 750
Data reflects ports leased at destination		Landlord Incentive - Lease By Oct31 0	Tenant Incentive - Lease Renewal 0
		Landlord Incentive - Lease Renewal 0	Tenant Incentive - Pay 1st 3 months 0
		Landlord Incentive - Speed Lease Bonus 0	Tenant Incentive - Welcome Kits 80,326
			Remaining Balance of Service Fee Funds 1,536,032



Leased in Place vs Ne..	City or County Program So..	Average Household..	Eligibility Criteria
Lease in Place 71	Domestic Violence Program 28	Average Household Size 1.8	Recently/High Risk of Homeless 147
Lease New Unit 111	Housing Navigation-HHIS/HTSS 230		At Risk of Homeless 5
	Other 29		Homeless 324
	Project Roomkey/Safer Ground Staff 226		

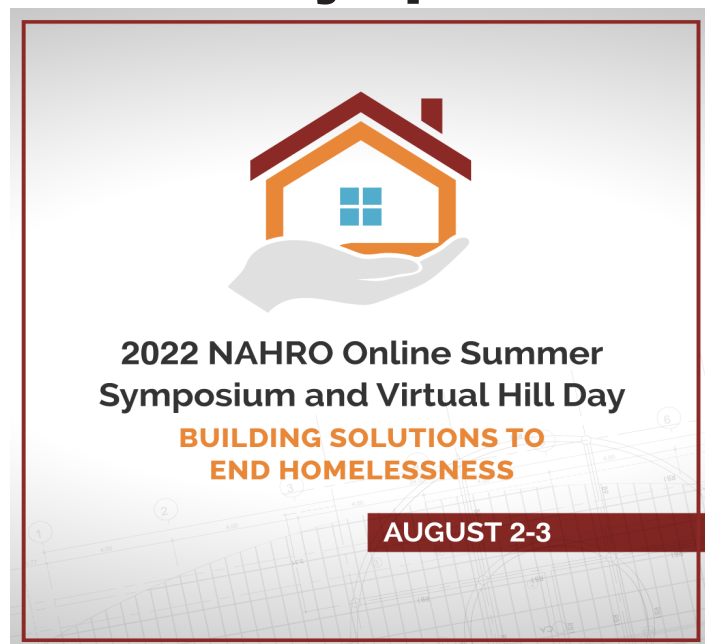


NAHRO MONITOR

Housing and Community Development News for NAHRO Members.

VOLUME XLIII, NO. 11 JUNE 15, 2022

Register Now for Our Summer Symposium!



We're thrilled to open registration for NAHRO's 2022 Summer Symposium: Building Solutions to End Homelessness!

Even as some localities make great strides in providing affordable housing, homelessness continues to be an urgent and growing problem nationwide. Join your fellow housers, thought leaders and advocates as we learn more about homelessness in our communities, take a hard look at housing supply challenges, and discuss practical solutions. During the second day of the symposium, we'll all march virtually to Capitol Hill and advocate for the resources and policies we need to ensure that every single person in our country has a safe, stable and affordable home in a sustainable community.

Our agenda is available online – check back often as we finalize speakers, panelists and events! Visit www.nahro.org for more information!

The earlier you register, the more time our Capitol Hill team has to ensure that you're able to meet with your elected officials, so please register now! Just \$95 for NAHRO members and \$145 for non-members! ■

What's Inside



Become a Congressional Contact—**2**;
President's Message—**3**; Operating
Fund Shortfall Funding—**4**; Upcoming
Trainings—**8**

NAHRO's Nominating and Election Committee Begins Election Reform Review

The COVID-19 pandemic presented unique challenges to the 2021 biennial campaigns for the election of NAHRO President and Senior Vice President. In that uncertain and rapidly evolving environment, the Nominating and Election Committee (N&E), which has oversight responsibility for NAHRO's elections, received various questions and comments from members regarding campaign rules and processes. This past October, NAHRO's Board of Governors adopted a resolution directing the N&E to "...complete a review and analysis of election reform."

As the N&E begins that important undertaking, the Committee would like to hear from you. NAHRO members please submit your comments related to the issues that were called to our attention, specifically:

Section II.

Endorsements

Public Announcements

E. Exposure of Candidates by National NAHRO (2) website; (3) print media; (4) social media

Please examine the Guidelines and share your thoughts, experiences and recommendations for improving, streamlining, and clarifying the above provisions. While those are the areas of particular focus for the N&E's work, we also welcome your

(continued on pg. 9)

Build America, Buy America Will Impose New Purchasing Requirements

Passed within the Infrastructure Investment and Jobs Act in November 2021, The Build America, Buy America (BABA) Act restricts materials purchased for infrastructure projects to those produced in America. Per the BABA Act, buildings and real property are now considered infrastructure. For the purposes of this law, most projects will now count as infrastructure because the law applies to any buildings or real estate with a "public function." Any infrastructure, including housing, that is built, repaired, or operated with federal financial assistance is subject to this law. The rule went into effect on May 14, but a waiver has delayed its effective date to **Nov. 14**.

HUD is requesting information on how to implement BABA, including potential waivers to grant. The Office of Management
(continued on pg. 8)

Don't Miss NAHRO's Exclusive June Trainings

This month NAHRO Professional Development is emphasizing leadership, and what it takes to successfully maintain a housing agency. Our team of knowledgeable instructors have created comprehensive training courses that will help executive directors take their management skills to the next level!

Join us on **June 22-23 from 1-4 p.m. ET** as we host **The Definitive Guide for New Executive Directors**. Specifically designed to support those who have recently transitioned into executive director, chief executive, and officer roles, this training will teach you how to recognize the shift from bureaucracy to business, understand housing programs and requirements, explore how to work with the Board of Commissioners, utilize key federal resources, and much more. There's no better way to prepare for the responsibilities and challenges of running today's housing agencies!

Many executive directors are also facing issues that affect the staffing, employee morale, and overall stability of their agencies. A record high of 6.3 million people quit their jobs in November 2021, and the Great Resignation is showing no signs of slowing down. Now more than ever, housing agencies are experiencing attrition challenges, and struggling to attract viable talent. Join us on **June 30 from 1-3 p.m. ET** as we host **The Great Resignation: Taking your organization from Surviving to Thriving**. This course will examine what's occurring in the hiring market from both the employer and employee perspective, explore innovative ways to improve workplace culture, and discuss strategies for quickly attracting qualified talent to your organization.

Don't miss out on these valuable training sessions. **Register online at www.nahro.org/training.**

**FOLLOW NAHRO
@NAHRONATIONAL**



THE NAHRO MONITOR

630 Eye Street, NW • Washington, DC 20001-3736
Tel 1.877.866.2476; 1.202.289.3500 • Fax 1.202.289.4961
ADDRESS CHANGE: membership@nahro.org

PRESIDENT—Patricia Wells, president@nahro.org
CEO—Mark Thiele, nahroceo@nahro.org
MANAGING EDITOR—Sylvia Gimenez, sgimenez@nahro.org
EDITOR—Libby Miller, lmiller@nahro.org

Ads—Libby Miller, lmiller@nahro.org; Sylvia Gimenez, sgimenez@nahro.org

HOW TO PLACE ADS: nahro.careerwebsite.com. The deadline to submit a job RFP/RFQ ad for the June 30 Monitor is by 5 p.m. EST on June 28.

The NAHRO Monitor (ISSN 0194-9268) is published on the 15th and the last day of each month for \$25 per year (paid as part of membership dues) by NAHRO. First class postage paid at Merrifield, VA. POSTMASTER: Send address changes to NAHRO Member Services, 630 Eye St., NW, Washington, DC 20001-3736. © 2017 NAHRO. All rights reserved.

Monitor Subscriptions: \$25

Advocacy Made Simple! Become a NAHRO Congressional Contact



Year after year NAHRO advocates raise their voices asking for vital funding to create and maintain affordable housing and community development programs. Just last August, NAHRO advocates sent more than 60,000 letters to their members of Congress. Keep the momentum going! In just five minutes NAHRO members can commit to advocacy by becoming a Congressional Contact.

The ask is simple: Pledge to send action alerts to your members of Congress. In return, the NAHRO team will directly notify you of new letters in the Action Alert Center. Your commitment will help us target legislators to address critical affordable housing and community development legislation.

NAHRO's Congressional Contacts will receive the following:

- An entry for a chance to win a complimentary admission to NAHRO's 2022 Online Summer Symposium Aug. 2-3
- Access to exclusive advocacy training from NAHRO staff
- Connection to a grassroots community of advocates across the country

As times change, the need for advocacy does not. As NAHRO member and Congressional Contact Ronald Clewer said, "When it comes to legislative advocacy, we are the lived experience, and we must show up to advocate for our residents and those we aim to serve."

Join this network of Housers to help preserve and maintain America's strong, sustainable communities.

To become a Congressional Contact, fill out the form at www.nahro.org/contacts. Reach out to Legislative Affairs Analyst Jenna Hampton (jhampton@nahro.org) with any questions.



JOURNAL OF
Housing &
Community
Development

Check out NAHRO's Journal of Housing & Community Development:
www.nahro.org/journal

PRESIDENT'S MESSAGE



PATRICIA WELLS
NAHRO PRESIDENT

Building a Better NAHRO

I bring you greetings from the picturesque state of Vermont, where I have been engaged in dynamic and valuable training and fellowship with fellow housers at the New England Regional Council Annual Conference in Manchester. As with all the amazing conferences I've been privileged to attend, our days start early and offer a full array of sessions that go late into the day. Within each region, what stands out most to me is the widespread dedication and passion to make a difference in our individual communities; the genuine care for the families we serve, with concern and support of our respective staffs; and the desire to impact the future of affordable housing so our industry continues to grow and thrive.

My journey has been filled with opportunities to listen and learn alongside our energetic and dedicated CEO, Mark Thiele, and together we leave every session full of enthusiasm, ideas and fresh perspective. From this vantage point, we are able to see the common objectives across the country and what works consistently, and which areas of our collective work can be leveraged for the advancement of all our agencies. We continue to seek ways to share best practices to benefit families that rely upon affordable housing programs from coast to coast.

NAHRO is actively and constantly working to improve our member experience, too. In late May, NAHRO launched a new association management system (AMS) that will make logging into the NAHRO website, registering for training and events, and managing your account

"In 2022, we find ourselves at another crossroads. But this time, we work side by side to help families more fully participate in our diverse communities, as respected members reflecting the rich tapestry of American life."

simpler and easier. Also, NAHRO staff has been hosting bimonthly member benefit webinars on vital topics such as voucher utilization and the fourth MTW expansion cohort. I hope you've signed up for the series!

In addition, registration is now open for the 2022 NAHRO Online Summer Symposium: Building Solutions to End Homelessness. Join us online from Aug. 2-3 for a day of in-depth discussion about homelessness in our communities, housing supply challenges and possible solutions, followed by our second Virtual Hill Day of the year. What better way to kick off August Advocacy?

I'm also pleased to report that the Nominating & Elections Committee is making progress with their shared commitment and collective wisdom to tackle the review of our Guidelines for National Office Campaigns. Last October, the Board of Governors resolved to refer the matter to the committee, authorizing a review and analysis of the campaign guidelines, under current N&E Chair Diane Cohen's leadership. At their most recent meeting, with nearly every member present, the N&E voted unani-

mously to form a diverse working group to take on the initial review; approve and appoint eight committee members to serve on that working group; and adopt a comment period recommended by staff to solicit input from you, our members. That 21-day comment period began on June 7 and closes on June 28. Please take a moment to share your thoughts about the current guidelines and feel free to offer suggestions for what might need to be considered in the N&E's deliberations. You can access the guidelines, as well as a helpful form to offer your comments on the NAHRO website.

As we go into this new holiday weekend, I am reminded of the significance of Juneteenth. It represents a transitional and transformational period in our nation's history where our shared humanity and reliance upon one another took on new meaning. In 2022, we find ourselves at another crossroads. But this time, we work side by side to help families more fully participate in our diverse communities, as respected members reflecting the rich tapestry of American life.

Sincerely,
Patricia Wells

NAHRO Comments on Davis-Bacon and Related Acts Regulations

On May 17, NAHRO offered a series of comments for the US Department of Labor (“the Department”) in response to the “Updating the Davis-Bacon and Related Acts Regulations” proposed rule issued on March 22. The comments expressed concern that the changes to calculating the prevailing wage will negatively impact HUD programs by increasing the cost of the construction and rehabilitation of affordable housing units and community developmental initiatives.

The Davis-Bacon Act of 1931 requires that laborers and mechanics are paid the prevailing minimum wage when working under federal contracts over \$2,000 for the construction, alteration, or repair of public buildings and public works. Under Davis-Bacon, the Department uses a two-step process to determine if there is a prevailing wage rate—defined as “the most widely paid rate in an area”—paid to most workers. If no wage rate exists, it uses the weighted average of wages in an area. However, the Department believes this process has resulted in an overuse of weighted averages and does not reflect a true prevailing wage.

Numerous HUD programs including the Public Housing program, Project-Based Section 8 programs, HOME Investment Partnerships Program, and Community Development Block Grants must adhere to Davis-Bacon wage requirements.

The proposed rule would add an additional step in the determination process for the prevailing wage. If the Department finds that there is no wage rate paid to a majority of workers, it would then determine if there was a rate paid to at least 30% of workers in the area. If no wage rate is paid to at least 30% of workers, the Department would then use the weighted average.

Below are specific comments that were included in NAHRO’s comment letter:

Threshold - Given that the \$2,000 threshold is a significantly out-of-date amount, NAHRO recommends that the Department urge Congress to increase the Davis-Bacon threshold from \$2,000 to \$50,000 and peg that amount to inflation. This will increase the ease in which PHAs can find contractors to perform smaller maintenance projects.

Limitation on the Use of Federal Project Data in Determining Wage Rates - NAHRO does not believe that the Department should use Federal project data in calculating prevailing wage rates applicable to building and residential wage determination. This data would skew wage rates upward and be an inaccurate representation of the true prevailing wage rate in an area.

Report of Agency Construction Programs - NAHRO recommends that the Department keep the existing language that allows Federal agencies under Davis-Bacon to submit an annual report to the Department outlining proposed construction programs for the coming year to the extent practicable. If agencies are required to submit reports, an additional burden will be placed on PHAs and other housing and community development organizations to provide this information to HUD. ■

NSPIRE Inspection Protocol Set to Begin April 2023

HUD is preparing to release its National Standards for the Physical Inspection of Real Estate (NSPIRE) standards in the Federal Register soon. HUD has informed NAHRO that PHAs will need to implement the NSPIRE protocol by April 1, 2023 for their public housing developments. Eventually, NSPIRE will apply to the Public Housing program, Project-Based Rental Assistance (PBRA) units, Housing Choice Voucher (HCV) units, and Project-Based Voucher (PBV) programs. Certain HUD Community Planning and Development (CPD) programs would also be required to adopt these new standards. These programs include the HOME Program, Housing Opportunities for Persons with AIDS (HOPWA), Emergency Solutions Grants (ESG) Program, and Continuum of Care (CoC). HUD has not announced the date that these programs will need to implement the NSPIRE protocol, however HUD has noted that it could be as early as April 1, 2023.

HUD has numerous steps that must occur before requiring PHAs to implement NSPIRE for their public housing developments. This includes publishing and receiving comments on the standards, scoring, and processes for NSPIRE, and releasing the final NSPIRE rule. NAHRO will continue to keep members informed about NSPIRE. ■

Operating Fund Shortfall Funding Announced

On July 13, HUD published its notice implementing the Public Housing Operating Fund Shortfall Funding from the FY 2022 Appropriations Act (Notice PIH-2022-17). The FY 2022 Appropriations Act included a provision that provided \$25 million for PHAs that experience, or are at risk of, financial shortfalls as determined by HUD. This notice provides guidance regarding eligibility, the process for applying, and other requirements. Based on HUD’s definition, PHAs are in financial shortfall when a PHA has less than three months of operating expenses held in reserve. The eligibility for the Shortfall 3 Funding Program will be based on the amount of Monthly Operating Reserves (MOR) a PHA has according to their most recent approved audited or unaudited FDS submission for the FYEs of Dec. 31, 2020, March 31, 2021, June 30, 2021, and Sept. 30, 2021.

HUD will adjust the shortfall calculation to factor in increases in tenant accounts receivables (TARS). Certain policies and economic factors, including the eviction moratorium, have led to an increase in unpaid tenant rent, reflected in TARS. To offset the impact of higher TARS, HUD plans to modify the Months of Reserve (MOR) and eligibility calculation with a one-time Excess TARS adjustment. HUD will use the 2019 FYE to calculate a normalized, baseline TARS Ratio. HUD will then apply the baseline to the Shortfall FYE tenant rent amount to calculate a normalized TARS amount.

(continued on pg. 8)

\$10 Million Choice Neighborhoods Notice of Funding Opportunity Announced

On June 2, HUD announced that they have begun accepting applications for Choice Neighborhoods Planning Grants for fiscal year 2022. Planning Grants exist to help PHAs create plans to revitalize distressed HUD-assisted housing, support the community, and improve the neighborhood of the project into more desirable areas. This type of Choice Neighborhood grant helps PHAs create a strategic plan and take initial action steps toward revitalization and is separate from Implementation Grants. Applications are due **July 28** and are available at grants.gov.

While Planning Grants are not for the implementation of major renovation, a survey of past Planning Grant recipients has shown that the majority did benefit from receiving Planning Grants. Specifically, the majority created changes in each of the three Choice Neighborhood focuses: housing, people, and neighborhoods. Within “housing,” many redeveloped housing units or are scheduled to do so. For the “people” component, the majority of grantees either began offering new services or increased support for existing ones. And within the “neighborhood” element, most did improve some feature of the neighborhood.

