



Announcement and Notice of Public Hearing

The Oakland Housing Authority (OHA) published its draft Fiscal Year (FY) 2027 Moving to Work (MTW) Annual Plan. The Plan provides information on OHA's programs and policies, including both approved and proposed MTW activities, operating budgets, and capital plans. OHA also published changes to the draft Administrative Plan for the Housing Choice Voucher Program and the Admission and Continued Occupancy Policy for the Public Housing Program. A public hearing will be held on **Monday, February 23, 2026, at 6PM** to hear public comments on the draft Plans. The public is invited to attend and provide comments.

Public Hearing Date: Monday, February 23, 2026

Time: 6:00PM

Location: The meeting is in-person at 1619 Harrison Street, Oakland, California, Commissioners' Room, first floor. You may view the meeting remotely via a link to the teleconference using Zoom. To find the link, go to www.oakha.org.

Telephone: (510) 874-1512 or (510) 874-1517

In addition, written comments will be accepted from **Friday, February 13, 2026, through 5:30PM on Monday, March 16, 2026**. Written comments may be submitted by email to MTW@oakha.org or mailed to:

Nicole Thompson
Executive Office
1619 Harrison Street
Oakland, CA 94612

Copies of the draft documents can be accessed on the Reports and Policies section of the Oakland Housing Authority's website at www.oakha.org or by calling (510) 874-1512.

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Dịch vụ Dịch thuật Ngôn ngữ và Thông dịch Ngôn ngữ Ký hiệu Hoa Kỳ được cung cấp miễn phí bằng 151 ngôn ngữ tại tất cả các văn phòng cho tất cả công dân.

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Administrative Plan

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

A PHA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis taking into account factors such as the overall size of OHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

OHA Policy

~~After a request for an accommodation is presented, OHA will respond, in writing, within 15 business days. If, during the review process, OHA determines that the request is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), OHA may have an interactive discussion with the family to discuss whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial or administrative burden. If OHA determines additional information from the family is necessary to make a decision, OHA may request additional documentation or have an interactive.~~

~~If OHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), The notice will inform the family of the right to appeal OHA's decision through an informal hearing (if applicable, see Chapter 16). through an informal hearing (if applicable, see Chapter 16).~~

~~If OHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of OHA's operations), OHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden. If OHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), or because there is no relationship, or nexus, found between the disability and the requested accommodation, OHA will inform the family of the right to appeal OHA's decision through an informal~~

hearing (if applicable, see Chapter 16).

~~If OHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, OHA will notify the family, in writing, of its determination within 15 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal OHA's decision through an informal hearing (if applicable, see Chapter 16).~~

Request for an extra bedroom for medical equipment required by a household member with disability should be made in writing. OHA will obtain third-party verification that the extra bedroom is medically necessary. OHA personnel will verify that all living and sleeping rooms in the current unit are insufficient to meet such need before OHA shall consider increasing the bedroom size or subsidy of the family. Note that supplies are not considered medical equipment. The extra bedroom cannot be used as storage. The actual equipment in the extra bedroom should be verified by OHA during routinely scheduled inspections of the unit. If the extra bedroom is not being used for intended purpose, OHA must reduce the subsidy standard and corresponding payment standard at the family's next annual recertification. OHA may take further action, if it believes that any family obligations under 24 CFR Section 982.551 were violated. [Notice PIH-2009-22]

Request for an extra bedroom due to a family member's disability should also be made in writing. Third-party verification will be required in order for OHA to determine if the extra bedroom is a medical necessity. Note HUD Housing Quality Standard (HQS) §982.401 (d) (2) (i) & (ii), a living room can be used as a sleeping room. A participant family needs to make use of all available living space before the Housing Authority will consider increasing the subsidy for a family.

Requests for Reasonable Accommodation that have previously been denied will not be reviewed again before six months has passed unless there has been a material change to the nature of the request.

PART III: TENANT SELECTION

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families will receive assistance from the waiting list depends on the selection method chosen by OHA and is impacted in part by any selection preferences that the family qualifies for. The source of HCV funding also may affect the order in which families are selected from the waiting list.

OHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to OHA's selection policies [24 CFR 982.204(b) and 982.207(e)]. OHA's policies must be posted any place where OHA receives applications.

The program rules discussed within this Plan are primarily those required by HUD. OHA is authorized under the Moving to Work (MTW) Demonstration program to develop and adopt reasonable policies and process to explore and test innovative methods of delivering HCV program assisted housing and supportive services to low-income families in Oakland. MTW policies and procedures may conflict with HUD regulatory requirements. Where no MTW policy or procedure exists, then standard Section 8 rules and regulations apply.

