



# **A SIMPLE GUIDE TO FINDING AFFORDABLE HOUSING IN ALAMEDA COUNTY**

## **VOLUME I**



**JUDY ELIACHAR**  
EAST BAY GETTING TO ZERO  
HOUSING GROUP CO-FACILITATOR

**2022-2023**  
**EBGTZ.ORG**



# ***A Simple Guide to Finding Affordable Housing in Alameda County, Volume 1***

*Written by Judy Eliachar, October 2022*

## **Table of Contents**

*Click on the topics below to jump to that section.*

### **Part One: The Applicant and the Application**

Section 1	Beginning a Housing Search
Section 2	Applications
Section 3	Documentation
Section 4	Rental History
Section 5	References
Section 6	Addressing a History of Homelessness
Section 7	Application Fees
Section 8	Credit Reports and Credit History
Section 9	Immigration Status
Section 10	Reasonable Accommodations
Section 11	Pets, Support Animals and Service Animals
Section 12	Concerns about Criminal Background

### **Part Two: Permanent Housing Programs**

Section 13	What is “Affordable Housing?”
Section 14	Income and Rent, or “What is AMI?”
Section 15	Qualifying for Affordable Housing
Section 16	The Application Process
Section 17	Housing Voucher Programs
Section 18	HOPWA (Housing Opportunities for People with HIV/AIDS)
Section 19	Permanent Supportive Housing
Section 20	Shelter Plus Care
Section 21	HUD Section 202 and Section 811 Developments
Section 22	Public Housing

Check out [www.EBGTZ.org/housing](http://www.EBGTZ.org/housing) for the latest volumes and versions of this guide available.



# Part One: The Applicant and the Application

## Section 1: Beginning a Housing Search

Before beginning a housing search, a case manager should encourage their client to spend some time exploring their housing needs and preferences in detail. Unfortunately, many clients approach a housing search with the attitude that they will “take anything they can get” and then discover they have locked themselves into a rental agreement and a housing situation they regret. As part of the process of clarifying the client’s needs and preferences, some questions that should be considered are:

- Where would I want to live? For example, is it important for me to live in a building that is relatively new? How do I feel about living in a large complex or a multi-story building? In a downtown urban area? In a suburban area where having a car is essential?
- How much space do I need? What trade-offs would I consider making? Would I want a smaller apartment in a better or more convenient location, or vice versa?
- Are there features I require for convenience or safety? (An elevator building, a ground floor apartment, assigned disabled person parking, wheelchair accessibility, a bathtub instead of shower stall, etc.)
- What things are non-negotiable? Where can I compromise or be flexible?
- How far from my current home am I willing to go to find rental housing that is affordable?
- If I were to move to a specific city or neighborhood, how difficult would it be to stay in touch with friends, members of my extended family, my support system, my children’s school, my place of worship? How easy will it be to shop for food and other necessities?
- How easy will it be to travel to work, school, healthcare and support services? What will my transportation costs be? Is the new home I am considering close to public transportation, and will the public transportation routes and schedules suit my needs and my schedule?
- If I move to another county, how difficult will it be to transfer my benefits or to re-enroll in healthcare coverage? How do I feel about finding a new team of care providers?
- Would a shared-living situation be an acceptable temporary option? Would a Single Room Occupancy (SRO) unit be an acceptable temporary option?

It is also important to have a frank conversation about the housing outcome the client can expect to achieve at present, given their income, budget, credit history and related financial circumstances. An in-depth examination of these topics is essential in order to provide appropriate referrals, as is an honest conversation about any limitations or barriers that might be posed by the client’s past rental history. This exploration will enable the case manager to guide the housing search process effectively and will minimize the likelihood that the client will become unnecessarily overwhelmed, frustrated and discouraged.

**Income and Affordability** - Regardless of program type or funding source, entry into all subsidized and “affordable” housing is based on the applicant’s annual income and household size, and there are complex rules governing which properties (and often which specific units within a property) are available



to the client based on their income. Depending on their income and other circumstances, a client will only qualify for properties aimed at applicants whose incomes fall within a specific range. It is essential to know which type of housing a client will qualify for, and what type of subsidy they will need in order for their housing to be affordable and sustainable.

A client whose income is below the federal poverty line will only qualify for housing that has a Project-Based Voucher subsidy or another type of federal assistance that does not require a minimum income and will permit the client to pay 30% of their adjusted income for rent.

**Special programs and considerations** - The case manager should be familiar with the array of special purpose housing programs the client might qualify for. Many clients who are living with HIV will start a housing search by expressing interest in housing funded by HOPWA (Housing Opportunities for People with HIV/AIDS) but HOPWA housing is scarce and wait lists are usually either closed or very lengthy. If they meet the property's eligibility criteria, the case manager should support the client in applying for non-HOPWA housing that is targeted to various groups, such as seniors over 62, "near seniors" over 55, veterans, persons who are moving from homelessness or are at imminent risk of homelessness, persons who are experiencing severe mental illness, persons living with specific disabilities (e.g., hearing, vision, mobility, developmental disabilities), transitional age youth, or survivors of domestic violence. In addition, many waiting lists are structured to provide preferences to people who live or work in the city where the building is located.

## Section 2: Applications

The case manager should assist the client in preparing a sample rental application in advance. This will save time and ensure that the information being provided is accurate and complete. When *Volume 2* of this guide is available, please see Part Seven, Form 1 for a sample application form. Whether the building is "affordable", subsidized, or market rate, applicants for rental housing will usually be asked for the information listed below:

- Information about the applicant: name, current address, phone number, email address, date of birth, social security number or last 4 number of the SSN, CA driver's license number or DMV ID number, list of states where the applicant has lived since the age of 18
- Information about other adults in the household: same information as above, along with each person's relationship to applicant
- Information about household members who are under 18: name, date of birth, social security number, relationship to head of household, and information about custody arrangements if only one of the child's parents is listed on the application
- Information about dependents who are over 18 and attending school full-time: same information as for family members under 18 years old, along with verification of school attendance on a full-time basis, often in the form of an unofficial transcript
- Information about whether the head of household or any household members are disabled.
- Information about the race and ethnicity of each member of the household (Providing this information is optional).



- Information pertaining to rental history: Most applications will ask for 3 to 5 years of rental history, but some will ask for as many as 10 years or as few as 2 years. For the current residence and for each previous residence, the application will typically ask for:
  - The property address and amount of rent being paid
  - Length of residency at current address
  - Move-in dates for all residences and move-out dates for each previous address. Sometimes the application will ask about the applicant's reason for moving, or for wanting to move
  - Each landlord's name, address, phone number, email address and/or fax number. If there is both an on-site or resident manager and a property management company, provide the information about the management company if available and consider using the on-site manager as a reference if appropriate
- Information about income and assets:
  - Applicants are always asked to provide information about the amount and source of the income they receive. Documentation of each source/amount of income is requested either at the time of application or at a later date, when the applicant moves to the second phase of consideration for the unit.
  - Applicants are also asked to provide information about bank accounts and other sources of asset income.
  - When *Volume 2* of this guide is available, "Part 3: Documentation", will describe the most common requirements for providing income and asset information.

