

**ACTIVITY 2022-13: Allow Owner Referrals Under Project-Based Voucher Program**

The Housing Authority of the City of Alameda (AHA) is seeking to waive (42 USC § 1437f(o)(13)(J)) and 983.251(c)(1) to allow owners to refer eligible families for Project-Based Voucher units to the AHA for PBV eligibility determination from an owner-managed wait list.

Because 8(o)(13)(J) will eventually be changed to allow site-based waiting lists once HUD issues a notice or regulations implementing the relevant provision of HOTMA Section 106(a)(7). The waiver of 8(o)(13)(J) will expire upon HUD issuing a notice or regulations implementing Section 106(a)(7) of HOTMA, authorizing the use of owner-maintained, site-based waiting lists for PBV units.

Owners would be required to provide documentation and a narrative of 1) how any wait list was built, or families were selected for referral and 2) show that the method met all applicable federal laws including non-discrimination and fair housing requirements. Owner referral would be optional for owners, methods for referral must be pre-approved by the AHA before any referrals can be made, and the AHA could deny referrals from owners if the AHA determined that the outreach or wait list management was insufficient or had a disparate impact on applicants. AHA will: 1) adopt the owner waiting list policy into the Admin Plan, 2) may refer families to the owner for placement on owner's list, 3) have clear process mandated for owner to (a) always allow families to be on the list or (b) make preliminary eligibility determinations that includes an appeal process with the PHA when the owner refuses to place a family on the waiting list, and 4) have a requirement for the owner to provide public notice of opening/closing the waiting list. If the owner used the Coordinated Entry System (CES) to provide names, the same documentation of compliance with non-discrimination and fair housing requirements must be submitted.

This MTW activity serves the following statutory objectives:

- ☒ Cost effectiveness
- ☐ Self-sufficiency
- ☐ Housing Choice

This initiative achieves one or more of the 3 MTW above statutory objectives by: Opening and managing a wait list is a very costly endeavor to make sure that an inclusive method is used to outreach to families. Owners then have additional screening requirements above PBV requirements, so many PBV-eligible applicants are rejected by owners due to other criteria. This would allow owners to market their units with the additional requirements and result in faster leasing of PBV units.

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- ☐ to all assisted households
- ☒ only to a subset or subsets of assisted households

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A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- ☒ New admissions (i.e., applicants) only
- ☐ Currently assisted households only
- ☐ New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- ☒ all family types
- ☐ only to selected family types

An MTW activity can apply to a tenant-based and or project-based voucher.

- ☐ The MTW activity applies to all tenant-based units.
- ☒ The MTW activity applies to all properties with project-based vouchers.
- ☐ The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity has the following cost implications:

- ☐ Neutral
- ☐ Increased revenue
- ☐ Decreased revenue
- ☐ Increased expenditures
- ☒ Decreased expenditures

The implementation timeline for the initiative is: Full implementation would be delayed because the AHA would first expire applicants on its wait lists before allowing owners to refer. Also, the AHA will need to gather and review the documentation from the owner.

This MTW activity does require an impact analysis.

**IMPACT ANALYSIS – 2022-13 Allow Owner Referrals Under PBV Program**

**FACTOR 1:** Impact on the agency's finances (e.g., how much will the activity cost, any change in the agency's per family contribution)

This activity will reduce the administration of waitlists for the Housing Authority of the City of Alameda (AHA). Waitlist openings can cost tens of thousands of dollars. The need to open waitlists frequently due to difficulty in obtaining qualified applicants for some units increases the costs to the AHA for administering waitlists. Frequently, low-income housing providers have waitlists for the units along with the AHA's Project-Based Voucher (PBV) waitlists, which can create confusion on the side of the family.

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There may also be a slight decrease in vacancy payments as units should be filled timelier as owners know of upcoming or current vacancies before the AHA.

FACTOR 2: Impact on affordability of housing costs for affected families (e.g., any change in how much affected families will pay towards their housing costs)

This activity will not affect housing costs for families.

FACTOR 3: Impact on the agency's waitlist(s) (e.g., any change in the amount of time families are on the waitlist)

This would not have an impact on the families currently on the AHA's waitlist. This activity would be phased in over time as the waitlists operated by the AHA were extinguished. Some owners may be able to refer one bedroom size earlier than others. For example, during the last waitlist opening, only 42 families applied that were eligible for 5-bedroom units, so once these 42 families have been housed, removed for non-response, or determined ineligible, the owner would be eligible to refer for the 5-bedroom units.

FACTOR 4: Impact on the agency's termination rate of families (e.g., any change in the rate at which families non-voluntarily lose assistance from the agency)

This would not affect the termination rate.

FACTOR 5: Impact on the agency's current occupancy level in public housing and utilization rate in the HCV program

This may decrease the vacancy rate of PBV units as owners could pre-screen families before referring to the AHA, but this may not have any affect on the utilization rate because vacancy payments would also decrease in this case.

FACTOR 6: Impact on meeting the MTW statutory goals of cost effectiveness, self-sufficiency, and/or housing choice

This would meet the statutory goal of cost effectiveness as maintaining waitlists is costly.

FACTOR 7: Impact on the agency's ability to meet the MTW statutory requirements

a) Very Low-Income Requirement

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The AHA will need to monitor this, but the owners will be informed of the need to refer families that meet this requirement. The AHA will still be able to meet this requirement.

b) Reasonable Rent Policy

This does not affect the family's calculation of total tenant payment.

c) Substantially the Same Requirement

The activity will not increase payments, so the AHA should be able to meet this requirement.

d) Comparable Mix Requirement

This activity would result in PBV units being filled at the AHA's subsidy standards, so the AHA would be able to meet this requirement.

e) Housing Quality Standards (HQS)

The units would continue to have to meet the HQS standards, so this statutory requirement would be met.

**FACTOR 8:** Impact on the rate of hardship requests and the number granted and denied as a result of this activity

This activity would not result in hardship requests as it does not affect the HAP or total tenant payment.

**FACTOR 9:** Across the other factors above, the impact on protected classes (and any associated disparate impact)

Since the AHA will process all applicants currently on its waitlists (which are all currently closed), there will not be a disparate impact to the current applicants.

Owners will be required to perform outreach to find applicants for the units along with their process to handle walk-ins. The owners will be required to certify that outreach was done in a non-discriminatory manner along with being required to submit documentation showing how the referrals were found and that the families were referred in a way that is consistent

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with all applicable federal laws (non-discrimination and fair housing for example).
The AHA will review the documentation to ensure that there is not a disparate impact on protected classes.
This MTW activity does not require a hardship policy.
See Section H for a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered.