

January 9, 2020

9:00 A.M.

- I. Call to Order**
- II. Roll Call / Confirmation of Quorum**
- III. Pledge of Allegiance**

MISSION STATEMENT: The Housing Authority of Travis County, Texas, preserves and develops affordable housing and vibrant communities which enhance the quality of life for all.

IV. CONSENT AGENDA

- A. Approval of the Minutes Regular Meeting from September 24, 2019
- B. Approval of the Minutes Regular Meeting from November 21, 2019
- C. Approval of the Minutes Regular Meeting from December 5, 2019

V. PUBLIC FORUM / CITIZEN COMMUNICATION

- *Anyone desiring to discuss or comment on items directly related to the HATC is always welcome.*
- *If the item is deemed related to an Agenda item at the current meeting, the presiding officer will inform the citizen that pending action(s) remain.*
- *Speakers must sign-in prior to the start of the Board Meeting on the appropriate form.*
- *Maximum three-minute limit per speaker.*

VI. REGULAR AGENDA

- A. Election of Officers (Chairperson and Vice-Chairperson)
- B. Committee Assignments
- C. Discussion and consideration regarding Board of Commissioners issues and concerns

VII. ACTION ITEMS

A. Resolution No. HATC-2020-01 <i>Subra Narayanaier</i>	To <u>Amend</u> the Housing Authority of Travis County (HATC) Fiscal Policy Framework Document, Chapter Six: Investment Policy, to include language specifying "investment pools" as an acceptable investment option.
B. Resolution No. HATC-2020-02 <i>Christina Montes</i>	To <u>Amend</u> the Housing Choice Voucher (HCV) Administrative Plan's process for re-opening the waiting list by accepting applications by way of the internet for the HCV waiting list.

VIII. EXECUTIVE SESSION

- *The Board of Commissioners may consider any item posted on the Agenda in Executive Session if there are issues that require consideration, and the Board of Commissioners announce that the item will be considered during such time in accordance with one or more of the following:*
 - *Texas Government Code Annotated 551.071, Consulting with Attorney*
 - *Texas Government Code Annotated 551.072, Real Property*
 - *Texas Government Code Annotated 551.074, Personnel Matters*
 - *Texas Government Code Annotated 551.076, Security*
 - *Texas Government Code Annotated 551.087, Economic Development Negotiations*

IX. ADJOURNMENT

MISSION STATEMENT

Preserving and developing affordable housing and vibrant communities to enhance the quality of life for all.

**HOUSING AUTHORITY OF TRAVIS COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING
502 East Highland Mall Blvd., Suite 106-B
Austin, Texas 78752
September 24, 2019
10:00 a.m.**

MINUTES

The Housing Authority of Travis County, Texas, held a Regular Board of Commissioners meeting at 502 East Highland Mall Blvd., 106-B Austin, TX 78752 on the above date.

I. CALL TO ORDER

A quorum was established, and Chairperson Ann Denton called the meeting to order at 10:02 a.m.

II. ROLL CALL / CONFIRMATION OF QUORUM

Roll Call of Commissioners: Chairperson Ann Denton, Vice Chairman Wilmer Roberts (Arrival-10:07 a.m.), Commissioner Eddie Karam, Commissioner John Hernandez (Arrival-10:26 a.m.), Commissioner Robbye Meyer. Guest: Cliff Blount and Laura Greff with Naman, Howell, Smith & Lee PLLC. Staff in Attendance: Staff in Attendance CEO/Executive Director Patrick Howard, Director of Affordable Housing Programs Barry Hall, Director of Voucher Programs and Homeless Initiatives Christina Montes, Director of Real Estate Development Robert Onion, Director of Finance Subra Narayanaier, Asset Manager Keith Hoffpauir, Executive Assistant Shenika Howard, Sr. Administrative Assistant Debbie Honeycutt. CEO/Executive Director Patrick Howard certified the quorum.

Chairperson Ann Denton acknowledges for the record Chairman Wilmer Roberts and Commissioner John Hernandez presence at 10:31 a.m.

Chairperson Ann Denton departs from the meeting at 10:51 a.m.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA

A. Approval of the Minutes Regular Meeting from August 1, 2019

Commissioner Eddie Karam made a **motion** to approve Item IV. A. Commissioner Robbye Meyer seconded the motion, which **passed** unanimously.

