



# Yolo County Housing

**Lisa A. Baker, Executive Director**

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DATE: January 15, 2009  
TO: YCH Board of Commissioners  
FROM: Lisa A. Baker, Executive Director  
PREPARED BY: Judson Brown, Housing Administrator  
SUBJECT: **Public Hearing to Consider Adoption of Proposed Changes to the Housing Choice Voucher Program's Administrative Plan**

### RECOMMENDED ACTIONS

1. Hold a public hearing to solicit public comment regarding the proposed 2009 update to the Housing Choice Voucher Administrative Plan (HCV); and
2. After public testimony, comments and any changes, adopt the 2009 Update to the HCV Administrative Plan and authorize implementation of changes.

### BACKGROUND/DISCUSSION

In accordance with federal requirements, Yolo County Housing (YCH) has an adopted Administrative Plan regarding its Housing Choice Voucher Program. The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives. The Administrative Plan is a supporting document to the YCH agency plan.

YCH is responsible for complying with all changes in HUD regulations pertaining to the HCV program and for incorporating them into the Administrative Plan. When such changes conflict with the updated plan, HUD regulations will have precedence until such time as the Administrative Plan can again be amended for compliance.

The update to the HCV Administrative Plan has been designed to accomplish a number of objectives:

- a. To set forth and define YCH's local policies for operation of HCV programs within the context of federal laws and regulations;
- b. To incorporate previous changes into the body of the text (e.g. Homeownership and Project Based Voucher);
- c. To improve readability and to ensure it is written in plain English for our constituents and customers, including reformatting and a rearrangement of chapters;
- d. To add some information about the YCH and its role in the cities and the county it

serves;

e. To ensure that existing policies are not in conflict with federal requirements or with additional policies adopted by the YCH (such as standardizing the number of days to comply with requirements);

f. To add local implementing policies for additional federal requirements (such as the Violence Against Women Act or VAWA).

### **Contents of the Updated Plan**

Current HUD regulations contain a list of what must be included in the updated administrative plan. YCH's updated administrative plan must cover YCH policies on the following subjects:

- **Selection and admission of applicants** from the YCH waiting list, including any YCH admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and re-opening the YCH waiting list (Chapter 4);
- **Issuing or denying vouchers**, including YCH policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If YCH decides to allow extensions or suspensions of the voucher term, the YCH administrative plan must describe how YCH determines whether to grant extensions or suspensions, and how YCH determines the length of any extension or suspension (Chapter 5);
- **Any special rules for use of available funds** when HUD provides funding to YCH for a special purpose (e.g. desegregation), including funding for specified families or a specified category of families (Chapter 4);
- **Occupancy policies**, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 13);
- **Encouraging participation by owners of suitable units located outside areas of low income or minority concentration** (Chapter 10);
- **Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit** (Chapter 2);
- **Providing information about a family to prospective owners** (Chapters 3 and 10);
- **Disapproval of owner participation** (Chapter 13);
- **Subsidy standards** (Chapter 5);
- **Family absence** from the dwelling unit (Chapter 12);
- **Remaining Family members:** How to determine who remains in the program if a family breaks up (Chapter 5);

- **Informal review** procedures for applicants (Chapter 14);
- **Informal hearing procedures** for participants (Chapter 13);
- **The process for establishing and revising voucher payment standards** (Chapter 17);
- The method of **determining that rent to owner is a reasonable rent** (initially and during the term of a HAP contract) (Chapter 8);
- Special policies concerning **special housing types** in the program (e.g. use of shared housing) (Chapter 15);
- Policies concerning **payment by a family to YCH of amounts the family owes YCH** (Chapter 18);
- **Interim re-determinations** of family income and composition (Chapter 11);
- **Restrictions, if any, on the number of moves** by a participant family (Chapter 12);
- Approval by the Board of Commissioners or other authorized officials to **charge the administrative fee reserve** (Chapter 17);
- Procedural guidelines and performance standards for conducting required **housing quality standards inspections** (Chapter 8); and
- **YCH screening of applicants for family behavior or suitability for tenancy** (Chapter 3).

HUD expects YCH to develop policies and procedures that are consistent with mandatory policies and to make clear the optional or discretionary policies YCH has adopted. YCH's administrative plan is the foundation of those policies and procedures. HUD's directions require YCH to make policy choices that provide guidance to staff and consistency to program applicants and participants.