References, emergency contact persons and mailing addresses:

- Make sure that the emergency contact knows that the applicant is naming them on the application
- If the applicant plans to use a mailing address that is different from their residence address, they should use the address of a reliable person who will notify them immediately if they receive a letter related to the client's housing search
- Remind the client to ask permission to use another person's address as their mailing address - many subsidized housing leases or house rules prohibit residents from allowing others to use their address to receive mail

A few suggestions:

- Read the information provided in the flyer, wait list announcement or advertisement
- Ask questions if necessary to make sure the client meets the specific requirements for the property or the unit
- If possible, avoid skipping questions or leaving sections of the application blank
- Answer questions honestly. (Applications for affordable or subsidized housing usually include a statement certifying that the application does not contain false statements and stating that the applicant understands that false statements will be grounds for disapproving the application)

- Avoid gaps in rental history. For periods of homelessness, or for periods of time when the applicant lived with family members or friends, provide as much information as possible, and notify the friend or family member of your intention to list their address, etc. on the application

### **A note to the client about staying organized:**

Keep an up-to-date record of the name, address and phone number/email address of each building where you have applied, along with the date that your application was submitted. (It is also a good idea to note whether you submitted a full application or an application to be placed on a wait list or participate in a lottery). Make or download a copy of the application if possible. The case manager should also keep records related to applications that have been submitted.

When *Volume 2* of this guide is available, please refer to Part Seven, Form 2 for a sample log sheet for recording information about applications that have been submitted.

Since many affordable housing developers/managers now use an on-line application process, it is important to keep a record of the email addresses, user names and passwords that were used by the client to submit online applications. Attempting to reset passwords can be frustrating!

The application log should also be used when the applicant's contact information has changed. It is the applicant's responsibility to contact the manager of each property where they have applied and notify them directly of changes in their address, phone number or email address. Most housing authorities and companies/agencies that manage affordable housing periodically purge their wait lists by sending letters or emails and making phone calls. If there is no response, the applicant is removed from the wait list. Some developers/managers of affordable or subsidized housing send an annual letter asking if the applicant is still interested in staying on the wait list. Having up-to-date contact information on file will prevent the applicant from being dropped off the wait list without their knowledge.

## **Section 3: Documentation**

To conduct the most effective housing search, the following documents should be up-to-date and readily available. Many people choose to assemble these documents in a "housing portfolio". Normally these documents are not submitted with a pre-application or an application to be placed on a wait list or to participate in a lottery, but they will be required at the time of the applicant's interview if they progress to the next step in the application process.

Some of these documents aren't required by private landlords or managers of market-rate housing. However, clients who are applying for market-rate housing and those who have Housing Choice Vouchers or Shelter Plus Care TRA Certificates should have this information readily available, since it may make the difference between obtaining housing or missing an opportunity.

- California ID or Driver's License (unexpired) for all adults in household
- Social Security cards for all household members if a social security number has been issued

- Birth certificates for all minors (Birth certificates for adults are often required, usually in connection with housing authority applications for housing voucher assistance)
- Custody agreements for any minors in the household whose custody is shared with another person
- Documentation of enrollment as a full-time student if a member of the household is an adult child attending school/college. An unofficial school transcript is often requested.
- Proof of eligible immigration status if applicable
- For holders of housing choice vouchers or Shelter Plus Care TRA certificates: a copy of the voucher/certificate & the “Request for Tenancy Approval” (RTA) form. Note: the voucher should always be kept by the applicant but a copy may be offered to the prospective landlord

Current written verification of income for all adults in the household including students over 18. Programs may have differing requirements as to how the definition of “current” but a verification that has been issued within the last 30 days is ideal.

- For employment income, a series of paystubs for the last 3 months is generally required. Copies of the previous year’s federal tax return and W-2s might also be required
- A current award letter or benefits letter to document income from Social Security, CalWorks, Unemployment Insurance Benefits, temporary disability or workers compensation, General Assistance, Veterans benefits etc. (Note: since these documents can be hard to obtain on short notice, clients should be encouraged to get verifications of benefits every 6 months and provide a copy to the case manager. Telling a property manager “I can get you a more up-do-date copy of my income verification” is much better than having to say “I don’t have a verification”)
- For dependents who are over 18 and full-time students, verification of financial aid and verification of employment income if they are working while in college
- Verification of CalFresh (food stamp benefits) is often required, even though food stamps are not considered income in the calculation of rent for subsidized housing

#### Proof of assets

- For checking accounts, 3-6 months of the most recent bank statements, depending on the property’s requirements
- For savings accounts, current bank statement(s) per the property’s requirements
- For pensions, annuities, IRAs, 401K plans or other asset income, current statements from the payors per the property’s requirements
- For monthly benefits such as SSI that are paid on a debit card, a printout of the most recent activity on the debit card, or an ATM receipt showing the current balance on the card. (The company that issues the debit card will mail the printout to the applicant). This is requested in addition to the award letter from the agency paying the benefits.

#### For housing that serves specific groups:

- Verification of literal homelessness, including a homeless history with dates/locations. This verification is generally provided by staff of an agency providing homelessness services.
- Verification of disability/disabilities, completed by a medical provider
- Verification of HIV Diagnosis (for HOPWA units), completed by a medical provider





- Verification of veteran status and honorable discharge (DD-214)

These documents should be kept in a safe place where they can be accessed easily. It is advisable for the case manager to keep digital images or photocopies of “core housing documents” such as social security cards, birth certificates and DMV IDs in case the originals are lost or stolen.

The case manager can also assist a client who is experiencing homelessness in obtaining a DMV ID at no cost. Birth certificates for the client and their child(ren) are also available at no cost to persons who are experiencing homelessness. No-cost DMV ID’s and birth certificates require the client to present a certification of homelessness form signed by a service provider. Seniors over the age of 62 can obtain a senior ID at no cost by providing their social security number and proof of identity when they visit the DMV office.

While the following are not requested during the process of applying for housing, it is useful to begin to work with the client to gather any documents that will be needed in order to address potential questions and concerns about an application:

- Ordering copies of credit reports will give the case manager and client time to correct erroneous information on the credit report and work on credit repair.
- Assessing the need for a request for a reasonable accommodation of a disability and gathering the supporting documentation
- Preparing evidence of mitigating circumstances in the event that a client’s application is denied due to credit issues, evictions and negative rental history, and/or criminal background

## Section 4: Rental History

An applicant’s rental history should be documented as completely and accurately as possible on the rental application. For a list of the information that should be provided about current and past residences, please see Section 2. Where possible, sections of the application pertaining to rental history should not be left blank. If the applicant does not remember a former landlord’s address or phone number, “don’t recall” is a better answer than a blank space. A sample rental application prepared in advance will help to assure that each application that is submitted is as complete as possible. It is important to report rental history truthfully because falsification or misrepresentation of any facts about rental history are considered grounds for the applicant to be denied housing.

Whether the housing is market rate, affordable or subsidized, landlord reference checks are an important part of applicant screening. In order to determine the suitability of an applicant, residency is verified and questions are asked about payment history, lease violations, damage to the unit, housekeeping issues, disturbing the peace, unauthorized occupants, and eviction proceedings. Negative landlord references are often grounds for denial of an application. In its Grounds for Denial of Rental Application, The John Stewart Company and Bridge Housing both require that the applicant has made timely rent payments during the course of the previous year.





