

Housing Authority of the County of San Bernardino



Moving to Work FY 2010 Annual Plan Amendment #2

Building Communities, Changing Lives

Approved by Board of Commissioners: January 20, 2010
Submitted: February 1, 2010

Housing Authority of the County of San Bernardino
715 East Brier Drive | San Bernardino, CA 92408 | (909) 890-0644

Board of Commissioners

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Should you have any questions or need additional information, please contact:

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I. INTRODUCTION

Background - In March 2008, the United States Department of Housing and Urban Development (HUD) signed a 10 year Moving to Work (MTW) Demonstration Agreement with the Housing Authority of the County of San Bernardino (HACSB). Subsequently, an Initial MTW Plan and a comprehensive Revised Initial Plan were submitted and approved by HUD for the period covering October 1, 2008 through September 30, 2009. Our Fiscal Year (FY) 2010 MTW Annual Plan was approved by HUD on September 30, 2009. Shortly thereafter, we submitted and HUD approved an Amendment to the FY 2010 MTW Annual Plan to incorporate the proposed HOPE VI Revitalization Plan for the Lugonia Avenue public housing site in Redlands, California.

Throughout our participation as an MTW demonstration site, we have been working diligently to plan and implement innovative MTW initiatives to solve local problems and increase affordable housing options for residents of the County of San Bernardino. We are amending our FY 2010 MTW Annual Plan again to further these initiatives. Through this amendment we will adopt an additional Moving to Work activity to be implemented this fiscal year that reflects new authorizations granted to the Housing Authority through the second amendment to its Moving to Work Agreement. There are no other changes to the MTW Annual Plan.

II. GENERAL OPERATING INFORMATION

There are no proposed changes to the General Operating Information in this amendment.

III. LONG-TERM MTW PLAN

There are no proposed changes to the Long-Term MTW Plan in this amendment.

IV. PROPOSED MTW ACTIVITIES

HUD recently approved HACSB's Use of Funds proposal and allowed the Housing Authority to amend its MTW Agreement to incorporate language that allows for the expenditure of MTW Funds on activities outside of Sections 8 and 9 of the U.S. Housing Act of 1937. The proposed MTW Activity, Operating Subsidy for Vista del Sol, uses this flexibility to provide increased affordable housing options to low-income seniors at a newly developed senior community in the Redlands.

Activity 16: Operating Subsidy for Vista del Sol

A. Description – Vista del Sol is a new 71 unit affordable senior housing community developed by HACSB's affiliated non-profit, Housing Partners I Inc., that will be ready for occupancy by February 2010. Through a combination of funding received from the County of San Bernardino, the City of Redlands, Neighborhood Initiative Program funds, the Department of Housing and Urban Development (HUD) HOME funds, and a loan from HACSB, approximately 75% of the development will be affordable to seniors at no more than 80% of the Area Median Income (AMI). The development will feature 58 one-bedroom units and 13 two-bedroom units as well as a 2,886 square foot community building.

Vista del Sol began accepting applications for these units in October and the average annual income of applicants is \$14,057 which is well under 80% AMI income limits. The average amount of rent a senior on the application list can afford is \$351 per month which is far below the HOME rents for the units. For example, the rent for one-bedroom units (which are restricted to at or below 80% of AMI) is \$792 and for two-bedroom units (which are restricted to at or below 50% of AMI) is \$748. As a result, the rents in Vista del Sol are between \$397 and \$441 higher than what is affordable to the low-income seniors on its waiting list. Although Housing Partners I, Inc., intends to restrict the majority of units in the project so that it is affordable to households below 80% of AMI, the reality is that rents in Vista del Sol are not within reach of low-income seniors without an additional subsidy.

To meet this affordability gap the HACSB intends to project-base some of its existing Housing Choice Vouchers in 42 one-bedroom units and 11 two-bedroom units. However, due to a funding shortfall in the HCV program, Project-Based Vouchers will not be available until mid-2010 for this property.

Until such time as Project-Based Vouchers are available, HACSB will exercise its Use of Funds flexibility under this activity to provide a temporary operating subsidy of approximately \$134,000 from its MTW Fund, to its affiliate non-profit, Housing Partners I, Inc. to meet this affordability gap at the newly constructed Vista del Sol development in Redlands. This operating subsidy will assist approximately 53 seniors in affording units within this community. As soon as the HACSB Housing Choice Voucher Program is able to afford the lease up of Project-Based Vouchers in this community the operating subsidy will cease and the 53 units will convert to Project Based Vouchers.

