



INVESTING IN COMMUNITIES

2017 Mid-Year Revision Housing Authority of the City of Sacramento Housing Authority of the County of Sacramento Admissions and Continued Occupancy Policy (ACOP) and Administrative Plan (Admin Plan)

The Public Housing Authority (PHA) defines a “substantial deviation” and “significant amendment/modification” as any change in policy which significantly and substantially alters the Authority’s stated mission and the persons the Authority serves. The proposed changes below have been deemed “significant”.

New language is indicated in red. Deleted language is shown in ~~strikeout~~. To see the changes in context, refer to the documents found at www.shra.org.

There are 37 proposed mid-year revisions to the 2017 PHA Plan which have been deemed “significant”. There are 8 significant changes in the City ACOP, 7 significant changes in the County ACOP and 29 significant changes in the Administrative Plan.

HOUSING AUTHORITY OF THE CITY OF SACRAMENTO (ACOP)

Change #1. Chapter 2 ELIGIBILITY FOR ADMISSION

AGENCY FACTORS (CHAPTER 2, PG. 2)

- A family may be denied admission to the program if they owe any previous landlord money, as determined by a court, within the last ~~five~~ **three** years.
- A family may be denied admission to the program if any member of the family has been evicted from federally assisted housing for a serious violation of a lease within the last ~~five~~ **three** years.
- The family may not have violated any family obligation during a previous participation in a federally assisted housing program within ~~five~~ **three** years prior to eligibility determination.
- **An applicant family may be denied if any member of the family has been convicted of drug-related criminal activity (see Criminal Screening Criteria below) within the last three years.**
- **An applicant family may be denied if any member of the family has been convicted of violent criminal activity (see Criminal Screening Criteria below) within the last three years.**

Where finger printing is not an option, the Housing Authority will ask the prospect to list all ~~arrests~~ **convictions** that have occurred in the past ~~five~~ **three** years. If the prospect neglects to list a past ~~arrest~~ **or conviction**, the PHA may elect to continue to process the prospect. If a prospect is able to be finger printed, the PHA will not ask the prospect to list any **convictions** ~~arrests~~.

Change #2. CRIMINAL SCREENING CRITERIA (CHAPTER 2, PG. 3)

The PHA may deny families for any felony convictions for the following charges:
Assault and battery, use of a firearm against a person, armed robbery, robbery offenses with no weapon involved, intentional homicides, manslaughter, kidnapping and abduction, stalking, arson, burglary, breaking and entering, fraud, possession of drugs and weapons offenses.

The PHA may deny families for any felony and misdemeanor convictions for the following charges:

Domestic violence, forcible sex offenses, non-forcible sex offenses, manufacture, distribute or possession to distribute drugs, driving under the influence.

The PHA at its discretion may elect to continue to process the prospect if during the application process a prospect neglects to list a past ~~arrest~~ **or conviction** and if that ~~arrest~~ **or conviction** is not for. . . .

The PHA will not consider any ~~arrest~~ **or convictions** that are over ~~five~~ **three** years old provided no other criminal activity has taken place **in the interim**. ~~and they have not been on probation or parole for at least one year from the date the prospect was pulled from the waitlist.~~

Change #3. Student Eligibility (Chapter 2, Pg. 5)

Students who meet any of the following shall qualify for housing assistance, provided that they meet all other eligibility requirements:

- The individual is 24 years of age or older by December 31 of the award year;
- The individual has legal dependents other than a spouse;
- The individual is a graduate or professional student;
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- The individual is married;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- Is otherwise individually eligible, or has parents who, individually or jointly, are eligible on the basis of income to receive assistance;

- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by— (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act; (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (iv) a financial aid administrator; and
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Independent status must be verified by:

- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education’s definition of “independent student”
- Reviewing a student’s prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education’s definition of “independent student”; and
- (3) Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.

~~Student As Head of Household~~

~~Assistance shall be denied to any single Head of Household student who:~~

- ~~• Is enrolled in an institution of higher education;~~
- ~~• Is under 24 years of age;~~
- ~~• Is not a U.S. Veteran;~~
- ~~• Is unmarried;~~
- ~~• Does not have a dependent child;~~
- ~~• Is individually ineligible for section 8 assistance; and~~
- ~~• If the student’s parents are, individually or jointly, ineligible for assistance.~~

~~Unless:~~

- ~~• The student is individually income eligible AND resides with parents (individually or jointly) who are income eligible for the program;~~
- ~~• The student is income eligible and has established a household separate from parents or legal guardians at least one year prior to application for occupancy OR the student meets the Department of Education definition of independent student.~~
- ~~• The student is not claimed as a dependent by a parent or a legal guardian pursuant to IRS regulations for a period of one year prior to the application for occupancy.~~

- ~~The student must obtain a certification which states the amount of financial assistance that will be provided by the parents, signed by the individual providing the support. The certification is required even if no assistance will be provided.~~

Change #4. Denial of Admission for Drug Related and/or Other Criminal Activity

SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY (CHAPTER 2, PG. 20)

In an effort to prevent drug **or violence** related ~~and other~~ criminal activity, as well as other patterns of behavior that pose a threat to the health, safety, or the right to peaceful enjoyment of the premises by other residents, the PHA will endeavor to screen applicants thoroughly and fairly.

Obtaining summary criminal history information for the purpose of screening a prospective participant/applicant includes:

- Any information concerning any ~~arrest or conviction, or release from custody~~ that occurred within at least the past ~~five~~ **three** years by applicants. Any information regarding a pattern or repeated acts of criminal or drug related behavior that occurred within at least the past ~~five~~ **three** years by applicants
- Any felony offense that involved any activity related to controlled substances or alcoholic beverages within at least the past ~~five~~ **three** years [CA Penal Code § 11105.3]

SECURITY AND CRIMINAL BACKGROUND CHECK (CHAPTER 2, PG. 21)

The PHA will verify any involvement in criminal activity on the part of any applicant family or household member who intends to reside in the PHA leased premises:

- Involvement in criminal activity by any member of an applicant family or household member that would adversely affect the health, safety, or welfare of other tenants will be verified using information from the criminal records system of the City ~~and County~~ of Sacramento, the State of California, and the federal National Crime Information Center (the "NCIC"). The PHA will also examine criminal histories provided by other States or municipalities, court records, and other evidence that might document any criminal activity. In addition, the current and former landlords and housing providers will be asked to indicate problems during the applicant's tenancy. The Authority will review police reports for any criminal activity during the ~~five~~ **three** year period prior to consideration for admission.
- The PHA will use the criminal records system of the City and County of Sacramento, the State of California, the NCIC, DOJ, and other states and/or municipalities to check all applicants for any evidence of:

(1) Any and all information relative to any criminal convictions ~~or activity,~~ both felonies and misdemeanors within the past five **three** years;

- ~~▪ Examples of criminal offenses that will be considered include, but are not limited to: felonies, disturbing the peace, drunk and disorderly conduct, threats or harassment, domestic violence, including actual or threatened violence toward members of an applicant household, assaults, destruction of property, vandalism, citations for health and sanitary code violation, possession of an unlawful weapon, criminal damage, arson, and home invasion~~

STANDARD FOR VIOLATION (CHAPTER 2, PG. 22)

The PHA will deny admission to the program to applicants for ~~five~~ **three** years from the date of an eviction if a household member has been evicted from housing for drug-related criminal activity.