### **Proposed Major Changes**

Included with the staff report is an attachment outlining the major changes to the Plan. Leaving out updates such as the incorporation of the new mission statement (previously adopted by the Board) and inclusion of previously adopted Board policies on homeownership and project-based vouchers, the main changes are as follows:

- a. Implementing a uniform policy of 15 calendar days for reporting information, providing documentation, etc.
- b. Changing Subsidy Standards so that they are based on family size instead of family composition. This is proposed because basing subsidy standards on family composition results in households, in some but not all circumstances, receiving larger units than what is recommended by HUD. Changing the standard will not have an impact on households currently in place that might now qualify for a smaller bedroom size. It will have an impact on households that move to a new unit and for households coming from the wait list onto the program.

Currently, we have rising Housing Assistance Payments (HAP) costs due to the economic downturn. Unfortunately, when costs rise, the total amount of funding received from HUD does not rise. YCH has budget authority for 1,489 units. At current HAP, it can support less than 1,240 units. This is a loss of 249 vouchers or 249 families we cannot serve due to the cost of rentals in this market. Costs per unit are rising all over the State and agencies are looking at ways in which to help the greatest number of households find decent and affordable housing.

c. Adds two (2) new wait list preferences:

i. allows a preference for households with Special Provisions where the tenants residing in units owned or managed by the YCH are required to move (it is similar to the existing preference for families required to move do to emergency situations that are no fault of their own [such as Building and Safety declared non-habitable structures, or fire and earthquake as examples]).

ii. And it adds a previous tenancy preference so that, if the YCH has insufficient funds to support the full number of vouchers under lease and must terminate tenancy due to lack of funds, it will be able to automatically to place that family's name on the wait list with their original date and time of initial application along with the preference for previous tenancy.

d. Ensuring that the YCH does not screen for tenant suitability in conformance with federal requirements (the YCH did not do this screening, but the Administrative Plan stated that it would. This is inconsistent with court rulings that have determined that, in the voucher program where the housing authority does not own the units, that housing authorities are not owners of real property and do not have the property right to determine suitability for the unit - only eligibility for the voucher).

e. Authorizing a reinspection of a failed unit inspection at initial occupancy without requiring submission of a new Request for Tenancy Approval (RFTA) as long as there are no changes in terms or conditions (e.g. change in rental terms or utilities).

f. Removing extra requirements from the inspection criteria so that supply of available units is not overly restricted, making it easier for a voucher holder to find a qualifying unit.

g. Updating tracking and processes to streamline the process and also to be consistent and compatible with federal SEMAP requirements.

h. Lowered tenant rent to \$0 so that participants who lose a job or suffer other adverse actions will receive maximum subsidy allowable.

i. Adding language that encourages landlords to use the new direct deposit system for checks.

### **Updating and Revising the Plan**

Updating the Administrative Plan was one of the items identified by new management as a change needed for overall program improvement in late 2006 and early 2007. Subsequently, in April 2007, when the YCH underwent the Comprehensive Tier Review by the Recovery and Protection Corps (RPC) of HUD, the update of the Administrative Plan was noted as needed and was included in the Corrective Action Plan entered into between HUD and the YCH as approved by the Board in December 2007.

The Plan has now been comprehensively reviewed by staff and by a consultant retained by HUD to provide additional assistance to the Voucher division. The revised Plan has been thoroughly restructured to provide the reader with greater access to the information in a format that, to the extent possible, mirrors the steps the YCH, a participant and a landlord would go through in the order in which they would go through them.

Once the Plan was reviewed and weak areas identified, the Plan was revised and restructured and reviewed once again. The Plan was then advertised on November 7, 2008 for a 30-day comment period ending in December 2008. That comment period was lengthened to January to collect comments.

To date, the YCH has received no public comments, either written or verbal, from the public.

### **Resident Advisory Board**

In addition, on January 8, 2009, staff conducted a public meeting on the proposed Plan with the Resident Advisory Board (RAB). The RAB's comments on the draft Plan are listed below:

1. On Subsidy Standards - one commenter stated that not only was need rising, but that there was less housing stock available due to banks not renting foreclosed homes. Staff responded that there was a problem with unoccupied bank owned units, but that the Administrative Plan could not affect how banks dealt with foreclosed housing. Staff did talk about the agency's education work with lawmakers at the federal level so that they would be able to understand this issue and its impact on potential renters.
2. On Subsidy Standards – one commenter recommended that Yolo County Housing do more to help clients in their search for a rental unit and that Yolo County Housing should partner with other agencies to assist with the housing search for clients. Staff responded that increasing our outreach to landlords and owners is a high priority for the HCV program. Staff talked about the efforts to improve communication with landlords. Staff also talked about future plans to carry out presentations at landlord and homeowner associations and also talked about the upcoming landlord luncheon to be hosted by Legal Services of Northern California, the City of Woodland and Yolo County Housing in April 2009.
3. On New Waiting List Preferences – one commenter recommended that Yolo County Housing use a random lottery to pull those families off the waiting list who were terminated due to over-leasing or lack of funding. Staff responded that they would take this idea into consideration but that households would normally be on the list by original date and time of application and that all cost-saving efforts will be made to avoid having to terminate families due to over-leasing or lack of funding. Staff and the RAB agreed that terminating families due to over-leasing or lack of funding was a last resort for the program and that a lottery could be an option to pull these families off the waiting list if this occurs. Staff also talked about cost-saving efforts being proposed in the January 2009 Update to the Administrative Plan in regards to the revised