V. PRESENTATION / DISCUSSION

A. Presentation and Discussion regarding a potential partnership between Housing Authority of Travis County and Embry Development regarding a multifamily project located in North Austin. A brief presentation was presented by Asset Manager Keith Hoffpauir.

VI. ACTION ITEMS

A. Resolution No. HATC-2019-15
Barry Hall

To Approve amendments to the HATC Tenant
Selection Plan

Chairperson Ann Denton made a **motion** to approve Resolution No. HATC-2019-15 Commissioner Eddie Karam seconded the motion, which **passed** unanimously.

Chairperson Ann Denton made a **motion** to approve Resolution No. HATC-2019-16 Commissioner Eddie Karam seconded the motion, which **passed** unanimously.

VII. CEO / EXECUTIVE DIRECTOR's REPORT

- A. Voucher Programs / Homeless Initiatives – Christina Montes
- B. Affordable Housing Program – Barry Hall
- C. Finance – Subra Narayanaier

Director of Voucher Programs and Homeless Initiatives Christina Montes presented the current status of the HCV allocations as of August 2019.

Director of Affordable Housing Programs Barry Hall presented an up to date overview and summary of current activities within the Affordable Housing Program.

Director of Finance Subra Narayanaier presented the finance report for July 2019.

VIII. NOTICES AND UPDATES

- A. CEO / Executive Director – Patrick Howard

There were none at that time.

IX. NEW / UNFINISHED BUSINESS

- A. Discussion and consideration regarding Board of Commissioners issues and concerns

There were none at that time.

X. EXECUTIVE SESSION

- The Board of Commissioners may consider any item posted on the Agenda in Executive Session if there are issues that require consideration, and the Board of Commissioners announce that the item will be considered during such time in accordance with one or more of the following:
 - Texas Government Code Annotated 551.071, Consulting with Attorney
 - Texas Government Code Annotated 551.072, Real Property
 - Texas Government Code Annotated 551.074, Personnel Matters
 - Texas Government Code Annotated 551.076, Security
 - Texas Government Code Annotated 551.087, Economic Development Negotiations

XI. ADJOURNMENT

Commissioner Robbye Meyer made a **motion** to adjourn the Board meeting. Commissioner Eddie Karam seconded the motion, which **passed** unanimously.

The Board meeting adjourned at 11:05 a.m.

Respectfully submitted,

Patrick Howard, CEO/Executive Director

MISSION STATEMENT

*Preserving and developing affordable housing and vibrant communities
to enhance the quality of life for all.*

- A copy of these minutes can be found on the web site (www.hatctx.com)
- An audio recording is available upon request, 512-854-8245.

**HOUSING AUTHORITY OF TRAVIS COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING
502 East Highland Mall Blvd., Suite 106-B
Austin, Texas 78752
November 21, 2019
10:00 a.m.**

MINUTES

The Housing Authority of Travis County, Texas, held a Special Board of Commissioners meeting at 502 East Highland Mall Blvd., 106-B Austin, TX 78752 on the above date.

I. CALL TO ORDER

A quorum was established, and Chairperson Ann Denton called the meeting to order at 10:30 a.m.

II. ATTENDANCE / CONFIRMATION OF QUORUM

Commissioners Attendance	Present: Chairperson Ann Denton, Commissioner John Hernandez, Commissioner Wilmer Roberts, Commissioner Eddie Karam, Absent: Commissioner Robbye Meyer
Staff Attendance	CEO / Executive Director Patrick Howard, Executive Assistant Shenika Howard, Director of Affordable Housing Programs Barry Hall, Director of Voucher Programs and Homeless Initiatives Christina Montes, Director of Finance Subra Narayanaier, Director of Real Estate Development Robert Onion, Asset Manager Keith Hoffpauir, Sr. Administrative Assistant Debbie Honeycutt
Guest Attendance	Cliff Blount with Naman, Howell, Smith & Lee PLLC

CEO / Executive Director Patrick Howard certified the quorum.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA

A. Approval of the Minutes Regular Meeting from October 15, 2019

Commissioner Eddie Karam made a **motion** to approve Item IV. A. Chairperson Ann Denton seconded the motion, which **passed** unanimously.