The PHA will deny admission to the program to applicants for ~~five~~ **three** years from the date of conviction, or if incarcerated for one year or more, the date the applicant completed his/her sentence due to drug-related and other criminal activity that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents.

~~The PHA will deny admission to the program, applicants currently on parole or whose parole release is within 12 months of the date of selection from the waitlist, if the criminal activity underlying the parole poses a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.~~

~~The PHA may deny admission to the program, applicants either currently on formal probation or whose formal probation release is within 12 months of the date of selection from the waitlist, if the criminal activity underlying the probation poses a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.~~

The PHA will consider the ~~illegal use of a controlled substance or~~ alcohol abuse to be a pattern if there is more than one incident during the previous 18 months that may interfere or threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last ~~five~~ **three** years.

EVIDENCE (CHAPTER 2, PG. 23)

The PHA must have credible evidence of the violation. Credible evidence may be obtained from the following:

- **Proof of a criminal conviction (see Criminal Screening Criteria).**

Change #5. SUPERVISORY REVIEW AND HEARINGS (CHAPTER 2, PG. 24)

If the applicant is associated with more than one subsidized unit, the Agency will ask the family to sign an affidavit stating that the family understands that they cannot be a party to two different subsidized units at the same time and that they must relinquish their current unit in order to participate in the new program.

Change #6. Wait List Preferences (Chapter 4, Pg. 6)

Per PIH Notice 2013-15 any time a new preference is added to an existing wait list, families already on the wait list will be given the opportunity to qualify for the preference and move up on the wait list accordingly.

HOMELESS INITIATIVES

The PHA is making all City Housing Authority units that become available for occupancy accessible for homeless families. The PHA is creating two new preferences to serve the homeless population, giving priority to families connected to a homeless service provider.

The PHA uses the following local preferences:

(8 Points) Receiving homeless services: Homeless families (as defined in the Glossary) are receiving services from a public agency or consortia of agencies providing wrap-around services to homeless families. Some of these services include paying for security deposits and assisting families in obtaining income and maintaining their housing.

(5 Points) Homeless families: Families (including individuals) who are homeless as defined in the Glossary that are not connected to services.

An applicant may not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past ~~five (5)~~ **three** years because of drug-related or violent criminal activity. The PHA may grant an exception to such a family if the responsible member has successfully completed a rehabilitation program.

Change #7. B.GLOSSARY OF HOUSING TERMS (Chapter 20, Pg. 11)

ENGAGED IN OR ENGAGING IN: "Engaged in or engaging in or recent history of" criminal activity means any act within the past ~~five~~ **three** years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, whether or not it resulted or results in the arrest, charge, and/or conviction of the applicant or participant, household members, or guests.

Change #8. HOMELESS: as defined in the HEARTH Act: **(Chapter 20, Pg.13)**

Homeless means:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or
 - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
 - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - (iii) No subsequent residence has been identified; and
 - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;
- (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of

the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

- (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- (ii) Has no other residence; and

Lacks the resources or support networks, e.g., family, friends, and faith based or other social networks, to obtain other permanent housing.

HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO (ACOP)

Change #1. AGENCY FACTORS (CHAPTER 2, PG. 2)

- A family may be denied admission to the program if they owe any previous landlord money, as determined by a court, within the last ~~five~~ **three** years. (Consideration will be given to assist the family if the family is under a repayment agreement with that landlord prior to being selected from the waitlist and the payments are current or if the debt was incurred as a result of financial hardship or disability, the family has not been able to repay the landlord as a result of financial hardship or disability, or if other mitigating circumstances justify admission to the program.)
- A family may be denied admission to the program if any member of the family has been evicted from federally assisted housing for a serious violation of a lease within the last ~~five~~ **three** years.
- The family may not have violated any family obligation during a previous participation in a federally assisted housing program within ~~five~~ **three** years prior to eligibility determination (The PHA will review the individual circumstances of the case including (e.g. seriousness of the violation, whether the family member who violated the family obligation is not a current member of the household, or any other circumstances relevant to the evaluation of the alleged violation. The PHA may request the family to provide verifiable documentation.).)
- **An applicant family may be denied if any member of the family has been convicted of drug-related criminal activity (see Criminal Screening Criteria below) within the last three years.**
- **An applicant family may be denied if any member of the family has been convicted of violent criminal activity (see Criminal Screening Criteria below) within the last three years.**

Where finger printing is not an option, the Housing Authority will ask the prospect to list all ~~arrests~~ **convictions** that have occurred in the past ~~five~~ **three** years. If the prospect neglects to list a past ~~arrest or~~ conviction, the PHA may elect to continue to process the prospect. If a prospect is able to be finger printed, the PHA will not ask the prospect to list any **convictions** ~~arrests~~.

Change #2. CRIMINAL SCREENING CRITERIA (CHAPTER 2, PG. 3)

The PHA may deny families for any felony convictions for the following charges: Assault and battery, use of a firearm against a person, armed robbery, robbery offenses with no weapon involved, intentional homicides, manslaughter, kidnapping and abduction, stalking, arson, burglary, breaking and entering, fraud, possession of drugs and weapons offenses.

The PHA may deny families for any felony and misdemeanor convictions for the following charges: Domestic violence, forcible sex offenses, non-forcible sex offenses, manufacture, distribute or possession to distribute drugs, driving under the influence.