Under MTW authority, OHA is authorized to combine funding awarded annually pursuant to Section 8(o), 9(d) and 9(e) of the 1937 Act into a single authority wide funding source (“MTW Funds”). This authorization waives certain provisions of Section 8 and 9 of the 1937 Act and 24 CFR 982, and 990 as necessary to implement the Agency’s Annual MTW Plan. Under MTW authority with approval from the Executive Director on a case by case basis, OHA may allow inter-program moves and transfers between the public housing, Housing Choice Voucher, or Project-based Voucher programs, if there are PBV units or HCV available and the resident is eligible for the relevant program. This policy is authorized under Attachment C, Section D.4. of the Amended and Restated Moving to Work Agreement.

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, OHA may admit families that are not on the waiting list, or without considering the family's position on the waiting list. OHA must maintain records showing that such families were admitted with special program funding.

OHA Policy

Under MTW Authority and subject to approval by the Board of Commissioners, OHA may accept special admissions families in the following circumstances, and where HUD has not provided special program funding:

- A resident of a conventional housing unit, where under an “emergency transfer provision”, the Authority may utilize a tenant-based Section 8 voucher for the purposes of providing alternative housing, if one is available and the resident is otherwise eligible for the HCV program.
- A family enrolled in the **2010-HUD-Ending Homelessness** study. The eligible applicant must be referred by an authorized study partner who will provide case services and monitor results. Admission to the HCV program for participation in the study group is limited to a maximum of 65 families.
- Involuntary displacement from affordable housing in Oakland due to official government action;
- Involuntary displacement due to project financial difficulties that threaten the eminent loss of affordable housing.
- A participant in an MTW authorized Transitional/Conditional Housing Program unit who has met the criteria to “graduate” may be admitted to a traditional housing program, subject to funding availability and the availability the unit that meets occupancy standards family size.

For the purpose of this section, government is defined as any federal, state, or local governmental entity or any of instrumentality or regulatory body thereof. Action is defined as any action pursuant to 1) approval by the duly-appointed or elected deliberative body and/or signed by the appropriate executive or designee, or 2) the expiration of a limited term agreement between OHA and other government entity. Financial difficulty means that the project is in the process of being declared insolvent by a court of competent jurisdiction and all effected tenants must be relocated to other housing.

In these cases, OHA may admit families that are not on the waiting list, or without considering the family’s position on the waiting list. OHA must maintain records showing that such families were admitted as a Special Admission.

OHA will utilize MTW funds allocated for MTW Housing Choice Voucher program activities in providing housing assistance for these special admission families. Such families are subject to all admissions criteria applicable to the MTW Housing Choice Voucher program participation.

A project designated for Special Admissions under this policy must be specifically requested in writing by the City of Oakland or other government entity responsible for imposing the involuntary displacement action. The request must be accepted by the Director of Leased Housing. The eligible family is the family that is legally residing in the unit on the date specified in the request by City of Oakland or other government entity responsible for imposing the involuntary displacement action. OHA will also

require that the enforcement agency imposing the involuntary displacement action provide OHA with a verifiable list of legal residents that are eligible for special admission.

The eligible family that accepts the MTW Housing Choice Voucher may not utilize the voucher in the unit they currently occupy and must successfully relocate from the distressed site to be admitted to the program.

Tenant-based Voucher Referrals

Coordinated Housing Collaborative Referrals

Under OHA's MTW Agreement with HUD, OHA is authorized to modify voucher program rules through exceptions to the standard HCV program, for the purposes of creating a successful program with stable landlords, high-quality properties, and mixed-income neighborhoods. OHA has designated use of housing choice voucher resources for the purpose of ending homelessness.

This activity aligns with the statutory objectives of reducing costs and achieving greater cost effectiveness in Federal expenditures and increasing housing choices for low-income families, particularly for those experiencing chronic homelessness. The CoC will perform an assessment of all referrals, which will reduce the barriers experienced by a searcher exiting homelessness. By establishing a dedicated pipeline of Housing Choice Vouchers for individuals referred through our local CoC, OHA can swiftly connect those in critical need with stable homes, removing impediments that often delay or prevent vulnerable households from obtaining assistance. This design also leverages supportive services and case management, which are funded by the County, to promote sustained housing stability, making it both cost-effective and people-focused.