V. ACTION ITEMS

A. Resolution No. HATC-2019-20 <i>Subra Narayanaier</i>	To <u>Authorize</u> the Housing Authority of Travis County (HATC) to participate in the Tex Pool Investment Pools and designate an authorized representative.
Commissioner	Vote
Chairperson Ann Denton	Motioned to approve (Yay)
Commissioner John Hernandez	Yay
Commissioner Wilmer Roberts	Seconded the motion (Yay)
Commissioner Eddie Karam	Yay
Commissioner Robbye Meyer	Not Present

Subra Narayanaier briefed Resolution No. HATC-2019-20. **Eddie Karam** would like to annotate the concern that we are investing more in interest for the loan. **Patrick Howard** stated that HATC contacted the president of IBC Bank and confirmed that better interest rates were quoted. **Wilmer Roberts** suggested that a portion of the funds could potential be allocated towards Tex Pool and not all of our funding. **Subra Narayanaier** stated that the negotiation with IBC Bank has been made and that some accounts status' has been changed to interest.

B. Resolution No. HATC-2019-21 <i>Subra Narayanaier</i>	To <i>Amend</i> the Housing Authority of Travis County (HATC) Fiscal Policy Framework Document, adding Chapter Six: Investment Policy
Commissioner	Vote
Chairperson Ann Denton	Seconded the motion (Yay)
Commissioner John Hernandez	Motioned to approve (Yay)
Commissioner Wilmer Roberts	Yay
Commissioner Eddie Karam	Yay
Commissioner Robbye Meyer	Not Present

Subra Narayanaier briefed that the Fiscal Policy Framework Document, Chapter Six: Investment Policy is a requirement for public entities and that it also required to be reported quarterly to the board. **Patrick Howard** ensured to the board that the report will be included in the budget packet moving forward.

VI. CEO / EXECUTIVE DIRECTOR's REPORT

Voucher Programs / Homeless Initiatives – *Christina Montes*

Director of Voucher Programs and Homeless Initiatives **Christina Montes** presented the current status of the HCV Program, Homeless Initiatives and Other Special Programs. Thirty mainstream vouchers were received. Additional FUP vouchers will be applied for in December 2019. Policy for mainstream preference will be presented at the January 2020 board meeting.

Affordable Housing Program – *Barry Hall*

Director of Affordable Housing Programs Barry Hall presented an up to date overview and summary of current activities within the Affordable Housing Program. Confirmed that most delinquencies over 90 days are result of a long term payment agreement and if residents are unable to adhere to the payment agreement, they will be evicted. **John Hernandez** asked if there was a plan to provide more security and rehabilitate the properties. **Barry Hall** ensured the board that the security and rehabilitation process has been address and is in the planning process to include adding additional lighting, more fencing and installing monitoring cameras. HATC has also already requested for right of way vacation of the entrance location of the property. A temporary vacation request was also submitted for construction purposes.

Finance – *Subra Narayanaier*

Director of Finance Subra Narayanaier presented a brief of current finance logistics for all programs within the past 3 months ending in September 2019.

VII. NOTICES AND UPDATE

A. CEO / Executive Director – *Patrick Howard*

There were none at that time.

VIII. NEW / UNFINISHED BUSINESS

A. Discussion and consideration regarding Board of Commissioners issues and concerns

There were none at that time.

IX. ADJOURNMENT

Mrs. Denton made a motion to adjourn the Board meeting. Commissioner John Hernandez seconded the motion, which passed unanimously.

The Board meeting adjourned at 11:32 a.m.

Respectfully submitted,

Patrick B. Howard, CEO / Executive Director

MISSION STATEMENT

*Preserving and developing affordable housing and vibrant communities
to enhance the quality of life for all.*

- A copy of these minutes can be found on the web site (www.hatctx.com)
- An audio recording is available upon request, 512-854-8245.

**HOUSING AUTHORITY OF TRAVIS COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING
502 East Highland Mall Blvd., Suite 106-B
Austin, Texas 78752
December 5, 2019
10:00 a.m.**

MINUTES

The Housing Authority of Travis County, Texas, held a Regular Board of Commissioners meeting at 502 East Highland Mall Blvd., 106-B Austin, TX 78752 on the above date.

I. CALL TO ORDER

A quorum was established, and Chairperson Ann Denton called the meeting to order at 10:00 a.m.

