

To: Mayor Bill Bogaard and Members of the Pasadena City Council  
From: Michelle White  
Executive Director, Affordable Housing Services  
Re: Comments on the Pasadena 2011-2012 Public Housing Authority Plan  
Date: 3/31/11

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Mayor and Members of Council-

Attached is a chart setting forth specific provisions on which Affordable Housing Services (AHS) is commenting. To put our comments into context, you should be aware that, as a provider/developer of housing affordable to low and no income households, we are active in the Section 8 and Shelter + Care programs and recipients of Mc Kinney (homeless program) operations and supportive services subsidies and loan proceeds to reimburse our agency for costs associated with the rehabilitation of our 8-unit project on Parke Street, where Section 8 and other very low income families reside.

Most significant to our tenants and low income homeseekers among the attached comments are those related to fair housing provisions, the need for the Housing Authority to certify that it is affirmatively furthering fair housing choices for the low income program participants and homeseekers and the need to reorder the City's preferences so homeless Pasadena families with children become a second local priority.

Of particular concern to our agency is the need to address the City's slow reimbursement of costs under grant and loan programs. Last year, the Finance Department did not honor our reimbursement request to cover the operations and supportive services costs associated with housing our homeless households for 10 months. This year, we have absorbed six months of costs under this program without any reimbursement. On the loan side, AHS and our contractor were promised a week turn around on invoices/reimbursement requests. AHS has been waiting 4+ weeks for payment on the latest round of invoices submitted. Work on the renovation of the Parke Street project has been held in abeyance five different times because of slow loan disbursements to cover AHS' or the general contractor's costs.

Of lesser, albeit significant, concern is the new phone system. It impedes, rather than facilitates, discussions between the Department and owners.

Notwithstanding the issues raised above, AHS believes that the PHA performs an invaluable service under increasingly difficult circumstances. While we look forward to the Department restoring Friday operations, generally speaking the PHA is responsive and works to complete inspections and other paperwork in a timely manner.

**04/04/2011**  
**Item 5**

**Chart of Comments on Pasadena's 2011  
Public Housing Authority Plan**

**Page and Reference**

1. Throughout the document

**Comment or Concern**

There are a number of specialized terms used that are subject to interpretation.

**Issue**

Terms of art are used, e.g. "HUD disposition of a project."

**Recommendation**

A glossary would be of assistance.

2. PHA Plan Elements, p.6, subsection 6

There does not appear to be an accommodation available for persons who have disabilities, as would be required by law.

Threats and violent behavior toward PCDC personnel or their property

Fair housing provisions require landlords to use lesser restrictive alternatives to eliminate threats or violence before evicting. This requirement should also be applicable to PCDC.

3. PHA Plan Elements, p.8-9, subsection 9

According to the latest publicly released documentation, there are 1,216 individuals who are homeless, of which 17% are families with children and 138 are children.

Homeless families or those living in substandard units are entitled to the lowest local preference

Pasadena's children should not be on the streets. Pasadena families who are homeless should have a higher preference than applicants who have a full time job, i.e. preference #2.

4. PHA Plan Elements, p.11-12, subsection (3)

Payment standards - from 90% to 110% of HUD-established fair market rents

The City is in the process of conducting its analysis of impediments to fair housing choices(AI). Payment standard levels may impact the ability of Section 8 tenants to move out of communities of

The City's AI should analyze the Section 8 payment standards impacts on racially integrating the White sections of Pasadena, as well as on whether units in communities of color are undervalued.

color. Owners of units in communities of color may routinely be receiving less rent for units comparable to those in White areas.

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| 5. PHA Plan Elements, p.12, subsection 1      | Rent burdens  | Rent burdens of 40% are now permissible. The burden has increased from 25% to 30% and now 40%. During this period Pasadena rents have escalated, while the household incomes of low income families have not escalated at the same rate. | The permissible rent burden should be limited to 30% - 35%                      |
| 65. PHA Plan Elements, p.12, subsection 6     | Lowering of the payment standard below 90% of the fair market rent. | PCDC may lower its payment standards to below 90% of fair market rent. if it submits a waiver application to HUD.  | Before PCDC submits such a waiver application, it should hold a public hearing. |
| 7. PHA Plan Elements, p.13-15, subsection (5) | Review Procedures   | Applicants challenging discretionary actions by PCDC staff, policy issues or class grievances, occupancy standards and PCDC determinations that non-compliance with housing quality standards. The Plan strips                           | A administrative hearing should be allowed.                                     |

homeseekers and advocates of the ability to settle these major issues without resorting to litigation. Litigation is expensive for both the homeseekers and the Housing Authority.

Homeseekers should be permitted to present "good cause" evidence for missing appointments and deadlines. Such a provision is especially important for persons with disabilities.

PCDC has complete discretion regarding the scheduling, cancellation of hearings, as well as the impacts of missing appointments and deadlines. Good cause is not a consideration under the plan.

The Plan should be amended to encourage administrative hearings, for the reasons set forth above.

PCDC would not be bound by hearing officer's opinion that relates to discretionary actions by PCDC staff, policy issues or class grievances, occupancy standards or PCDC determinations that relate to non-compliance with housing quality standards.