Affordable housing providers differ in the criteria they use for evaluating an applicant's rental history. On their flyers announcing the opening of a wait list, SAHA (Satellite Affordable Housing Associates) requests two years housing history but also states that "lack of residential history does not necessarily disqualify" the applicant. Most applications will ask for three to five years of rental history.

Evictions and judgments filed by the current and/or previous landlords can be grounds for denial of an application if they occurred within the past five years. Bridge Housing and The John Stewart Company both state that "an unmet obligation owed to a previous landlord," i.e., failure to pay a money judgment awarded to the landlord in an eviction proceeding, is also grounds for denial. SAHA states in its wait list flyers that applicants with an eviction or unlawful detainer judgment within the last five years will be denied; however, unlawful detainer cases that ended with a stipulated agreement or dismissal and cases without a final disposition will not be a reason for denial.

Evictions and judgments awarded to landlords (whether money judgments or judgments for possession of the unit) are shown on a credit report. It is wise for the case manager to assist the client in obtaining and reviewing their credit reports to prepare for possible questions about judgments that may have been filed against them. Regardless of the type of housing being sought, legal protections are provided for persons who are denied housing because of an eviction record found in their credit report.

In the course of reviewing applications for public housing or voucher assistance, Housing Authorities use a HUD database to check for debts owed to housing authorities or Section 8 landlords as well as adverse information about terminations from the Public Housing, Housing Choice Voucher, Section 8 Moderate Rehabilitation Program or Project-Based Voucher program. This information is used to determine whether an applicant is eligible for renewed assistance.

A negative rental history is a common reason for an application to be denied. When an applicant has been denied for a subsidized or affordable unit or disapproved for participation in a housing assistance program because of rental history, they are entitled to appeal the denial. If there are mitigating circumstances that impacted the applicant at the time of the eviction, they should be raised during the appeal meeting. See Part Two, Section 16 for a discussion of application denials and appeals.

## Section 5: References

Some landlords/property managers will ask for up to 3 personal references. The application will often state that the references should not be friends or family members. For each person that is selected as a personal reference, the following information should be provided:

- Name of Reference
- Job Title or Relationship to You
- Agency or Company Name
- Street Address
- City, State and Zip Code
- Phone Number with Area Code
- Email Address

A note to the client about references:

Before using someone as a reference, be sure to contact them and ask their permission. During the conversation, discuss the purpose of the reference and the type of information you would like them to share about you. In some cases (social workers, case managers, etc.), the person providing the reference may ask you to sign a consent for release/exchange of information.

Think very carefully about the possibility that your use of a particular reference may indirectly provide information about you that you might not want to share. A reference from a medical case manager may provide confidential health information to a prospective landlord. A reference from a probation or parole officer or substance use counselor might reveal information about an applicant's past history, etc. These references can be helpful in making a case for positive changes a person has made in their life, but they also place the person at risk of sharing information that, in some cases, could be used against them.

When *Volume 2* of this guide is available, please refer to Part Seven, Form 3 for a form that can be used to record information about references.

## Section 6: Addressing a History of Homelessness

When filling out a rental application, clients are asked to provide detailed information about their rental history. For a client who is experiencing homelessness, or who has experienced homelessness in the last five years, reconstructing a housing and homelessness history can be challenging. By asking open-ended questions, a case manager can assist the client in developing an 'oral history' of where they have lived, who they lived with and for how long. This informal chronology can then be used to create a housing history.

For clients who are known to the Alameda County Coordinated Entry System, records in HMIS (Homeless Management Information System) will provide the dates of entry and exit from emergency shelters. Information about dates and duration of episodes of homelessness can also be inferred from information provided by the client during a CES assessment.

Many applications for permanent supportive housing, or housing with units that are set aside for applicants who are unstably housed or experiencing homelessness, are now providing a box that an applicant can check to indicate "shelter or program" as the type of housing they occupied. For periods when the client stayed at a shelter, the shelter's name and address can be provided as the place of residence and the agency operating the shelter can be named as the landlord. For episodes of homelessness spent in locations that are unfit for habitation, e.g., in a vehicle, the episode can be recorded as "homeless in vehicle" along with approximate dates and locations.

Special challenges arise when incorporating episodes of 'couch-surfing' or short-term stays with friends or family members. If possible, consider grouping these episodes into larger blocks of time and describing these episodes as "staying with friends, miscellaneous addresses". For longer stays with friends or family members, the client should be careful not to jeopardize their tenancy if the client was



not named on the lease. Instead of providing the name of the friend or family member's landlord, the client should consider naming the friend or relative as the "landlord", with an explanatory note stating, "stayed with friend" or "rented room in mother's house".

## Section 7: Application Fees

Housing authorities and other public entities do not charge application fees, nor do owners/managers of permanent supportive housing properties. Owners of subsidized or affordable properties do not charge an application fee for submitting a pre-application, being placed on a wait list, or submitting an on-line application to compete in a lottery. Some developers, such as SAHA, do not charge application fees at all. Others will charge an application fee but it is not collected until the face-to-face interview takes place. Owners/managers of tax credit (affordable) properties often charge an application fee for unsubsidized units but waive the fee for HOPWA or Project-Based Voucher applicants.

Private market landlords routinely charge fees when accepting applications from prospective tenants. Application fees can be as high as \$50 and it is not unusual for an application fee to be charged for each adult in the household. For people with Housing Choice Vouchers and other tenant-based rental assistance, the process of applying for housing can create an extreme financial burden. Unfortunately, with the exception of SSVF (Supportive Services for Veteran Families) agencies, there is little or no financial assistance available in Alameda County to cover the cost of application fees.

People who are engaged in a housing search should be judicious about only applying for apartments that genuinely interest them and that they are likely to qualify for. In a competitive rental market, it will be difficult to negotiate a waiver or reduction of an application fee. Working with a property management company might make the housing search less costly since the management company may use one application and one credit report for all of the buildings in its portfolio. Some housing advocates suggest that their clients obtain copies of their credit reports and offer to present them to prospective landlords in lieu of paying a fee to have the landlord run a credit check.

## Section 8: Credit Reports and Credit History

As part of their screening of prospective tenants, property owners/managers routinely run credit reports on each adult member of an applicant household. The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies, and consumers have important rights under the FCRA. For example:

- You must be told if information in your file has been used against you
- You have the right to know what is in your file
- You have the right to ask for a credit score
- You have the right to dispute incomplete or inaccurate information

In addition:

- Consumer reporting agencies must correct or delete inaccurate, incomplete or unverifiable information
- Consumer reporting agencies may not report outdated negative information



- Consumer reporting agencies may only provide information about you to people with a valid need

Case managers can assist a client who anticipates that their credit history might be grounds for denial of a housing application by referring them to a non-profit agency that offers credit repair services. Ongoing work on ‘credit clean-up’ can be undertaken as the client conducts their housing search. In addition, the case manager can assist the client in obtaining and reviewing a copy of their credit report. Every consumer is entitled to obtain one free credit report per year. The easiest way to obtain the free annual credit report is through [www.annualcreditreport.com](http://www.annualcreditreport.com).