II. ATTENDANCE / CONFIRMATION OF QUORUM

Commissioners Attendance	Present: Chairperson Ann Denton, Commissioner John Hernandez (Arrived at 11:08), Commissioner Wilmer Roberts, Commissioner Eddie Karam, Commissioner Robbye Meyer
Staff Attendance	CEO / Executive Director Patrick Howard, Executive Assistant Shenika Howard, Director of Affordable Housing Programs Barry Hall, Director of Voucher Programs and Homeless Initiatives Christina Montes, Director of Finance Subra Narayanaier, Director of Real Estate Development Robert Onion, Asset Manager Keith Hoffpauir, Staff Accountant Michael Kagombe, Sr. Administrative Assistant Debbie Honeycutt
Guest Attendance	Cliff Blount with Naman, Howell, Smith & Lee PLLC, James Plummer with Bracewell

CEO / Executive Director Patrick Howard certified the quorum.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. DISCUSSION ITEMS

- A. Presentation and Discussion of the establishment of the Housing Trust Public Facility Corporation for the development of affordable housing

Executive Director Patrick Howard presented Item V.A.

- B. Presentation and Discussion on the Eastern Oaks Revitalization Initiative

Asset Manager Keith Hoffpauir and Director of Affordable Housing Programs Barry Hall presented Item V.B.

V. ACTION ITEM

A. Resolution No. HATC-2019-22 <i>Patrick Howard</i>	To <u>Approve</u> a Proclamation honoring long-time HATC Receptionist / Administrative Assistant Annette Briscoe Hodge
Commissioner	Vote
Chairperson Ann Denton	Yay
Commissioner John Hernandez	Motioned to approve (Yay)
Commissioner Wilmer Roberts	Seconded the motion (Yay)
Commissioner Eddie Karam	Yay
Commissioner Robbye Meyer	Yay

VI. NEW / UNFINISHED BUSINESS

A. Discussion and consideration regarding Board of Commissioners issues and concerns

There were none at that time.

VII. ADJOURNMENT

Commissioner Robbye Meyer made a **motion** to adjourn the Board meeting. Mr. Hernandez seconded the motion, which **passed** unanimously.

The Board meeting adjourned at 11:20 a.m.

Respectfully submitted,

Patrick B. Howard, CEO / Executive Director

MISSION STATEMENT

*Preserving and developing affordable housing and vibrant communities
to enhance the quality of life for all.*

- A copy of these minutes can be found on the web site (www.hatctx.com)
- An audio recording is available upon request, 512-854-8245.

HATC Action Item VII.A

January 9, 2020

Resolution No. HATC-2020-01: To Amend the Housing Authority of Travis County (HATC) Fiscal Policy Framework Document, Chapter Six: Investment Policy, to include language specifying "investment pools" as an acceptable investment option.

Background Information:

This request is to amend the Investment Policy document to meet the requirements of TexPool. The amendment will include the language suggested by TexPool, which specifies verbiage that states "investment pool" as an approved investment option. The amendment will also specifically clarify the title of the policy to include the Housing Authority of Travis County and Strategic Housing Finance Corporation whereas the Texas Controller's Office will recognize that the document applies to both entities.

Recommended Action:

Consider and take appropriate action regarding Resolution No. HATC-2020-01. To Amend the Housing Authority of Travis County (HATC) Fiscal Policy Framework Document, Chapter Six: Investment Policy, to include language specifying "investment pools" as an acceptable investment option.

Alternate Option:

The Board of Commissioners could elect to Not Amend the Investment Policy.

Fiscal Impact:

N/A

Attachments:

Chapter Six: Investment Policy Excerpt

Prepared by:

Subra Narayanaier, *Director of Finance & Administration*

Approval:

Patrick B. Howard

Patrick B. Howard, CEO / *Executive Director*

HATC Action Item VII.A

January 9, 2020

Resolution No. HATC-2020-01: To Amend the Housing Authority of Travis County (HATC) Fiscal Policy Framework Document, Chapter Six: Investment Policy, to include language specifying "investment pools" as an acceptable investment option.

WHEREAS, the State of Texas has passed legislation requiring written Investment Policies for all public agencies; and

WHEREAS, the Investment Policy will be used as a guide to enable HATC to comply with HUD rules and regulation and the Texas Public Investment Act; and

WHEREAS, staff has prepared the Investment Policy to meet the requirements of the State of Texas Law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of HATC hereby:

1. Approves Resolution No. HATC-2020-01
2. Authorizes the CEO/Executive Director to execute all necessary documents and extensions.

Passed and approved the 9th day of January 2020.