8. PHA Plan Elements, p.16-17

Hearing Procedures

9. PHA Plan Elements, p.17

PCDC not bound by hearing officer's determinations

10. PHA Plan Elements, p. 21
- As a recipient of federal housing funding, the Pasadena PHA is required to submit a certificate that it is affirmatively further fair housing choices (AFFH.) There is no AFFH certificate included.
- An AFFH certificate should be added.
11. Chapter 1, page 5
- Reasonable Accommodations (RA)
- RAs will be denied if they create an undue administrative or financial burden. There is no description of what constitutes "an undue administrative or financial burden."
- The City's criteria for such denials should be set forth.
12. Chapter 1, page 6
- Time allowed PCDC to resolve a reasonable accommodation request.
- Allows the agency "60 days or longer" to resolve RA requests. This is a long time to resolve such situations.
- Should modify to 30 days, no longer than 60 days.
- The PHA office is only open 4 days a week and is located on the second floor of a building whose elevator occasionally breaks down. The door
- PHA should improve the accessibility of its office by setting up a first floor office, as needed; installing a plate to allow access thru the office door and installing a land line downstairs.

to the office does not have an entry plate that will allow wheel chair users to open the door. Homeseekers needing access into the PHA office from the outside when the elevator is out of order or on every other Friday must telephone the security guard. There is no land line available. Homeseekers must have cell phones to gain access.

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| 13. Chapter 1, page 7            | Translations of documents     | The criteria for translating is set forth.  | An attachment listing what documents have been/will be translated will be helpful.   |
| 14. Chapter 1, page 8, section H | Owner Outreach - Phone system | The Housing Department's/PHA's new phone system impedes rather than facilitates communication. The return caller and number of the Housing Department caller is masked. The call-in messaging system is a black | The present voice mail system should be scrapped in favor returning to the old system. In the alternative, the Department caller names and numbers should be unmasked, so that Owners can respond to and initiate calls with appropriate staff. Owners |

hole that is designed to deal with applicants and recipients, not owners. directory of staff numbers.

15. Chapter 1, page 8, section H Owner Outreach - Payments

The promptness of City payments are very uneven. Rent subsidies, once initiated, are timely.

However, Mc Kinney operations and supportive serves subsidies have lagged appreciably behind the submission of documentation, without communication as to why. Last year, it was 10 months before Affordable Housing Services' (AHS) Mc Kinney payments commenced. This program year commenced September 1, 2010; AHS has not received any payments on its September through February requests.

Mc Kinney operating and supportive services reimbursements should be made within 2 weeks of submitting documentation.

CDC loan proceeds that are dispensed on a reimbursement basis. Prior to the recent staff lay offs in Finance, AHS was told to expect disbursements/ should also be given a

Loan proceeds should be disbursed within 2 weeks of submitting documentation.



reimbursements within one week of AHS providing documentation. Prior to Finance Department layoffs, the turn around was 2 weeks or more. It has now been 4 weeks+ since AHS submitted documentation, without payment. Work on the project has stopped pending an infusion of funds.

The City's slow rate of pay will make it difficult to recruit and retain owners.

16. Chapter 2, page 6, section E

Immigration status

This is an example of references to information relied upon but set forth in the Plan, e.g., the "six immigrant categories as specified by HUD." Failure to include such information makes the Plan less user friendly.

Information such as the HUD categories should be set forth in the Plan.

17. Chapter 6, page 12

Medical expense allowance

Medical expense allowances are limited to families in the head of the household is at least 62 or has disabilities. Other families are in need

Allow allowances for all families paying out of pocket for medical expenses.

of such allowances, especially with State proposed cutbacks in insurance coverage and fewer families covered by private insurances.

The PHA should advocate for a change in HUD to allow for more flexibility.

There is no provision for family absences due to rehabilitation of units. According to the PHA's interpretation of HUD regulations, families whose units are being rehabilitated may be absent no more than 2 weeks. The result is that a household who has lived in un-rehabilitated unit is not guaranteed the ability to return once the unit is rehab'd. Because of this provision, AHS had to evict a Section 8 family and restart the Section 8 approval process once the unit was rehabb'd.

The PHA should modify the Plan to reflect more recent fair housing case law.

### Absence of Entire Family

18. Chapter 6, page 17-19.

If a homeseeker has an obvious disability, some of these provisions are either unneeded or inappropriate under fair housing

### Verification of disability

19. Chapter 7, page 21

20.	Chapter 15, page 10, item 13.	Additions to family composition	provisions.	Owner disapprovals should be for good cause.
21.	Chapter 15, page 11	Interest in unit, last sentence	Reasonable accommodations may be requested anytime the arises.	This sentence should dropped.
22.	Chapter 16, page 1 Chapter 16, page 2-3, section B	Disapproval of owner Owner restrictions and penalties	The PHA has an obligation to field fair housing complaints against owners and make determinations. There is no mention of this requirement in the Plan. Similarly, the PHA has an obligation to determine whether units built after 1984 meet accessibility requirements. There is no mention of this requirement.	The Plan should be modified to include these obligations. The Plan should also set forth owner restrictions and penalties for fair housing violations.
23.	Chapter 17, page 2-3	Late payments	The Plan identifies the PHA's recourse when a homeseeker owes a repayment. It does not provide for what should occur when the PHA is late.	The Plan should be amended to include PHA payment accountability.

24. Chapter 19, page 4 Project-based units  
 270 Parke Street is only entitled to 2 (not 3) units.  
 The provision should be corrected.
25. Chapter 19, page 5 Types of housing that will not be assisted.  
 Manufactured homes and shared housing are disallowed recipients of Section 8 subsidies. These are affordable housing options that should be considered.  
 Amend the PHA Plan to allow for rent subsidies in these circumstances.
26. Chapter 20, page 1-2, section A Family Self Sufficiency Program  
 For years the PHA Plan has included this program, but it has never been activated. Once activated, Section 8 recipients would be able to use their subsidies towards the purchase of a home, such as a Desiderio Habitat for Humanity dwelling.  
 Immediately activate the program so that Section 8 tenants may apply for the Desiderio housing, thereby honoring the goal of providing permanent housing for homeless individuals on that site.