Note: Coordinated Housing Collaborative: Tenant-based Voucher referrals are subject to all Housing Choice Voucher program rules and regulations.

OHA Policy

Under its MTW authority, OHA may designate Housing Choice Voucher resources to support efforts to end homelessness. In coordination with the Alameda County Continuum of Care and Coordinated Entry partners, OHA will prioritize and serve households experiencing homelessness through referral-based admissions, supported by Memoranda of Understanding and data-sharing agreements to promote housing stability and retention.

To balance service to homeless households and applicants on the HCV waiting list, OHA will implement a proportional allocation policy. The ratio of Coordinated Entry referrals to waiting list admissions will be determined annually and specified in the MTW Annual Plan. At this time, OHA will issue one voucher to a Coordinated Entry referred household for every five vouchers issued from the waiting list.

Anti-Trafficking Housing Assistance Program Grant Referrals

OHA was awarded a grant from the Department of Justice, Office of Victims of Crime, to address barriers to equitable access to housing and supportive services for survivors of sex and labor trafficking. To meet the goals of this grant, OHA will provide housing to up to 50 human trafficking survivors in Alameda County. Using the MTW Flexibility described in Activity 11-05: Transitional Housing Program, OHA may accept referrals from Board-approved partners for up to 24 months of

housing assistance utilizing Tenant-Based Vouchers, Project-Based Vouchers, or Public Housing based on program eligibility. This grant aligns with the statutory objective to increase housing choices for low-income families, with a focus on survivors of human trafficking.

The grant partner will perform an assessment of all referrals and provide supportive services to foster self-sufficiency, which will reduce the barriers experienced by human trafficking survivors. The grant partner will refer eligible participants to OHA. All voucher referrals are subject to all Housing Choice Voucher program rules and regulations.

Participants may be eligible to transition to long-term housing assistance contingent upon meeting the minimum program eligibility requirements at the end of 24 months of housing assistance.

Any modifications to this activity will be made in the MTW Annual Plan, and the outcomes will be reported in the MTW Annual Report.

Building Bridges: Hospital to Home Referrals

OHA will use the MTW flexibility as described in Activity 11-05: Transitional Housing Program, OHA may accept referrals from UCSF Benioff Children's Hospital for up to 50 eligible families with children in the NICU or PICU. OHA will provide families with housing for up to 5 years. To enhance the comprehensive support system, OHA will contribute supportive services, including dedicated case management and assistance in transitioning to permanent housing. All voucher referrals are subject to all Housing Choice Voucher program rules and regulations.

Targeted Funding [24 CFR 982.204(e)]

HUD may award OHA funding for a specified category of families on the waiting list. OHA must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

OHA administers the following types of targeted funding programs:

Mainstream Program Vouchers

Family Unification Program (FUP) Vouchers

Veterans Affairs Supportive Housing Vouchers (VASH)

Non-Elderly Disabled Voucher (NED) (subject to funding availability)

OHA Policy

If there are no families on the waiting list eligible for a Targeted Funding program, OHA may continue to accept applications (including applicant families referred by program service partner agencies), who meets the criteria for an available a targeted program voucher, while closing the waiting list to others (see 4-II.C.).

MTW HCV funding will be used to assist any eligible family on the HCV waiting list and any site-based waiting list authorized by OHA for a Project-Based Voucher program site.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)]

Under MTW authority, OHA is authorized to determine waiting list procedures, tenant selection procedures and criteria and preferences, including authorizing vouchers for relocation of witnesses and victims of crime that differ from the currently mandated program requirements in the 1937 Act and its implementing regulations. This authorization waives certain provisions of Sections 8(o)(6), 8(o)(13)(J) and 8(o)(16) of the 1937 Act and 24 CFR 982 Subpart E, 982.305 and 983 Subpart F as necessary to implement the Agency's Annual MTW Plan.

OHA Policy

Under MTW Activity #26-01: Coordinated Housing Collaborative: Tenant-based Voucher Referrals, the Authority will receive referrals from the partnering public agencies and MOU provider partners as a dedicated pipeline to prioritize, identify, and serve assessed individuals and families experiencing homelessness or that meet special program criteria. Referrals will bypass the waiting list. To ensure a balanced approach between addressing the urgent need for housing among Oakland's homeless population and preserving access for families on the tenant-based waitlist, the Authority will implement a proportional allocation policy by determining the appropriate number of referrals based on the expected number of newly issued vouchers to families from the waitlist. The ratio of referrals to waitlist households will be determined annually by the Executive Director and stated in the MTW Annual Plan.