Owners/managers of subsidized or “affordable” housing review an applicant’s credit history according to their Resident Selection Criteria. In general, unpaid student loans and medical bills are not included when deciding if the applicant’s credit is acceptable. An application for subsidized or affordable housing could be denied for the following:

- Total “unmet credit obligations” exceeding \$2,500. (Governmental tax liens are included in this category)
- A bankruptcy filed within the last three years (at some buildings, the requirement is that a bankruptcy cannot have been filed in the last five years)
- A total of seven or more “unmet credit obligations” of any amount

As with any other denial of an application for affordable or subsidized housing, the applicant must be notified in writing of the reason for the denial and offered an opportunity to request a meeting to appeal the decision.

## Section 9: Immigration Status

Under Section 214 of the Housing and Community Development Act of 1980, HUD is prohibited from making housing-related financial assistance available to persons other than US. citizens, nationals, and certain categories of eligible non-citizens. Federally-funded housing assistance is only available to persons who are “lawfully within the U.S.” Housing authorities and owners/managers of affordable or subsidized housing must notify all applicants that they are required to disclose the immigration status of every member of their household by filling out a Section 214 Declaration form. (A Sec. 214 declaration is not required for live-in aides, foster children, or foster adults). Where feasible, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

To be eligible for federally-subsidized housing, a person must be a U.S. citizen (either naturalized or born in the U.S.) or have “eligible immigration status”. The following are some of the most frequently encountered forms of eligible immigration status, as used for the purpose of determining eligibility for federally-subsidized housing:

- Permanent resident: A lawful permanent resident (LPR) is a foreign national who has been granted the right to reside permanently in the U.S. A permanent resident is sometimes known as a “green card holder”.
- Refugee: Under U.S. law, a refugee is a person who is unable or unwilling to return to his or her home country because of a “well-founded fear of persecution” due to race, membership in a

particular social group, political opinion, religion, or national origin. Their status as a refugee has been recognized under the 1951 Convention relating to the status of refugees.

- Asylee: Asylum is a form of protection that allows an individual to remain in the U.S. instead of being deported to a country where they fear persecution or harm. An asylum seeker is someone who is seeking international protection but whose claim for refugee status has not yet been determined.

For each type of eligible immigration status listed on the HUD Section 214 Declaration form, the applicant must provide specific documentation or request an extension in order to obtain the documentation to support their statement. Because of the complexities of immigration law, the case manager should advise their non-citizen client(s) to seek the assistance of their immigration attorney in obtaining and submitting the required documentation.

An applicant may also declare on their own behalf, or on behalf of a member of their household, that they are not contending (claiming) eligible immigration status and that they understand that they are not eligible for housing assistance. The housing authority/provider is not required to verify a family member's ineligible immigration status and is not required to report an individual's unlawful presence in the U.S. to the U.S. Citizenship and Immigration Services (USCIS).

A person who is "not lawfully present in the United States" is not eligible for housing assistance in their own name; however, persons without eligible immigration status are able to access housing assistance if they are named as a member of a household that contains at least one U.S. citizen, U.S. national, or person with eligible immigration status.

Households that include citizens and people with eligible immigration status as well as those who are "non-contending" are referred to as "mixed status families". Once the housing authority/provider has verified that at least one family member is a citizen, national, or eligible non-citizen, the household becomes eligible for federal housing assistance that is apportioned according to the number of people in the household who are citizens or who have eligible immigration status. However, if the citizen or person(s) with eligible immigration status leaves the household, the remaining members will become ineligible for housing assistance. A family that is deemed no longer eligible for housing assistance can appeal the decision through the housing authority/provider's informal hearing process.

## Section 10: Reasonable Accommodations

A Reasonable Accommodation eliminates barriers that prevent persons with disabilities from fully participating in housing programs and services. It is defined as a "change, exception or adjustment in a rule, policy, practice, or service that is granted in order for a disabled person to have an equal opportunity to use housing or housing assistance". For the purpose of submitting and reviewing requests for reasonable accommodation, the disabled person is defined as having a physical or mental impairment that limits one or more major life activities, or a record of having such an impairment, or of being regarded as having such an impairment.



Once received, the housing provider has an obligation to consider and respond to the request for reasonable accommodation in a timely manner. Federal fair housing and non-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments Act (FHAA) require housing providers to make reasonable accommodations and reasonable modifications for individuals with disabilities. Fair housing laws also prohibit housing providers from refusing residency to persons with disabilities or placing conditions on their residency such as imposing extra fees and charges, because they might require reasonable accommodations or modifications.

Under Titles II and III of the Americans with Disabilities Act (ADA), public entities and public accommodations are required to make reasonable modifications to policies, practices, or procedures to avoid discrimination. This obligation applies unless the public entity can demonstrate that the modifications would fundamentally alter the nature of its service, program, or activity (Title II), or the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations (Title III). Federal nondiscrimination laws that protect tenants against disability discrimination also cover those tenants without disabilities who live with, or are associated with, individuals with disabilities.

When working with a housing authority or owner/manager of affordable housing, requests for reasonable accommodation must contain a “nexus” or identifiable relationship between the person’s disability and the accommodation they are requesting. The “nexus” establishes links between the requestor’s status as a person with a disability, the specific accommodation being requested, the medical need for the accommodation, and a statement of how the accommodation, if granted, would give the requestor an equal opportunity to use housing or housing assistance. Documentation to support the request for reasonable accommodation is commonly provided by a medical professional, a non-medical service agency, etc.

When working with a landlord renting market-rate housing, the written request for a reasonable accommodation is less formal. The request should include a statement that the housing applicant is disabled, a description of the accommodation being requested, and a statement of how the accommodation will help the applicant live in, or apply for, the rental unit. While the landlord has the right to ask for proof of disability, they cannot demand details about the person’s diagnosis or information from the client’s medical history. A letter from the applicant’s medical provider stating that the applicant is living with a disability and that the accommodation is necessary for use and enjoyment of the housing is adequate.

Requests for reasonable accommodations are most commonly made in connection with the following:

- **For subsidized and affordable housing only- Live-In Care Providers:** For many disabled or frail elderly persons, the presence of a live-in aide or care provider is essential to enable them to live safely and independently. When approved, the request for reasonable accommodation permits a live-in care provider to reside in the home. The head of household is also found to be eligible for an additional bedroom for the use of the live-in aide or care-provider. Property owners/managers typically ask for information about the live-in aide’s identity and will often



conduct a background screening. Housing authorities will typically conduct a criminal background check on the live-in aide along with other screening.

In subsidized/affordable housing, the live-in aide is named on the rental agreement but is not considered to be a member of the household. Income received by the live-in aide is not counted in the rent calculation. The live-in aide is regarded as an employee whose purpose in the home is to provide care. If the head of household is no longer able to occupy the home (e.g., due to death or placement in a long-term care facility), the live-in aide is required to vacate the unit upon termination of the lease or rental agreement is terminated. This rule applies even if the live-in aide is a family member.