Ann Denton, *Chair, Board of Commissioners*

Attested and approved as to form:

Patrick B. Howard, *CEO / Executive Director*

7.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS:

The Investment Officer shall maintain a list of all financial institutions authorized to provide investment services for the Housing Authority.

- 7.1 All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment Officer with annual financial statements and certification in writing that the financial institution or the broker/dealer has read and will follow all Federal and State of Texas laws and regulations regarding investments made by the Housing Authority of Travis County.
- 7.2 An annual review of the financial statements will be completed by the Investment Officer.
- 7.3 A current audited financial statement is required to be on file for each financial institution and broker/dealer with which the Housing Authority transacts business.
- 7.4 The board or designated investment committee of the Housing Authority of Travis County shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the Housing Authority of Travis County.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS:

- 8.1 HUD Funds: The Housing Authority of Travis County is required to invest HUD sourced funds in investments approved by the U.S. Department of Housing and Urban Development. These investments must be fully collateralized. ATTACHMENT A is applicable to HUD funds and contains a listing and description of approved investments.
- 8.2 Non-HUD Funds: Funds in excess of HUD funds, unrestricted funds, reserves, partnership funds, bond proceeds, foundation funds, and other funds are not subject to ATTACHMENT A; however, these funds shall be invested in accordance with the Public Funds Investment Act.
- 8.3 All securities purchased shall be governed by the Public Funds Investment Act and all revisions made by the Texas legislature and federal statutes and guidelines. Listed below are the acceptable investments:
 - i) bonds, notes, bills or other securities guaranteed by the full faith and credit of the United States government;
 - ii) bonds, notes, debentures or other similar obligations of an agency of the United States government created by Act of Congress;
 - iii) domestic interest bearing savings accounts, domestic interest bearing certificates of deposit or domestic interest bearing time deposits or any other investments that are direct obligations of any bank, savings and loan associations which are insured by the FDIC;
 - iv) repurchase agreements, collateralized by full faith and credit U.S. treasury securities and in compliance with state law; and
 - v) local government investment pools
 - vi) and any other investments allowed for under the Texas statutes and federal statutes and regulations.

9.0 COLLATERALIZATION:

Full collateralization is required for all Housing Authority investments. In order to protect the Housing Authority assets collateralization of one-hundred percent (100%) is required at all times. All collateral shall conform to those investment instruments listed in ATTACHMENT A or the Public Funds Investment Act.

Collateral will always be held by an independent third party with whom the financial institution or broker/dealer has a current custodial agreement. A clearly marked evidence of ownership or safekeeping receipt must be available to the Housing Authority.

Collateral substitution may be allowed when the substituted collateral is on the approved list of investments listed in ATTACHMENT A or the Public Funds Investment Act.

10.0 DIVERSIFICATION:

The Housing Authority of Travis County will diversify its investments by security type and institution. With the exception of U. S. Treasury securities and authorized investment pools, no more than 50% of the Housing Authority of Travis County total investment portfolio will be invested in a single security type or in securities issued by a single financial institution or broker/dealer.

11.0 MAXIMUM MATURITIES:

11.1 Operating Funds: To the extent possible the Housing Authority of Travis County will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Authority will not directly invest in securities maturing more than three years (3) from the date of purchase. This maximum maturity policy applies to all operating funds.

11.2 Non-operating or excess funds: Funds in excess of operating needs, unrestricted funds, foundation funds, bond proceeds, reserves, escrow funds, and other funds not required for operations may be held in securities without regard to the three year (3) limitation referenced in Section 11.1. The Investment Officer shall assure that sufficient liquidity exists at all times to meeting operating commitments.

12.0 INTERNAL CONTROL:

The Investment Officer shall establish an annual process of independent review as part of the annual audit. This review will provide internal control by assuring compliance with policies and procedures.

13.0 PERFORMANCE STANDARDS AND REPORTING:

As required by Section 2256 of the Public Funds Act, at least quarterly, the Investment Officer or designee will prepare an investment report for the Housing Authority Board of Commissioners. The report shall contain the name of the financial institution or broker/dealer holding the investment, the investment position, the cost of the investment, the fair market value, the purchase date, maturity date, and any interest accrued. Investment performance will be measured by standards set by the U.S. Department of Housing and Urban Development.