Local Preferences [24 CFR 982.207; HCV p. 4-16; Notice PIH 2025-19]

The PHA is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA's plan, the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

OHA Policy

OHA may use the following preferences to select families from the MTW Section 8 tenant-based voucher program waiting list:

- **Alameda County Continuum of Care/Coordinated Entry or successor public agency partner referral**
- **A Residency preference** (Applicants who live or work or have household members enrolled in schools in the City of Oakland at the time of the application interview and/or applicants that lived or worked in the City of Oakland at the time of submitting their initial application and can verify their previous residency/employment/school enrollment at the applicant interview, qualify for this

preference).

- **A Family preference** (Applicant families with two or more persons, or a single person applicant that is 62 years of age or older, or a single person applicant with a disability, qualify for this preference).
- **A Veteran** and active members of the military preference.
- **A DVP/DHAP** assistance preference (Applicant families currently receiving Disaster Voucher Program (DVP) or Disaster Housing Assistance Program (DHAP) assistance from OHA and where DVP/DHAP program funding has expired, qualify for this preference (New admission for DVP/DHAP conversions is to limited 50 new admission families per calendar year).
- **A Family Unification Program (FUP) conversion preference.** OHA may expand the Family Unification Program (FUP) by converting certain families who were assisted by a targeted FUP voucher, to the Housing Choice Voucher (HCV) program. The families selected for this conversion must have successfully reunified, maintained housing independent of services and demonstrated stability in their assisted tenancy for a consecutive 3-year period. Emancipated foster youths admitted to the FUP program will also be evaluated at the end of their 36-month term and upon demonstrated stability in their FUP tenancy, may also be offered the opportunity for continued assistance under the Housing Choice Voucher program. The conversion of FUP assisted families to the Housing Choice Voucher program is limited to 15 or an amount to be determined at the discretion of the Executive Director or his designee families per calendar year.

FUP program participants who agree to sign an FSS Contract of Participation (Form HUD-52650) will maintain their housing assistance for a period not exceeding the length of the FSS Contract of Participation, including extensions.

Per All provisions of HUD regulations and PIH notices will be implemented and be in effect until amended, superseded or rescinded.

- **A Shelter-Plus Care conversion preference.** OHA may expand its Shelter-Plus Care program by converting certain families who are assisted by the Shelter-Plus Care program, operated in partnership with the County of Alameda. An OHA administered Shelter-Plus Care family who has maintained housing independent of services and who has demonstrated stability in their assisted tenancy for a consecutive 3-year period may be converted to the Housing Choice Voucher (HCV) program. The conversion of Shelter-Plus Care assisted families to the Housing Choice Voucher program is limited to 20 families per calendar year.
- **A Local Housing Assistance Program (LHAP) conversion preference.** A family assisted by the OHA administered Local Housing Assistance Program (LHAP is authorized under MTW and adopted by the OHA Board of Commissioners, December 7, 2009), may be converted to the Housing Choice Voucher (HCV) program subject to funding availability and applicant eligibility for admission the HCV program.
- **A Section 8 Homeownership Program preference.** Applicant families who meets all Family Eligibility criteria for participation in the Section 8 Homeownership program (Section 15-VII.B.), and who are a participant in good standing in any OHA administered program, qualify for this preference. (New admission to the Section 8

Homeownership program for families who are participants from other OHA programs (see Section 15-VII.C.) is limited 15 new admission families per calendar year). The families will be selected based on the order (date and time) in which their completed application is received by OHA under all available positions are filled.

- **A Homeless preference.** Applicant families who meet the McKinney-Vento Act definition of homelessness qualify for this preference.
- **A Non-Elderly persons with Disabilities** transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless. (2017 Mainstream Voucher Program –FR-6100-N-43 – Grant award)
- **An Emergency Housing Voucher (EHV) preference. Active EHV participant families whose assistance is at risk of termination due to lack of program funding.**

OHA Policy

OHA utilizes a confidential transfer list for certain circumstances that require immediate attention. These include:

- **Families seeking an emergency transfer under VAWA** from the Public Housing, Project Based Voucher Program, or Mod-Rehab Program when OHA, or its partners are unable to locate a safe unit for the family within a reasonable amount of time and provide overall priority for families with this preference.
- **Families who requested a Reasonable Accommodation**

Order of Selection [24 CFR 960.206(e)]

OHA's system of preferences will select families by a random selection process [24 CFR 982.207(c)]. If OHA does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

MTW - Housing Choice Voucher program

OHA Policy

Families will be selected from the waiting list in the order of their assigned lottery number and according to OHA preference(s) for which they qualify. Among applicants with the same preference, families will be selected according to a random selection process.