The PHA at its discretion may elect to continue to process the prospect if during the application process a prospect neglects to list a past ~~arrest or~~ conviction and if that ~~arrest or~~ conviction is not for:

- Drug related criminal activity; nor
- Violent criminal activity; nor
- Criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; nor
- Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

The PHA will not consider any ~~arrest or~~ convictions that are over ~~five~~ **three** years old provided no other criminal activity has taken place **in the interim**. ~~and they have not been on probation or parole for at least one year from the date the prospect was pulled from the waitlist.~~

Change #3. Student Eligibility (Chapter 2, Pg. 5)

Students who meet any of the following shall qualify for housing assistance, provided that they meet all other eligibility requirements:

- The individual is 24 years of age or older by December 31 of the award year;
- The individual has legal dependents other than a spouse;
- The individual is a graduate or professional student;
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- The individual is married;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- Is otherwise individually eligible, or has parents who, individually or jointly, are eligible on the basis of income to receive assistance

- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by— (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act; (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (iv) a financial aid administrator;

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
Independent status must be verified by:

- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education’s definition of “independent student”
- Reviewing a student’s prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education’s definition of “independent student”; and
- (3) Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.

~~Student As Head of Household~~

~~Assistance shall be denied to any single Head of Household student who:~~

- ~~• Is enrolled in an institution of higher education;~~
- ~~• Is under 24 years of age;~~
- ~~• Is not a U.S. Veteran;~~
- ~~• Is unmarried;~~
- ~~• Does not have a dependent child;~~
- ~~• Is individually ineligible for section 8 assistance; and~~
- ~~• If the student’s parents are, individually or jointly, ineligible for assistance.~~

~~Unless:~~

- ~~• The student is individually income eligible AND resides with parents (individually or jointly) who are income eligible for the program;~~
- ~~• The student is income eligible and has established a household separate from parents or legal guardians at least one year prior to application for occupancy OR the student meets the Department of Education definition of independent student.~~

- ~~The student is not claimed as a dependent by a parent or a legal guardian pursuant to IRS regulations for a period of one year prior to the application for occupancy.~~
- ~~The student must obtain a certification which states the amount of financial assistance that will be provided by the parents, signed by the individual providing the support. The certification is required even if no assistance will be provided.~~

Change #4. Denial of Admission for Drug Related and/or Other Criminal Activity

SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY (CHAPTER 2, PG. 20)

In an effort to prevent drug **or violence** related ~~and or~~ other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety, or the right to peaceful enjoyment of the premises by other residents, the PHA will endeavor to screen applicants thoroughly and fairly.

Obtaining summary criminal history information for the purpose of screening a prospective participant/applicant includes:

- Any information concerning any ~~arrest or conviction, or release from custody~~ that occurred within at least the past ~~five~~ **three** years by applicants. Any information regarding a pattern or repeated acts of criminal or drug related behavior that occurred within at least the past ~~five~~ **three** years by applicants
- Any felony offense that involved any activity related to controlled substances or alcoholic beverages within at least the past ~~five~~ **three** years [CA Penal Code § 11105.3]

SECURITY AND CRIMINAL BACKGROUND CHECK (CHAPTER 2, PG. 21)

The PHA will verify any involvement in criminal activity on the part of any applicant family or household member who intends to reside in the PHA leased premises:

- Involvement in criminal activity by any member of an applicant family or household member that would adversely affect the health, safety, or welfare of other tenants will be verified using information from the criminal records system of the City and County of Sacramento, the State of California, and the federal National Crime Information Center (the "NCIC"). The PHA will also examine criminal histories provided by other States or municipalities, court records, and other evidence that might document any criminal activity. In addition, the current and former landlords and housing providers will be asked to indicate problems during the applicant's tenancy. The Authority will review police reports for any criminal activity during the ~~five~~ **three** year period prior to consideration for admission.
- The PHA will use the criminal records system of the City and County of Sacramento, the State of California, the NCIC, DOJ, and other states and/or municipalities to check all applicants for any evidence of:

(1) Any and all information relative to any criminal convictions ~~or activity,~~
both felonies and misdemeanors within the past five **three** years;

- ~~▪ Examples of criminal offenses that will be considered include, but are not limited to: felonies, disturbing the peace, drunk and disorderly conduct, threats or harassment, domestic violence, including actual or threatened violence toward members of an applicant household, assaults, destruction of property, vandalism, citations for health and sanitary code violation, possession of an unlawful weapon, criminal damage, arson, and home invasion~~
- In applying the above provisions, the PHA will consider the nature of the offense and any mandatory penalties in accordance with state and federal law

STANDARD FOR VIOLATION (CHAPTER 2, PG. 22)

The PHA will deny admission to the program to applicants for ~~five~~ **three** years from the date of an eviction if a household member has been evicted from housing for drug-related criminal activity. However, the PHA may admit the household if the PHA determines:

- That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA and has met the rehabilitation standard set forth in this policy: or
- That the circumstances leading to eviction no longer exist.

The PHA will deny admission to the program to applicants for ~~five~~ **three** years from the date of conviction, or if incarcerated for one year or more, the date the applicant completed his/her sentence due to drug-related and other criminal activity that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents.

~~The PHA will deny admission to the program, applicants currently on parole or whose parole release is within 12 months of the date of selection from the waitlist, if the criminal activity underlying the parole poses a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.~~

~~The PHA may deny admission to the program, applicants either currently on formal probation or whose formal probation release is within 12 months of the date of selection from the waitlist, if the criminal activity underlying the probation poses a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.~~

The PHA will consider the ~~illegal use of a controlled substance or~~ alcohol abuse to be a pattern if there is more than one incident during the previous 18 months that may interfere or threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last ~~five~~ **three** years.

EVIDENCE (CHAPTER 2, PG. 23)

The PHA must have credible evidence of the violation. Credible evidence may be obtained from the following:

- Proof of a criminal conviction (see Criminal Screening Criteria).

Change #5. SUPERVISORY REVIEW AND HEARINGS (CHAPTER 2, PG. 24)

If the applicant is associated with more than one subsidized unit, the Agency will ask the family to sign an affidavit stating that the family understands that they cannot be a party to two different subsidized units at the same time and that they must relinquish their current unit in order to participate in the new program.

Change #6. Wait List Preferences (Chapter 4, Pg. 6)

An applicant may not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past ~~five (5)~~ **three** years because of drug-related or violent criminal activity. The PHA may grant an exception to such a family if the responsible member has successfully completed a rehabilitation program.

Chapter 20: GLOSSARY

Change #7. B. GLOSSARY OF HOUSING TERMS Chapter 20, Pg. 11 and 13)

ENGAGED IN OR ENGAGING IN: "Engaged in or engaging in or recent history of" criminal activity means any act within the past ~~five~~ **three** years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, whether or not it resulted or results in the arrest, charge, and/or conviction of the applicant or participant, household members, or guests.