occupancy standards. Staff also responds that a lottery is generally conducted by a third party entity and would entail a cost, which would likely be unreasonable for what would likely be a very small number of persons if the measure had to be invoked.

4. On Side-by-Side Changes Table and RAB Meeting – all members of the RAB agreed that the meeting was very informative. One commenter recommended that they understood that YCH would attempt ensure consistency where possible between Plan for Voucher and the Public Housing Program and that they would like to see this consistency between the Admissions and Continued Occupancy Policy (ACOP) for conventional housing and the Administrative Plan.

The Administrative Plan is intended to be a "living document" and staff will make ongoing recommended changes to the Plan as needed - both to improve readability and accessibility, as well as to comply with changes in State and Federal law that have an impact on how the program can operate.

### **FISCAL IMPACT**

Having an up-to-date compliant Administrative Plan Update is required by the Corrective Action Plan, the federal regulations and is the basis for continued receipt of federal funds from HUD.

### **CONCLUSION**

YCH has done a complete review of the HCV Administrative Plan. This 2009 update will bring the HCV Program into full compliance with all current HUD regulations and requirements. Staff recommends the adoption of this update.

Attachments: Resolution  
Administrative Plan  
Side-by-Side Comparison of Changes to Updated Administrative Plan

**YOLO COUNTY HOUSING  
RESOLUTION NO. 09-\_\_\_\_\_**

**(Resolution Adopting Proposed Changes to the Housing Choice Voucher  
Program's Administrative Plan )**

**WHEREAS**, the Housing Authority of the County of Yolo ("YCH") must comply with the regulations and guidelines set forth by the U.S. Department of Housing and Urban Development ("HUD"); and

**WHEREAS**, the original Housing Choice Voucher Administrative Plan ("HCV Administrative Plan") and any changes requires the approval and authorization of the Board of Commissioners of YCH; and

**WHEREAS**, the 2009 Update to the HCV Administrative Plan will be submitted to HUD; and

**WHEREAS**, the Board of Commissioners of YCH have determined to the best of their knowledge that the 2009 Update to the HCV Administrative Plan is in conformance with federal requirements.

**NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND** by the Board of Commissioners of the Housing Authority of the County of Yolo, as follows:

1. The foregoing recitals are true and correct.
2. The Board of Commissioners hereby confirms and adopts changes to the Housing Choice Voucher Program Administrative Plan.

**EFFECTIVE DATES:** This Resolution shall take effect from and after the date of its adoption.

**PASSED AND ADOPTED**, by the Board of Commissioners of the Housing Authority of the County of Yolo, State of California, this 15th day of January 2009, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
\_\_\_\_\_, Chair  
Board of Commissioners of the  
Housing Authority of the County of Yolo

Approved as to Form:

Agency Counsel

By \_\_\_\_\_  
Sonia Cortes

Attest:  
Ana Morales, Clerk  
Board of Commissioners of the  
Housing Authority of the County of Yolo

By \_\_\_\_\_  
Deputy



**Housing Choice Voucher Program  
Administrative Plan Update – January 2009  
Side-by-Side Review of Proposed Changes**

**Purpose:**

This document provides a side-by-side analysis of the previous HCV Administrative Plan and the January 2009 update to the HCV Administrative Plan. The entire plan has been updated to comply with current 2009 HUD regulations and new local YCH policies. It has been completely revised and reformatted to be more readable and to give more background information on Yolo County Housing and the Housing Choice Voucher Program.