Conversions

Families will be selected based on the order (date and time) in which their completed application is received by OHA when approved for conversion to HCV from the following programs:

- Family Unification Program (FUP) conversion
- DVP/DHAP assistance
- Shelter-Plus Care conversion preference

- Local Housing Assistance Program (LHAP) conversion preference

Targeted Programs

When selecting families from the waiting list OHA is required to use the targeted program funding to assist only those families who meet specified criteria.

OHA Policy

For the **Mainstream Program vouchers**, families will be selected based on their assigned lottery number and any selection preference(s) for which they qualify.

For the **Family Unification Program (FUP) vouchers**, families will be selected first based on their assigned lottery number, any selection preference(s) for which they qualify, then in the order (date and time) in which their completed application is received by OHA.

For **Veterans Affairs Supportive Housing (VASH) vouchers**, families will be selected in the order (date and time) in which their completed application is received by OHA.

For **Non Elderly Disabled (NED) vouchers**, families will be selected based on their assigned lottery number and any selection preference(s) for which they qualify, then in the order (date and time) in which their completed application is received by OHA (Issuance of NED vouchers is subject to the award of funding from HUD).

When selecting families from the waiting list OHA is required to assist only those families who meet the specified criteria, and OHA is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during OHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30% of the area median income, whichever number is higher. To ensure this requirement is met, OHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

OHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

OHA Policy

Under MTW Authority, OHA is authorized to determine income qualifications for participation in the rental assistance program that differ from the currently mandated program requirements in the 1937 Act and its implementing regulation, as long as the requirements that: i) at least 75 percent of those assisted under the demonstration are "very low income" as defined in section 3(b)(2) of the 1937 Act,

ii) substantially the same number of low-income persons are assisted under the demonstration as would be without the MTW authorizations contained herein, and
iii) a comparable mix of families are assisted under the Agreement as would have been otherwise in Section I.C. if the MTW Agreement are met. *This authorization waives certain provisions of Sections 16(b) and 8(o)(4) of the 1937 Act and 24 CFR 5.603, 5.609, 5.611, 5.628, and 982.201 as necessary to implement the Agency's Annual MTW Plan.*

8.I.B. ADDITIONAL LOCAL REQUIREMENTS

OHA may impose additional quality standards as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choice. HUD approval is required if more stringent standards are imposed. HUD approval is not required if the PHA additions are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

OHA Policy

1. OHA will impose the additional quality standards listed below:
2. In each room used for living/sleeping, there will be at least one exterior window that can be opened.
3. Owners will be required to scrape peeling paint and repaint all surfaces cited for peeling paint with 2 coats of non-lead paint. An extension may be granted as a severe weather related item as defined below.
4. In units where the tenant must pay for utilities, each unit must ensure the utility billing arrangement complies with all federal requirements, California state law, and local ordinances. Acceptable utility metering, allocation, and billing arrangements are described in Exhibit 8-3, Utility Metering, Allocation, and Billing Methods. All utility billing arrangements are subject to OHA review and approval. have separate metering device(s) for measuring utility consumption and direct billing by the utility service provider.
5. A $\frac{3}{4}$ " overflow pipe must be present on the hot water heater safety valves and installed down to within 6 inches of the floor. The discharge line must be PVC or galvanized steel (copper).
6. The hot water heater, boiler or any system holding water must have an earthquake strap.
7. Gas water heaters require a safety divider or shield if they are located in a living/sleeping room. A safety divider or shield is not required if the water heater is located in the kitchen, as long as it does not present a safety hazard to the occupants.
8. Where window security bars are present in rooms used for living/sleeping, there must be at least one release mechanism in good working order in each room. Owners will be referred to the City of Oakland's Fire Prevention Bureau for additional requirements regarding smoke detector and any further guidance.
9. The address of the unit must be clearly displayed.
10. Each bedroom must have a closet.

This exhibit will be included after 8-1 & 8-2, on page 8-36.

EXHIBIT 8-3: UTILITY METERING, ALLOCATION AND BILLING METHODS

Utility Metering, Allocation, and Billing Methods

In units where tenants are responsible for payment of utilities, the Oakland Housing Authority (OHA) permits utility billing arrangements that are consistent with **federal requirements, California state law, and applicable local ordinances**, subject to OHA review and approval.