Applicants for subsidized or affordable housing who intend to ask a family member to live with them as a live-in care provider should carefully decide whether it is better for the family member to be named as a relative, have their income counted toward rent, and have residual rights to the unit in the event of the head of household's departure from the home, or to be named as a non-relative live-in care provider who is exempt from reporting income but who does not have "residual rights" to the home.

- **For subsidized and affordable housing only- a separate bedroom for a household member based on medical need:** Federal occupancy standards specify that one bedroom is allotted to two children regardless of gender or age. The head of household can request a reasonable accommodation of a disability to obtain a separate bedroom for a child who is mentally, physically or developmentally disabled. A reasonable accommodation can also be requested in instances when one member of a couple is disabled and has a medical need for separate sleeping quarters. Documentation is required to establish a nexus between disability, medical need, and nature of the accommodation requested.
- Service animals and emotional support animals: See Part One, Section 11
- Appeal of Application Denial due to Mitigating Circumstances: See Part One, Section 12

## Section 11: Pets, Support Animals and Service Animals

Many properties maintain a "no pets" policy, while others will allow pets only with a variety of restrictions (number and types of pets, weight limits, prohibitions against certain breeds of dogs, etc.) If pets are allowed, a pet deposit is commonly required along with proof of rabies vaccination. Most owners of affordable or subsidized properties have a pet policy. For example, SAHA allows "certain pets" with a pet deposit of \$200. The resident must apply for, and receive, permission to keep a pet. MidPen Housing allows a resident to have only one pet, and size and breed restrictions apply.

Since they are not legally defined as "pets", service animals and support animals do not violate landlords' pet policies. Service animals and support animals are defined in the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Fair Housing Amendments Act. A service





animal is trained to perform “beneficial tasks” related to an individual’s disability. A support animal, also known as an emotional support animal, provides comfort and companionship and does not require training to perform specific tasks. Support animals are often used to alleviate the symptoms of depression, anxiety and post-traumatic stress disorder.

Both service animals and support animals are considered to be reasonable accommodations of a disability. A written request to a landlord for reasonable accommodation of a disability should be accompanied by documentation in the form of a letter from a licensed healthcare provider (doctor, nurse practitioner, psychiatrist, social worker or other mental health provider). The letter should state that the animal is an essential part of treatment for a disability. As with other medical letters in support of reasonable accommodation, the disability does not need to be identified; however, if the disability is not obvious, a landlord may ask for a verification of disability and evidence of need for a service or support animal.

A housing provider should not require a pet deposit if a resident has an approved request for reasonable accommodation permitting a service animal or and support animal. Support animals and service animals have the right to access all common areas in a development. The resident is responsible for controlling the animal, cleaning up after it and ensuring it is well behaved. The resident is also responsible for any property damage caused by the animal and liable for any injuries caused by a dog bite.

## Section 12: Concerns about Criminal Background

Criminal background checks are conducted by housing authorities and owners/managers of affordable and subsidized properties. The extent of screening varies with the type of housing or rental assistance being sought, the city in which the property is located, and whether or not the applicant is seeking federally-subsidized housing or rental assistance.

### **Public Housing and Housing Voucher Programs:**

Housing authorities conduct formal criminal background checks on applicants for public housing and/or for rental assistance under all Housing Voucher programs. Background checks are conducted on all adult members of the applicant’s household, including live-in care providers. For example, as part of its application for Housing Voucher assistance the Housing Authority of the County of Alameda requires a Criminal History Certification and Authorization for Verification from each adult household member. The Certification form asks whether the person has been arrested as an adult, convicted of a crime or has any outstanding warrants. In the Determination for Initial/Annual Assistance, the applicant/program participant is also asked if any household member has had any contact with the criminal justice system within the last 12 months, including all contacts where charges were not filed or were later dropped. The applicant must supply the name of the family member, the description of the activity, the date and location of the incident, and the disposition (arrested, charged, dismissed, convicted, sentenced).

Under federal law, convictions for the following offenses bar an applicant or member of the applicant’s household from participation in any federal housing program: manufacture of methamphetamine on



federally-assisted housing property and convictions leading to a mandatory lifetime registration requirement under a state sex offender registration program.

Housing Authorities are also permitted by HUD to deny housing assistance to:

- An applicant or household member who has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- An applicant/household member who has been evicted from federally-assisted housing within the past five years for drug-related criminal activity
- Applicants/household members who are currently engaged in, or have engaged in the following criminal activities within the past five years
  - drug-related criminal activity including the illegal manufacture, sale, distribution or use of a drug, or the possession of a drug with intent to manufacture or sell
  - violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause serious bodily injury or property damage
  - criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, persons residing in the immediate vicinity, property owners and/or housing authority staff.

In evaluating whether an applicant should be denied housing, the housing authority uses evidence such as conviction or release from custody for drug-related or violent criminal activity within the past 5 years, and/or a review of conduct described in arrest records for drug-related or violent criminal activity within the past 5 years. In deciding whether to deny assistance, mitigating circumstances may be taken into consideration. Mitigating circumstances related to drug-related criminal activity could include successful completion of a substance abuse treatment program. Diagnosis/treatment of severe mental illness that was undiagnosed and untreated at the time of an assault could be a mitigating factor in a prior conviction for violent criminal activity. The housing authority may, on a case-by-case basis, decide not to deny housing assistance.

When a housing authority denies an application for federal housing assistance based on criminal activity or sex offender registration information, the applicant must be notified in writing and provided with a copy of the criminal record. The applicant is given ten business days to dispute the accuracy and relevance of the denial by requesting an informal review. The applicant has the right to bring counsel to the informal review meeting.

Housing authorities and owners of affordable housing properties may also consider the following in making a decision about an applicant's suitability:

- threatening, disruptive or blatantly disrespectful behavior toward management, the property, and/or other residents at any time prior to move-in
- reasonable cause to believe that an applicant's abuse (or pattern of abuse) of alcohol and/or illegal use (or pattern of illegal use) of drugs may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.



- a personal history of violence or abuse, whether physical or verbal, in which the applicant was determined to be the antagonist

Denial of an application for any of the above reasons requires written notice of the reason for the denial and the opportunity to appeal.

**City Ordinances:** In Berkeley and Oakland, criminal background checks are restricted based on each city's "Fair Chance Access to Housing" ordinance. (These ordinances do not cover housing authorities administering federal programs). Private landlords and owners/managers of buildings with units that are not federally subsidized are prohibited from

- inquiring about a current or prospective tenant's criminal history
- indicating that persons with criminal backgrounds will not be considered for housing
- refusing to rent based on criminal history
- terminating a tenancy based on criminal history
- requiring disclosure or authorization for release of criminal history
- demanding higher security deposit or rental amounts based on criminal history
- refusing to allow the addition of an immediate family member based on the family member's criminal history
- taking any other negative action against applicants and/or tenants based on criminal history

Under the provisions of the Fair Chance ordinances, in some circumstances, landlords may check the state registry of lifetime sex offenders. Before doing so, the landlord must:

- include a statement in the rental application informing applicants of the sex offender screening requirement
- have already determined that an applicant meets all other rental criteria
- provided the applicant with a conditional rental agreement
- informed the applicant in advance of checking the sex offender registry and
- either obtain written consent from the applicant or give the applicant an opportunity to withdraw their application prior to conducting a search

Persons who believe a landlord or prospective landlord has violated the ordinance can request that the City investigate possible violations. A landlord or prospective landlord who has violated the ordinance may be subject to an administrative citation.