HOMELESS: as defined in the HEARTH Act:

Homeless means:

- (3) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - (iv) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

- (v) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or
 - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- (4) An individual or family who will imminently lose their primary nighttime residence, provided that:
- (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - (vi) No subsequent residence has been identified; and
 - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;
- (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
- (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
 - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

- (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

- (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- (ii) Has no other residence; and
- (iii) Lacks the resources or support networks, e.g., family, friends, and faith based or other social networks, to obtain other permanent housing.

HOUSING AUTHORITY OF THE
COUNTY OF SACRAMENTO
Housing Choice Voucher Administrative Plan

- I. **Change #1. Changes in Chapter 2 are due to:**
- a. **Consideration of convictions rather than arrests when looking at past criminal activity.**
 - b. **Changing the “look back period” for criminal activity from 5 years to 3 years.**
 - c. **Regulatory changes defining student eligibility**

Only the text immediately surrounding the changes appear below. To read the changes in context, please refer to the documents available at www.shra.org .

Chapter 2 ELIGIBILITY FOR ADMISSION

1. HUD Factors: (Chapter 2, Pg. 2 – 1)

The HUD eligibility criteria are:

- An applicant family will not be admitted to the program if any member of the family has been evicted from federally assisted housing for a serious violation of the lease within the past ~~three~~ **five** years. (Except as referenced in Chapter 15, Section B of this Administrative Plan).

2. PHA Factors [24 CFR Part 982.552]: (Chapter 2, Pg. 2-2)

The PHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- The PHA may deny the applicant family if they have violated any family obligation during a previous participation in a federally assisted housing program for ~~three~~ **five** years prior to final eligibility determination. The PHA may make an exception if the family member who violated the family obligation is not a current member of the household. The PHA may request the family to provide verifiable documentation.
- The PHA will deny participation in the program to applicants where the PHA determines there is reasonable cause to believe that any family member is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that any family member abuses alcohol in a way that may interfere with the health safety or peaceful enjoyment of the premises by other residents. This includes cases where the PHA determines that there is a pattern of ~~illegal use of controlled substances or a pattern~~ alcohol abuse. **The PHA**

will consider alcohol abuse to be a pattern if there is more than one convictions during the previous 18 months.

- An applicant family may be denied if any member of the family **has been convicted is on probation or parole for** for any of the following reasons **within the last three years of eligibility:**

Where fingerprinting is not an option, the Housing Authority will ask the prospect to list all past ~~arrests and~~ convictions. The PHA may elect to continue to process the prospect if, during the application process, a prospect neglects to list a ~~past arrest or~~ conviction, if that ~~arrest or~~ conviction is not for:

- drug related criminal activity, nor
- violent criminal activity, nor
- criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; nor
- Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

All convictions that fall in the above categories will be reviewed through an individualized screening process prior to proposed denial from the program.

3. Criminal Screening Criteria (Chapter 2, Pg. 2-3)

The PHA may deny families for any felony convictions for the following charges:

- Assault and battery,
- use of a firearm against a person,
- armed robbery,
- robbery offenses with no weapon involved,
- intentional homicides,
- manslaughter,
- kidnapping and abduction,
- stalking,
- arson,
- burglary,
- breaking and entering,
- fraud,
- possession of drugs, and
- weapons offenses.

The PHA may deny families for any felony and misdemeanor convictions for the following charges:

- domestic violence,
- forcible sex offenses,

- non-forcible sex offenses,
- manufacture,
- distribute or possession to distribute drugs, and
- driving under the influence.

The PHA will not consider any convictions ~~or arrests~~ that are more than ~~three~~ five years old, provided no other arrests or criminal activity has taken place ~~in the interim during that time period and the applicant is not on formal probation or parole at the time they are selected from the waitlist.~~

4. Student Eligibility (Chapter 2, Pg. 2-5)

~~Single Head of Household students~~ **Students** who meet **any** all of the following shall ~~not~~ qualify for housing assistance, **provided that they meet all other eligibility requirements:**

~~is a student is enrolled at an institution of higher education~~

- ~~is under the age of 2~~The individual is 24 years of age or older by December 31 of the award year;
- The individual has legal dependents other than a spouse;
- The individual is a graduate or professional student;
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- ~~is not a veteran;~~
- ~~is unmarried;~~
- The individual is married;
- ~~does not have a dependent child;~~
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- Is otherwise individually eligible, or has parents who, individually or jointly, are eligible on the basis of income to receive assistance
- ~~is individually ineligible for section 8 assistance; and~~
- ~~the student's parents are, individually or jointly, ineligible for assistance.~~
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by—
 - (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

- (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
- (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
- (iv) a financial aid administrator;
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

For single-member student households, any financial assistance received in excess of amounts received for tuition **and fees** shall be considered income. Financial assistance does not include loan proceeds since loans are debts that must be repaid by the borrower.

In cases where the student is not considered an “independent student,” [Federal Register-5969-N-01] both the student’s and parents’ income are considered for eligibility/recertification purposes. **Once the student has been determined Final Eligible for the program, and the parents are not part of the household, any financial assistance received in excess of tuition and fees shall be considered income. Financial assistance does not include loan proceeds since loans are debts that must be repaid by the borrower.**

Independent status must be verified by:

- **Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education’s definition of “independent student”**
- **Reviewing a student’s prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education’s definition of “independent student”;** and
- **Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.**
- ~~Obtaining address information sufficient to determine that the student has maintained a separate household for at least one year~~
- ~~Parents’ income tax returns for the past year to determine whether a parent or guardian has claimed the student as a dependent, and~~
- ~~Written confirmation of the level of support provided by the parents to the student, including financial assistance. Any financial support provided by the parent(s) is considered in determining the income eligibility of the student household.~~

Unless:

- ~~The student is individually income eligible AND resides with parents (individually or jointly) who are income eligible for the program;~~
- ~~The student is income eligible and has established a household separate from their parents or their legal guardians at least one year prior to application for occupancy OR the student meets the Department of Education's definition of independent student.~~
- ~~The student is not claimed as a dependent by a parent or a legal guardian pursuant to IRS regulations for a period of one year prior to the application for occupancy.~~
- ~~The student must obtain a certification which states the amount of financial assistance that will be provided by the parents, signed by the individual providing the support. The certification is required even if no assistance will be provided.~~

5. Applicants with Minor Children and only one Parent in the household: (Chapter 2, Pg. 2-8)

An applicant household who wishes to include a child(ren) must provide documentation proving they have custody of the child(ren). Documentation may include:

- A court ordered guardianship order;
- A notice from the County Welfare department verifying the child is in the home of the applicant;
- a letter from each school-aged child's school verifying the address at which the child is registered and the person who is listed as the guardian;
- A notarized letter from the missing parent of the child stating the applicant has been granted custody of the child.