1. General Standard

Utility billing arrangements must be lawful, transparent, and clearly disclosed to the tenant. All utility practices are subject to OHA review for compliance with program requirements, tenant protections, and rent reasonableness standards. Approval by OHA is required prior to the commencement of Housing Assistance Payments (HAP).

2. Separate Metering

Where individual metering or submetering is installed and required by law, utilities shall be billed based on actual consumption as measured by the meter or submeter in accordance with applicable statutes and regulations.

3. Shared Utilities and Master-Metered Systems

Where individual metering is not required by state or local law, or where utilities are provided through a master-metered system, utility costs may be allocated using a lawful shared-utility methodology, provided that:

- o The allocation method complies with **California Civil Code, Public Utilities Code, and any applicable local ordinances**, including rent stabilization requirements;
- o The method is reasonable, non-discriminatory, and based on objective criteria;
- o The method is fully disclosed in the lease and any required addenda; and
- o The utility charges do not include impermissible fees, mark-ups, or profit beyond what is allowed by law.

4. Ratio Utility Billing Systems (RUBS)

A Ratio Utility Billing System (RUBS) or similar allocation methodology may be used **only where permitted by state and local law**, and only with OHA approval. When RUBS is used:

- o The methodology must be clearly described in the lease agreement prior to tenancy;
- o Allocation factors must be reasonable and based on objective criteria (such as unit size or household composition);
- o Tenants must receive sufficient information to understand how their charges are calculated; and
- o The RUBS charge must not conflict with local rent control or tenant protection ordinances.

5. OHA Review and Ongoing Oversight

OHA reserves the right to:

- o Review all utility billing arrangements, disclosures, and allocation methodologies prior to lease approval;
- o Require revisions to lease language or billing practices as a condition of HAP execution or continuation;
- o Deny approval of utility arrangements that are inconsistent with law, HUD requirements, or OHA policy; and

- Require additional documentation, tenant notices, or billing records at any time.

Approval of a utility billing method by OHA does not relieve the owner of responsibility for ongoing compliance with federal, state, or local law.

6. Conflict of Laws

In the event of a conflict between federal requirements, California law, or local ordinances, the most restrictive tenant-protective standard shall apply.

9-I.E. LEASE AND TENANCY ADDENDUM

The family and the owner must execute and enter into a written dwelling lease for the assisted unit. This written lease is a contract between the tenant family and the owner; the PHA is not a party to this contract.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)]

Lease Form and Tenancy Addendum [24 CFR 982.308]

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form.

All provisions in the HUD-required Tenancy Addendum must also be added word-for-word to the owner's standard lease form, for use with the assisted family. The Tenancy Addendum includes the tenancy requirements for the program and the composition of the household as approved by OHA. As a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner and the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

OHA Policy

The owner must use a standard lease form for rental to unassisted tenants. OHA will not provide a model or standard dwelling lease for owners to use in the HCV program.

Lease Information [24 CFR 982.308(d)]

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family

OHA Policy

Utility Disclosure

Owners will be required to include utility billing disclosures or addenda as part of the lease agreement. OHA may provide sample disclosure language for guidance purposes. Use of such samples does not guarantee approval; all disclosures remain subject to OHA review for legal sufficiency and program compliance.

OHA may require owners to modify disclosure language to ensure compliance with changes in law or local requirements.

Term of Assisted Tenancy

The initial term of the assisted dwelling lease must be for at least one year [24 CFR 982.309]. The initial lease term is also stated in the HAP contract.

The HUD program regulations permit PHAs to approve a shorter initial lease term if certain conditions are met.

OHA Policy

OHA will approve an initial lease term of less than one (1) year if agreed to by both the owner and participant family.

During the initial term of the lease, the owner may not raise the rent to owner [24 CFR 982.309].

Any provisions for renewal of the dwelling lease will be stated in the dwelling lease [HCV Guidebook, pg. 8-22]. There are no HUD requirements regarding any renewal extension terms, except that they must be in the dwelling lease if they exist.

A PHA may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC. [24 CFR 982.309(b)].

Security Deposit [24 CFR 982.313 (a) and (b)]

The owner may collect a security deposit from the tenant. The PHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. However, if the PHA chooses to do so, language to this effect must be added to Part A of the HAP contract [Form HUD-52641].

OHA Policy

OHA will allow the owner to collect any security deposit amount the owner determines is appropriate, provided this amount is in accord with state and local law. Therefore, no modifications to the HAP contract will be necessary.