## Part Two: Permanent Housing Programs

### Section 13: What is “Affordable Housing”?

Affordable housing is a general term that is used to describe any housing development or subsidy program that is designed to provide low-income people with permanent rental housing that is appropriate to their needs and financial resources. Sometimes affordable housing is referred to by its older name: BMR (Below Market Rate) housing.

The majority of affordable housing that is currently available in California is funded through the use of Low Income Housing Tax Credits. These properties are owned and operated by non-profit entities and are often referred to as “LIHTC buildings” or “tax credit” buildings. The owner/developer often manages the properties itself and may employ its own resident services staff to offer on-site support services to residents. In other cases, the management of the property and the on-site support services are provided under contract with other companies or agencies.

Properties funded with tax credits use “flat” rents, i.e., the rent is not based on a percentage of the individual tenant’s income. Instead, rents are established according to limits established by the State of California. The rent amounts correspond to percentages of the median income for the metro area where the property is located (see the next section for more information about Area Median Income, or AMI). For example, an owner/developer may receive local government approval to build a building that offers rents that correspond to 35%, 40% and 50% of AMI. An applicant who applies for one of these apartments will need to have an income that falls within the appropriate percentage of AMI in order to qualify.

Affordable housing (or “tax credit”) properties often have a small number of apartments that receive “deeper” subsidies provided by the local housing authority’s Project Based Voucher (PBV) program. The voucher subsidy allows the developer to offer these apartments to applicants whose income is well below what is needed to qualify for an apartment with a flat rent. Apartments with reduced rents may also be available because the developer has received supplemental funding designed to assist specific populations such as homeless persons, people living with HIV, people living with severe mental illness, veterans, domestic violence survivors, etc. For example, an affordable housing development may have apartments set aside for people living with HIV, with HOPWA funding being used to reduce the rents charged to PLWH. (See Section 18 for more information about HOPWA).

Some affordable housing, such as Public Housing, is owned and managed by local housing authorities (See Section 22 for more information about public housing). Many non-profit developers own affordable housing that was built under the HUD Section 202 or Section 811 programs, which are older programs that provide subsidized housing to elderly and disabled persons (See Section 21 for more information about HUD 202/811 properties). Section 811 buildings often contain HOPWA units.

Finally, when they are seeking city approval to build a new development, a for-profit developer will sometimes commit to offering 10% to 20% of the apartments to lower income households in order to



comply with the city's inclusionary zoning requirements. These units are generally far more costly than tax credit units and are probably unaffordable to households whose income is less than 60% of the median income for the area.

Permanent supportive housing (PSH) refers to housing that is designed to serve individuals and households who are chronically or literally homeless. PSH is deeply subsidized, often through the use of Project Based Voucher subsidies, and income eligibility is often set at 20% of AMI. PSH is designed to include providers of on-site resident services who offer support, referrals to social services, advocacy and coaching to newly housed individuals with the aim of assuring that housing, once obtained, can be maintained successfully. To be referred to permanent supportive housing, an applicant must have been assessed through the County's Coordinated Assessment System and received a high enough acuity score (based on severity of need) to be at or near the top of the queue of applicants eligible for referral to permanent housing. (See Section 19 for more information about Permanent Supportive Housing and Section 20 for more information about Shelter Plus Care, Alameda County's largest permanent supportive housing program).

In addition to the above forms of permanent affordable housing which are "project-based" or property-specific, public housing authorities operate a tenant-based rental assistance program known as the Housing Choice Voucher program (often known to clients more simply as "Section 8"). This assistance is used by an eligible household to rent a unit of their choice from a private-market landlord, with the tenant's rent set at approximately 30% of adjusted monthly income and the housing authority paying a subsidy for the remainder of the rent. There are numerous small special-purpose housing voucher programs (see Section 17 for more information about Housing Voucher programs). Note: HOPWA funds tenant-based rental assistance in many parts of the US, but Alameda and Contra Costa Counties have opted not to use its HOPWA funding for this purpose.

Affordable housing that is temporary in nature, e.g., transitional housing, will be described in Section Three of this manual.

## **Section 14: Income and Rent, or "What is AMI?"**

Every year the U.S. Department of Housing and Urban Development publishes data showing the Area Median Income (AMI) for each metropolitan statistical area (MSA) in the country. Alameda and Contra Costa Counties are part of the Oakland-Fremont Metro Area, and as of summer 2022 the median income for our area is \$142,800 per year. (This is based on all households in the metro area; it is not broken down by household size).

Percentages of AMI are used to set the maximum income eligibility limits for a variety of federally subsidized housing programs. For example, the maximum annual income allowed at admission to a HOPWA unit is set at 30% of AMI, which is categorized as "extremely low income", and the maximum annual income allowed at initial approval for a Housing Choice Voucher or public housing apartment is 50% of AMI, which is considered to be "very low income".



Owners of buildings that are funded by the State Low Income Housing Tax Credit (LIHTC) program use percentages of AMI to set the minimum and maximum income amounts that determine income eligibility for apartments in their buildings. Percentages of AMI are also used to set rent limits that are linked to the number of bedrooms in the unit, the number of people in the household and the household's income. Rent limits that correspond to percentages of AMI are set annually by the State of California Housing and Community Development Department.

## Section 15: Qualifying for Affordable Housing

Applicants for affordable housing are required to meet numerous eligibility requirements. These requirements can be complex and will vary according to the type of subsidy or subsidies that are available at the property. In cases where the unit receives more than one subsidy, the applicant will be required to meet the eligibility criteria for each program that provides funding for the unit. For example, a client who is applying for a HOPWA apartment in a "tax credit" building will be required to meet all of the LIHTC eligibility requirements *and* all of the HOPWA program requirements in order for their application to be approved. Complying with the requirements of multiple programs will usually require extra documentation.

Applications are also reviewed using the developer's "resident selection criteria." Resident selection criteria cover a wide range of issues and are written to comply with federal, state and local laws. They are designed to promote fairness and prevent discrimination or preferential treatment.

### **Income:**

Household income is probably the most important factor in determining whether a person will qualify for a unit in a particular building. When a building opens its wait list, information will be provided about the income ranges that will be used to determine if an applicant is "income eligible". Applicants are disqualified if they do not have enough income to meet the minimum requirement or if their income is above the allowable maximum. When reviewing the flyers that announce the opening of a wait list or the lease-up of a building that is under construction, pay close attention to the way the income limits are described: sometimes income limits are expressed as maximum amounts, and sometimes as the minimum incomes needed to qualify.

Remember that rents based on 30% of the tenant's income are not the same as rents based on an income equivalent to 30% of AMI. If there is a project based voucher subsidy attached to a unit in a "tax credit" building, the income and rent information may state that no minimum income is required, the maximum income is set at the dollar amount corresponding to 30% or 50% of AMI, and the rent will be based on 30% of the applicant's adjusted monthly income.