This year’s NOFO contains significant changes from previous years, including the following:

- An increase in the total amount of funding available for

(continued on pg. 8)

HUD Publishes FY 2022 Renewal Funding Inflation Factors (RFIFs)

In late May, HUD published a notice in the Federal Register announcing the renewal funding inflation factors (RFIFs) for fiscal year (FY) 2022. The notice is titled “Section 8 Housing Assistance Payments Program-Fiscal Year (FY) 2022 Inflation Factors for Public Housing Agency (PHA) Renewal Funding.” HUD uses the inflation factors to determine Housing Assistance Payment (HAP) renewal funding for the Housing Choice Voucher (HCV) program. The notice states that HUD “applies the calculated individual area inflation factors to eligible renewal funding for each PHA based on VMS [Voucher Management System] leasing and cost data for the prior calendar year” (i.e., HUD applies an inflation factor to a PHA’s past year leasing data in HUD’s systems to calculate its current year’s formula eligibility). The national inflation factor is 4.68%, but individual PHAs will have inflation factors that differ based on their local contexts. ■

NAHRO CELEBRATES PRIDE MONTH 2022



HOUSING AMERICA MONTH

OCTOBER 2022

Looking for ideas to participate?

Poster showcases ●

Groundbreaking ceremonies ●

Beautification projects ●

Video interviews with residents ●



HUD Publishes TPV Funding for FY 2021

In early June, a notice detailing HUD's tenant-protection voucher (TPV) funding for Fiscal Year (FY) 2021 was published. The notice is titled "Announcement of Tenant Protection Voucher Funding Awards for Fiscal Year 2021 for the Housing Choice Voucher Program." These vouchers were awarded for a variety of reasons. A special administrative fee of \$200 was provided to PHAs in multifamily housing conversion actions. The Department awarded approximately \$142 million to recipients for 14,423 vouchers. ■

Measuring Resident Agency

The Stewards of Affordable Housing for the Future have created a guide to help "outline measures and data gathering practices" that may "amplify resident voice and agency." The guide is titled "Measuring Resident Agency and Voice in an Affordable Housing Setting: A Set of Guiding Questions to Move Forward." The measures suggested by the guide fall into four categories. The categories were chosen based on how prevalent they were in current research, their relevance to the affordable housing industry, and their applicability to the affordable housing industry. In each category, the guide presents a few paragraphs on why the category is important, some suggested questions on how to think about the category for organizational staff, and some suggested questions to ask residents.

The categories covered by the guide are the following:

- Resident Satisfaction – the guide notes that assessing resident satisfaction is a way to check if resident needs and safety are being met, which are needed, if additional and deeper resident engagement is to be had.
- Social Cohesion – the guide defines this as "connectedness among residents" and notes that it can provide insight into a property's culture, especially around "neighborliness and collaboration."
- Resident Power – the guide notes that this is important because it can help determine what a property remodel can look like or how operations and service delivery can be changed. It is the "ultimate outcome of exercising agency and voice."
- Civic Engagement – the guide gives examples of this as "volunteering, attending public hearings, and voting" and notes that these activities have served as indicators of community participation. ■

**READY TO MOVE YOUR
CAREER INTO HIGH GEAR?**



NAHRO.ORG/CERTIFICATION

Voucher Funding Opportunities

In late May, HUD sent a letter detailing future funding opportunities for PHAs with Housing Choice Voucher (HCV) programs. The letter states that voucher funding is currently high (including an approximately 92% administrative fee proration). It also provides a table clearly delineating future voucher funding opportunities.

The following is a reproduction of the information in the table. Additional information can be found in Notice PIH 2022-14. (* indicates that there are two deadlines for the funding category.)

HAP Set-Aside and Admin. Special Fee category deadlines

No Deadline

- HAP Set-Aside – Prevention of Terminations Due to Insufficient Funding (Shortfall) – Provides funding for PHAs that would be required to terminate participating families from the program due to insufficient funds despite taking reasonable cost savings measures.

June 15, 2022

- HAP Set-Aside – Unforeseen Circumstances – Aids PHAs who have experienced an occurrence, within or after the re-benchmarking period, that could not have been anticipated and was out of the PHA's control.
- HAP Set-Aside – Portability – Helps PHAs that experienced a significant increase in renewal costs due to portability for tenant based rental assistance under Section 8(r) of the Act.
- HAP Set-Aside – Project Based Vouchers – Reimburses PHAs for HCV renewal funds that were not included in the CY2021 re-benchmarking because the PHA intentionally held the funds for an upcoming PBV to enter into a Housing Assistance Payment (AHAP).
- HAP Set-Aside – Moving to Work (MTW) New Cohorts – Provides funding for PHAs that received their MTW designation in CY 2021 where funds were obligated, but not expended in CY 2021.
- HAP Set-Aside – HUD-VA Supportive Housing (HUD-VASH)* – Supports PHAs administering HUD-VASH that can demonstrate a need for adjustment funding due to at least one of the following situations: (1) PUC Increase (2) Leasing Cost Increase.
- HAP Set-Aside – Lower-than-average Leasing – Aids PHAs that are leasing at a lower-than-average percentage of their authorized vouchers, and have low amounts of budget authority in HCV program reserves. A list of eligible PHAs can be found here.
- HAP Set-Aside – Non-Life Threatening (NLT) Inspection Withheld HAP – Reimburses PHAs for cases where the PHA paid the owner HAP that were withheld during CY 2021 in accordance with the requirements of the NLT initial inspection option.
- Blended Rate Administrative Fees – Increased Administrative Fees for PHAs serving multiple Administrative

(continued on pg. 7)

VOUCHERS, cont'd

(continued from pg. 6)

Fee areas.

- Higher Administrative Fees – Increased Administrative Fees for PHAs that operate over a large geographic area, as defined as two or more counties.

July 8, 2022

- Special Fees – HUD-VASH – Supports necessary additional administrative expenses incurred to increase lease-up success rates or decrease the time it takes for a veteran to locate and move into a unit. See Appendix C of the notice.
- Special Fees – HUD-Family Unification Program (FUP) – Supports necessary additional administrative expenses incurred to achieve either of the following activities: 100% FUP/Foster Youth to Independence (FYI) voucher utilization; and Increase access to the program for FUP-eligible youth. See Appendix C of the notice.

Sept. 30, 2022

- HAP Set-Aside – Disaster* – Supports PHAs whose expenses have been impacted by disasters.
- HAP Set-Aside – Unforeseen Circumstances* – Second and final deadline for additional funding for unforeseen circumstances.
- HAP Set-Aside – HUD -VASH* – Second and final deadline for additional funding for HUD-VASH.

Oct. 28, 2022

- Special Fees – Disaster – In the event of a future allocation of disaster vouchers during CY 2022, PIH will provide eligibility and application guidance for disaster related vouchers' special fees. See Appendix C of the notice.
- Special Fees – Secretary's Discretion – Provides additional administrative fee funding to cover administrative expenses incurred as the result of a situation outside of the specific categories described in PIH Notice 2022-14. See Appendix C of the notice.

Dec. 30, 2022

- HAP Set-Aside – Disaster* – Second and final deadline to request funding for Disaster assistance.

June, FY 2022

- Mainstream Vouchers (\$40 million; 4,200 vouchers) – An opportunity for PHAs to receive new Mainstream vouchers and extraordinary administrative fees to help PHAs lease their Mainstream vouchers. See PIH Notice 2022-07.
- Stability Vouchers (\$43 million; 4,000 vouchers) – Supports families experiencing or at-risk of homelessness, those fleeing or attempting to flee domestic violence, dating violence, sexual assault, and stalking and veterans and family members that include a veteran family member that meets one of the preceding criteria. Implements the funds provided in the 2021 appropriation.
- FYI – Competitive (\$15.3 million; 1,500 vouchers) – Provides assistance for FUP-eligible youth under the FYI program. (To be published at www.hud.gov/grants.)

July, FY 2022

- HUD-VASH (\$79 million; 8,500 vouchers) – Pairs HCV rental assistance with VA case management and supportive services for homeless Veterans. Awards based on geographic need and performance.
- FYI – Non-Competitive (\$15 million) – Provides assistance for Family Unification Program (FUP)-eligible youth under the Foster Youth to Independence (FYI) program.
- New HCV Incremental Vouchers (\$200 million; Up to 25,000 vouchers) – Provides rental assistance to families to support affordable housing and provide greater access to areas of opportunity through noncompetitive formula awards.

August, FY 2022

- FUP (\$5 million; 380 vouchers) – Provides rental assistance to families whose lack of adequate housing is a primary cause of the separation or imminent separation, of a child or children from their families. (To be published at www.hud.gov/grants.)

March, FY 2023

- Mobility Related Services (\$25 million; no additional vouchers) – Provides funding for mobility related services that are modeled after services provided with the Community Choice Demonstration. Preference will be given to PHAs with a higher concentration of HCV families with children residing in high-poverty areas. (To be published at www.hud.gov/grants.) ■

Applications Open for the Adult and Juvenile Crisis Stabilization and Community Reentry Programs

The Bureau of Justice Assistance (BJA) is now accepting applications for funding meant to enhance and or implement services to individuals who were or are involved in the criminal justice system. The Adult and Juvenile Crisis Stabilization and Community Reentry Program is part of the Second Chance Act (SCA), which was signed in 2008.

There are two deadlines for applications: July 28 at 8:59 p.m. ET through Grants.gov and Aug. 2 at 8:59 p.m. ET through JustGrants. The applications are meant to be completed in two steps through both websites. The first, would be through Grants.gov, where applicants would submit the Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) form. Applicants must ensure that their System for Award Management (SAM) registration is current in order to register through the website. The second, would require applicants to submit the full application and additional attachments on the JustGrants website.

Currently, there are 10 awards available. Five awards will be given in

(continued on pg. 10)

SHORTFALL, cont'd

(continued from pg. 4)

There are additional changes and additions to the notice from previous years. These changes include basing shortfall eligibility and eligibility amount on three MORs instead of two, excluding Public Housing projects that have undergone a full or partial RAD conversion during their Shortfall Fiscal Year End from the MOR and Shortfall eligibility calculation, excluding Public Housing projects coded as "Other Projects" in the Financial Data Schedule (FDS) from the MOR and Shortfall eligibility calculation, including CARES Act funding in the calculation of MOR and Shortfall eligibility, submitting Shortfall applications and appeals via the OpFund Web Portal, requiring funded PHAs to submit an Improvement Plan, and annual Budget and Actuals reporting, , and giving funding priority to PHAs with less than 250 ACC units instead of PHAs with less than 100 ACC units.

PHAs that are included on the list of eligible PHAs may apply for Shortfall funding by visiting the OpFund Web Portal and navigating to the Shortfall 2022 tab by selecting "PHA Reports & Submissions" on the left-hand side, and then selecting "Shortfall Submissions" on the gray horizontal bar on the page, lastly, click "Shortfall Application." On this webpage PHAs can apply to the Shortfall 2022 funding program by clicking "Apply" and then filling out the form. PHAs must apply by **July 12.** ■

CHOICE, cont'd

(continued from pg. 5)

planning grants and thus an increase in maximum award size to \$500,000 and number of grants to 20;

- Eligibility of Public Housing developments with American Recovery and Reinvestment Act funding; and
- New application evaluation criteria

Application Timeline and Details

Links to HUD webinars detailing the application directions, scoring process, and Choice Neighborhoods background are available on the FY 2022 NOFO page here. HUD does note that there are prerequisite steps PHAs may need to take in order to apply, including registering with electronic systems and gathering documentation, so PHAs should not delay if they plan to apply.

Applications will be scored according to rating factors included in the NOFO. These rating factors include the following:

- Capacity (the proven ability of the PHA and the partner to plan and the extent to which they are connected to the surrounding community);
- Need
- Soundness of Approach
- Leverage (dollar amount raised); and
- Preference Points (whether the project will pair with a Historically Black College or University or an Opportunity Zone)

Further detail can be found on the 2022 NOFO webpage available at [grants.gov](https://www.grants.gov). ■

BABA, cont'd

(continued from pg. 1)

and Budget groups potential waivers into the following five major types:

- De minimis,
- Small grants,
- Minor components,
- Adjustment period, and
- International trade obligations

NAHRO is currently interested in member feedback regarding BABA and these waivers as well as the following questions:

- How is HUD funding used for infrastructure and do PHAs utilize funding from other sources?
- How should HUD define "infrastructure?"
- What type of materials do PHAs often purchase that would be affected by the Build America, Buy America Act?
- Do PHAs currently track their own or their contractors' sourcing?
- Do any other entities impose similar sourcing restrictions?
- What administrative costs will this act impose on contractors? Is this likely to dissuade contractors from accepting work?
- Do agencies have specific waiver application timeline recommendations for themselves or their contractors? When will PHAs require general waivers?
- How will BABA affect current tenants, including relocation, unit transfers, and unit modifications?

HUD is currently accepting responses to a Request for Information (RFI) related to the questions they have for housing providers. NAHRO will comment on this RFI and recommends that all agencies do the same. The RFI can be found here. **Comments are due by July 1.**

Questions? Contact Andrew Van Horn at avanhorn@nahro.org. ■



Visit the NAHRO blog
www.nahroblog.org

Congrats to NAHRO's Newly Certified!

Thank you for helping to keep your communities safe and housed, and thank you for choosing NAHRO Certification as an affirmation of your knowledge, experience and skill. For more info on getting NAHRO Certified visit www.nahro.org/certification.

NAHRO Certified Commissioner (NCC)

- Christine Fasching Maphis, Harrisonburg Redevelopment & Housing Authority
- Joniece Carroll, Washington Housing Authority

Certified Public Housing Manager (C-PHM)

- Richard Bruno, Omaha Housing Authority
- Mia Cooper, Novato, Calif.
- Dennell Davis, Howard County Housing Authority

Certified Specialist of Family Self-Sufficiency (CSFSS)

- Kia Moore, Housing Authority of Cook County

Certified Specialist of Fair Housing (CSFH)

- Jennifer Jackson, Annapolis, Md.

Certified Specialist of Inspection – Housing Quality Standards (CSI-HQS)

- Gregory Kats, Housing Authority of the City of Alameda
- Nashingda Hart, Department of Housing and Community Development

Certified Specialist of Occupancy – Housing Choice Vouchers (CSO-HCV)

- Kahlia Harper, City of Dearborn-Housing Department

Certified Specialist of Occupancy – Housing Choice Vouchers (CSO-HCV) Certified Specialist of Eligibility and Calculation – Housing Choice Vouchers (CSEC-HCV)

- Brittany Jancarik, Watertown Housing Authority
- Kenya Grady, Annapolis, Md.
- Hagop Ayanyan, Cranston Housing Authority
- Linda Kelley, Bristol Housing Authority
- Felipe Polanco Santiago, Central Falls, R.I.

Certified Maintenance Manager (CMM)

- Michael Bishop, Independence Housing Authority

What Home Means to Me June Winner

June



Gabriel:

"I love my home and everything I love in it revolves around my home. Just like how the earth revolves around the sun. My home is a place where I feel safe and calm."



Learn more about the contest:
www.nahro.org/calendar

ELECTION REFORM, cont'd

(continued from pg. 1)

of particular focus for the N&E's work, we also welcome your comments on other provisions in the Guidelines.

Comments are due by **Tuesday, June 28**, and must be submitted via the fillable form. To complete the form, check out the online Monitor edition or visit the NAHRO website.

Finally, and on a related note, NAHRO encourages all Associates and Allied Individual members to consider seeking the office of President or Senior Vice President. Members who express their intent prior the National Conference and Exhibition in San Diego (Sept. 22-24) will be invited to publicly announce their candidacy at the conference. ■

What **Home** Means To Me | 2022 Calendar

GET CREATIVE!

NAHRO

What Home Means to Me

Learn more:
www.nahro.org/calendar

Apply Now!

NAHRO

LDG DEVELOPMENT

NAHRO MERIT SCHOLARSHIP & NAHRO-LDG SCHOLARSHIP PROGRAM

NAHRO regions send applications to National NAHRO by July 8

www.nahro.org for more info

2022

REENTRY, cont'd

(continued from pg. 7)

the “State and Local Governments” category and the other five within the “Nonprofit Organizations and Tribal Governments” category. Each award would fund up to \$750,000. If granted the award, the performance start period would occur on Oct. 3 and be a period of 36 months.

Applications are open to PHAs, state/ local/ tribal governments, as well as nonprofit organizations with or without 501(c)(3) status. The funding would be meant to expand or enhance existing programs that are focused on clinical services; reducing recidivism; improving reentry; providing recovery treatment for those with mental health and/or substance use issues; and other related services to those involved in the criminal justice system. Successful applicants are expected to modify their programs to accommodate best practices and evidence-based interventions as set by the Department of Justice and BJA.

Full Application Guidelines

Applicants will have to submit Standard Applicant Information through JustGrants, which already will be pre-populated information from the forms submitted in Grants.gov. They can make edits as needed and add necessary information, such as verifying the projects affected through zip codes, addresses and legal names. The full application will consist of three parts being the Proposal Abstract, Proposal Narrative, and the Budget Worksheet and Budget Narrative.

Proposal Abstract

This abstract should be no more than 400 words and summarize the proposed project, including its intended purpose, primary activities, expected outcomes, the service area, intended beneficiaries and subrecipients (if known). This should be completed through JustGrants and be written in the third person to be made available for the public on the Office of Justice Programs (OJP) website if awarded. The format of the document should be double-spaced, using a 12-point Times New Roman font; and have no less than 1-inch margins. For priority consideration please see the joint notice for further instructions.

Proposal Narrative

This should be submitted as an attachment on JustGrants. The document will have the same formatting as the abstract but may be up to 20 pages and be numbered. The narrative should also include a well detailed description of the issue; a project design and implementation plan; the capabilities and competencies of the organization; and plans for collecting data on performance measures.