The picture below, taken in October of 2009, shows the Vista del Sol construction site. Construction is on-schedule to be completed by February 2010.



B. Statutory Objective – This activity addresses the MTW statutory objective to increase housing options for low-income families.

C. Anticipated Impacts – This activity will ensure that approximately 53 additional seniors will have quality, affordable housing. Without this MTW Activity these apartments likely will remain vacant until such time as Project-based Vouchers are available.

D. Baselines, proposed benchmarks, and metrics to assess outcomes –The first baseline for this activity will be the total projected operating budget shortfall that would have hindered Vista del Sol if Use of Funds flexibility were not implemented to allow HACSB to provide a short-term operating subsidy. The second baseline is the average income of Vista del Sol tenants to ensure that only income-eligible seniors are being served by the operating subsidy. As this project is only intended to last for approximately six months the benchmarks will be evaluated on a monthly basis.

Baseline	Metric	Benchmark	Outcome
Total projected operating budget shortfall	Dollar amount of shortfall	Zero operating budget shortfall on a monthly basis	Units occupied by low-income seniors
Average income each Vista del Sol tenants	Average income of each tenant	Zero seniors are served by operating subsidy who have incomes over 80% of AMI	Units occupied by low-income seniors

E. Data Collection and Protocols – A baseline report will be developed to identify the operating budget shortfall that would have existed without the Project-based Vouchers immediately prior to the development’s completion. HACSB will monitor monthly operating statements to ensure that the MTW Funds are being used for income-eligible families only and that the project remains financially viable with no operating budget shortfall.

F. Authorization Cited – HACSB is authorized to undertake this initiative through Attachment D of the Moving to Work Agreement.

V. ONGOING MTW ACTIVITIES

There are no proposed changes to the Ongoing MTW Activities in this amendment. A listing of HACSB’s MTW Activities is provided below:

	Activity	Plan Year Adopted	Goal
1	Single Fund Budget with Full Flexibility	FY 2009	Expanding Housing Opportunities
2	Strategic Investment Policies	FY 2009	Expanding Housing Opportunities
3	Alternate Assessment Programs	FY 2009	Operational Efficiency
4	Bi-Annual Recertifications	FY 2009	Operational Efficiency
5	Local Verification Policies	FY 2009	Operational Efficiency
6	Elimination of Assets	FY 2009	Operational Efficiency
7	Controlled Program Moves	FY 2009	Operational Efficiency
8	Local Policies for Portability	FY 2009	Self-Sufficiency
9	Elimination of Earned Income Disallowance	FY 2009	Self-Sufficiency
10	Minimum Rent	FY 2009	Self-Sufficiency
11	Local Project-Based Voucher Program	FY 2009	Expanding Housing Opportunities
12	Local Payment Standards	FY 2009	Expanding Housing Opportunities
13	Local Inspection Standards	FY 2010	Operational Efficiency
14	Local Asset Management Program	FY 2010	Operational Efficiency
15	Pilot Work Requirement	FY 2010	Self-Sufficiency
16	Operating Subsidy for Vista del Sol	FY 2010	Expanding Housing Opportunities

VI. SOURCES AND USES OF FUNDS

There are no proposed changes to the Sources and Uses of Funds.

VII. ADMINISTRATIVE

A. Resolution of the Board of Commissioners – Attached in the appendice is the resolution of the Board of Commissioners adopting this Amendment to the FY 2009-2010 Annual MTW Plan along with the Certificate of Compliance prescribed by HUD in Exhibit B of the MTW Agreement.

B. Planned Ongoing Agency Evaluations of the Demonstration – As of the submission of this plan, HACSB does not have any planned or ongoing Agency-directed evaluations of the MTW Demonstration.

APPENDIX A: BOARD RESOLUTION ADOPTING 2010 PLAN AMENDMENT #2

Attached on the following page.