14.0 INVESTMENT POLICY ADOPTION:

The Housing Authority of Travis County investment policy shall be adopted by resolution of the Board of Commissioners. The policy shall be reviewed on a periodic basis and revised by the Investment Officer as necessary. It is the intent of the Housing Authority that if any changes of federal or State of Texas laws affect this policy, the new law or change becomes effective as stated and this policy is automatically conformed to existing law.

This investment policy covers the Housing Authority of Travis County, Strategic Housing Finance Corporation and all of its associated and subsidiary entities.

HATC Action VII.B
January 9, 2020

Resolution No. HATC-2020-02: To Amend the Housing Choice Voucher (HCV) Administrative Plan's process for re-opening the waiting list by accepting applications by way of the internet for the HCV waiting list.

Background Information:

As part of the application for Mainstream Vouchers, HATC committed to implementing a preference in the admission process for non-elderly disabled families experiencing homelessness. Including this preference in HATC's admission process will provide housing opportunities to one of the most vulnerable populations in Travis County.

Requested Action:

Consider and take appropriate action regarding Resolution No. HATC-2020-02, To Amend the Housing Choice Voucher (HCV) Administrative Plan's process for re-opening the waiting list by accepting applications by way of the internet for the HCV waiting list.

Alternate Option:

The Board of Commissioners could elect to Not Amend the Housing Choice Voucher (HCV) Administrative Plan's process for re-opening the waiting list by accepting applications by way of the internet for the HCV waiting list.

Fiscal Impact:

The proposed amendment aligns with HATC's proposed commitment to add this preference as part of the Mainstream Voucher Program application within 6 months of the awarded Mainstream vouchers.

Attachments:

- A. 24 CFR 982.207 Waiting List Local Preferences
- B. Local Preferences [24 CFR 982.207; HCV p. 4-16]

Prepared by:

Christina Montes, *Director of Voucher Programs and Homeless Initiatives*

Approval:


Patrick B. Howard, CEO / Executive Director

HATC Action Item VII.B
January 9, 2020

Resolution No. HATC-2020-02: To Amend the Housing Choice Voucher (HCV) Administrative Plan's process for re-opening the waiting list by accepting applications by way of the internet for the HCV waiting list.

WHEREAS, The HATC HCV Administrative Plan provides a framework for the management and administration of the HCV Program; and

WHEREAS, In consideration of the current trends, best practices and to accommodate legislative changes, periodic amendments to the HATC board-adopted plan is necessary; and

WHEREAS, Adding this preference will further provide opportunities to non-elderly and disabled persons experiencing homelessness. It will also align with HATC's goal of helping to end homelessness in Travis County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of HATC hereby:

1. Approves Resolution No. HATC-2020-02
2. Authorizes the CEO / Executive Director to execute all necessary documents and extensions.

Passed and approved the 9th day of January 2020.

Ann Denton, *Chair, Board of Commissioners*

Attested and approved as to form:

Patrick B. Howard, *CEO / Executive Director*

Local Preferences [24 CFR 982.207; HCV p. 4-16]

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

HATC POLICY

HATC will use the following preference system:

1. Homeless Preference:

Community agencies submitting referrals for this preference must meet the following criteria:

- a) Meet the HUD definition of Homeless;
- b) Are referred to HATC by a coalition of homeless providers with whom HATC has executed a Memorandum of Understanding (MOU) outlining the providers roles and responsibilities with respect to the provision of housing search assistance and supportive services for the referred household;
- c) Have received a written commitment from the referring homeless service provider for housing search and location assistance;
- d) Have received documentation from the referring homeless service provider regarding homeless status eligibility prior to providing housing assistance;
- e) Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and
- f) Have received written commitment from the homeless service provider to offer supportive services to help the household maintain housing and comply with HCV regulations.

While a referral from the coalition of homeless service providers is required for this preference, use of the offered supportive services is not a requirement. The choice of the applicant to refuse the offered services will not jeopardize any housing assistance for which they are eligible.

HATC will execute an MOU as necessary to ensure that homeless applicants have the opportunity to apply for housing assistance under this preference.

Individuals and families transitioning from Permanent Supportive Housing (PSH) through the Continuum of Care awarded grant, will also be included as a priority group as part of this preference. These are the persons that were previously homeless prior to entry into a PSH program but who no longer require that level of supportive services. This would require a referral from the current case manager or PSH provider as well as documentation that the family was homeless prior to entering the PSH unit. This documentation must be provided as part of the referral.

Applicants interested in project based units may apply directly to the project(s). Families who applied directly will be referred by the project to HATC and be placed on the HATC PBV site-specific waiting lists if the waiting list is open.