Separate Non-Lease Agreements between Owner and Tenant

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner minus the PHA's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

OHA Policy

OHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease. A copy of any such agreement must be provided to OHA.

Any items, appliances, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family. A copy of any such agreement must be provided to OHA.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property. A copy of any such agreement must be provided to OHA.

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

Because the initial leasing process is time-sensitive, OHA will attempt to communicate with the owner and family by phone, fax, or email. OHA will use mail when the parties can't be reached by phone, fax, or email.

PHAs are permitted, but not required, to review the lease to determine if the lease complies with State and local law and are permitted to decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law [24 CFR 982.308(c)].

OHA Policy

OHA will not review the owner's lease for compliance with state/local law. However, if it is determined prior to approval of the HAP contract that the lease does not comply with state/local law, then OHA will not approve the tenancy.



**Oakland Housing
Authority**

Admissions and Continued Occupancy Policy

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

OHA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on OHA, or fundamentally alter the nature of OHA's operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors, such as the overall size of OHA's program with respect to number of employees, type of facilities and size of budget, type of operations including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, OHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that OHA may verify the need for the requested accommodation.

OHA Policy

If, during the review process, OHA determines that the request is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), OHA may have an "interactive meeting" with the family to discuss whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial or administrative burden. If OHA determines additional information from the family is necessary to make a decision, OHA may request additional documentation or have an interactive.

If OHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), or because there is no relationship, or nexus, found between the disability and the requested accommodation, OHA will inform the family of the right to appeal OHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

After a request for an accommodation is presented, OHA will respond, in writing, within 15 business days.

If OHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal OHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If OHA denies a request for an accommodation because it is not reasonable (it would

~~impose an undue financial and administrative burden or fundamentally alter the nature of OHA's operations), OHA will discuss with the family whether an alternative accommodation could effectively address the family's disability related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.~~

When units offered to accommodate a reasonable accommodation request have been rejected, OHA may request an “interactive meeting” to allow the resident to state the reasons for rejecting the units offered and explain the nexus between their disability and the need for an alternative accommodation. OHA will document the outcome of the meeting and provide a summary in writing within 15 business days.

~~If OHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, OHA will notify the family, in writing, of its determination within 15 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal OHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).~~

Requests for an extra bedroom due to a family member's disability or an extra bedroom for medical equipment required by a household member with disability should be made in writing. OHA will obtain third-party verification that the extra bedroom is medically necessary. OHA personnel will verify that all living and sleeping rooms in the current unit are insufficient to meet such need before OHA shall consider increasing the bedroom size or subsidy of the family. Note that supplies are not considered medical equipment. The extra bedroom cannot be used as storage. The actual equipment in the extra bedroom should be verified by OHA during routinely scheduled inspections of the unit

~~Request for an extra bedroom due to a family member's disability should also be made in writing. Third party verification will be required in order for OHA to determine if the extra bedroom is a medical necessity.~~

4-III.B. SELECTION METHOD

OHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that OHA will use.

Under MTW authority, OHA is authorized to determine waiting list procedures, tenant selection procedures and criteria and preferences, including authorizing vouchers for relocation of witnesses and victims of crime that differ from the currently mandated program requirements in the 1937 Act and its implementing regulations. This authorization waives certain provisions of Sections 8(o)(6), 8(o)(13)(J) and 8(o)(16) of the 1937 Act and 24 CFR 982 Subpart E, 982.305 and 983 Subpart F as necessary to implement the Agency's Annual MTW Plan.

Local Preferences [24 CFR 960.206, Notice PIH 2025-19]

OHA is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits OHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with OHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

OHA will use the following preferences to select families from the waiting list:

- A Veterans Preference (as required by state law);
- A Residency Preference (for persons living or working in Oakland)
- A Family Preference for applicant families with two or more persons, a single person applicant that is 62 years of age or older, or a single person applicant with a disability.
- A family preference for applicant families that are homeless at admission based on the McKinney Vento Act definition
- An Emergency Housing Voucher (EHV) preference. Active EHV participant families whose assistance is at risk of termination due to lack of program funding.

Applicants to the public housing conventional program, within the above preferences, will be selected from the waiting list in the order of their assigned lottery number and according to OHA preference(s) for which they qualify. Among applicants with the same preference, families will be selected according to a random selection process.