RESOLUTION NO. 2262

WHEREAS, the Housing Authority of the County of San Bernardino entered into a Moving to Work (MTW) Agreement with the U.S. Department of Housing and Urban Development (HUD) on March 14, 2008, and

WHEREAS, on September 30, 2009, HUD approved the Housing Authority of the County of San Bernardino's FY 2009-2010 Annual MTW Plan; and

WHEREAS, the Housing Authority of the County of San Bernardino now desires to amend the FY 2009-2010 Annual MTW Plan to incorporate the recent authorization to use MTW funds to implement activities that fall outside of Sections 8 and 9 of the U.S. Housing Act of 1937;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the County of San Bernardino does hereby adopt this Amendment to the FY 2009-2010 Annual Moving-to-Work Plan.

Adopted: January 20, 2010

C E R T I F I C A T E

I, Susan L. Benner, Executive Director of the Housing Authority of the County of San Bernardino hereby certify that the attached Resolution No. 2262 was adopted by the Board of Commissioners by vote of the members present as the same appears in the Official Minutes of said Authority at the regular meeting of January 20, 2010.

January 25, 2010
Date

Susan L. Benner
Susan L. Benner
Secretary

SEAL

**Annual Moving to Work Plan
Certifications of Compliance**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

**Certifications of Compliance with Regulations:
Board Resolution to Accompany the Annual Moving to Work Plan**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the Annual Moving to Work Plan for the PHA fiscal year beginning FY 09-10 , hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

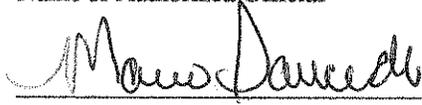
1. The PHA published a notice that a hearing would be held, that the Plan and all information relevant to the public hearing was available for public inspection for at least 30 days, that there were no less than 15 days between the public hearing and the approval of the Plan by the Board of Commissioners, and that the PHA and conducted a public hearing to discuss the Plan and invited public comment.
2. The Agency took into consideration public and resident comment before approval of the Plan by the Board of Commissioners or Board of Directors in order to incorporate any public comments into the Annual MTW Plan;
3. The PHA will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
4. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
5. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
6. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
7. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part
8. The PHA will comply with requirements with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
9. The PHA will comply with requirements with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.
10. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
11. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
12. The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58.
13. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
14. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
15. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
16. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.).
17. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the Moving to Work Agreement and Statement of Authorizations and included in its Plan.
18. All attachments to the Plan have been and will continue to be available at all times and all locations that the Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its Plan and will continue to be made available at least at the primary business office of the PHA.

Housing Authority of the
County of San Bernardino
PHA Name

CA019
PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Mario Saucedo
Name of Authorized Official



Signature

Chairman
Title

1-29-10

Date

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Housing Authority of the County of San Bernardino

Program/Activity Receiving Federal Grant Funding

Moving to Work

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Maria Razo

Title

Deputy Executive Director, Office of Business Administration

Signature

X 

Date

2.1.2010

APPENDIX B: PUBLIC PROCESS

The following steps were taken by HACSB to ensure a thorough public process in the development and adoption of the FY 2009-2010 MTW Annual plan – Amendment #2:

- Friday, December 25: Public notice published in the San Bernardino County Sun announcing the public hearing on Thursday, January 14th: text and Affidavit of Publication included as part of Appendix B
- Plan posted on HACSB's website and made available at all HACSB offices.
- Thursday, January 14: Public hearing held; minutes included as part of Appendix B
- Wednesday, January 20: Approval by Board of Commissioners- Resolution included in Appendix A

**HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO
MOVING-TO-WORK ANNUAL PLAN PUBLIC HEARING
HELD ON JANUARY 14, 2010**

The Housing Authority of the County of San Bernardino (Housing Authority), California held a public hearing for the Fiscal Year (FY) 2009-2010 Moving to Work (MTW) Annual Plan-Amendment #2 and MTW Agreement Amendment at the Housing Authority's Administration Office at 715 East Brier Drive, San Bernardino, CA 92408 on January 14, 2010.

Present: Maria Razo, Deputy Executive Director, Office of Business Administration

I. Purpose of the Public Hearing

The purpose of the hearing was to provide interested parties with an opportunity to present questions and/or comments regarding Amendments to the Housing Authority of the County of San Bernardino's Fiscal Year 2009-2010 Moving to Work Annual Plan and Agreement before they are submitted to the U.S. Department of Housing and Urban Development (HUD) for final approval.