Budget Worksheet and Budget Narrative

Applicants must complete the budget form on JustGrants and can find additional information on the form in the OJP Grant Application Resource Guide on the OJP website. Those requesting priority consideration must describe how the activities that will be funded with the (minimum) 30% of award funding provided to the subrecipient specifically relate to the priority consideration requested under Priority 1(B) and described in the Capabilities and Competencies section of the application.

Applications will be judged on five criteria being: Statement of the Problem/Description of the Issue (15%); Project Design and Implementation (35%); Plan for Collecting the Data Required for this Solicitation's Performance Measures (15%); and Budget (10%).

For more information on how to submit your application DOJ has provided a checklist that can also be found on their website. ■

June Is National Homeownership Month



NAHRO joins in celebrating National Homeownership Month this June. NAHRO member agencies continue to provide resources to their residents to assist them on the path to homeownership. Here are just a few examples:

- The District of Columbia Housing Authority (DCHA) recently opened a one-stop shop for its Family Self Sufficiency (FSS) program. The Frederick Douglass Family Self-Sufficiency Center was renovated to house the multitude of services that help DCHA customers reach their individual goals in the DCHA Pathways of Self-Sufficiency: education, employment, and homeownership. The center houses service coordinators who work directly with DCHA customers, as well as D.C. residents, to connect them to innovative strategies, programs, and services that already exist in the local community, such as credit counseling, financial literacy training, and homeownership preparation.
- After an abrupt and unanticipated conclusion of its in-person homeownership program due to the COVID-19 pandemic, Columbia Housing in South Carolina launched Homeownership Goes Virtual. The Homeownership Goes Virtual initiative promotes sustainable homeownership by providing home buying, budgeting, credit, and home and yard maintenance educational opportunities for Columbia Housing's residents, program participants, and the general public.
- The Los Angeles County Development Authority's (LACDA) Family Self-Sufficiency (FSS) Program links residents with a case manager who helps clients develop a plan to increase income with tools such as training, education, and financial literacy. Each client is expected to meet their goals in five years. Since Jan. 1, 2017, the agency expanded its outreach efforts by implementing New Resident Services Orientations, creating a special FSS website with resources for its participants, and utilizing the agency's social media platforms to highlight the FSS Program and the success of its participants. To date, the FSS team has enrolled 332 new clients.

If you have a program that helps residents reach homeownership and want to share with NAHRO contact Libby Miller at lmiller@nahro.org. ■

Spotlight Your Peers with a NAHRO Award!

NAHRO'S INDIVIDUAL AWARDS

Get Recognized For Your Achievements



NAHRO offers a variety of awards and recognition to persons who have made outstanding contributions to the housing and community development field. **Applications for awards are due by Aug. 5**

Available awards include:

- NAHRO Outstanding Professional of the Year
- The International Research and Global Exchange Award
- Commissioner of the Year Award
- Emerging Leader Award



APPLY NOW!

To enter visit: www.nahro.org

Now more than ever, we as Housers must step up and go above and beyond during these unprecedented times. It's also equally important to stop and recognize those around us who continue to surpass the mark time and time again.

Do you know someone who is making outstanding contributions to the quality of life of their residents and staff through their service in the field of housing and community development? If so, consider applying for or nominating a colleague for one of NAHRO's prestigious awards! Winners will be announced during NAHRO's National Conference and Exhibition in San Diego on Sept. 22-24!

Applications are due by Aug. 5 – learn more about the types of awards offered below:

- **NAHRO Outstanding Professional of the Year:** This award highlights and rewards those who have achieved great accomplishments! Each nominee must have demonstrated an outstanding contribution to the nation's effort to provide "a decent home and a suitable living environment for every American family."
- **The International Research and Global Exchange Award:** Each nominee must have direct affiliation with the housing and community development field and have made an outstanding contribution to international understanding in housing and community development.
- **Commissioner of the Year Award:** Each nominee must be an individual or associate member of National NAHRO, have contributed to the areas of community leadership, advocacy, and public relations as well as to the activities of NAHRO and cannot be employed by the Housing Authority and serve as Commissioner simultaneously.
- **Emerging Leader Award:** Each nominee must have been involved in NAHRO at the national, regional and/or chapter level for a minimum of five years and has distinguished themselves as an Emerging Leader. (Note: self-nominations are not accepted for this award)

If you have any additional questions regarding the NAHRO individual awards, please contact memberservices@nahro.org.

CLASSIFIED ADS

ASSISTANT PROPERTY MANAGER

The Housing Authority of the City of Passaic (Passaic, New Jersey) seeks an Assistant Property Manager with knowledge of federal and state housing laws, familiar with HUD regulations. Uniform Physical Condition Standards Certification (UPCS) a plus & must have a Public Housing Manager (PHM) Certification within one year of employment.

INSTRUCTIONS TO APPLY

Applicants **MUST** submit cover letter with salary expectation, resume and references to: phahr@passaichousing.org. **NO** phone calls, please. Application Deadline is July 5, 2022. EOE

OPERATIONS ADMINISTRATOR

The Housing Authority of the City of Passaic (Passaic, New Jersey) seeks an experienced individual to oversee operations, develop, administer contracts, prepare proposals and bids to ensure compliance with Federal and State Laws.

Bachelor's Degree, Qualified Purchasing License and HUD experience required.

Instructions to Apply: Must submit cover letter with salary expectation, resume and references to:

phahr@passaichousing.org. **NO** phone calls, please. Application Deadline is July 5, 2022. EOE.

Have a job posting?

Visit NAHRO's Career Center:
www.nahro.careerwebsite.com



NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS
630 EYE STREET, NW
WASHINGTON, DC 20001-3736
TELEPHONE: 877-866-2476 • FAX: 202-289-8181

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
PERMIT #4297
SUBURBAN,
MD

FIRST CLASS MAIL
ADDRESS SERVICES REQUESTED

CONFERENCES SEMINARS WORKSHOPS

06/22/2022-06/23/2022
E-LEARNING: ETHICS FOR
COMMISSIONERS
E-LEARNING

06/22/2022-06/23/2022
THE DEFINITIVE GUIDE FOR
NEW EXECUTIVE DIRECTORS
VIRTUAL CLASSROOM

06/27/2022-06/30/2022
PROCUREMENT AND
CONTRACT MANAGEMENT
VIRTUAL CLASSROOM

06/30/2022
THE GREAT RESIGNATION:
TAKING YOUR ORGANIZATION
FROM SURVIVING TO
THRIVING
E-LEARNING

07/11/2022-07/13/2022
FSS FINAL RULE: PRACTICAL
APPLICATION OF THE NEW
RULE
VIRTUAL CLASSROOM

07/12/2022-07/14/2022
COMMISSIONERS
FUNDAMENTALS
VIRTUAL CLASSROOM

07/14/2022
PEER SUPPORT FOR FAMILY
SELF-SUFFICIENCY (FSS)
CASE MANAGERS
ONLINE WEBINAR

07/14/2022
ETHICS FOR HOUSING
PROFESSIONALS
E-LEARNING

07/25/2022
EXCELLENCE IN CUSTOMER
SERVICE
IN-PERSON
SHREVEPORT TRAINING
CENTER - SHREVEPORT, LA
TRAINING CENTER

FOR THE COMPLETE
NAHRO TRAINING
CALENDAR:
WWW.NAHRO.ORG/
TRAINING

FOR INFORMATION ABOUT NAHRO PROFESSIONAL DEVELOPMENT OFFERINGS, CONTACT
PROFESSIONALDEVELOPMENT@NAHRO.ORG OR (202) 580-7211.



Council of Large Public Housing Authorities

455 Massachusetts Avenue, NW, Suite 425

Washington, DC 20001-2621

Executive Director: Sunia Zaterman

phone: 202.638.1300 | **fax:** 202.638.2364

web: www.clpha.org

July 13, 2022

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

RE: [Docket No. FR-6331-N-03] Request for Information Relating to the Implementation of the Build America, Buy America Act

To whom it may concern,

The Council of Large Public Housing Authorities (“CLPHA”) appreciates the opportunity to submit comments to the United States Department of Housing and Urban Development (“HUD”) in response to the notice titled “Request for Information Relating to the Implementation of the Build America, Buy America Act.”

CLPHA is a non-profit organization that works to preserve and improve public and affordable housing through advocacy, research, policy analysis, and public education. Our membership of more than seventy large public housing authorities (“PHAs”) own and manage nearly half of the units in the nation’s public housing program, administer more than a quarter of the subsidies in the Housing Choice Voucher Program, and operate a wide array of other housing programs.

The ongoing impact of the COVID-19 pandemic continues to represent a serious threat to the short- and long-term well-being of many vulnerable families in HUD-assisted housing and to the PHAs that own and manage housing and vouchers for nearly 3.3 million households. CLPHA supports the nation's largest and most innovative PHAs by advocating for the resources they need to solve local housing challenges.

CLPHA is concerned that the requirements of BABA will impede PHAs’ ability to serve vulnerable residents. Public housing developments provide affordable homes to 1.8 million low-income Americans. In 2020, 56 percent of public housing households were headed by older adults or people with disabilities. More than one-third of all residents are children under the age of 18. However, BABA ultimately undermines PHAs’ ability to provide safe, decent, affordable quality housing to serve these most vulnerable populations by increasing construction costs and delaying timelines to construct affordable housing units, disrupting day-to-day PHA operations like property maintenance, and impeding PHAs’ ability to provide reasonable accommodations and accessible units.

Certain requirements of BABA could also impose undue burdens on PHAs. At a time when inflation is making construction materials costlier and the Operating Cost Adjustment Factors (OCAF) used for adjusting or establishing Section 8 rents for projects assisted with Section 8 Housing Assistance Payments haven't yet taken inflation into account, the Buy American requirements – if implemented hastily – could put added pressure on the already strained resources of PHAs. HUD must be mindful that extra regulations can hinder the ability of PHAs to fulfill their mission to deliver affordable housing by increasing both project costs and completion time.

BABA Should Not Apply to Public Housing

CLPHA is supportive of efforts to strengthen domestic supply chains. However, for the purposes of defining the applicability of the Buy America Domestic Content Procurement Preference (“Buy America Preference,” or “BAP”), the Infrastructure Investment & Jobs Act (IIJA) defines a project to include “the construction, alteration, maintenance, or repair of infrastructure in the United States.” According to the April 18, 2022, Memorandum from the Executive Office on the implementation of BABA, the term ‘infrastructure’ includes, at a minimum, ... buildings and real property. [...] Agencies should interpret the term ‘infrastructure’ broadly and consider the definition provided above illustrative and not exhaustive. [...] Agencies should consider whether the project will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation [...] Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.”

Although most public housing capital-funded projects are publicly owned and operated, **CLPHA strongly urges that HUD find that public housing capital-funded projects are not infrastructure projects.** These projects are not open to the public and are reserved for private residential use by the tenants. The indicia of ownership and operation make a typical housing project more akin to a private home for personal use, which the Office of Management and Budget (OMB) has stated would not qualify as an infrastructure project.

Regardless of whether public housing capital-funded projects generally qualify as infrastructure projects, we urge that HUD find, at a minimum, that LIHTC/Mixed-Finance projects do not. These projects are privately owned by an entity other than the PHA and the units within these buildings are not open to the public. As with public housing projects generally, the projects are reserved for private residential use by the tenants, and access to these projects is usually strictly regulated. Accordingly, LIHTC/Mixed-Finance projects, being both privately owned and not open to the public, should not be considered infrastructure projects.

Nonetheless, if HUD determines that the BAP applies to public housing capital-funded projects, CLPHA makes the following recommendations to ensure the final regulations balance Buy American requirements with flexibilities allowing for PHAs to construct and administer housing programs efficiently.

1. Delay the implementation of Buy American Requirements.

Implementation of BABA will be a large programmatic and administrative burden for PHAs, both internally with document and process adjustment, and externally with contractor outreach and education. Accordingly, CLPHA members believe an adjustment period of at least *one year* beyond the expiration of the General Applicability Waiver of BABA is necessary prior to enforcing Buy American requirements.

Critically, little information is available on the impact and costs of BABA requirements. CLPHA recommends HUD begin a concerted outreach effort to educate and inform PHAs on the requirements of BABA. These efforts could include creating one-page BABA overview documents, webinars, Frequently Asked Questions, and improving HUD's [BABA webpage](#).

2. Grant a waiver that grandfathers into compliance projects that were ongoing and predated the implementation of BABA.

CLPHA members are concerned that current supply chain issues could exacerbate the delays in sourcing American-made materials and ultimately delay project completion. Projects could start and stop frequently if PHAs must wait for this additional layer of certification or waiver approval to be completed. These delays could also impact the financing of projects as certain financing structures have deadlines for expending funds.

3. Provide a safe harbor for PHAs that reasonably make efforts to ensure the materials used in housing are made in America.

Due to the uncertainty on what percentage of certain materials must be made in/sourced in America and the limited administrative capacity of PHAs to investigate each material, HUD should adopt a safe harbor for compliance with the Act. PHAs that complete a minimum level of due diligence to ensure the materials they source are made in America should not face penalties.

4. Define and give common examples of American-made “manufactured products” and “construction materials” for PHAs to easily reference in a database.

HUD should provide a database of regularly used products, their availability, and whether they meet the act's definition of American-made. HUD should create a standard waiver category for manufactured items and construction materials obtained via single-source procurement. This waiver category would certify that such items comply with safe harbor provisions. Additionally, HUD should also include the types of activities that have (or have not) been determined to be in the public interest. Such a database would greatly ease the burden of due diligence on PHAs.

5. Create a Buy American certification process and associated guidelines for PHAs, contractors, and suppliers.

PHAs generally have not been subjected to Buy American requirements previously. As a result, they do not have standard procedures for determining the sourcing of materials from

contractors and suppliers. Requiring PHAs to develop their own American-made certification processes and associated guidelines for a domestic content procurement preference is onerous and may lead to inconsistent application of the intent of the Act. Moreover, this is an unfunded mandate. If compliance is mandated, HUD should provide funding and support for implementation and compliance.

6. Clearly define the requirements by which a waiver will be granted in a guidance document.

HUD should clearly define the requirements by which a waiver will be permitted in a guidance document. The waiver process and required documentation should be explicitly laid out on HUD's BABA webpage. Guidance should include exceptions from the typical waiver process for disaster situations and emergency repairs; categorical blanket waivers for products back-ordered due to supply chain shortages (like electronics) and items lacking a domestic supply chain; definitions of phrases like "made in America," "manufactured products," "construction materials," and what is in the public interest; and the thresholds of cost and time increases which must be met for waivers to be granted.

See below our organization's comments to selected questions posed in HUD's Docket No. FR-6331-N-03, Request for Information Relating to the Implementation of the Build America, Buy America Act:

Question 2: What aspects of housing are defined as public functions?

The statute specifies that a Buy American waiver can be issued if the types of manufactured products or construction materials aren't produced in the U.S. in a sufficient quantity. HUD should define and give common examples of "manufactured products" and "construction materials" for PHAs to easily reference. General uncertainty around the definition of an American-made "manufactured product" and "construction material" is reason enough to delay the implementation of the Buy American provisions.

Other policies that are in the public interest, such as sustainability goals, may be impacted by BABA's Buy American requirements. A BABA waiver category could be considered for cases where the Act's Buy American requirements would run contrary to the public interest served by other policy goals.

Further, small suppliers that would employ low-income persons when federal dollars are expended in construction and non-construction or service contracts to meet Section 3 employment and contracting goals may be unable to compete with larger firms for contracts. Sourcing materials from small businesses to support Section 3 compliance can potentially be another waiver category given that it is in the public interest to support these enterprises. We would encourage HUD to assess other areas where compliance with BABA might conflict with existing HUD requirements, especially those that support the public interest and/or HUD and the Administration's equity goals.

Question 5: How do PHAs currently determine sourcing for materials and contractor sourcing? Are there existing mechanisms to locate American-made iron, steel, manufactured products, or construction materials?

PHAs generally have not been subjected to Buy American requirements previously. They do not have standard procedures for determining the sourcing of materials from contractors. Many smaller

PHAs also lack the purchasing power to require vendors to provide details on the sourcing of materials and supplies. Certain large suppliers have ‘custom catalogs’ that allow buyers to sort by American-made products, but smaller suppliers do not always have such catalogs as an option. This could exclude smaller suppliers without sortable catalog technologies from competing for PHAs’ business.

HUD should create a Buy American certification process and associated guidelines for PHAs, contractors, and suppliers to follow, as it would be onerous to require PHAs to develop their own American-made certification processes. HUD should not require PHAs to report the extent to which construction materials were sourced in the U.S. and those that were not. This information can be obtained by HUD from numerous other entities such as trade associations, private entities, non-profit think tanks, and other federal agencies like the SBA.

Question 6: Are PHAs currently subjected to Buy American requirements from other Federal, state, local, or Tribal entities?

While we assume that HUD would inform PHAs of any existing Buy American requirements, to the best of our knowledge CLPHA members are not currently subject to any such requirements for other federal, state, or tribal regulations. The only remotely comparable sourcing requirements that PHAs may face are those to achieve LEED certification on a building. In these cases, the building must be constructed to certain eco-friendly specifications using specific materials. However, CLPHA members report that when undertaking such projects, they incur additional administrative costs and time-to-completion by hiring third-party consultants to source the necessary materials and ensure compliance.

Moreover, PHAs have experienced staffing shortages due to the COVID-19 pandemic. Many PHAs lack the staff capacity, time, and resources to investigate whether a product meets the vague description of a domestically procured material as defined in 2 CFR 200.322. HUD should disseminate information, provide technical assistance on best practices, and request additional administrative funding for PHAs to meet requirements for sourcing American-made materials.

Question 7: Are there any plans in the iron, steel, manufactured products, or construction materials industries to provide documentation regarding materials' compliance with BABA?

CLPHA members voiced concerns about ensuring everything they purchase will comply with the Act’s definition of “made in America”. Most importantly, HUD should provide a safe harbor for PHAs that reasonably make efforts to ensure the materials used in housing are made in America.