All mitigating circumstances will be considered.

6. Transitions between Subsidized Housing Programs (Chapter 2, Pg. 2-14)

If the applicant is associated with more than one subsidized unit, the Agency will ask the family to sign an affidavit stating that the family understands that they cannot be a party to two different subsidized units at the same time and that they must relinquish their current unit in order to participate in the new program.

II. Change #2 Changes in Chapter 3 will support efforts to house homeless families

Chapter 3 APPLYING FOR ADMISSION

**1. OPENING/CLOSING OF THE WAIT LIST[24 CFR Parts 982.206, 982.54(d)(1)]
(Chapter 3, Pg. 3-1)**

The wait list may remain open for specific preferences (ie, Limited Allocation Preference and Move On Preference) even when the wait list is closed. This information will be posted and updated at www.shra.org and/or www.sacwaitlist.com for families seeking housing assistance.

III. Chapter 4 Changes in Chapter 4 are due to adding new preferences to serve homeless families

ESTABLISHING PREFERENCES AND MAINTAINING THE **TENANT BASED VOUCHER** WAIT LIST

1. Other Housing Assistance (Chapter 4, Pg. 4-1)

~~When the PHA issues an applicant a Housing Choice Voucher, the applicant's name will be removed from all tenant based voucher waitlists, but will remain on all other waitlists unless the family makes a written request to withdraw from a particular waitlist.~~

2. WAIT LIST PREFERENCES [24 CFR Part 982.207] (Chapter 4, Pg. 4-1)

The PHA uses a single wait list for admission to its Housing Choice Voucher program. Site-based list(s) for project-based assistance may be administratively established in accordance with HUD notices and other requirements.

~~Except for special admissions, Applicants will be selected from the PHA wait list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan, except for families served through:~~

- ~~Special admissions, as funded by HUD (ie, Veterans Affairs Supportive Housing--VASH, Non-Elderly Disabled--NED program, and Performance Partnership Pilots Initiative Program--P3).~~
- ~~Homeless Initiatives (Limited Allocation Preference and the Move On Preference).~~

~~Families are reviewed for eligibility by the PHA in coordination with the approved third party(ies) based on the policies of the program and if eligible, are issued a voucher. All selections will be in accordance with policies and preferences defined in this Administrative Plan. Per PIH Notice 2013-15 any time a new preference is added to an existing wait list, families already on the wait list will be given the opportunity to qualify for the preference and move up on the wait list accordingly.~~

3. Other Preferences(Chapter 4, Pg. 4-3)

When a new tenant based waiting list opens, the following preference will be added

- 5) (1 point) Homeless preference to a household currently homeless. A family or individual that meets the definition of "homeless" as defined in the Glossary.

4. HOMELESS INITIATIVES (Chapter 4, Pg. 4-3)

The PHA is giving a priority to housing homeless families and is creating two new preferences to serve the homeless population, while continuing to serve families on the current waitlist. Families who have been determined eligible for these two preferences may be served even when the waiting list is closed, until the approved number has been reached.

Contingent on funding, and in the absence of families meeting the Funding-Based Preferences as described above, the PHA utilizes the following additional preferences:

- 1) **Limited Homeless Allocation.** This preference is available to homeless individuals/families that are currently receiving services and referred by a partnering homeless service organization, another coordinated system or consortia of homeless service providers. The referring agency will verify homelessness and will assist the family with finding a suitable rental property once the voucher is issued. Ongoing housing stabilization services will continue to be provided to the family. The PHA will issue up to 150 HCV vouchers each year for a maximum of 450 vouchers cumulatively over a three year period (2017-2020). At its discretion, the PHA will annually evaluate whether this preference is renewed.
- 2) **Move On Allocation.** This preference is available to homeless individuals/families that are referred by an approved PHA third party. Formerly homeless individuals/families who have successfully participated in a Permanent Supportive Housing (PSH) program (see Glossary for definition) and been determined ready to move into housing without the attached supportive services will be referred to the PHA to receive a tenant-based voucher. The PHA will issue up to 25 vouchers per year, beginning in the second year of this pilot program, for a maximum of up to 50 vouchers cumulatively over a three year period (2018-2020). This will create vacancies in PSH programs allowing additional homeless families in need of services to become housed. At its discretion, the PHA will annually evaluate whether this preference is renewed.

5. SPECIAL ADMISSIONS [24 CFR Parts 982.54, 982.203] (Chapter 4, Pg. 4-6)

Applicants, who are admitted under special admissions, rather than from the wait list, are identified by codes in the automated system. Examples of this include, but are not limited to:

- **Performance Partnership Pilots Initiative Program (P3)**

IV. Chapter 5 Changes in Chapter 5 are due to changing the “look back period” for criminal activity from 5 years to 3 years

Chapter 5 SUBSIDY STANDARDS [24 CFR Part 982.54(d)(9)]

1. Screening of Add-Ons to the Household (Chapter 5, Pg. 5-2)

Any person requesting to be added to the household who has committed any violent- or drug-related criminal activity within the last ~~five~~ **three** years, or who is on formal probation or parole, may be denied. Please refer to Chapter 2 under “PHA Factors” related to probation and parole.

Any person requesting to be added to the household who was previously terminated from a HUD Rental Assistance program as a result of an adverse action in the last ~~five~~ **three** years may be denied.

V. Chapter 6 Changes in Chapter 6 are related to changes in regulations affecting student eligibility

Chapter 6 FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION

1. STUDENT INCOME (Chapter 6, Pg. 6-13)

Financial assistance received in the form of Student Grants, financial aid or awards will be counted as income unless the student is a dependent student living with their parents on the program or if they are 24 years of age or older (by December 31 of the award year) with a dependent child.

The “dependent child” is the student’s own child who is a minor, a full-time student 18 or over, or a person with disabilities 18 or over. Foster children do not qualify as a dependent child.