II. Opening Remarks

The purpose of the MTW demonstration is to give participating public housing authorities (Agencies) the flexibility to design and test innovative approaches to providing and administering housing assistance that accomplish three primary objectives: To achieve programmatic efficiency and reduce costs; to promote self-sufficiency among assisted families; and to increase housing choices for low-income households.

Each Housing Authority participating in this demonstration, such as the Housing Authority of the County of San Bernardino, is required to submit an Annual Plan that describes its goals and objectives for the upcoming year. Our plan was made available for public viewing on Tuesday, December 22, 2009. The plan was advertised in the San Bernardino Sun (county newspaper), on the Housing Authority's website, and were copies were available at all Housing Authority offices.

III. Call for Public Comments

The public hearing convened at 10:00 a.m. with Maria Razo, Deputy Executive Director, Office of Business Administration, presiding. Ms. Razo explained that the purpose of this hearing was to provide interested parties with an opportunity to present questions and/or comments regarding the FY 2009-2010 Moving to Work (MTW) Annual Plan-Amendment #2 and MTW Agreement Amendment before they are submitted to the U.S. Department of Housing and Urban Development (HUD) for final approval.

MTW Annual Plan Public Hearing (January 14, 2010)

IV. Comments

There were neither members of the public nor representatives of any other agencies in attendance, and the hearing was adjourned at 10:15 a.m.

SAN BERNARDINO COUNTY SUN

This space for filing stamp only

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MARIA RAZO
HOUSING AUTHORITY/SAN BERNARDIN
715 E BRIER DR
SAN BERNARDINO, CA - 92408-2841

SBS #: 1763652

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SAN BERNARDINO) ss

Notice Type: HRGSB - NOTICE OF HEARING-SB

Ad Description: MTW PLAN FY 2009/2010 AMEND #2

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN BERNARDINO COUNTY SUN, a newspaper published in the English language in the city of SAN BERNARDINO, county of SAN BERNARDINO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN BERNARDINO, State of California, under date 06/20/1952, Case No. 73084. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/25/2009

Executed on: 01/27/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

NOTICE OF PUBLIC HEARING
On March 14, 2008, the U.S. Department of Housing and Urban Development (HUD) executed a ten-year Moving to Work (MTW) Agreement with the Housing Authority of the County of San Bernardino (HACSB) and on September 25, 2008, HUD approved HACSB's first Annual MTW Plan. As an MTW agency, HACSB is provided with more flexibility and authorization to develop policies that are outside the limitations of certain HUD regulations in order to more successfully achieve its mission and program goals, and to enhance its ability to serve the needs of low-income people and communities in San Bernardino County.

In continuing to develop its MTW program and address community and client needs, HACSB has prepared an amendment to its MTW Agreement along with Amendment #2 to its Fiscal Year (FY) 2009-2010 Annual MTW Plan. The MTW Agreement Amendment along with the FY 2009-2010 Annual MTW Plan- Amendment #2 will be available to the public for review at the following location from Tuesday, December 22, 2009 through Thursday, January 14, 2010:

Housing Authority of the
County of San Bernardino
715 E. Brier Drive
San Bernardino, CA 92408

The MTW Agreement Amendment and Fiscal Year 2009-2010 Annual MTW Plan- Amendment #2 will also be available on HACSB's website at www.hacsb.com and any HACSB satellite office.

Notice is hereby given that the Housing Authority of the County of San Bernardino will conduct a public hearing on Thursday, January 14, 2010 at 10:00 a.m. at 715 E. Brier Drive, San Bernardino, CA 92408. If a citizen wishes to challenge the nature of the above action(s) in court he/she may be limited to raising only those issues he/she or someone else raised at the public hearing described in this notice, or in written correspondence delivered Monday through Friday to the Secretary's Office located at 715 E. Brier Drive, San Bernardino, CA 92408 prior to the hearing.

In accordance with the Rehabilitation Act of 1973, the Housing Authority will make reasonable efforts to accommodate persons with disabilities. Please call (909) 890-0644 at least three days in advance if you require special accommodations. Para recibir una copia de esta noticia en español, por favor llame a (909) 890-0644.
12/25/09