Specifically, there is uncertainty about the definition of what “produced” means. What percentage of each manufactured product and construction material must be made in/sourced from America for it to comply with the Buy American requirement? The legislation specifies that “produced in the United States” is defined as “the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product.” PHAs do not have the expertise or staff capacity to determine whether every manufactured product purchased is at least 55% sourced from America. To make matters more confusing, Section 70921 subpart C of the authorizing legislation also states that it is the sense of Congress that the regulation should “increase the domestic content requirements for domestic end products and domestic construction material to 75%, or, in the event

of no qualifying offers, 60%.” HUD should clarify the definition of what “produced in the U.S.” means and what the percentage is to avoid confusion among PHAs.

HUD should also provide a database on all regularly used products, their availability, and the types of activities that have (or have not) been determined to be in the public interest. While some larger suppliers have online product catalogs that allow PHAs to filter by American-made products, other smaller suppliers may not have this capability. This presents the risk of allowing supplier monopolies to develop as well as potentially increasing the cost of those materials. To mitigate this potential issue, HUD should create a list of commonly used American-made materials on its BABA webpage.

Question 8: What are the contractor's administrative costs associated with complying with BABA?

Small and Disadvantaged Businesses may not be able to easily comply with Buy American requirements thereby precluding their participation in contracting with PHAs. Larger contractors that handle multi-million-dollar infrastructure projects are more familiar with Buy American requirements and will be more easily able to comply with them. CLPHA members estimate that the Buy American provisions could cause project costs to rise by 15-20% on average. Such cost increases could make a project no longer feasible, which would be a direct contradiction to the Biden Administration’s Housing Supply Action Plan.

HUD should also clarify whether the Buy American provisions will apply to subcontractors, as well as whether PHAs will need to manage reporting of clients for contractors and subcontractors.

Question 9: What are the specific concerns about a potential waiver process?

HUD should clearly define the requirements by which a waiver will be permitted in a guidance document. The waiver process and required documentation should be explicitly laid out on HUD’s BABA webpage.

PHAs should not be required to repeatedly re-submit required documentation for waiver requests that are nearly identical in scope and nature. To improve the efficiency of waiver requests, HUD should draft pre-approved blanket waivers that PHAs can request.

HUD has indicated that all waiver requests must go through the OMB’s new Made in America office, and general applicability waivers must go through a comment period of at least 30 days. Because statute requires that all waivers be reviewed and issued through this centralized OMB office, CLPHA members have expressed concerns that requirements to submit a waiver for routine maintenance or repairs to units will cause delays to meet basic housing quality standards.

Another major concern among CLPHA members is that a Buy American requirement for certain special materials that presently lack a domestic supply chain may add significant cost and time to each project. These include materials such as electronic components, certain appliances, cars, bathroom fixtures, lighting fixtures, and surveillance and access control systems. HUD should consider adding categorical waivers for these products so that PHAs don’t have to repeatedly file waivers and submit identical documentation for one type of specialty item that has previously been granted a waiver.

Question 10: How will BABA requirements affect relocation plans, transfer procedures, and/or reasonable accommodation or modifications procedures for existing occupants?

It is *critical* that waiver requests receive a timely response. Lengthy turnaround times for waiver requests can significantly increase the time it takes for PHAs to construct new units, renovate existing ones, and complete maintenance or repairs. This comes at a time when supply chain issues are already making it difficult to source certain materials, which adds time to project completion. PHAs are concerned that supply chain issues could exacerbate the delays in sourcing American-made materials and ultimately delay project completion. Projects could start and stop frequently if PHAs must wait for this additional layer of certification or waiver approval to be completed. These delays will impact the financing of transactions that have deadlines for expending funds. CLPHA recommends a waiver category for instances when the sourcing of American-made materials would delay the maintenance, rehabilitation, or redevelopment beyond a certain amount of time, particularly for circumstances involving the health and safety of residents.

Long response times on waivers can create major backlogs for PHAs, ultimately undermining their ability to provide existing residents with reasonable accommodations as well as prepare accessible units for residents. The 2019 Affordable Housing Survey found that almost 2 in 10 U.S. households have accessibility needs, and 4 in 10 homes currently do not have accessibility features such as entry-level bedrooms or full bathrooms. If a new resident needs a mobility aid such as a wheelchair ramp installed, procuring it from an American-made source could delay that tenant from moving in and may subject PHAs to penalties for noncompliance with reasonable accommodation requests.

HUD should create a standard waiver category for single-source procurement. If a manufactured item were deemed “American-made” by its supplier, that item would meet the Buy American safe harbor provisions. As an example, if a grab bar – a safety device commonly requested as a reasonable accommodation by senior and disabled public housing residents to prevent slips or falls – is deemed American-made by the supplier that sells it, then the item would comply with the Buy American safe harbor provisions.

CLPHA members also inquired about whether the Buy America, Build America requirements will affect ongoing projects that predated the Act, and projects for which deals have already closed but construction hasn’t yet begun. CLPHA recommends that these projects be grandfathered into compliance so as not to delay construction on new properties, especially given the current nationwide demand for increasing housing supply.

The Act’s Buy American requirements could also delay Rental Assistance Demonstration (RAD) transactions for projects currently under construction and projects in the pipeline. Delays can also jeopardize other financing sources such as tax credits and others that have closing deadlines. Absent additional funding to cover the increased cost of American-made materials, the feasibility of transactions could be threatened. For these reasons and many more, CLPHA members ask that the implementation of the Buy American requirements be delayed at least *one year* beyond the expiration of the General Applicability Waiver of BABA to allow PHAs additional time to prepare.

Question 11: What situations would require expedited or general waivers?

Many products are assembled in America using parts from outside the country. HUD should ensure that these situations comply with the final regulations under the Act’s Buy American requirement.

Products such as cars, bathroom fixtures, lighting fixtures, and surveillance and access control systems will regularly be requested by PHAs for exemption from the Buy American requirements. Waivers for these and other categories of construction materials are necessary so that PHAs do not repeatedly have to file documentation and request waivers for the same categories of items.

Tenants' lives are disrupted when they must be temporarily relocated for emergency fixes to their dwellings, so PHAs must move expeditiously to complete these repairs. HUD should create an expedited waiver category for items necessary for emergency maintenance and repairs as well as health and safety-related work.

HUD must also include an exception from waivers for disasters. The statute explicitly states that the 15-day public comment period for a Buy American provision waiver does not apply when "satisfy[ing] an urgent contracting need in an unforeseen and exigent circumstance." To this extent, HUD should clarify what these "unforeseen and exigent circumstances" are and provide examples of them on its BABA webpage. Examples of these could include natural disasters like hurricanes and tornadoes, fires, floods, and other Presidentially Declared Disasters. This waiver category should also be extended to the 17 types of waivers outlined in FR-6301-N-01 (Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters).

Thank you for the opportunity to comment on these most important regulations and their impact on the residents we serve.

Sincerely,

A handwritten signature in cursive script, reading "Sunia Zatterman". The signature is written in dark ink and has a fluid, connected style.

Sunia Zatterman
Executive Director
Council of Large Public Housing Authorities



**Public Housing Authorities
Directors Association**

511 Capitol Court, NE
Washington, DC
20002-4937

Phone: 202-546-5445
Fax: 202-546-2280
www.phada.org

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 Seventh Street SW
Room 10276
Washington DC 20410-0001

RE: Docket No. FR-6331-N-03
Request for Information Relating to the Implementation of the Build America, Buy America Act

July 15, 2022

To Whom This May Concern:

The Public Housing Authorities Directors Association (PHADA), representing the professional administrators of approximately 1,900 housing authorities (HAs) throughout the United States, appreciates the opportunity to provide comments to the Department related to the Build America, Buy America Act (BABA) as it applies to HUD's Federal Financial Assistance. As a result of historically high inflation, supply chain disruptions, and the ongoing effects of the COVID-19 pandemic, many HAs have struggled to maintain needed staffing levels, procure products, complete needed capital improvements and repairs in a timely manner, and manage increasing costs as demands for HA services continue to rise. While the intent to support American manufacturers and products is supported broadly, PHADA is concerned that the requirements of BABA will exacerbate these issues and result in the HA staff being diverted away from the core mission of providing affordable rental housing and other related services to residents.

PHADA submits the following comments regarding the above referenced Federal Register Notice.

This Notice requests comment on several topics relating to the potential information collection burden on recipients, including existing mechanisms for demonstrating compliance with the Act's domestic content procurement preference ("Buy America Preference," or "BAP"), potential costs of compliance for recipients and contractors, and the potential impact on projects funded by Department Federal Financial Assistance.

PHADA supports the laudable goals of BABA and recognizes the long-term benefits of establishing and supporting American industries. However, PHADA is deeply concerned about the impacts BABA could have on HA operations and programs. PHADA's concerns include:

- A lack of a mature manufacturing and sourcing marketplace which could further exacerbate supply chain issues leading to project delays and cost inflation.
- A lack of a compliance structure for construction materials and manufactured products and limited details on the reporting and regulatory requirements associated with BABA.
- The undermining of the Administration's goals as related to increasing the housing supply and expanding broadband internet service to the underserved and unserved.

- An undefined waiver process lacking details about broad exceptions for HAs when faced with underdeveloped marketplaces which lack sourcing information for building materials.
- A de minimus threshold set at a level which causes undue burden on HAs when performing regular maintenance and program operations.
- A significant inflationary effect on the already large capital backlog which leaves HAs with deteriorating units and families in poor living conditions.
- Project delays and increased costs which could lead to longer turnover times and vacant units, leading to lower occupancy rates, and undercutting the Department's strategic goal to serve more families in the public housing program.
- The short implementation timeline and the dearth of Department research into the potential impacts of BABA's regulations which could be calamitous for HAs and the families they serve.

Supply Chain and Building Materials

PHADA is extremely concerned that the premature implementation of the BABA provisions within the Infrastructure Investment and Jobs Act (IIJA) could lead to significant supply chain disruptions, which in turn will lead to project delays and high costs for HAs, both large and small. According to the Center for Strategic and International Studies:

Significant changes to the domestic content requirements and price preferences for domestic products could force products purchased by the government to contain more U.S. content, but that, in turn, would require U.S. companies to alter their supply chains in order to meet the higher standards. That would mean increased costs to businesses, both in terms of the cost of changing suppliers and the likelihood that domestically produced parts and components would be more expensive than the foreign ones, which would ultimately undermine the global competitiveness of U.S. companies. In addition, in some industries, the relatively small volume of government purchases – compared to the existing volume of non-government sales – may make companies reluctant to alter their supply chains because the net benefit would be limited.

Homes, smaller apartment buildings, and low-rise structures in the U.S. primarily use wood in a light-frame construction style. Typical light-frame construction features 2-by-4s and 2-by-6s as wall supports, wood joists as floor supports, and rafters as a roof assembly. In the housing and multifamily construction industries especially, the price of lumber has almost tripled in the last year. In markets where builders are already struggling to keep up with demand and housing inventories are incredibly low, exorbitant lumber prices present just one more hurdle to completing projects.

According to the National Association of Home Builders, the United States consumed approximately 47 billion board feet of softwood in 2019. Of this total, nearly 31 percent came from 48 foreign countries. Of this, only 16 countries produce lumber that is graded for U.S. framing standards. Historically, Canada has been the largest foreign source of softwood lumber, accounting for 96 percent of imports as recently as 2015, but dropping to below 87 percent in 2020. This decline began when an average 20 percent tariff was placed on softwood lumber coming from Canada during the previous administration. As Canadian lumber began to decline, U.S. manufacturers did not wholly fill this void, instead this gap was filled by Germany, Sweden, and others.

Additionally, it is important to note that the Peterson Institute for International Economics states that while “quantification is difficult, the major federal Buy American laws probably equate to tariff equivalent barriers of at least 25 percent on federal purchases.” The Institute adds that “Barriers of this magnitude likely impose a cost of 5 to 10 percent on U.S. taxpayers through inflated prices for public purchases.”

Typically, larger residential apartment buildings use steel as the basis for the construction. The American Iron and Steel Institute's 2020 Annual Statistical Report highlights that, “in 2020, shipments from domestic steel mills measured 81.0 million net tons, down 15.8 percent from the previous year.

U.S. raw steel production was 80.2 million net tons in 2020, a 17.1 percent decrease from 2019. The report also shows that total steel imports decreased 21 percent in 2020 compared to the previous year, while finished steel imports decreased 23 percent over the same period and captured an 18 percent share of apparent steel consumption. The report notes that the construction and automotive industries continued as the leading end-use markets for shipments of U.S. steel products.

With lumber costs at near record highs and domestic steel production decreasing, PHADA is concerned that domestic markets will be unable to meet the supply necessary for the significant demand for affordable housing.

According to the National Association of Home Builders, in recent years, the amount of time it takes to complete a multifamily project has continued to rise, along with the rising costs of materials and labor. The 2021 Survey of Construction from the Census Bureau states that the average length of time to complete construction of a multifamily building – after obtaining authorization – has now risen to 17.5 months. This authorization-to-completion time has been on an upward trend since 2013. Project delays from limited supplies could drive this figure up further.

And, if development costs increase and timelines stretch, HAs face the prospect of fewer units being developed, limiting the ability of HAs to participate in development and redevelopment opportunities, which in turn provides additional affordable housing for lower income households.

Sourcing System and Administrative Burdens

Ignoring the market dynamics and challenges, the Department and OMB should not make HAs the vehicle for creating a sourcing and regulatory system where one does not already exist. Regulators for construction materials and manufactured products should lead any necessary sourcing requirements and HAs should not be held responsible for ensuring compliance until a standard mechanism and definitions have been established.

In addition to the lack of a compliance structure for construction materials and manufactured products and limited details on the reporting and regulatory requirements associated with BABA, PHADA has concerns about the internal HA regulatory burden, including the need for an increase in staffing as well as potentially substantial tracking and reporting requirements to prepare for any audits or Department-led compliance checks.

Many HAs lack adequate resources (funding and infrastructure) to track the source of materials. HAs may have the ability to offer contracts obligating contractors to provide source information. This may create additional burdens on contractors leading to increased costs, project delays, and a reduction in the number of bids for projects beyond what is currently being experienced. In some cases, a lack of adequate qualified bidders will create costly delays or force projects to be otherwise unnecessarily deferred. A member HA reached out to one of its contractors to gain additional perspectives. The HA was told by the contractors that sourcing information would not be provided due to the time involved to gather such information. Instead, the HA would be required to provide all of the product specifications within the bid package. This would shift the onus onto HAs, which, as previously mentioned, do not have adequate resources and staffing to comply.

Without adequate funding, HAs and HUD do not have the capacity to implement or administer the level of reporting that is required for such a complex and complicated program as BABA, if it is to be implemented and tracked appropriately. The Federal Government should, at a minimum, lead efforts to establish an adequate system to identify the source of BABA required materials.

While PHADA cannot comment directly on the costs or administrative burdens BABA will cause for contractors, HAs have indicated that BABA would lead to a reduction in bid responses from contractors due to the additional administrative burden. As discussed previously, some contractors may shift the responsibility back onto HAs or select not to participate in HA projects, further reducing the number of quality contractors in a specified area. This could be particularly cumbersome and problematic in smaller, more rural communities where materials and labor are already difficult to procure.

For HAs with contractors willing to perform the research and reporting of material sourcing, the additional administrative time and costs will then be shifted back onto HAs, further increasing the cost of projects.

Any material sourcing system should be developed by the construction and manufacturing industries while tracking and reporting requirements should be simple and easy to perform for both HAs and contractors.

Undermining the Housing Supply Action Plan and Broadband Expansion

In addition to straining HAs, BABA could undermine other Administration efforts including the Housing Supply Plan and the broadband expansion roll-out as it could increase costs and reduce the purchasing power of the dollar, further limiting already inadequate funds. Respectively, these efforts seek to produce more housing for Americans and provide internet connectivity, closing the digital divide. Increased costs and administrative burdens caused by BABA could reduce their impact and continue to leave Americans behind.

The Housing Supply Action Plan includes legislative and administrative actions to address the imbalance between supply of and demand for housing, with a goal of closing America's housing supply shortfall in five years. The Plan focuses on the production and preservation of affordable rental housing for low- and moderate-income families, and on boosting the supply of for-sale homes to help households seeking to become homeowners. It also attempts to address inflation, noting that housing costs make up approximately one-third of the market basket of goods measured by the Consumer Price Index.

These efforts by the administration will only help to drive up the demand for building materials. Materials for which, as discussed previously, there is not enough domestic production, nor a system in place to track and source construction and manufactured materials. This could cause additional competition for limited resources, driving up costs and delaying projects, and ultimately undermining the goals of the Administration and its Housing Supply Action Plan.

The Department and the Administration should address other constraints to the production of housing across the country, from rising material costs to labor supply challenges. Helping to alleviate supply-chain challenges and attract more workers into the building trades will help turn the record number of housing units currently under construction into homes where Americans can live.

Similarly, the IJJA's expected broadband expansion and the positive outcomes it could bring to HA residents could be at risk due to BABA. A 2013 White House report states that low-income people – those most likely to be served by HUD – disproportionately lack access to high-speed internet at home. Ninety-three percent of families earning more than \$100,000 annually have broadband access at home compared with only 43 percent of families earning less than \$25,000.

The Pew Research Center reports that “broadband access is also closely correlated with educational attainment and age. College graduates are far more likely to have broadband access than Americans without high school degrees (89 percent and 37 percent, respectively). In addition, 80 percent of Americans aged 18 to 29 have broadband access compared with 43 percent of those aged 65 or older. A geographic divide is also evident: 70 percent of urban Americans use broadband at home compared with 62 percent of rural residents. Also, whites are more likely than blacks or Hispanics to have access to broadband at home.”