Applications for other federally subsidized housing programs (HOPWA, public housing, or HUD Section 202 or Section 811 buildings) will also likely state that there is no minimum income requirement, and that the applicant's rent will be calculated based on approximately 30% of their adjusted monthly income. Depending on the program, the maximum income at admission will be set at 30% or 50% of the area's median income.



Income is always considered in conjunction with household size. For example, the minimum and maximum income limits for a one-bedroom apartment occupied by one person will be lower than the limits for the same apartment occupied by two people. In a “tax credit” building, it is also likely that the two-person household will pay a higher rent for the one-bedroom apartment than the one-person household.

### **Household size:**

Subsidy rules, occupancy standards and resident selection criteria also spell out the minimum and maximum number of people that are permitted to occupy an apartment. The occupancy standards used by most housing subsidy programs are also used for unsubsidized affordable housing. The minimum and maximum number of people that can occupy an affordable or subsidized apartment are:

Studio	1 or 2 people
One bedroom	1, 2 or 3 people
Two Bedrooms	Minimum 2 people, no more than 5 people
Three Bedrooms	Minimum 3 people, no more than 7 people
Four Bedrooms	Minimum 4 people, no more than 9 people

The relationships between household members also play an important role in determining the number of bedrooms the household qualifies for. For example, a couple will qualify for a one bedroom apartment (or studio) while an applicant (or applicant couple) living with a parent, child, sibling or other family member will qualify for two bedrooms (though they could opt to accept a one-bedroom unit). A parent (or parent and partner) with two children will qualify for two bedrooms, even if the children are of different genders and far apart in age.

An approved request for a reasonable accommodation is needed to authorize the presence of a live-in care provider along with a separate bedroom for them. An approved request for a reasonable accommodation will also be needed to authorize a separate bedroom for a disabled child, based on specific medical needs (When *Volume 2* of this guide is available, see Part 10: Reasonable Accommodations).

**Note:** For applicants who are single parents with shared physical custody of a child or children, the applicant will not be approved for additional bedrooms for the child(ren) unless they live with the applicant parent more than 50% of the time. The applicant will likely be asked to provide a copy of the court-ordered custody agreement or to obtain a signed statement from the other parent acknowledging that the child(ren) spends the majority of their time with the applicant parent.

### **Age:**

Regardless of program or subsidy type, the applicant must be at least 62 years old to qualify for most senior housing. This includes senior housing properties that have HOPWA units. There are some buildings where the minimum age requirement is 55 but this is not the norm. Many buildings also specify that a co-tenant, spouse, care provider or other member of the household be at least 45 years old.





Note that most properties will require the applicant to meet the age requirement as of the date the application is submitted, even if there is a long wait list and the person will meet the age requirement well before they reach the top of the wait list.

### **Disability:**

In addition to properties that were built under the HUD Section 811 Disabled Housing program, some senior and non-senior buildings have a designated number of apartments that are designed to accommodate persons living with disabilities. In some cases, the type of disability is specified and the apartment is modified accordingly, with design features that can accommodate those who are vision or hearing impaired, or who require modifications for mobility or wheelchair access. In other cases, the building is built to serve those with a specific disability, e.g., a developmental disability, and there are support services on-site to assist the residents.

To establish that they qualify for disabled housing the applicant is asked either to provide a verification of disability or to provide contact information for their medical provider. In the latter case, the building management contacts the medical provider directly to obtain a verification of disability.

**Homeless or At Risk of Homelessness:** Some affordable housing properties may have a small number of apartments that are set aside for those who are homeless or at imminent risk of homelessness. They are typically available through the building's usual application process (usually an on-line application and lottery). These apartments are not restricted to people who are referred by the Coordinated Entry System. Sometimes these apartments are located in buildings serving the "near-elderly", meaning the applicant needs to be at least 55 years old.

Since the definition of "homeless or at risk of homelessness" is not as strict as the HUD definition of literal homelessness (in an emergency shelter or living in a place unsuitable for habitation), these apartments are a valuable option for applicants who are couch-surfing or staying on a short-term basis with friends or relatives. In addition, some properties have established homelessness as a "preference category" for placement on their wait list. (Clients who are in the CES system and eligible for referral to permanent supportive housing should also be encouraged to apply for these opportunities). The application generally asks for the name of the worker and agency who could verify the applicant's status as homeless or at imminent risk of becoming homeless. At the time of the applicant's in-person interview, the agency/worker is contacted to provide written verification of the applicant's status.

## **Section 16: The Application Process**

The process of applying for any type of affordable housing involves multiple steps. When applying for housing at existing affordable housing properties, including those that have subsidized units, the application process often begins with a pre-application.

- A paper version of a pre-application asks basic questions about the applicant's identity, social security number, date of birth, age, race and ethnicity, household size, monthly and/or annual



income and how best to contact them in the future. The pre-application may also ask questions about eligibility for specific programs such as HOPWA, or whether the applicant requires an apartment with design features to accommodate a disability. As a general rule, a pre-application does not ask about rental history. The pre-application is accompanied by a statement explaining the grounds for denial of the application.

- When received, the pre-application is reviewed to assure the applicant is potentially eligible. If so, the applicant is added to the property's wait list. When the applicant's name reaches the top of the wait list they are contacted by the property's manager for an in-person interview. A final determination of the applicant's eligibility is not made until after the in-person interview is held. Usually, 3-5 applicants are processed for a single vacancy.
- Paper pre-applications are commonly used by Bridge Housing and by the John Stewart Company, which manages properties owned by RCD Housing and Oakland Housing Authority.

An on-line application is commonly used if the owner intends to use a computerized lottery. On-line application software can be difficult to navigate, and the applicant will most likely need to provide an email address to use both as a user name and as a means for the company to contact them. A password will also be required, and user names and passwords should be saved for future reference and for submitting future applications using the same platform. The case manager can assist by retaining password and user names, and by using their agency email address as a means of contact if necessary.

- Unlike a paper pre-application, an on-line application will ask for information about the applicant's rental history, income and assets. The application may also include questions that help to establish whether the applicant is entitled to one or more local preferences that would lead to a higher wait list placement. Some of these preference categories include living or working in the county or city where the property is located, having been displaced by government action or disaster, or holding a specific status, e.g., a veteran, homeless person, domestic violence survivor, etc.
- On-line applications are often used when a housing authority opens the wait list for one of its voucher programs or its public housing properties. Satellite Affordable Housing Associates (SAHA) opens most of its wait lists using on-line applications but makes paper applications available on a limited basis as a way of accommodating applicants with disabilities. East Bay Asian Local Development Corporation (EBALDC) uses on-line pre-applications when it opens its waitlists during its Annual Marketing Event.
- The flyer announcing the opening of the wait list usually states how many names from the lottery will be selected for the actual wait list. Following the lottery, those who have the highest lottery numbers are contacted to inform them that they have been placed on the property's wait list. When there are vacancies, those at the top of the wait list will be notified about participating in an in-person interview.
- For buildings that are under construction, the developer often begins the application process by soliciting expressions of interest either with postcards or through a link on their website. The expression of interest isn't mandatory, but it is a way of ensuring that the applicant will be sent an application and instructions as soon as they are available.