~~Financial assistance received in the form of Student Grants, financial aid or awards will be 100% excluded if the person receiving this financial assistance is over 23 years of age with dependent children. In all other cases, financial assistance an individual receives in excess of tuition and other mandatory fees must be included when determining annual income in accordance with 24 CFR Parts 5.609(b)(9) and 5.612).~~

Student Rule (24 CFR Part 5.612)

~~Single Head of Household students who meet all of the following shall not qualify for housing assistance:~~

- ~~• a student enrolled at an institution of higher education;~~
- ~~• under age 24;~~
- ~~• not a veteran;~~
- ~~• unmarried;~~
- ~~• no dependent child or children;~~
- ~~• individually ineligible for section 8 assistance; and~~
- ~~• the student’s parents are, individually or jointly, ineligible for assistance on the basis of income.~~

For single-member student households, any financial assistance received in excess of amounts received for tuition and fees shall be considered income. Financial assistance does not include loan proceeds **since loans are debts that must be repaid by the borrower.**

In cases where the student is not considered an “independent student,” **[Federal Register-5969-N-01]** both the student’s and parents’ income are considered for eligibility/recertification purposes. **Once the student has been determined Final Eligible for the program, and the parents are not part of the household, any financial assistance received in excess of tuition and fess shall be considered income. Financial assistance does not include loan proceeds since loans are debts that must be repaid by the borrower.**

~~For single member student households, any financial assistance received in excess of amounts received for tuition shall be considered income. Financial assistance does not include loan proceeds.~~

~~In cases where the student is not considered an “independent student,” both the student’s and parents’ income are considered for eligibility/recertification purposes.~~

Independent status must be verified by:

- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education’s definition of ‘independent student’
- Reviewing a student’s prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education’s definition of ‘independent student’; and
- Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.
- ~~Obtaining address information sufficient to determine that the student has maintained a separate household for at least one year;~~
- ~~Parents’ income tax returns for the past year to determine whether a parent or guardian has claimed the student as a dependent; and~~
- ~~Written confirmation of the level of support provided by the parents to the student, including proof of zero financial assistance from the parents. The financial support is considered in determining the income eligibility of the student household.~~

VI. Changes in Chapter 13 are related to changes in regulations concerning the Violence Against Women Act

Chapter 13 MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

1. ALLOWABLE MOVES (Chapter 13, Pg. 13-1)

Families will be issued a voucher to move while the due process to determine the family obligation violation is finalized if:

3. The Violence Against Women Act (VAWA) provides that a family may receive a voucher from a PHA and move under the tenant-based assistance program ~~if the family has complied with all other obligations of the HCV Program and/or has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or~~ **when the family has demonstrated that a member of the family** has been a victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was actually or imminently threatened by harm or further violence if he or she remained in the assisted dwelling unit.

V. **Changes in Chapter 15 are related to changes in policy related to reunifying families while serving homeless families**

Chapter 15 DENIAL OR TERMINATION OF ASSISTANCE

1. PHA Grounds for Denial of Assistance (Chapter 15, Pg. 15-2)

The PHA may deny program assistance for an applicant, for any of the following reasons:

- ~~Applicants will not be denied for requesting to add a household member who is on parole or probation. The household member who is on probation or parole may be denied.~~

2. Standard for Violation (Chapter 15, Pg. 15-3)

The PHA will consider the illegal use of ~~a controlled substance~~ alcohol abuse to be a pattern if there is more than one conviction during the previous 18 months.

"Engaged in or engaging in" violent criminal activity means any act within the past ~~five~~ **three** years by an applicant or participant or household member.

Applicants will be denied assistance if they have been convicted of violent criminal activity within the last ~~five~~ **three** years prior to the date of the admission eligibility determination.

3. Evictions for Drug-Related Criminal Activity (Chapter 15, Pg. 15-4)

Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the HCV program for a ~~five~~ **three** year period beginning on the date of such eviction. However, the household may be admitted if, after considering the individual circumstances of the household, the PHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA.
- The circumstances leading to eviction no longer exist because the culpable member is no longer in the household.

4. Notice of Proposed Termination of Assistance (Chapter 15, Pg. 15-7)

In any case where the PHA proposes to terminate assistance to the family, the PHA will give the family written notice. The notice will include an Informal Hearing Request **form for a resident or an Informal Review request for an applicant.**

Before the PHA takes any adverse action based on a criminal conviction record, including a notice denying admission, the PHA will conduct an individualized review of the individual's record. The PHA will provide the subject of the record and the resident/ applicant with a copy of the criminal record upon written request and providing picture I.D. to ensure that the PHA is maintaining the security of the personal information of the subject of record. SHRA will not mail criminal records to any address as it is a security risk. The applicant will be provided an opportunity to dispute the accuracy and relevance of that record.

~~If the PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the Head of Household with a copy of the criminal record.~~

5. Standard for Violation for Drug-Related Criminal Activity or Violent Criminal Activity (Chapter 15, Pg. 15-9)

~~The PHA will consider the illegal use of a controlled substance or alcohol abuse to be a pattern if there is more than one conviction during the previous 18 months.~~

"Engaged in or engaging in" **drugs or** violent criminal activity means any act within the past ~~five~~ **three** years by a participant or household member.

VII. Changes in Chapter 19 are due to a new grant received

Chapter 19 SPECIAL HOUSING TYPES

1. INTRODUCTION(Chapter 19, Pg. 19-1)

The PHA will permit the use of the following special housing types in its Housing Choice Voucher Program:

- **P3 Program**

VIII. Changes in Chapter 21 are related to the homeless initiatives designed to house more homeless families

Chapter 21 PROJECT-BASED HOUSING CHOICE VOUCHER PROGRAM

1. INTRODUCTION (Chapter 21, Pg. 21-1)

The PHA will **project base up to 100 vouchers per year for a three year period (for a maximum of up to 300 vouchers cumulatively between 2017- 2020) to serve homeless families.** The PHA will not be required to reduce the number of PBV units under contract if the Budget Authority is subsequently reduced, but will look first to reducing the number of tenant-based vouchers. No additional funding is provided for this program for either Housing Assistance Payments (HAP) or Administrative costs.

2. Competitive Process (Chapter 21, Pg. 21-3)

The PHA may also choose to make PBVs available from the VASH tenant based vouchers or competitively apply for additional HUD VASH PBVs when such funding is made available by HUD. The vouchers would be made available to owners and developers through a competitive local process.

Non-Competitive Process

A PHA may provide PBV assistance to improve, develop, or replace a public housing property or property that it controls or has an ownership interest in without using a competitive process (H.R. 3700 Housing Opportunities Through Modernization Act of 2016, Section 106).

3. DEFINITION OF PREFERENCES (Chapter 21, Pg. 21-18)

1. *Residency* preference is given to applicants who live, work, or have been hired to work in Sacramento County, or any political subdivision thereof. For homeless individuals and families, a residence includes shelters and other dwelling places where homeless people are sleeping such as a place not designed for sleeping including a car, park, abandoned building, bus or train station, airport or camping ground or the family is living in a shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing and hotels and motels paid for by charitable organizations or by the federal, state or local government) or individuals exiting an institution where he or she resided for 90 days or less.