Recently, broadband groups sent a joint letter to the National Telecommunications Information Administration arguing for a waiver from the Buy American rule for information communication technology products. The group claims that the 55 percent content threshold “does not reflect the realities of the global ICT supply chain” and while “a few individual network elements might meet the 55 percent domestic content threshold they are extremely limited in number, and it appears that no combination of network products would meet the IJJA's content requirements from end-to-end.”

The groups noted that NTIA and other agencies previously granted waivers for a similar requirement which was included in the 2009 American Recovery and Reinvestment Act.

The groups also stated that “Americans without access to broadband cannot wait for a domestic supply chain to be developed out of whole cloth, and the federal government has a clear path forward to ensure the success of the President’s infrastructure agenda by instituting a waiver.”

Waivers

According to the U.S. Chamber of Commerce, “in 2009–2011, many Recovery Act-funded projects were delayed...[and] the ‘Buy American’ rules were interpreted in a way that barred many U.S.-based manufacturers from bidding on projects because many firms find it impossible to avoid sourcing at least a portion of their content from abroad. Waiver processes proved difficult, costly, and slow. **Ironically, ‘Buy American’ rules meant hardship for many American companies and their employees.**”

To avoid repeating the mistakes of previous “Buy American” rules, it is essential that HUD and the Made in America Office establish a simple waiver process which must include a timely response to any waiver requests. Any delay in the response to a waiver request could lead to further delays or confusion, causing HAs to leave units vacant and lead to reduced occupancy rates, undermining the Department’s Strategic Plan for FY 22–FY 26 goal to increase the number of families served by the Public Housing Program. PHADA urges the Department to take a very active role in making sure the waiver process is smooth and workable.

PHADA would like the Department to provide broad exceptions and a phase-in while sourcing systems can be established within the industries regulated by BABA. Ideally, PHADA would also like to restrict BABA requirements, and thus the need for waivers to new construction and major renovation. By providing a blanket exemption for maintenance projects, HAs can reduce response times and provide mission-critical services to families and individuals living within their properties.

The Department must also be prepared for additional waivers related to obligation deadlines. BABA’s requirements could delay project timelines and spending which will result in additional lead time for HA planning and could, in turn, impact spending deadlines. In turn, HA scores under PHAS and SEMAP could be negatively impacted. The Department should be prepared to make adjustments in scoring to fairly address this outcome for HAs.

With this in mind, PHADA is concerned that the Department is not adequately staffed to manage the high volume of waiver requests BABA will undoubtedly create. Supply chain issues, inflation, and limited suppliers of American-made products will result in significant waiver requests. The Department may not have the staff necessary to process these applications in a timely manner, which would lead to further delays, increased costs, and make HA contracting opportunities less attractive to contractors and industry stakeholders.

De Minimus Threshold

In respect to de minimus threshold exceptions, PHADA encourages HUD to consider the maximum allowable under the Office of Management and Budget guidance, which suggested five percent of total project costs up to \$1 million. Specifically for maintenance needs, HUD should allow a de minimus threshold or public interest waiver in the amount in line with the existing federal procurement regulation (2 CFR 200) small purchase threshold of \$250,000. This is an established, well-vetted and known standard.

PHADA predicts that if the high limits (five percent up to a million on major projects; \$250,000 for minimum threshold in all cases) are adopted, it would eliminate most concerns for most agencies.

Capital Backlog

As the public housing stock has aged, its maintenance needs have grown. The majority of public housing properties (78 percent) were built before 1997, and 42 percent were constructed before 1975. The Public Housing Capital Fund supports the renovation of public housing developments and replacement projects. Projects include repairing damaged roofs, replacing broken heating and air conditioning systems and reconstructing aging sewage lines – projects that directly affect the health and safety of the 1.2 million families living in public housing units across the country.

In 2010, the National Public Housing Capital Needs Assessment showed that the total backlog for public housing capital funding was \$26 billion with \$3.4 billion needed to meet annual capital needs nationally. The report indicated that each year the cost of the backlog compounds at a rate of 8.7 percent due to inflation and the increased cost of addressing deferred maintenance. As a result, by 2019, the capital fund backlog for public housing repairs had grown to an estimated \$70 billion. Furthermore, residents are forced to live in homes made unsafe by mold, lead, or disrepair with HUD's own estimates showing that over 10,000 public housing apartments are lost annually due to uninhabitability.

The families living in public housing include some of the most vulnerable in the nation. Average annual household income for public housing residents was just \$15,738 in 2019, and roughly 72 percent of households had incomes below 30 percent of area median income that year. An Urban Institute analysis using 2016 data found that about 30 percent of all households living in public housing included children and, that since 2008, more than 50 percent of the heads of public housing households are 62 or older and/or have a disability.

Communities in both large and small HAs will require major renovation or complete replacement to remain viable; BABA threatens this need. An untimely or uninformed implementation of BABA could undermine any efforts by HAs or Congress to meet the Capital Fund backlog. With the total Capital Fund backlog estimated to be at least \$70 billion, some recent efforts have been undertaken by Congress to provide public housing with adequate resources. However, BABA's potential inflationary impact on renovation, construction, and maintenance, could cause this figure to balloon, putting any efforts to remedy the backlog at risk. BABA rules could also deter development partners from working with Federally Financed projects or cause significant delays for needed projects.

Occupancy

As previously discussed, PHADA is concerned that delays in procurement or waiver requests could have an impact on occupancy rates, limiting the number of families an HA can serve, and undermining the Department's own goals as stated in its Strategic Plan. On June 1, 2022, the national average occupancy rate was 94.5 percent, with the Department's overall goal to reach 96 percent by September 30, 2023. Any disruption or further strains in the supply chain will put this effort out of reach.

The Department has recently stated that it understands that supply chain delays as well as construction trades and property staffing challenges are causing longer unit turnover time in many areas. Coupled with other challenges associated with pandemic recovery, HAs are facing difficulties returning to full operational capacity. As discussed previously, BABA will exacerbate all of these difficulties leading to longer unit turnover time and fewer assisted families.

Additionally, families in current units awaiting a repair could face longer maintenance wait times if proper de minimis threshold exceptions or general waivers are not provided. This places tenants at additional risks and could put units at risk of failing inspections, further reducing the limited number of public housing units, and straining existing resources.

Timeline

Housing project costs, however, continue to climb amid rising construction materials prices and shortages. Material price increases have doubled or even tripled in some cases and lead times for procurement and delivery of many of these materials has dramatically increased. As a result, many infrastructure projects across the country face the risk of significant delay or a reduction in scope. This is being seen in projects utilizing Low Income Housing Tax Credits as well.

PHADA would like the Department to consider extending its six-month waiver to ensure BABA standards can be fully studied and developed prior to implementation. First, current domestic suppliers and producers cannot meet the product demand required by BABA prior to the expiration of the current six-month waiver. Without a proper supply, HAs will be unable to comply with BABA requirements and the Department will be inundated with waiver requests.

As discussed previously, this will lead to project delays, increased costs, lower occupancy rates, and fewer families served.

Before BABA requirements take effect, it is critical that the Department conduct thorough analyses of domestic manufacturing capabilities, provide sufficient opportunity for public comment on draft rules, and provide adequate time for public and private entities to adjust to and learn final rules. To accomplish the necessary work, the Administration should extend the 180-day BABA waiver to ensure that, in the meantime, projects are not needlessly delayed. Rushing through this process could further drive inflation and result in significant delays to projects that will facilitate the enhanced movement of people and goods that, in turn, will help improve the nation's constrained supply chain.

During the delay of the implementation of the Buy American preference requirements, the Department should conduct an extensive study and seek additional public comment to guarantee an effective implementation of BABA requirements. Future areas of study and additional public comment should seek to answer the following questions (please note that these are not an exhaustive list but merely some of the additional questions the Department should consider):

- How does an HA demonstrate to the Department that it performed adequate research and could not find a particular product(s) made in America? How will the Department seek to prove otherwise?
- What records will HAs be required to obtain, provide, and keep?
- What, if any, will the penalties be for non-compliance?
- How will the Department enforce BABA requirements? Is it realistic to expect enforceability?
- What is the current domestic capacity to manufacture the items needed by HAs?
- What will the sourcing standards be and how will the Department communicate them to HAs? Will the Department provide a list of BABA-compliant businesses for HAs to use when bidding out a project?
- Who will negotiate BABA requirements on behalf of HAs in Federal and state contracts?
- What number of waiver requests should the Department anticipate, what should the waiver turnaround time be, how many staff will be needed to review the waivers in this amount of time, and does the Department have the resources to properly staff this need?
- How will the requirements of BABA conflict with current international trade agreements? Further research should provide additional guidance regarding the sourcing of materials consistent with international agreements which may produce greater or lesser opportunities for sourcing of materials. For example, under the American Recovery and Reinvestment Act of 2009's (ARRA) Buy American provisions, NAFTA products were allowable, increasing the availability of materials by including Canadian and Mexican products. Will BABA have the same allowances?

Summary

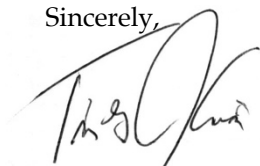
As shown from all of the examples above, the implementation of BABA requirements necessitates additional time and study to be successfully implemented without causing significant harm to HAs and the families that they serve. As currently conceived, the Department's implementation of BABA requirements amounts to a significant unfunded mandate and burden to HAs. Current systems do not exist to provide sourcing information for many categories, and most HAs are ill-equipped to track and fund a staff position to perform these duties. For the numerous reasons discussed, the BABA requirements could undermine Administration efforts on broadband and housing supply, Congressional attempts to meet the Capital Fund backlog need, the Department's own Strategic Plan, and could severely undermine HA efforts to provide safe, affordable housing to families and individuals.

While PHADA supports the laudable goals of BABA and recognizes the long-term benefits of establishing and supporting American industries, PHADA is concerned about the impacts BABA could have on HA operations and programs. PHADA hopes that the Department will work with OMB and other Administration stakeholders to alleviate its concerns regarding the lack of a mature manufacturing and sourcing marketplace and compliance structure for the reporting and

regulatory requirements associated with BABA. PHADA also hopes the Department can implement BABA over a longer timeframe with the appropriate waiver processes and de minimus thresholds to alleviate any undue burdens on HAs. By properly studying the potential impacts of BABA rules on HAs and proceeding cautiously, the Department may be able to reduce the potential risk that BABA will undermine other Administration, Department, and Congressional goals. Most importantly, these include increasing the housing supply, expanding broadband service, raising occupancy rates, and reducing the capital backlog, all of which will allow HAs and the Department to serve more families with housing needs.

PHADA appreciates the opportunity to comment on this important initiative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim G. Kaiser', written over a faint circular stamp.

Timothy G. Kaiser
Executive Director



ADVOCATE

Volume 37, Number 12

July 13, 2022

House Appropriations Committee Approves FY 23 HUD Funding Bill

On June 30, the House Appropriations committee approved funding for HUD programs on a 32 to 24 vote. The Committee had previously noted in its press release that the bill provides a total of \$62.7 billion for HUD, which is an increase of \$8.9 billion above fiscal year 2022, or 16.5 percent (<https://bit.ly/3nu6l8g>).

It is important to note that there has been no agreement in Congress on top line numbers. There is ongoing debate on how the \$1.6 trillion discretionary budget will be distributed to Defense versus Non-Defense Discretionary (NDD), and how this allocation will affect distributions to the twelve sub-committees, including Transportation, Housing, and Urban Development (T-HUD). PHADA urges caution when viewing the proposed figures to HUD accounts because these will likely change as Congress debates these matters.

The T-HUD Appropriations Subcommittee passed the bill by a voice vote on June 23, and the full House Appropriations Committee was expected to pass the bill as this *Advocate* went to print. The Senate will release its own spending bills in the coming weeks, although it is expected that there will not be a final bill until much later this year. As with the last several years, this means that Congress will have to pass a continuing resolution to fund the government past the end of the fiscal year, which ends on September 30.

“The current challenges and needs in our communities require us to think boldly about the future of infrastructure in our nation,” T-HUD Appropriations Subcommittee Chairman



Rep. David Price
(D-NC).

David Price (D-NC) said. PHADA thanks Chairman Price, along with his staff, not only for this year’s increased funding but for being one of the greatest champions of public housing and Section 8 in the current or any previous Congress. Chairman Price will be retiring at the end of this term and PHADA wishes him all the best.

At the subcommittee hearing, Ranking Member Mario Diaz-Balart (R-FL), while appreciative of Chairman Price’s role, contributions, and inclusive spirit, stated that he could not support increases to the HUD budget, which he characterized as excessive, citing national inflation concerns. He also stated that the increased funding assumed an unrealistic top line number, which he said was “decided unilaterally by the majority.” At the full committee hearing, Rep. Balart voiced concern with the expansion of the voucher program, noting that it would amount to mandatory spending as the new costs would roll into the annual voucher renewal figure and be subject to greater appropriations.

Public Housing

THE OPERATING FUND

The House bill proposes level funding for the Public Housing Operating Fund at \$5.039 billion, which is \$39 million more than

See “HUD FY 23 Budget” continued on page 10

REGISTRATION NOW OPEN. SEE PAGE 8 FOR MORE INFORMATION.

**PHADA 2022
LEGISLATIVE FORUM**

SEPTEMBER 11–13, 2022
WASHINGTON, DC

Hyatt Regency Washington on Capitol Hill



©2022 Public Housing Authorities Directors Association

511 Capitol Court NE, Washington, DC 20002-4937

Phone: 202-546-5445 | Fax: 202-546-2280 | www.phada.org

Executive Committee

President

David A. Northern, Sr.
President and CEO
Houston Housing Authority
2640 Fountain View Drive,
Houston, TX 77057
Dnorthern@housingforhouston.com

Immediate Past President

John A. Hodge
Executive Director
Brunswick Housing Authority
12 Stone Street/PO Box A
Brunswick, ME 04011
207-725-8711

Senior Vice President

Mark Gillett
Executive Director
Oklahoma City Housing Authority
1700 NE Fourth Street
Oklahoma City, OK 73117
405-239-7551 x219

Secretary

William Simmons
Executive Director
Syracuse Housing Authority
516 Burt Street
Syracuse, NY 13202
315-470-421

Treasurer

Sheri D. Lee
Executive Operations Officer
Housing Authority of Glasgow
111 Bunche Avenue/PO Box 1745
Glasgow, KY 42142
270-651-3859

Parliamentarian

Earl C. Rickman, III
Executive Director
Mt. Clemens Housing Commission
50 Church Street
Mt. Clemens, MI 48043
586-468-1434

Sergeant at Arms

Brenda Westfall
Executive Director
Ithaca Housing Authority
798-800 South Plain Street
Ithaca, NY 14850
607-273-8629

Vice President, Housing

John T. Mahon
Executive Director
Bayonne Housing Authority
50 East 21st Street /PO Box 277
Bayonne, NJ 07002
201-339-8700

Vice President, Legislation

Josh Meehan
Executive Director
Keene Housing
831 Court Street
Keene, NH 03431
603-352-6161 x301

Vice President, Membership

Anne Smith
CEO
Central Illinois Services
101 W. Sheridan Avenue/PO Box 168
Petersburg, IL 62675
217-632-7723

Vice President, Professional Development

Mary Mayrose
Executive Director
Lynchburg Redevelopment
and Housing Authority
918 Commerce Street
Lynchburg, VA 24504
434-485-7220

Board of Trustees

Martell Armstrong (IN); Jillian Baldwin (CT); Shauna Boom (KY); Vivian Bryant, Esq. (FL); Kathy Carter (CT); John Clarke (NJ); Cortney Coleman (AL); Joseph A. D'Ascoli (CT); Miguel J. Del Campillo (FL); Jeff Driscoll (MA); Clamentine Elmore (SC); Mark Gillett (OK); Kimberly Gober (NJ); Rita Grigg (NE); George Guy (IN); ZsaZsa Heard (GA); Herman Hill (OH); John A. Hodge (ME); Bryan Hoffman (PA); Michael Johnston (MA); Justin Jones (TN); Vernon Lawrence (NJ); Sheri D. Lee (KY); Terri Lee (GA); Mary-Margaret Lemons (TX); Ashley Lommers- Johnson (WA); John T. Mahon (NJ); Mary Mayrose (VA); Josh Meehan (NH); Cindy Naber (NE); Dan Nackerman (UT); David Nisiovaccia (CO); David A. Northern, Sr. (TX); Rick Parker (GA); Joleen Reece (WA); Gene Reed (TX); Earl C. Rickman, III (MI); Debra "Debbie" D. Rogers (AL); Thomas Rowe (TN); William J. Simmons (NY); Vickey Smiley (KY); Anne Smith (IL); Jason Spencer (MS); Andy Tyman (NY); Lisa Walters (GA); Lily Walton (IL); Brenda Westfall (NY); Joyce Wolen (WV); Shannon Young (FL); Ailrick Young (MS).

PHADA Staff: Timothy G. Kaiser, Executive Director; Jim Armstrong, Senior Policy Analyst; Arlene Conn, Senior Policy Analyst; Ryan Trout, Senior Policy Analyst; David Weber, Senior Policy Analyst; Blake Stenning, Director of Communications; Norma Bellew, Director of Membership; Sara Patterson, CMP, Director of Meetings; Gwen Lyda, Administrative Assistant.

Contributing Writers: Jim Armstrong, Arlene Conn, Tim Kaiser, Ryan Trout, David Weber, and Crystal Wojciechowski.

The *Advocate* is published biweekly during the legislative year under the authority of the PHADA Board of Trustees. First-class postage paid in Maryland. Responsible comment is encouraged. Please address all comments and letters to: Blake Stenning, Editor, *Advocate*; PHADA, 511 Capitol Court, NE, Washington, DC 20002-4937.

President's Forum: Almost 1 in 5 HAs “Severely Impacted” by Rental Income Losses



PHADA President
David A. Northern, Sr.