<b>Current Plan</b>	<b>Proposed Plan Changes</b>	<b>Reason</b>
<p><i>Mission Statement:</i> "The Yolo county Housing Authority is committed to achieving excellence in providing safe, clean and modern affordable housing assistance while promoting self-sufficiency, upward mobility, and homeownership opportunities to the residents of the Authority and throughout Yolo County. Our goal is to be a leader in Yolo by building a reputation for excellent community service and customer satisfaction. The Authority is also committed to creating alternate sources of income that will allow financial independence from government agencies."</p> <p>Different time frames for reporting changes, requesting reviews and providing documents</p> <p>Language in many parts of the Plan states that, "the YCHA will..."</p> <p><i>Example:</i> "The Waiting List will be purged not more than one time each year..."</p> <p>Obsolete intake procedures for Voucher Applicants</p>	<p><i>Current Mission Statement:</i> "Working together to provide quality affordable housing and community development services for all."</p> <p>Implements a uniform policy of fifteen days in most cases for reporting information</p> <p>Language updated to, "YCH may..."</p> <p><i>Example:</i> "The Waiting List may be purged once a year..."</p> <p>Streamlined and updated procedures to ensure applicants move through eligibility intake much faster</p>	<p>Reflects the mission statement adopted by the Board. Local discretion</p> <p>Makes it easier for participants to understand obligations requirements</p> <p>Improved flexibility. Local discretion</p> <p>Better customer service. Local discretion</p>

<b>Current Plan</b>	<b>Proposed Plan Changes</b>	<b>Reason</b>
Wait List Preferences	Same Wait List Preferences with 2 additions: Special Provisions for families in YCH units required to move; and Previous Participation preference for families who have their assistance terminated through lack of funding and must go back to the wait list	Better customer service. Local discretion
Subsidy Standards based on Family Composition	Subsidy Standards based on Family Size	Ensures assistance to maximum number of families over time. Consistent with HUD recommendations. Local discretion (see chart below)
Applicants can be screened for tenant suitability	Applicants screened for eligibility. Tenant suitability the responsibility of the landlord	Consistent with federal requirements.
Old Briefing Packet contents	Updated Briefing Packet contents	Federal Requirement
Request for Tenancy Approval (RFTA) If unit failed initial inspection. Tenant and landlord must submit a second RFTA . Another RFTA must be submitted if there are changes in terms as well	Streamlined RFTA process Failed inspections are rescheduled at request of tenant or landlord and original RFTA is used with marked revisions	Better customer service
Extra inspection requirements over HQS (e.g. windows must be weather-stripped as needed to ensure tight seal.)	Use HUD Housing Quality Standards (HQS) with CA state requirement for locks and federal and state requirements for window security systems	Improved housing stock supply. Fewer failed inspections. Better safety and better customer service
None	Added Limited English Proficiency Plan requirements	Better customer service. Federal requirement
None	Added Violence Against Women Act (VAWA) policy to protect victims of domestic violence against possible termination due to violence in household	Better customer service. Federal requirement
None	SEMAP - improved systems for managing program with new checklists and processes	Better program performance. Local discretion and federal requirement
Old staff references	Updated Plan to show Housing Administrator as responsible for operation of the program	Consistent with current program. Local discretion
None	Enterprise Income Verification (EIV) Added policy regarding use of this online tool and upfront verification system for income	Better customer service. Reduced fraud. Federal requirement
\$50 month minimum rent	\$0 monthly minimum rent	Doesn't penalize families in current down market

<b>Current Plan</b>	<b>Proposed Plan Changes</b>	<b>Reason</b>
Old rules for student financial assistance	Updated rules for students	Federal requirements
None	Owners encouraged to use direct deposit	Better customer service
Old processes for annual reexaminations	Streamlined processes and updates to ensure federal verification requirements are met	Better program performance. Better customer service. Federal requirements.

**\*Proposed Changes to Subsidy Standards**

YCH will review the household composition of the family at each reexamination to determine whether or not the family has the correct voucher size for the number of persons in the household. If the family has more or less persons in the household than permitted by the voucher size according to the table below, then YCH will issue the family a Voucher to move to a larger or smaller unit, depending on the household size. The new Voucher size will be determined based on the table below:

**2002 GUIDELINES FOR DETERMINING VOUCHER SIZE**

<b>Voucher Size</b>	<b>Minimum Number of Household Members</b>	<b>Maximum Number of Household Members</b>
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedroom	2	6
3 Bedroom	3	8
4 Bedroom	4	10
5 Bedroom	6	12

**REVISED 2009 GUIDELINES FOR DETERMINING VOUCHER SIZE**

<b>Voucher Size</b>	<b>Minimum Number of Household Members</b>	<b>Maximum Number of Household Members</b>
0 Bedroom	1	2
1 Bedroom	1	4
2 Bedroom	2	6
3 Bedroom	5	8
4 Bedroom	7	10
5 Bedroom	9	12