Partner Referral Programs

Anti-Trafficking Housing Assistance Program Grant Referrals

OHA was awarded a grant from the Department of Justice, Office of Victims of Crime, to address barriers to equitable access to housing and supportive services for survivors of sex and labor trafficking. To meet the goals of this grant, OHA will provide housing to up to 50 human trafficking survivors in Alameda County. Using the MTW Flexibility described in Activity 11-05: Transitional Housing Program, OHA may accept referrals from Board-approved partners for up to 24 months of housing assistance utilizing Tenant-Based Vouchers, Project-Based Vouchers, or Public Housing based on program eligibility. This grant aligns with the statutory objective to increase housing choices for low-income families, with a focus on

survivors of human trafficking.

The grant partner will perform an assessment of all referrals and provide supportive services to foster self-sufficiency, which will reduce the barriers experienced by human trafficking survivors. The grant partner will refer eligible participants to OHA. All voucher referrals are subject to all Housing Choice Voucher program rules and regulations.

Participants may be eligible to transition to long-term housing assistance contingent upon meeting the minimum program eligibility requirements at the end of 24 months of housing assistance.

Any modifications to this activity will be made in the MTW Annual Plan, and the outcomes will be reported in the MTW Annual Report.

Building Bridges: Hospital to Home Referrals

OHA will use the MTW flexibility as described in Activity 11-05: Transitional Housing Program, OHA may accept referrals from UCSF Benioff Children's Hospital for up to 50 eligible families with children in the NICU or PICU. OHA will provide families with housing for up to 5 years. To enhance the comprehensive support system, OHA will contribute supportive services, including dedicated case management and assistance in transitioning to permanent housing. All voucher referrals are subject to all Housing Choice Voucher program rules and regulations.

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (“ELI”) families make up at least 40% of the families admitted to public housing during OHA’s fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, OHA may skip non-ELI families on the waiting list in order to select an ELI family.

If a OHA also operates a housing choice voucher (“HCV”) program, admissions of extremely low-income families to OHA’s HCV program during a OHA fiscal year that exceed the 75% minimum target requirement for the voucher program shall be credited against OHA’s basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during OHA fiscal year; (2) ten percent of waiting list admissions to OHA’s housing choice voucher program during OHA’s fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of OHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception. OHA must give elderly and disabled families equal preference in selecting these families for admission to mixed-population developments. OHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed-population development. In selecting elderly and disabled

families to fill these units, OHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. OHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [24 CFR 945]

OHA has designated the following development projects designated for elderly families. OHA has a HUD- approved allocation plan for the following sites:

- Oak Grove North
- Oak Grove South
- Adel Court
- Palo Vista Gardens
- 1621 Harrison Street
- Lakeside Senior

Among the designated developments, OHA must also apply any preferences that it has established.

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

OHA's admission policy must be designed to provide for deconcentration of poverty and income- mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of OHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

OHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a OHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a OHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, OHA must comply with the following steps:

Step 1. OHA must determine the average income of all families residing in all OHA covered developments. OHA may use the median income, instead of average income, provided that OHA includes a written explanation in its annual plan justifying the use of median income.

OHA Policy

OHA determines the average income of all families in all covered developments on an annual basis.

Step 2. OHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, OHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

OHA Policy

OHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. OHA must then determine whether each of its covered developments falls above, within, or below the established income range ("EIR"), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (federal poverty level or 30% of median income, whichever is higher).

Step 4. With covered developments having average incomes outside the EIR, OHA must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, OHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances, OHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by OHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and OHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under OHA's deconcentration policy. OHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under OHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, OHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

Deconcentration Incentives

OHA has three general occupancy (family) public housing developments covered by the deconcentration rule. None of these covered developments has average incomes above or below 85% to 115% of the average incomes of all such developments. OHA will analyze developments on a regular basis according to the deconcentration rule.

Order of Selection [24 CFR 960.206(e)]

OHA's system of preferences may select families either according to the date and time of application or by a random selection process. The Executive Director or designee may elect to select applicants from other program waitlists when the public housing site-based waitlist has been fully exhausted resulting in vacancies.

All OHA programs may offer assistance to other program applicants when the waitlist for a specific program is exhausted.

Among applicants with the same preference, families will be selected according to the date and time or random selection process. Families will be selected from the waiting list based on:

- 1) When selecting applicants from the site-based waiting lists, OHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the site-based waiting lists. OHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.
- 2) By matching unit and family characteristics, it is possible that families who are lower on the site-based waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.
- 3) Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and OHA policy.

4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, OHA must notify the family. OHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview

If a notification letter is returned to OHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the