HUD Provides Data, Meets with Industry Representatives

For quite some time now, and first in the industry, PHADA has raised the issue of rising tenant accounts receivable (TARs) and rental income losses with HUD and Congress. The problem stems from the pandemic as federal, state, and local eviction moratoriums and the economic shutdown affected the income of many residents and

HAs. These circumstances have also raised the troubling prospect for more nonpayment-related evictions in some communities.

PHADA's Survey

To help quantify the extent of the problem, PHADA conducted a survey earlier this year. The survey results confirmed that some HAs have lost almost 20 percent of their budgeted rental income while their TARs rose by more than 40 percent in some cases. Some respondents reported they would reluctantly have to commence evictions for residents who did not apply for income recertifications or emergency rental assistance (who nonetheless opted not to pay their rent).

We communicated the results of our survey to HUD's leadership and Congress in a March 29 letter, which was included in this publication. We pointed out that present operating fund allocations are not sufficient to address the problem. This is because those allocations assume HAs have collected all the rents owed, and the inflation factor used in the present formula is significantly below the real rate of almost 9 percent.

A Review of HUD's Data

Because our survey was limited and HUD has access to the totality of industry data, we asked the Department for more information. Department staff provided some analysis and met with industry group representatives to discuss the matter in mid-June. HUD's full slide show presentation is available at: <https://bit.ly/3yyqGzg>.

HUD's data confirmed what PHADA had been hearing from members for several months. That is, the TARs problem is not uniform across the industry and is not isolated to certain regions. Still, HUD confirmed that almost 20 percent of agencies have been “severely impacted” by rental income losses.

HUD's information is helpful but a bit dated. It covers the 2020-21 period while PHADA's survey includes more up-to-date information. Also, it does not take into the account the losses of the New York City Housing Authority (NYCHA), which now has TARs totaling almost \$400 million.

In addition, it is important to note that, while many HAs may not be “severely impacted,” they may still feel some significant

See “President's Forum” continued on page 14

A New New Public Housing Annual Contributions Contract?

HUD Plans to Begin Discussions of Potential Changes

In recent discussions, department staff have expressed interest in beginning preliminary conversations about potential changes to the public housing Annual Contributions Contract (ACC). Such discussions will allow the department and industry associations to exchange views concerning improvements to the current ACC in a less formal context. Presumably, following those discussions, the department will decide what specific ACC changes it will propose, and it will begin the amendment process using either the Administrative Procedures Act (APA) public notice and comment procedures or the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs' (OIRA's) Paperwork Reduction Act (PRA) procedures for amending forms and information collections.

A History of the Old New ACC

In 2016, HUD began the process of amending the ACC by publishing a 60-day Federal Register notice of its intentions to amend the form. In 2017, the department published a second 30-day notice concerning these amendments, and in the spring of 2018, PHADA members who operate public housing began receiving an undated letter from the department announcing implementation of an amended ACC. Based on serious concerns raised by its members, PHADA began discussions with the department concerning the amended ACC, arguing that notices concerning the revised form were misleading and that the department should restart the public comment process.

In June 2018, PHADA wrote to the then General Counsel Paul Compton (<https://bit.ly/3Nz8Ccw>) raising its concerns:

- HA executives need not endorse the new ACC for it to take effect. Drawing Capital Fund resources after HUD's notification would constitute execution of the revised ACC.
- The ACC redefinition of "program receipts" could unreasonably restrict the use of disposition proceeds in program conversions.
- The contract required HAS to comply with HUD-issued notices, HUD-required forms, and agreements, in addition to statutes and regulations.
- Appropriations act provisions concerning HAS' executive compensation were included as terms of the ACC.
- The revised contract forbade release of any information in accounting and financial records without prior HUD approval, contrary to local, state, and federal Freedom of Information Act requirements.
- The new ACC was redefined as a grant agreement rather than a contract and granted HUD authority to add, delete, or modify agreement terms, to terminate the agreement, and to terminate, recapture, withhold, suspend, or reduce funding unilaterally.

Based on these concerns, PHADA asked the department to suspend implementation of the new ACC, reconsider the procedures it used

to implement the new ACC, and convene discussions of a new ACC with HAS, industry associations, and accountants and attorneys familiar with public housing to reconsider terms HUD had included in the new ACC.

PHADA met with some success. In December 2018, HUD published a new 60-day notice concerning a revised ACC, and in February 2019, PHADA submitted comments that reiterated concerns enumerate in its letter to General Counsel Compton (<https://bit.ly/3a2pZF1>). In addition to PHADA's comments, HUD received comments from five advocacy and industry associations, two law firms, 58 HAS, and seven individuals.

PHADA and the other industry associations also discussed problems with HUD's new ACC with members and staff of appropriations and authorizing committees of the House of Representatives and the Senate. The associations wrote letters expressing the groups' concerns to appropriate Senate (<https://bit.ly/3abYomi>) and House (<https://bit.ly/3yy-FeiG>) committee members. Those letters asked policy makers to:

- Communicate their concerns with both procedures and content of the new ACC to HUD.
- Consider a statutory provision that would prohibit HUD from implementing its new ACC unilaterally.

In response to these concerns, in 2019 Congress included a provision in its appropriations act that prohibited HUD from moving forward with changes to the ACC, "unless otherwise mutually agreed upon by the Secretary and such agency [HA]."

The latest action occurred in connection with HUD's 2022 appropriations. It seems clear that HUD has been urging Congress to remove certain provisions from appropriations acts and that the department was successful concerning the prohibition on new ACC implementation in the 2022 appropriations act. The 2019 appropriations act provision was deleted for the current federal fiscal year, permitting HUD to restart the process of amending the ACC.

Questions and the Current Status of a New New ACC

In 2018, PHADA and other stakeholders had several concerns, but fundamentally wondered why HUD had decided to revise the ACC, and why it chose to make such problematic changes through that process. Several changes would have precluded any suits concerning HUD's abridgment of terms of the ACC such as the successful PHADA-initiated litigation to recover recaptured Operating Reserves, and the new ACC prohibited the award of monetary damages. PHADA's lawsuit resulted in roughly \$270 million in damages to the plaintiff HAS. The department's motivation for taking up this task again remains to be seen, beyond precluding future lawsuits and monetary awards.

The 2018 new ACC had some attractive characteristics. For example, the document was about one quarter the length of the current ACC, and the current ACC includes references to obsolete requirements and

statutory and regulatory references that HUD had hoped to remove. Shortening and updating the ACC could be a helpful step for HUD to take. However, many of the objections PHADA and others raised in 2017 remain. Barring monetary awards in successful suits against the department, and imposing HUD's guidance in notices and agreements are both objectionable.

While discussions concerning an amended ACC raise all the

concerns that PHADA and others expressed in 2018 and 2019, the department's initial approach may lead to a more productive outcome. Preliminary, less formal discussions concerning what HUD, HAs and their associations view as productive preliminary changes to the ACC before HUD undertakes any formal amendment process seems consistent with the spirit of the 2019 appropriations act provision that had barred further action on this matter until 2022. ■

HUD Begins Development of New PNA Framework

PHADA Concerned About Additional Costs and Administrative Burdens

On June 17, 2022, HUD's Deputy Assistant Secretary for Public Housing Investments Bob Mulderig requested feedback from the public housing industry groups (CLPHA, NAHRO and the MTW Collaborative in addition to PHADA) on questions about how to develop and execute mechanisms to estimate the capital needs of the public housing inventory portfolio wide.

Background

In late 2013 and 2014 HUD was proceeding toward final rulemaking on the PNA rule, preparing to implement the expensive Green PNA when there was not sufficient funding to even maintain existing operations and facilities. Thanks to the advocacy of PHADA (<https://bit.ly/3R-b5req>), its members (<https://bit.ly/3y3Rnup>), and the industry groups (<https://bit.ly/3ufescs>), Congress subsequently included appropriations restrictions preventing implementation of any PNA requirement (capital grant funding planning requirements were not prohibited). PHADA's continued advocacy (<https://bit.ly/3nukySo>) spurred ongoing prohibitions from Congress in subsequent years. PHADA submitted formal comments on the proposed PNA in 2016 (<https://bit.ly/3I7z7VK>), and in 2017, HUD withdrew the proposed PNA rule. Congress continued to prohibit a required PNA through federal fiscal year 2021.

In 2022, Congress removed the prohibition and appropriated \$1.5 million to HUD via the Policy Development and Research (PD&R) division to conduct an update to the 2010 Abt study. We hope this will be helpful, but as PHADA highlighted in the March 13, 2021, *Advocate* (<https://bit.ly/3AfSE4d>), the funding level is certainly inadequate to collect significant new data, or even to effectively review all of HUDs existing data across multiple outdated systems. The article also reviews the many challenges of creating accurate cost projections and provides simple recommendations for getting to reasonable estimates without new detailed information collections.

A New Start

With the Congressional prohibition removed, HUD is starting over in trying to figure out how to develop a reliable and granular estimate of the public housing portfolio's capital needs. HUD notes that there is currently no 'credible empirical estimate of the portfolio-wide backlog of needed capital improvements' since the 2010 Abt Associates report, and that extrapolations from that report "are likely unreliable and inadequate" to measure the current need. Further, any new estimates of capital need (and planning for capital improvements)

Article Highlights

- Congress has removed the prohibition on HUD requiring HAs to complete a Physical Needs Assessment (PNA).
- HUD is starting over to determine how to estimate capital needs for the public housing national portfolio to inform Congress, HUD, and individual HAs.
- HUD is seeking input from the industry groups on what data should be collected, and what tools could be used to collect that data.
- PHADA remains concerned about potential costs and unnecessary administrative burdens that may result.

should consider climate factors, including utility efficiency and disaster resilience, in ways not incorporated into the Abt Associates 2010 report. As noted in the above referenced *Advocate* article, calculations which HUD derides as 'extrapolations' are in fact sound approaches to determining an estimated aggregate level of need. Breaking that need down by state, congressional district, PHA, and property, while incorporating additional factors is where it may be considered inadequate.

HUD also notes that in the effort to pass the Build Back Better legislation, which included \$65 billion for public housing capital needs (based on PHADA's extrapolated and reasonable estimate of at least \$70 billion in national backlog needs), no one was able to provide leadership or members of Congress with reliable portfolio-wide data on current capital needs. While PHADA is not aware of this being a significant factor for those in Congress opposed to the bill or its housing provisions, the consideration and passage in the House demonstrates a greater awareness and willingness of Congress to consider such appropriations than we have seen in many decades.

Seeking a Mutually Beneficial Process and Result

HUD's memo highlights that at this juncture, reliable and consistent ways to collect PNA or capital needs assessment (CNA) data at the project, HA, and national portfolio levels can meet needs of HUD, the industry, and individual PHAs. Starting at the beginning, the two basic questions are:

- What data do we need to collect to develop a capital needs estimate?
- How do we collect that data?

The What

HUD's memo indicates that some of the currently contracted work

being completed with this year's \$1.5 million appropriation for this purpose is focusing on tools and strategies for estimating capital needs and supporting those estimates, which will be used in tandem with new data collected about capital needs. PHADA will urge HUD to also use that contract's results to inform what data needs to be collected, and to consider that input prior to making any determination of what data to collect. HUD is open to recommendations from its industry partners, including PHADA, about what data should be collected.

The How

HUD states that the MS Access-based GPNA tool is defunct, and that EPIC is inadequate for this purpose (other than its ability to receive uploaded attachments). There are two Excel versions of the PNA that had Paperwork Reduction Act (PRA) information collection approval in 2020 which are "technically still valid." There is also the CNA E-tool used for RAD transactions.

At this point, HUD is seeking feedback on how these tools might be used to streamline the information collection, aggregation, and use of the key data. They specifically ask:

- Should EPIC's upload capacity be used to collect physical and capital needs assessment information already existing at the local level?
- Do we think development of a brand-new tool, or a modification of the RAD CNA E-tool, would be a better approach?
- For small and rural PHAs, should HUD develop resources for TA providers to use in developing capital needs assessments to work under HUD's direction or the direction of HAs?

Response and Next Steps

PHADA's previously stated position remains valid: without adequate capital fund appropriations to even keep up with annual accruals, the need is greater than congress has been willing to provide, and we would

prioritize directing the resources to housing rather than to estimating needs that will not be addressed. Given the potential value of good data, however, we will aim to work with HUD to develop a streamlined method that provides benefits to HAs, and not only to HUD.

It seems clear that utilizing the upload capacity of EPIC is unlikely to be effective unless all agencies are utilizing file types that allow for easy aggregation by HUD. Without that consistent format for information upload, utilizing this mechanism would seem to either supply HUD with information in a format that they are unable to process, especially given staffing limitations, or to result in burdensome requirements for HAs to input existing data into a standard format.

Members with experience with the CNA E-tool, or other capital needs or PNA tools or processes, are encouraged to contact PHADA staff with their considerations regarding HUD starting something new or building on the CNA E-tool platform. Regarding small and rural PHAs and the development of resources for TA providers, it is not clear if this will effectively reduce the cost or burden on agencies in completing a PNA. Small and rural PHAs, like nearly all PHAs, will need funding support to complete a PNA that serves both local and national needs.

Further, HUD should consider what other systems may already exist or be in development that can collect the needed data in a usable form. For example, are there elements of HIP/PIC-NG that may be able to collect significant building-level data needed for a PNA? Might the developing NSPIRE inspection process and related software and the existing infrastructure at REAC be leveraged to gather key data that would be useful in a PNA?

As this is likely to be an ongoing process, and this request for information is a first step in HUD's required public processes for new rulemaking, future conversations in the short and long term are expected. PHADA will continue to seek member input and provide timely information on developments regarding a PNA process. ■

Harvard Releases 2022 Report on the State of the Nation's Housing

On June 22, Harvard's Joint Center for Housing Studies released its annual housing report: *The State of the Nation's Housing 2022* (<https://bit.ly/3yvy26B>). The report details 2021's red-hot housing market and possible signs of cooling. The report discusses how this cooling is unlikely to provide relief those most impacted by increasing housing costs: low-income households and households of color. The report concludes by warning that the housing stock needs significant investment and recommends close examination of policy changes to meet affordability needs, close gaps in inequality, address changing demographics, and prepare for the risks posed by climate change.

The report is divided into five main topics: Housing Challenges, Rental Housing, Housing Markets, Demographic Drivers, and Homeownership.

Housing Challenges

Ongoing relief measures provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the American Rescue Plan Act (ARPA), and other legislation continue to support renters and

Report Highlights

- The nation's housing stock needs significant investment to meet affordability needs, close gaps in inequality, address changing demographics, and prepare for the risks posed by climate change.
- There has been an unprecedented rise in housing costs due to an imbalance between the housing supply and the demand for housing resulting in record high sales price and rental increases.
- Single-family and multifamily construction is at record levels but is constrained by inflationary pressures, supply chain issues, and land and labor costs and availability.
- Many HAs are facing similar problems leading to difficulty with maintenance, occupancy, and HCV utilization.

homeowners. These funds have supported emergency rental and utility assistance, increased legal representation, and homeowner assistance. ARPA funds are also being used to support affordable housing and homelessness services through the Coronavirus State and Local Fiscal Recovery Funds. While other ARPA funds have been used to convert hotels into affordable housing.

The report discusses the measures which were put in place to address the COVID-19 pandemic and argues for substantial and sustained investment in affordable rental housing. The combined total of the COVID-19 one-time allocations exceeded HUD's total 2021 enacted budget. Due to the end of COVID-related protections, housing instability is on the rise, evictions are near pre-pandemic levels, and 46 percent of renter households are at least moderately cost-burdened – the first substantial increase in national cost-burden rates in 10 years.

According to the report, federal subsidies are a vital way to expand affordable housing and reduce cost burdens to vulnerable households. However, HUD-funded programs face challenges including chronic underinvestment which leaves the public housing stock with capital needs the report estimates at \$81 billion in 2020. The Rental Assistance Demonstration (RAD) has addressed some of this backlog by converting properties to Section 8 contract, though many RAD conversions rely on low-income housing tax credits (LIHTC).

A drawback of both Section 8 and LIHTC programs is the potential for units to revert to market rate. The report highlights the Public and Affordable Housing Research Corporation (PAHRC) and the National Low Income Housing Coalition estimate that 130,700 project-based Section 8 and 138,300 LIHTC units could come to the end of their affordability periods by 2025, further reducing the affordable housing stock. PAHRC recently wrote a piece in the *Advocate* detailing preservation tools to help PHAs preserve and expand housing stock (<https://bit.ly/3Pbatpx>).

The Housing Choice Voucher Program relies on the participation of private landlords and the availability of quality housing stock that meets HUD's payment standards. In most places, landlords have no obligation to accept vouchers. In fact, a 2018 Urban Institute study in five cities found that 59 percent of simulated rental inquiries from voucher holders were denied.

Rental Housing

Rents have risen significantly over the past year caused by strong demand and extremely low vacancy rates. Nationally, rents in professionally managed properties were up 12 percent, year over year. Rent increases in several metro areas exceeded 20 percent. "In the New York metro area [...] rents fell 15 percent year over year in the first quarter of 2021 but then shot up by 20 percent between then and the first quarter of 2022, leaving the median rent up 11 percent... from the early 2020 level."

One positive outcome of low vacancy rates and high demand is that rental housing construction has increased. For example, in 2021, multifamily starts reached the highest level since the mid-1980s. This pace continued into 2022 with the highest first-quarter starts since 1986, with much of this construction targeted to the high-end market. While this should have down market effects and alleviate pressure on moderate- and low-income households, new construction targeted at lower income households is needed.

A few factors have led to the rise in rents. The first factor discussed is the location of newly built units. Forty-one percent of multifamily permitting between 2016 and 2021 was in core counties of large metro areas with high land prices. Second, added amenities such as central air conditioning and in-unit laundry are pushing rents higher. The third factor is the increasing size of units. Unit sizes have increased but the number of bedrooms has decreased, meaning many units are larger studios or one-bedroom, making it more difficult for larger households to find adequate, affordable housing.