2. *Rent Burden* preference is given to applicants who pay more than 50% of their gross income for rent and utilities. The applicant family must provide copies of receipts, lease, their income and utility bills. The PHA will attempt to verify the information provided by the applicant in order to determine the applicant's qualification for the rent burden preference. In the absence of a rental lease or contract with supporting rent receipts, the PHA will employ one of the following methods, listed in order of preference, to estimate the applicant cost for rent or utilities:

- a. Accept the amount the applicant claims to be paying for rent and utilities when there is a written notice from the person from whom they are renting and it is accompanied with cancelled checks, money order receipts or cashier's check stubs;
- b. Accept the amount listed on the Housing Need Declaration with supporting payment documentation, including cancelled checks and money order receipts, or cashiers check stubs.

3. *Homeless* preference is given to applicants that are homeless as defined in the Glossary.

IX. Chapter 23 is new and describes a new program

Chapter 23 PERFORMANCE PARTNERSHIP PILOTS FOR DISCONNECTED YOUTH (P3)

The Performance Partnership Pilots Initiative Program (P3 or Program) was first authorized by Congress in 2014. The Program enables pilot sites to test innovative, outcome-focused strategies to achieve significant improvements in educational, employment, and other key outcomes for disconnected youth using the flexibility to blend existing federal funds and to seek waivers of associated program requirements.

The Sacramento P3 Program is a three-year comprehensive service-delivery system that coordinates and integrates a multidisciplinary approach to providing services to 100 disconnected youth aged 16-24, especially foster youth, youth on probation, homeless youth and youth at risk of becoming homeless. The

Program adopts a housing-first model to promote stability for participants. The federal regulation waivers granted under this program are designed to increase the efficiency of service delivery in two ways: 1) by removing barriers to housing and expanding housing eligibility; and, 2), by leveraging existing resources and increasing services to the target population. The Program is based on collaboration with local and state partners and coordination of currently funded services.

The Sacramento County Housing Authority applied for and was successfully awarded the P3 grant. P3 youth families will be issued a voucher and will follow all HCV program policies and regulations. 100 vouchers will be issued for this program over a three year period (2017-2020).

FAMILY ELIGIBILITY AND SELECTION

The PHA will receive referrals from an approved third party provider(s). Written documentation of these referrals must be maintained in the tenant file at the PHA.

X. Changes in Chapter 26 are related to the change in the “look back period” for criminal activity.

Chapter 26 MEDICAL MARIJUANA POLICY

HCV will also deny participation to applicants where the PHA has reasonable cause to believe that any family member has illegal used or possessed marijuana or engaged in any drug-related or other criminal activity within the past ~~five~~ **three** years.

XI Chapter 28 is new and reflects the new regulations concerning the Violence Against Women Act (VAWA)

28. Chapter 28 VIOLENCE AGAINST WOMEN ACT & DOMESTIC VIOLENCE

INTRODUCTION

Title VI. of the Violence Against Women Act (VAWA) adds a new housing provision that establishes several categories of protected individuals. Under the law victims of domestic violence, dating violence, stalking, and victims of sexual assault are granted protections, and cannot be denied or terminated from housing or housing assistance because of activity that is directly related to domestic violence.

A. PURPOSE

The purpose of this Policy is to reduce domestic violence, dating violence, sexual assault, and stalking and to prevent homelessness by:

- protecting the safety of victims;
- creating long-term housing solutions for victims;
- building collaborations among victim service providers; and
- assisting the PHA to respond appropriately to the violence while maintaining a safe environment for the PHA, employees, tenants, applicants, Housing Choice Voucher participants, program participants and others.

The policy will assist the Sacramento County Housing Authority and Sacramento City Housing Authority (PHA) in providing rights under the Violence Against Women Act to its applicants, public housing residents, Housing Choice Voucher participants and other program participants.

This Policy is incorporated into the PHA's "Admission and Continuing Occupancy Policy", and "Housing Choice Voucher Program Administrative Plan" and applies to all PHA housing programs.

B. DEFINITIONS

The definitions in this Section apply only to this Policy.

Actual or imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual or imminent threat, the factors to be considered include: The duration of the risk; the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual means a spouse, parent, brother, sister, child or a person to whom the tenant stands in the place of a parent or guardian, or any individual, tenant, or other lawful occupant living in the tenant's household.

Confidentiality: The PHA will not enter information provided to the PHA by a victim alleging domestic violence into a shared database or provide this information to any related entity except as stated in 3.4

Dating Violence: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim or intimate partner of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or committed by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California.

The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Immediate Family Member: A spouse, parent, brother or sister, or child of a victim or an individual to whom the affiliated individual; or any other person living in the household of the victim and related to the victim by blood or marriage.

Perpetrator: A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

Safe Unit: refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

Stalking: (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim.

Sexual Abuse: To cause substantial emotional or physical harm to the victim, an affiliated individual of the victim or the spouse or intimate partner of the victim.

Sexual Assault: Any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Bona Fide Claim: A bona fide claim of domestic violence, dating violence or stalking must include incidents that meet the terms and conditions in the above definitions.

C. CERTIFICATION AND CONFIDENTIALITY

The person claiming protection under VAWA shall provide complete and accurate certifications to a PHA owner or manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days a PHA owner or manager may take action to deny or terminate participation or tenancy. Mitigating circumstances will be considered in any case where the person or family did not submit or could not submit documentation timely. Additional time may be granted to a family on a case by case basis.

D. HUD APPROVED CERTIFICATION

For each incident that a person is claiming as abuse, the person may certify to the PHA, owner or manager, their victim status by completing a HUD approved certification (form HUD-5382). The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other identification if it is safe to provide and is known to the victim.

E. OTHER CERTIFICATION

A person who is claiming victim status may provide to the PHA, an owner or manager: (a) documentation signed by the victim and an employee, agent or volunteer of a victim service provider, an attorney, record of administrative agency, mental health professional or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury the professional's belief that the incident(s) in question are bona fide incidents of abuse; or (b) a federal, state, tribal, territorial, local police or court record. Additional information may be requested for additional clarification purposes.

F. CONFIDENTIALITY

The PHA and the owner and managers shall keep all information provided to the PHA under this section confidential. The PHA and owner and manager shall not enter the information into a shared database or provide to any related entity except to the extent that:

- the victim requests or consents to the disclosure in writing;
- the disclosure is required for eviction from public housing and/or termination of Housing Choice Voucher assistance; or
- the disclosure is required by applicable law.