Applicants who qualify for this preference and report ZERO income at initial admission will not be required to pay minimum rent until income is obtained. Once income is obtained, minimum rent will apply accordingly. VASH is included in this category. See chapter 7.III for additional zero income guidance.

2. Non Elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or those at risk of experiencing homelessness.

HATC may limit the number of vouchers issued for each preference group as needed.

Proof of preference(s) will be required at the time of selection from waiting list in order to be provided assistance.

Office of the Assistant Secretary, HUD

§ 982.207

(2) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

(i) Refuse to list the applicant on the PHA waiting list for tenant-based assistance;

(ii) Deny any admission preference for which the applicant is currently qualified;

(iii) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

(iv) Remove the applicant from the waiting list.

[59 FR 36682, July 18, 1994, as amended at 61 FR 27163, May 30, 1996; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.206 Waiting list: Opening and closing; public notice.

(a) *Public notice.* (1) When the PHA opens a waiting list, the PHA must give public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.

(2) The PHA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice must comply with HUD fair housing requirements.

(3) The public notice must state any limitations on who may apply for available slots in the program.

(b) *Criteria defining what families may apply.* (1) The PHA may adopt criteria defining what families may apply for assistance under a public notice.

(2) If the waiting list is open, the PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance because of action or inaction by members of the family) for the grounds stated in §§ 982.552 and 982.553.

(c) *Closing waiting list.* If the PHA determines that the existing waiting list contains an adequate pool for use of available program funding, the PHA may stop accepting new applications,

or may accept only applications meeting criteria adopted by the PHA.

(Approved by the Office of Management and Budget under control number 2577-0169)

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999]

§ 982.207 Waiting list: Local preferences in admission to program.

(a) *Establishment of PHA local preferences.* (1) The PHA may establish a system of local preferences for selection of families admitted to the program. PHA selection preferences must be described in the PHA administrative plan.

(2) The PHA system of local preferences must be based on local housing needs and priorities, as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. The PHA shall consider public comment on the proposed public housing agency plan (as received pursuant to § 903.17 of this chapter) and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(3) The PHA may limit the number of applicants that may qualify for any local preference.

(4) The PHA shall not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in a public housing project. The PHA may establish a preference for families residing in public housing who are victims of a crime of violence (as defined in 18 U.S.C. 16).

(b) *Particular local preferences—*(1) *Residency requirements or preferences.* (i) Residency requirements are prohibited. Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at § 5.105(a) of this title.

(ii) A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area"). A county or municipality may be used as a residency preference area. An area smaller than a county or municipality

may not be used as a residency preference area.

(iii) Any PHA residency preferences must be included in the statement of PHA policies that govern eligibility, selection and admission to the program, which is included in the PHA annual plan (or supporting documents) pursuant to part 903 of this title. Such policies must specify that use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

(iv) A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

(v) Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The PHA may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.

(2) *Preference for working families.* The PHA may adopt a preference for admission of working families (families where the head, spouse or sole member is employed). However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

(3) *Preference for person with disabilities.* The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for admission of persons with a specific disability.

(4) *Preference for victims of domestic violence.* The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence.

(5) *Preference for single persons who are elderly, displaced, homeless, or persons with disabilities.* The PHA may adopt a preference for admission of single persons who are age 62 or older, dis-

placed, homeless, or persons with disabilities over other single persons.

(c) *Selection among families with preference.* The PHA system of preferences may use either of the following to select among applicants on the waiting list with the same preference status:

(1) Date and time of application; or

(2) A drawing or other random choice technique.

(d) *Preference for higher-income families.* The PHA must not select families for admission to the program in an order different from the order on the waiting list for the purpose of selecting higher income families for admission to the program.

(e) *Verification of selection method.* The method for selecting applicants from a preference category must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

[64 FR 26643, May 14, 1999, as amended at 64 FR 56912, Oct. 21, 1999; 65 FR 16821, Mar. 30, 2000]

Subpart F [Reserved]

Subpart G—Leasing a Unit

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.301 Information when family is selected.

(a) *PHA briefing of family.* (1) When the PHA selects a family to participate in a tenant-based program, the PHA must give the family an oral briefing. The briefing must include information on the following subjects:

(i) A description of how the program works;

(ii) Family and owner responsibilities; and

(iii) Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction.

(2) For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The PHA may