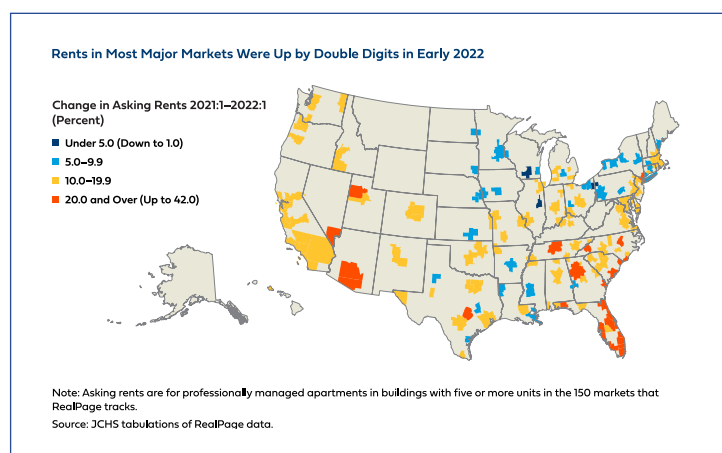
Housing Markets

The report describes the unprecedented rise in housing costs pointing to an imbalance between the housing supply and the demand for housing. This imbalance resulted in nominal

home prices rising by a 20 percent annual rate in August – the fastest pace in over 30 years of record keeping. When combined with continued price growth into March, home prices are 38.6 percent above their pre-pandemic levels. These soaring prices differ from the housing market in the mid-2000s as they are not fueled by speculative buying and easily available credit, but due to underbuilding which has lagged since the Great Recession. In contrast, the current market includes a greater number of households with high incomes and savings when compared to the available for-sale inventory. Record low interest rates allowed buyers to bid up prices while keeping monthly mortgage payments affordable, pricing out more modest income buyers.

Modest income buyers, having been priced out of homeownership, remain in the rental market reducing the number of available units and increasing demand for the limited supply of rentals. The report points out that the year-over-year rise in typical rents was 0.8 percent in December 2020 but rose to 16.2 percent in December 2021. These large rent increases disproportionately burden low-income households as they pay the greatest share of their income in rent but also make it more difficult for moderate-income households to save for a down payment, further delaying their transition to homeownership.

During the pandemic, investors moved strongly into the single-family market. The investor share of homes sold averaged 28 percent per month in the first quarter of 2022, a significant increase over the 16 percent share averaged between 2017-2019. This leads to a reduction in the limited supply of owner-occupied units, specifically for first-time and moderate-income buyers, as investors tend to



convert units to rentals or upgrade them for resale at higher prices.

The report also discusses barriers in the housing market including inflationary pressures on materials, availability and supply chain issues, and the costs and availability of labor and land. All these increase development costs and timelines which further restricts supply and end up in the final sales price. Many HAs are facing similar challenges with no relief from the federal government which has led to maintenance, occupancy, and utilization issues.

Demographic Drivers

According to the report, millennials are driving a surge in household growth where the number of households headed by someone aged 25-44 rose by 2.8 million from 2011 to 2021. Additionally, increasing diversity of households (racial, ethnic, and age) is reshaping housing demand.

With people of color driving most new household growth, this increasing diversity could have implications for future housing demand. The report points out that there is evidence that people of color are more likely to live in multigenerational households which could lead to an increase in demand for larger homes with accommodations for both older and younger residents.

In addition to the rise in diverse households, the last decade saw a 10 million household increase in the 65-and-older age group. As older Americans age, there will be an increased likelihood that at least one household member will have a disability, live alone, or need affordable housing. This may require an increase in home modifications, accessibility, and deeply affordable units.

Unfortunately, the rise in home values has not been shared equally. Income and wealth inequality endure due to the legacy of housing discrimination and the disproportionate impacts of the pandemic which have been felt more acutely by low-income households and people of color.

Homeownership

While the national homeownership rate moved up last year and many current homeowners have seen significant gains in home equity, this has created growing pressure on affordability. With high home prices and recent interest rate increases, homebuying has become much less affordable. “The total monthly payments (mortgage payments plus estimated property tax and insurance costs) on the median-priced home shot up by 35 percent, from \$2,100 in April 2021 to \$2,800 in April 2022.”

This higher monthly payment increases the income necessary to qualify for a mortgage. According to the report, a household needed at least \$79,600 in April 2021, but now would need \$107,600. This cost increase leaves 4 million renters with incomes between \$79,600 and \$107,600 unable to afford the same mortgage.

Higher home prices mean larger down payments are needed to afford the home. This is another barrier to moderate-income and first-time homebuyers as median savings for renter households was only \$1,500 in 2019. One policy discussed in the report which may help address both the persistent wealth gap and the lack of savings for a down payment is to target down payment assistance programs to first-generation homebuyers. ■

UNCOMMONLY STRONG FOR MORE THAN 30 YEARS

Thank you for being a valued partner in our mission to protect, preserve, and promote the sustainability of affordable housing.

We're stronger together.

INSURANCE | RISK MANAGEMENT | ONLINE TRAINING



HAI Group®

www.haigroup.com

HAI Group is a marketing name used to refer to insurers, a producer, and related service providers affiliated through a common mission, management, and governance. Property-casualty insurance and related services are written or provided by Housing Authority Risk Retention Group, Inc.; Housing Authority Property Insurance, A Mutual Company; Housing Enterprise Insurance Company, Inc.; Housing Specialty Insurance Company, Inc.; Innovative Housing Insurance Company, Inc.; Housing Investment Group, Inc.; and Housing Insurance Services, Inc. (DBA Housing Insurance Agency Services, Inc. in NY and MI). Members of HAI Group provide commercial property and casualty insurance to affordable housing organizations, public housing authorities, and related entities. Not all products are available in all states. Coverage is subject to the terms of the policies actually issued. A risk retention group or surplus lines insurer may provide certain coverages. Risk retention groups and surplus lines insurers do not participate in state guaranty funds, and insureds are therefore not protected by such funds if insured by such entities. For a complete list of companies in the HAI Group family, visit www.housingcenter.com.

Made In America by



Ocean10

Security

TSUNAMI

Specializes
In Housing
Authorities




360 Degree View
Security System

Security System



Quick
Installation



Plug + Play
Camera System



Bulletproof
up to .45 Caliber

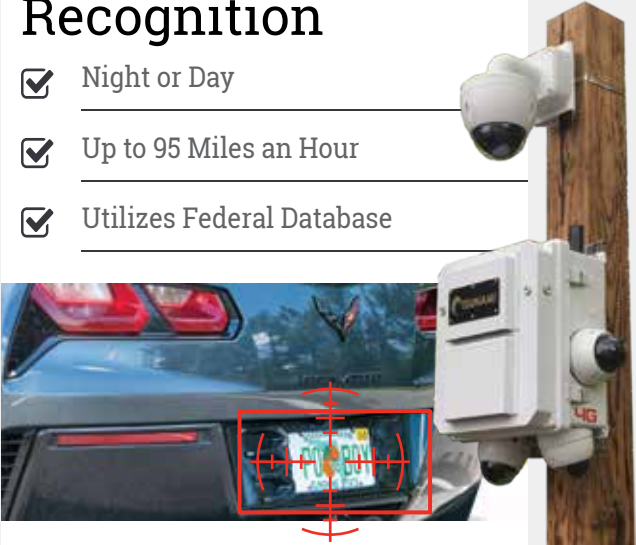
License Plate
Recognition

Leased System-
No Hassle of Ownership


☒ Night or Day

☒ Up to 95 Miles an Hour

☒ Utilizes Federal Database



 828.606.0017

 www.ocean10security.com

FORUM AGENDA

SUNDAY, SEPTEMBER 11

8:00 am – 9:30 am	Legislative/Regulatory Briefing
9:40 am – 10:40 am	Small PHA Committee Meeting
10:50 am – 12:20 pm	Housing Committee Meeting
11:00 am – 12:00 pm	Bollinger Committee Meeting
1:15 pm – 2:30 pm	Professional Development Committee Meeting
2:30 pm – 4:00 pm	Legislative Committee Meeting
4:15 pm – 5:30 pm	Membership Committee Meeting

MONDAY, SEPTEMBER 12

8:00 am – 12:30 pm	Morning Sessions
12:30 pm – 5:00 pm	CONGRESSIONAL OFFICE VISITS
2:00 pm – 3:00 pm	Afternoon Sessions
3:00 pm – 4:00 pm	Finance Committee Meeting (Committee members only)
4:00 pm – 5:30 pm	Executive Committee Meeting (Committee members only)
5:30 pm – 7:30 pm	Reception

TUESDAY, SEPTEMBER 13

8:00 am – 12:30 pm	Sessions
12:30 pm – 5:00 pm	CONGRESSIONAL OFFICE VISITS
12:30 pm – 3:30 pm	Board of Trustees Lunch and Meeting (PHADA Trustees only)



PHADA 2022 LEGISLATIVE FORUM

SEPTEMBER 11–13, 2022
WASHINGTON, DC

Hyatt Regency Washington on Capitol Hill



Happenings on the Hill and at HUD

PHADA expects appropriations committees in both houses to take up their spending bills soon so that different versions can be reconciled and signed into law by the end of the fiscal year on September 30. As always, PHADA will report full details as they become available while also providing members with our position papers to take to meetings on Capitol Hill.

If Congress cannot meet the September 30 deadline, lawmakers will have to adopt a Continuing Resolution to keep the government operating. This timing means that we will be in Washington right as lawmakers are making final decisions on the HUD budget – even more reason for you to be present and armed with PHADA's materials to help advance our positions with Congress.

Our September meeting will cover a lot of the hot topics that HAs need to know as well. PHADA's policy staff, Hill representatives, and HUD officials will cover important matters including the latest on FY 23 HUD appropriations, Housing Choice Voucher utilization issues, and rental income collection concerns, including rising TARs. Some other prominent topics will include NSPIRE and REAC inspections, and an update on the Fair Housing rule.

See You in Washington

One of the most valuable aspects of PHADA's meetings, of course, is that they provide PHADA Members with the opportunity to convene, network, and share information. As always, most of PHADA's committee meetings are open to members so please feel free to attend those as well.

Register for the Forum

Register online at: <https://bit.ly/3GVbGhL>.

For assistance or to pay by check, please call the PHADA office at: 202-546-5445.

For information on adding staff/Commissioners to your agency's membership profile, please visit: www.phada.org/Member-Center/FAQs.

Reservations at the Hotel

Register for the conference first and receive a conference code to make your hotel reservations. **Hotel reservations will not be accepted without a code.**

Hyatt Regency Washington on Capitol Hill
400 New Jersey Ave, NW
Washington, DC 20001

FORUM REGISTRATION ONLY	EDEP REGISTRATION (INCLUDES FORUM)
<input type="checkbox"/> Member or Non-Member—\$310 <input type="checkbox"/> Spouse—\$85 <input type="checkbox"/> Onsite registration will be available for \$340	For information on EDEP registration, please contact Norma Bellew at: nbellew@phada.org .

Attendee Waiver

By registering for this conference, I agree to the following:

- I agree to allow PHADA to use my image or voice in photographs, video recordings, or other electronic reproductions of such event or activities.
- I grant PHADA permission to share my contact information with exhibitors and sponsors.
- There is always inherent risk in participating in any activity. Due to the circumstances created by COVID-19, there is a heightened degree of personal risk and responsibility. PHADA and its partners will be taking all legal, prudent and advisable measures to reduce the risk of virus/illness transmission between people at the conference. Despite our best efforts, we will be unable to reduce the level of risk to zero.
 - (1) I acknowledge these risks, and others, and agree to take full personal responsibility for them. I will not hold anyone else accountable, including PHADA and its partners, should I contract illness or should anything else happen to me during my participation in this learning experience.
 - (2) I agree to monitor my own health status and will not attend the conference if I am symptomatic in any way or if I believe I have been exposed to someone with COVID19.
 - (3) I agree to comply with all distancing guidelines, masking requirements and safety protocols imposed by PHADA or the host hotel regardless of whether federal, state or local laws dictate the use of these practices.

*Cancellations received in writing before August 12, 2022, will be refunded less a \$80 administrative fee. Substitutions are welcome if notified in writing. There will be no refunds after August 12, 2022. No refunds are given for no-shows. BY REGISTERING FOR THE CONFERENCE YOU ARE AGREEING TO PHADA'S CANCELLATION POLICY.

“HUD FY 23 Budget” continued from page 1

the White House and which HUD has stated represents a 100 percent pro-rata. PHADA does not agree that this figure represents full funding and has taken the lead in the industry to inform HUD that its operating fund formula fails to account for a current inflation factor and is based on rents charged rather than rents collected. PHADA has also urged HUD for months to recognize the reality in which housing authorities (HAs) are operating their public housing programs. PHADA has shared its extensive analysis (<https://bit.ly/3yzAARy>) on uncollected rents and tenant account receivables (TARS) with HUD and urged HUD to develop a more realistic response to the mounting collection losses that agencies throughout the country are facing.

Like last year, \$25 million is allocated for HAs that experience, or are at risk of, financial shortfalls, as determined by HUD. After shortfall needs are met, the Department may distribute any remaining funds to HAs on a pro-rata basis pursuant to the operating fund formula. Based on PHADA’s analysis of HUD data, the \$25 million allocated for shortfall funding in FY 22 is inadequate to cover shortfall eligibility.

THE CAPITAL FUND

The House proposes a \$200 million increase with \$3.4 billion provided for the capital fund, a 6.2 percent increase from FY 22. The House proposed this figure last year, but it was eventually cut to \$3.2 billion. The \$3.4 billion is \$200 million more than the White House provided and the figure that the HUD/Abt 2010 capital needs study stated was needed to meet annual need. Of course, this figure is not adjusted for inflation, but it is still notable and symbolic to raise the capital fund to this level. It is also of concern since negotiations on the reconciliation bill, a version of which passed in the House with a significant investment in the capital fund, have stalled in the Senate. Even if a much smaller bill is considered, it will likely focus on prescription

drug pricing, energy, and climate provisions.

The House appropriations bill continues to allow that 25 percent (rather than 20 percent) of capital funds may be used for operating expenses. This percentage may be waived for uses related to anticrime and antidrug activities but HAs must seek a waiver, which HUD must approve within 14 days. The bill also allows for HUD to make bonus awards to HAs designated as high performers.

OTHER PUBLIC HOUSING FUNDING

The House bill also provides:

- \$75 million to improve the energy or water efficiency or climate resilience of public housing, of which up to \$20 million shall be available for utility benchmarking, to remain available until September 30, 2026.
- \$65 million for emergency capital needs, including safety and security measures necessary to address crime and drug-related activity, with \$45 million of this funding provided to HAs under administrative and judicial receiverships or under the control of a federal monitor.
- \$65 million to reduce residential health risks (lead-based paint hazards, carbon monoxide, mold, radon, and fire safety), although the bill sets the minimum limit for these risks at \$25 million while allowing that other amounts may be used for competitive grants to public housing agencies that improve water and energy efficiency or reduce the risk of harm to occupants or property from natural hazards.
- \$50 million to support ongoing public housing financial and physical assessment activities.
- \$15 million to support the costs of administrative and judicial receiverships and for competitive grants to HAs in receivership, designated troubled or substandard, or otherwise at risk, as determined by HUD, for asset improvement.

FY 23 Budget Chart for Selected HUD Accounts

	FY 22 ENACTED	PHADA RECOMMENDED	FY 23 WHITE HOUSE	FY 23 HOUSE PROPOSED
Public Housing Operating Fund	\$5.039 B	\$5.039 B ¹	\$5.000 B	\$5.039 B
Public Housing Capital Fund	\$3.200 B	\$5.000 B ²	\$3.200 B	\$3.400 B
Voucher Contract Renewals	\$24.095 B	\$25.000 B	\$25.000 B	\$26.184 B
Voucher Administrative Fees (less fees for special purposes)	\$2.411 B	\$3.046 B	\$3.014 B	\$2.756 B
Project Based Rental Assistance	\$13.940 B	\$15.000 B	\$15.000 B	\$14.940 B
Choice Neighborhoods	\$350 M	\$500 M	\$250 M	\$450 M
HOME	\$1.500 B	NA	\$1.950 B	\$1.675 B
CDBG	\$3.300 B	NA	\$3.770 B	\$3.300 B
FSS	\$105 M	\$200 M	\$120 M	\$125 M
ROSS	\$35 M	\$35 M	\$35 M	\$35 M
JOBS PLUS	\$15 M	\$20 M	\$20 M	\$15 M

1. HUD is aware that the associations believe that the \$5.039 billion needs to be enhanced to reflect current inflation factors as well as rents collected rather than rents charged.

2. PHADA also supports at least \$70B in capital funding to address the national capital needs backlog.

CHOICE NEIGHBORHOODS

A significant increase of \$100 million is provided for Choice Neighborhoods, representing a 28 percent increase from FY 22. An allocation of \$450 million is significant and appreciated and demonstrates the commitment to and support of public housing by Chairman Price. The bill provides that not less than \$225 million shall be awarded to HAS.

Section 8 Funding

VOUCHER RENEWALS

The House provides \$26.184 billion for voucher renewals, an increase of \$2.089 billion from FY 22, or 8.7 percent, and \$1.184 billion more than the White House budget. The amount needed simply to fund all current vouchers continues to rise and is of concern when other accounts such as public housing are not funded at need. With market rents rising and more agencies needing to increase their FMRs and SAFMRs to 120 percent of Fair Market Rent, the amount needed to fully fund renewals is likely to continue to climb.

As with the last two years, up to \$100 million of the voucher renewal funding is designated for special uses, including adjustments in allocations for a variety of factors related to cost increases.