G. APPROPRIATE BASIS FOR DENIAL OF ADMISSION, ASSISTANCE, OR TENANCY

PHA shall not deny participation or admission to a program on the basis of a person's abuse status, if the person otherwise qualifies for admission of assistance.

An incident or incidents of actual or threatened domestic violence, dating violence, stalking, or victims of sexual assault will not be a serious or repeated violation of the lease by the victim and shall not be good cause for denying to a victim admission to a program, terminating Public Housing assistance or occupancy rights, or evicting a tenant.

Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of the tenant's family is the victim of that domestic violence, dating violence or stalking.

Nothing in the previous sections shall limit the PHA's authority to propose termination of assistance of any participant for any violation of program Family Obligations not premised on the act or acts of violence against the participant or a member of the participant's household. However the PHA may not hold a victim to a more demanding standard.

Nothing in the previous sections shall limit the PHA's authority to propose termination of assistance, or deny admission to a program, if the PHA can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or others if the participant family is not terminated from assistance or denied admission.

Nothing in the previous sections shall limit the PHA's authority to deny admission or terminate the assistance of a person who engages in criminal acts including but not limited to acts of physical violence or stalking against family members or others.

A Housing Choice Voucher participant who moves out of an assisted dwelling unit to protect their health or safety and who: (a) is a victim under this policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and (c) has complied with all other obligations of the Housing Choice Voucher program may receive a voucher and move to another Housing Choice Voucher jurisdiction.

H. ACTIONS AGAINST A PERPETRATOR

The PHA may take action against a perpetrator of domestic violence; however, the survivor of domestic violence may take action to control or prevent the violence, sexual assault, dating violence, or stalking. The action may include but is not limited to: (a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator; (b) obtaining and enforcing a trespass against the perpetrator; (c) enforcing PHA or law enforcement's trespass of the perpetrator; (d) preventing the delivery of the perpetrator's mail to the victim's unit; (e) other reasonable measures.

I. PHA RIGHT TO TERMINATE HOUSING AND HOUSING ASSISTANCE UNDER THIS POLICY

Nothing in this Policy will restrict the PHA's right to terminate program assistance for program violations by a participant who claims VAWA as a defense if it is determined by the PHA that such a claim is not credible. Nothing in this policy will restrict the PHA's right to terminate program assistance if the participant (a) allows a perpetrator to violate a court order relating to the act or acts of violence; or (b) if the participant allows a perpetrator who has been barred from assisted unit to come onto the assisted unit including but not limited to the assisted unit's immediate vicinity under their control.

Nothing in this policy will restrict the PHA's right to terminate housing assistance if the participant who claims as a defense to an eviction or termination action relating to domestic violence has engaged in fraud and abuse against a federal housing program; especially where such fraud and abuse can be shown to have existed before the claim of domestic violence was made. Such fraud and abuse includes but is not limited to unreported income; unauthorized household members; and/or ongoing violations of program Family Obligations.

J. STATEMENTS OF RESPONSIBILITY OF PARTICIPANT, THE PHA TO THE VICTIMS, AND TO THE LARGER COMMUNITY

A participant has no less duty and responsibility under the program Family Obligations to meet and comply with the terms of the program than any other participant not making such a claim. Ultimately all participants must be able to take personal responsibility for themselves and exercise control over their households in order to continue their housing and housing assistance. The PHA will continue to address all participants who violate their Family Obligations including those who claim a defense of domestic violence. The PHA recognizes the pathologic dynamic and cycle of domestic violence and will work with victims of domestic violence partnering with other local victim support service providers and can refer the participant to the service providers when requested.

K. NOTICE TO APPLICANTS, PARTICIPANTS AND TENANTS

The PHA shall provide notice to applicants, participants, tenants, and managers of their rights and obligations under VAWA, including the right to confidentiality when a person is denied

assistance, when a person is admitted, and when a tenant is notified of eviction or termination of housing benefits and within the 12 month period following December 16, 2016, either during the annual recertification process or lease renewal process, whichever is applicable. Tenant will also be provided with HUD form-5382 and Notice of Occupancy Rights Under VAWA.

L. REPORTING REQUIREMENTS

The PHA shall include in its 5-year plan a statement of goals, objectives, policies or programs that will serve the needs of victims. PHA shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

M. CONFLICT AND SCOPE

This Policy does not enlarge the PHA's duty under any law, regulation or ordinance. If this policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this policy conflicts with another PHA policy, this Policy will control.

N. MOVES

A family may receive a voucher from a PHA and move under the tenant-based assistance program if the family has complied with all other obligations of the HCV Program and/or has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was actually or imminently threatened by harm or further violence if he or she remained in the assisted dwelling unit.

During the initial term of the lease, the family may move with a signed mutual agreement with the landlord to terminate the lease. The family must give the owner at least 30 days written notice of intent to vacate as specified by applicable law and must simultaneously give a copy to the PHA. The notice must be submitted to the PHA no later than the date the family submits a Request for Tenancy Approval (RFTA).

If the family's annual recertification is due within 120 days, the recertification will be expedited. If the family reports a change in income or family composition prior to the submission of a Request for Tenancy Approval (RFTA), the move process will be stopped and the reported change in income or family composition will be reviewed to determine whether the family remains eligible for the voucher size it has been issued, or if the change will result in the family paying more than 40% of their monthly adjusted income toward rent. As these are required by regulation, they cannot be waived, however, the recertification will be expedited in an effort to approve the move more swiftly.

If the family is exercising portability and reports a change, the receiving PHA will first request the initial PHA to complete an interim change. The initial PHA will expedite to not cause a delay in processing the portability.

If the family has missed two (2) consecutively scheduled voucher issuance sessions without good cause, the move request will be canceled. If the family submits a new request to move, the request will be processed timely.

XII Changes in the Glossary are related to changes in the “look back period” for criminal activity and the focus to house homeless families

GLOSSARY

GOOD STANDING: A family which does not owe an outstanding debt to any PHA; is not delinquent on a repayment agreement; is not subject to adverse action; has not been evicted from Public Housing or been terminated from the HCV program within the last ~~five~~ **three** years.

HOMELESS: as defined in the HEARTH Act:

Homeless means:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832),

section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks, e.g., family, friends, and faithbased or other social networks, to obtain other permanent housing.

PERMANENT SUPPORTIVE HOUSING: Housing model that combines low barrier affordable housing and supportive housing to help individuals and families lead more stable lives.