ADMINISTRATIVE FEES

The House budget calls for \$2.756 billion in funding for administrative fees, with all but \$10 million (for special purpose vouchers) to be allocated under the pre-QHWRA formula. This is \$345 million more than FY 22, a 14.3 percent increase, but \$258 million less than the White House budget. The kinds of increases we have seen in the last



Call for Session Proposals Submit Today!

PHADA is now accepting session proposals for its 2023 Commissioners' Conference in Orlando, FL, January 8–11. Sessions are 90 minutes in length and should be geared toward housing executive directors, staff and/or commissioners. **We are especially interested in the following session topics: commissioner training, disaster planning, multifamily and RAD program ideas, changes to workplace policies (including telework and remote work), racial equity, insurance considerations, cybersecurity, and strategies to handle the many challenges facing the industry.**

Submittal Deadline: Friday, August 26, 2022

Go to bit.ly/PHADACC23CFP to submit your proposal today!



Online compliance portals
and workflows strengthened
by proven PHA best practices



MAXIMIZE SERVICE DELIVERY WHILE MINIMIZING IN-PERSON MEETINGS AND PAPERWORK

- Accept applications online
- Expedite move-in, interim and annual certifications
- Update waiting lists without mass mailings
- Ensure consistency from initial intake, reviews and throughout residency
- Connect with residents, participants and landlord for service requests, payments, inspections and more



Software for real estate professionals
(800) 866-1144
Learn with us at yardi.com/rentcafepha

©2022 Yardi Systems, Inc. All Rights Reserved. Yardi, the Yardi logo, and all Yardi product names are trademarks of Yardi Systems, Inc.

Get
the
details



few appropriations bills as well as under the CARES Act, points to the sustained advocacy efforts of PHADA. As long as renewal funding ensures that all vouchers are funded and the voucher program expands, it is incumbent upon Congress to continue to allocate commensurate funding for administrative fees. PHADA will continue to advocate for such funding and appreciates congressional language that mirrored the written arguments PHADA has made to HUD related to the expansive role HAS take on when administering the voucher program.

The kinds of increases we have seen [admin fees] in the last few appropriations bills as well as under the CARES Act, points to the sustained advocacy efforts of PHADA.

receivables are affecting HA operations and long-standing disinvestment in the capital fund has significantly reduced this important affordable resource. PHADA has also heard concerns from members across the country that many communities simply don't have the affordable housing supply to accommodate an influx of new vouchers. Other factors such as inadequate FMRs and a lack of landlord participation exacerbate the problem.

TENANT PROTECTION VOUCHERS

The House budget provides \$230 million for Tenant Protection Vouchers (TPVs), \$130 million more than last year, representing a 130 percent increase from FY 22, and \$10 million more than the White House budget.

VOUCHER EXPANSION

The bill includes \$1.1 billion for voucher expansion, estimated to be adequate to provide funding for an additional 140,000 households. The White House proposed \$1.5 billion for an additional 200,000 vouchers. While PHADA supports voucher expansion in general, such expansion must be viewed within a context where there is also full funding for public housing. Lacking such an investment, PHADA urges lawmakers to consider whether such an expansion makes sense, particularly given that uncollected rent and rising tenant accounts

OTHER VOUCHER FUNDING

- \$667 million for Section 811 Mainstream Vouchers, which represents an increase of \$208 million, or 45 percent.
- \$50 million for VASH vouchers and \$5 million for Native American veterans, representing level funding from FY 22.
- \$30 million for the Family Unification Program, representing level funding from FY 22.
- \$25 million for mobility related services, representing level funding from FY 22.

Other HUD Programs

PROJECT BASED RENTAL ASSISTANCE

The PBRA account was increased by \$1 billion from \$13.94 billion to fully fund renewals for approximately 1.2 million very low- and low-income households. This is only \$6 million less than the White House. The amount provided for contract administrators increased from \$355 million in FY 22 to \$375 million, or 5.6 percent.

Meet Some of PHADA's Affiliate Members

These service providers help make our advocacy, publications, and professional development opportunities possible. Learn more at: www.phada.org/affiliates. ■

Baker Tilly bakertilly.com

FINANCIAL SERVICES

Baker Tilly is a leading advisory, tax and assurance firm, providing clients a genuine coast-to-coast and global advantage.



DynaTouch PHA Self-Service Kiosks www.dynatouch.com

SOFTWARE

As the leading Self-Service Kiosk provider for housing authorities, DynaTouch offers solutions designed to modernize PHA processes.



Be the Next Member Spotlight

PHADA's Member Spotlight (www.phada.org/Member-Center/Member-Spotlight) provides an opportunity for you to highlight your agency's achievements serving your residents through stories, videos, and policy examples.

We want to showcase your successes so that more of your colleagues, HUD officials, media, and congressional staff will have an opportunity to learn about all of the important work HAs are doing around the country.

We are also seeking sample policies from your agencies. Many members have told us that they would like to have access to more PHA sample policies that they could then tailor to their own agency's use (e.g., COVID-19 response plans).

Send all submissions to Blake Stenning, Director of Communications, at: bstenning@phada.org.

SELF SUFFICIENCY PROGRAMS

The House allocated an additional \$20 million for Family Self Sufficiency, for a total of \$125 million, and level funded ROSS and JOBS PLUS at \$35 million and \$15 million, respectively.

COMMUNITY DEVELOPMENT PROGRAMS

The Community Development Block Grant Program (CDBG) was level funded at \$3.3 billion while the HOME Investment Partnership Program (HOME) increased from \$1.5 billion to \$1.675 billion, or 11.7 percent. Both figures are significantly lower than those proposed by the White House, which allocated \$1.950 billion for HOME and \$3.770 billion for CDBG.

SECTION 202 HOUSING FOR THE ELDERLY AND SECTION 811 HOUSING FOR PEOPLE WITH DISABILITIES

The House bill provides \$1.2 billion for the Section 202 program, an increase of \$167 million, or 16 percent, sufficient to renew all contracts. There is also \$1.2 billion provided to build an estimated 3,500 new affordable housing units for seniors.

For the Section 811 program, the House provides \$400 million, a \$48 million increase, or 13.6 percent, from FY 22, sufficient to renew all contracts. An additional \$400 million is provided to build an estimated 2,100 new affordable housing units.

HOMELESSNESS ASSISTANCE

The House bill provides just over \$3.6 billion for homeless assistance grants, an increase of \$391 million, or 12 percent, from FY 22 and slightly higher than the \$3.58 billion proposed in the White House

budget. The funding is designated for emergency shelters, permanent supportive housing, and rapid re-housing services. The House estimates that the funds would support more than 18,000 “new housing options,” while continuing to assist more than 750,000 people experiencing homelessness and 350,000 in shelters.

Additional funding for housing related programs includes:

- \$600 million for Housing Opportunities for People with AIDS (HOPWA) program
- \$415 million for Healthy Homes to reduce lead-based paint and other health hazards, with \$30 million to conduct lead inspections in Section 8 voucher units.
- \$185 million for NeighborWorks America.
- \$86 million for HUD’s Office of Fair Housing and Equal Opportunity for fair housing activities.
- \$70 million for housing counseling.
- \$20 million for an eviction prevention program (legal services) under the Office for Policy Development and Research.
- \$12.5 million for the Self-Help Homeownership Opportunity Program (SHOP).
- \$4.58 million for the U.S. Interagency Council on Homelessness.

HOUSING SUPPLY ACTION PLAN

The House bill does not include funding for President Biden’s new Housing Supply Action Plan (<https://bit.ly/3nu50OB>). The plan, with an emphasis on the Low Income Housing Tax Credit, purports to increase the supply of affordable housing and “help close the housing supply shortfall in five years, starting with the creation and preservation of hundreds of thousands of affordable housing units in the next three years.”

“We expect our baseboard heater covers to last for many years, and our contractor’s installation time was 40% less than estimated.”

-W. GARY PETERS
BRIDGEPORT RESCUE MISSION
BRIDGEPORT, CT





CommercialHeaterCovers.com

866-740-0005

- TAMPER RESISTANT • PERMANENTLY ATTACHED
- RUST-PROOF 20 GAUGE GALVANIZED STEEL
- BAKED-ON EPOXY FINISH • CHILD SAFE
- STAY COMPLIANT • AVOID LAWSUITS
- PATENT PENDING

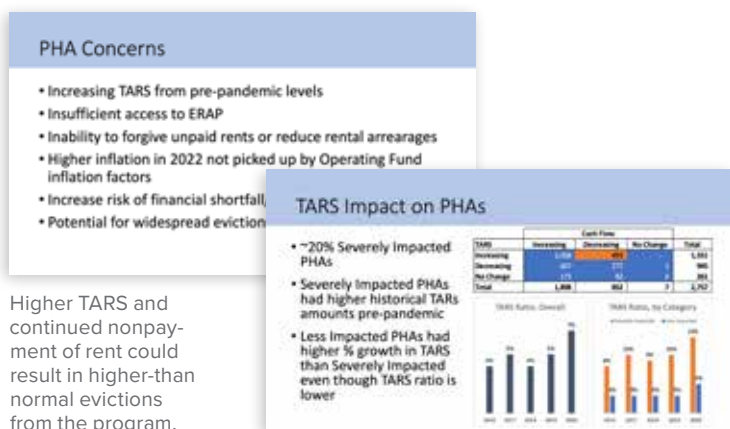


Next Steps

PHADA urges members to advocate to your Representatives and Senators for the highest possible funding for public housing and Section 8. PHADA also urges members to advocate for any reconciliation bill to include funding for the backlog of capital needs. PHADA will report on the Senate T-HUD appropriations bill once it is released. ■

“President’s Forum” continued from page 2

effects even though HUD categorizes them as “less impacted.” This is so because more than 1,000 HAs have seen their TARs increase, but their cash reserves rose too. The problem is HUD’s data does



Source: HUD Office of Public and Indian Housing. “Tenant Accounts Receivables, PHA Cash Flow, and PHA Concerns.” June 14, 2022.

not reveal how much either TARs or cash levels actually increased. An agency that experiences a doubling of TARs but a minor increase in cash might not necessarily feel as if it is “less impacted.”

Other Concerns

Aside from significant rental income shortfalls, some HAs face other challenges including the fact they cannot forgive or write off unpaid rents without pursuing evictions, which are still very time consuming and almost impossible to execute in some regions of the country.

In addition, even if HAs had been able to write off their debts, they face growing inflationary costs that will further erode their operating reserves, which may be needed for other short- and long-term expenses.

There is \$25 million available in the FY 22 appropriations statute to address housing authority operating fund shortfalls. The Department recently issued a notice on this funding with applications due soon. This money will no doubt help some HAs get through the fiscal year, but it is only a temporary band aid, and, according to HUD’s own data, is inadequate to meet all HA needs.

PHADA is also concerned that HUD is minimizing the operational challenges HAs have been facing because of the rent problem. HUD has made some adjustment in TARs scoring under the Public Housing Assessment System (PHAS) to account for rental income losses, but it has refused so far to grant any scoring waivers even though dozens of HAs have applied for such waivers along with requests that some physical inspections be deferred.

Conclusion

The present situation requires the serious attention of HUD, Congress, the industry, and residents. The rent system in public and assisted housing is based on the premise that residents pay 30 percent of their income towards their rent and the federal government makes up the difference. During the pandemic, many residents experienced job losses and/or declines in their income. HAs rightly adjusted the rents of those affected residents and helped them access emergency funding available through a few temporary measures. Those programs and the funding they provided are now winding down.

At the same time, a worrisome new trend developed by which some residents opted not to pay their rent, a factor which could have long term consequences for the fiscal solvency of housing agencies and the residents they serve. Many of these agencies have already been “severely impacted” and the possibility is that even more could be affected as a result of declining rental income and rapidly rising costs.

With this in mind, PHADA has called on HUD to address the nonpayment problem head on and clearly state that residents who can afford to pay their rent need to do just that. The Department should also undertake a serious review of its FY 23 budget request to Congress, especially the Operating Fund. That request includes assumptions about inflation that are clearly dated and will not keep pace with true costs. PHADA will continue to raise these concerns with both the Department and Congress. ■

News Release: Kaine Introduces Bill To Protect Veterans and Low-Income Families From Housing Discrimination

On June 24, Sen. Tim Kaine (D-VA), a former fair housing attorney, reintroduced the Fair Housing Improvement Act of 2022 to protect veterans and low-income families from housing discrimination. Current law allows landlords to deny housing to individuals based on source of income, and many veterans and low-income families have reported discrimination when using vouchers to pay their rent. The Fair Housing Improvement Act of 2022 would expand protections under the Fair Housing Act of 1968 to include banning discrimination based on source of income, giving more individuals and families access to affordable housing and a shot at economic mobility. When

Kaine first introduced this legislation in 2018, landlords in Virginia could deny housing based on how individuals pay rent. Virginia has since enacted legislation in July 2020 to prohibit discrimination based on source of income, and Kaine wants to expand that progress nationwide. The bill is cosponsored by Sens. Chris Van Hollen (D-MD), Michael Bennet (D-CO), Amy Klobuchar (D-MN), Patrick J. Leahy (D-VT), and Catherine Cortez Masto (D-NV).

“As a former fair housing attorney, I’ve witnessed how affordable housing can provide stability and open the door to opportunity – but I’ve also seen how housing discrimination unjustly locks people out

of that opportunity,” said Sen. Kaine. “This legislation would build on the success we’ve seen in Virginia by protecting veterans and low-income families across the country from discrimination and helping more Americans access housing.”

“No one in our country should face housing discrimination. But for many Americans who use housing vouchers – including veterans and low-income families – it’s perfectly legal for a landlord to reject them, based on this factor alone,” said Sen. Van Hollen. “This legislation will end this discriminatory practice and ensure that Americans are not unfairly denied affordable housing by landlords.”

“With Coloradans in the middle of a housing crisis, no family should face additional hurdles while searching for a home,” said Sen. Bennet. “But right now, military servicemembers, veterans, and low-income families can be denied housing based on how they pay their rent. Our legislation will help end this harmful discrimination and protect families looking for a place to live.”

The federal government provides vouchers to help 2.3 million veterans and low-income households live in decent, stable private market housing. Landlords, however, can reject these vouchers in states and cities where there are no source of income protections. Fair housing complaints have remained steady, with nearly 29,000 complaints in 2020. People of color, particularly Black women, are disproportionately impacted and more likely than any other group to be evicted or denied housing.

The bill is supported by: A Way Home America, American Bar Association, Autistic Self Advocacy Center, Autistic Women & Nonbinary Network, Catholic Charities, Center for Law and Social Policy (CLASP), Coalition on Human Needs, Community Change

Action, Council of Large Public Housing Authorities, Council of State Community Development Agencies, The Corporation for Supportive Housing, Disability Rights Education & Defense Fund, Enterprise Community Partners, Funders Together to End Homelessness, Grounded Solutions Network, Hispanic Federation, Housing Opportunities Made Equal Virginia, Inc., LeadingAge, Local Initiatives Support Corporation, Low-Income Investment Fund, National Alliance of Community Economic Development Associations, National Alliance to End Homelessness, National Association for County Community and Economic Development, National Association for Latino Community Asset Builders, National Association of Housing and Redevelopment Officials, National Association of Local Housing Finance Agencies, National CAPACD, National Center for Housing & Child Welfare, National Coalition for the Homeless, National Community Action Partnership, National Community Development Association, National Consumer Law Center, National Health Care for the Homeless Council, National Housing Law Project, National Housing Resource Center, National Housing Trust, National Low Income Housing Coalition, National NeighborWorks Association, National Women’s Law Center, NETWORK Lobby for Catholic Social Justice, Opportunity Starts at Home campaign, Paralyzed Veterans of America, Poverty & Race Research Action Council, Prosperity Now, Public Housing Authorities Directors Association (PHADA), Stewards of Affordable Housing for the Future, StriveTogether, Technical Assistance Collaborative, The Kelsey, True Colors United, Veterans Association of Real Estate Professionals, Virginia Housing Alliance, Virginia Poverty Law Center, and Up for Growth Action.

Full text of the bill is available at: <https://bit.ly/3yzBKfG>. ■

FIRE HAPPENS...

Join the thousands of customers who have protected their property with Auto-Out® stovetop fire suppression



**Special pricing available for all
Public Housing Authorities**
FACTORY-DIRECT, NO DISTRIBUTOR MARK-UP!



CONTACT US: sales@auto-out.com • www.auto-out.com • (817) 924-1370

PHADA

511 Capitol Court, NE
Washington, DC 20002-4937

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID
Suburban, MD
Permit No. 4889

PHADA Calendar 2021-22

SEPTEMBER 11-13, 2022

Legislative Forum

Hyatt Regency Washington on Capitol Hill
Washington, DC

EDEP courses to be September 9-10

JANUARY 8-11, 2023

Commissioners' Conference

Hilton Lake Buena Vista
Orlando, FL

EDEP courses to be held January 6-8

MAY 21-24, 2023

Annual Convention & Exhibition

Sheraton Denver Downtown Hotel
Denver, CO

EDEP courses to be held May 19-20

IN THIS ISSUE

-
- | | |
|-----------|--|
| 1 | House Appropriations Committee Approves FY 23 HUD Funding Bill
Arlene Conn |
| <hr/> | |
| 2 | President's Forum: Almost 1 in 5 HAs "Severely Impacted" by Rental Income Losses |
| <hr/> | |
| 3 | A New New Public Housing Annual Contributions Contract?
Jim Armstrong |
| <hr/> | |
| 4 | HUD Begins Development of New PNA Framework
David Weber |
| <hr/> | |
| 5 | Harvard Releases 2022 Report on the State of the Nation's Housing
Ryan Trout |
| <hr/> | |
| 11 | 2023 Commissioners' Conference: Call for Session Proposals |
| <hr/> | |
| 12 | Meet Some of PHADA's Affiliate Members |
| <hr/> | |
| 14 | News Release: Kaine Introduces Bill To Protect Veterans and Low-Income Families From Housing Discrimination |