- The developers of buildings that are under construction use computerized lotteries to create their wait lists. On-line and/or paper applications will be made available, depending on the developer, but a computerized lottery is essential in assembling a wait list for a new building because it is not unusual for several thousand people to express interest in a new 150-unit building). Following the lottery, the developer follows the same notification process as described above.
- There are properties that do not use lotteries and that accept paper applications when their wait lists are open. (Eden Housing, HumanGood and Christian Church Homes are a few examples). When the application is received, it is reviewed and the applicant is placed on the property's wait list if the application is approvable. When a vacancy occurs, the top applicants are contacted for an in-person interview (see below).

The next step in the process is the face-to-face interview. Face-to-face interviews are not scheduled unless a brand-new property is undergoing lease-up or an existing property has an actual vacancy to be filled. When the client is sent the invitation to the interview, they are given a list of documents to bring. These documents will include ID's and social security cards for each member of the household, birth certificates for all minors, verifications of all sources of income, information about all assets, and documentation to substantiate eligibility for any preference they have claimed. (When *Volume 2* of this guide is available, see part 4: Documentation for a more detailed list of the documents that are requested of applicants for affordable or subsidized housing).

- During the interview the applicant will also be asked to fill out the management company's full application as well as consent forms permitting the company to verify past rental history, obtain credit reports, conduct background checks, etc. Verifications of disability and documents supporting a request for a reasonable accommodation will also be requested at this time. If the unit receives Project Based Voucher funding, the applicant will be asked to complete additional forms that will ultimately be submitted to the housing authority.
- The applicant should be aware that 3 to 5 applicants will be interviewed in connection with each vacancy. The speed with which a given application can be reviewed and approved is an important factor in determining which applicant is chosen. Delays caused by missing or incomplete documents can result in a lost opportunity for housing. The results of background checks and investigative credit reports are also reviewed at this time.
- After the application is reviewed and approved by on-site leasing staff, it is forwarded to a headquarters office referred to as "Compliance." Compliance staff examine the application for errors or discrepancies and to assure that the applicant meets the regulatory requirements for all programs that provides financing for the property. Compliance staff may contact the leasing staff to ask the applicant for additional information.
- Once the application has been approved by Compliance staff, the applicant will be notified that their application has been accepted. If there is no subsidy involved, an appointment will be scheduled to sign the lease and begin the move-in process. (As a courtesy, some management companies will also notify the applicant if their application was accepted but someone else was chosen, in which case they would be wait-listed for the next available vacant unit).

- If there is a Project Based Voucher subsidy involved, the application is forwarded to the housing authority for its review and approval. Housing Authority staff conduct a criminal background check and review the application to make sure the applicant meets HUD voucher program requirements. (Tenant screening is assumed to have been done by the owner/manager of the property). Once the voucher application is approved, the applicant is invited to attend a briefing (either virtual or in-person) at which time they learn their approximate rent payment and subsidy payment. They are also briefed on the obligations that accompany participation in the voucher program.
- Once the housing authority has notified the property management staff that the applicant's Project Based Voucher has been approved, the property management staff submits the housing authority's Request for Tenancy Approval (RTA) forms and prepares the apartment for the housing authority's inspection appointment. When the unit passes the inspection, the Housing Authority calculates the tenant rent portion and subsidy amount and notifies the property management staff that they may contact the applicant to schedule an appointment to sign the lease and begin the move-in process.

Denial of the application and the process for appealing the decision: It often happens that a client's application is denied by the owner/manager of the affordable housing property. Denials refer to decisions by the management of the property that the person/household does not qualify for occupancy.

- Applications can be denied for a number of reasons, including income (being over-income or not having sufficient income), household size (too many or too few household members to qualify for a unit of a specific size), immigration status that hasn't been adequately documented, or failing to meet one or more requirements that are spelled out in the resident selection criteria. The most common reasons for denials relate to credit history, a negative rental history or criminal background.
- When an application for affordable or subsidized housing is denied, the applicant must be sent a written notification that states the specific reason for the denial and offers the applicant an opportunity to appeal the decision. The form to be used when requesting an appeal hearing is included with the letter, and the applicant is typically given 14 days from the date of the letter to return the form to the property by mail.
- When preparing for an appeal hearing, it is wise to obtain representation from a legal aid organization experienced in housing law. They can help structure the client's arguments around mitigating circumstances, erroneous information in the credit report, and/or the need for a reasonable accommodation based on a disability. The legal representative or housing advocate can also attend the appeal hearing with the applicant.
- Note: Failing to get a high number in a property's lottery or not being chosen for placement on a wait list due to the large number of applications received on a first-come, first-served basis does not constitute a denial of the application. These situations cannot be appealed because the applicant's qualifications were not reviewed.



## Section 17: Housing Voucher Programs

Housing vouchers provide an income-based rental subsidy to households whose incomes are at or below very low income (50% AMI). This subsidy is paid by the housing authority to the property owner on behalf of the program participant (tenant). Housing vouchers are either tenant-based or project-based. Tenant-based and project-based types of voucher assistance use the same formula for computing the tenant rent and the subsidy paid to the landlord, but there are several important differences between the two programs. These differences are described below.

Eligibility for all types of housing voucher assistance is based on income, household type (family, elderly, disabled), household size, and a variety of preference categories. Voucher rents are calculated using a formula that is based on 30% of the voucher holder's monthly adjusted income. Deductions are given for minor dependents, an elderly/disabled head of household, child care costs for children under the age of 13, and extraordinary out-of-pocket medical expenses incurred by an elderly or disabled head of household.

Applicants for all housing voucher programs must be U.S. citizens or have eligible immigration status. In addition, applicants who face a lifetime requirement to register as sex offenders, or who have been convicted of manufacturing methamphetamine on federal property, are barred by federal law from participation in housing voucher programs.

When a housing voucher is tenant-based, the voucher holder (tenant) locates an acceptable unit and a landlord who is willing to rent to them at a price the housing authority finds "reasonable". The housing authority then negotiates the rent with the landlord, conducts an inspection to assure the home is in acceptable physical condition, calculates the tenant rent and subsidy amounts, approves the lease agreement entered into by the landlord and the voucher-holder, and enters into a contract with the landlord for payment of the subsidy. Voucher programs that provide tenant-based assistance are often referred to as "Section 8", from the 1974 law that established the earliest form of tenant-based rental assistance.

When a housing voucher is project-based, the applicant seeking a voucher-subsidized unit in a "tax credit" building is referred by the owner/manager to the housing authority for subsidy approval after the application has been approved by the property's leasing office or management staff. Once the housing authority has approved the applicant for a project-based voucher subsidy, an inspection is conducted, and the newly-approved project-based voucher holder moves into the subsidized apartment in the "tax credit" building.

Funding for all housing voucher programs comes from the Department of Housing and Urban Development in amounts that are determined annually by HUD after Congress approves the HUD budget appropriation. The program has never been funded a level that is adequate to meet the scope of need among very low income people, leading to long wait lists for housing assistance. As a result, housing authorities seldom open their wait lists to new applicants. In Alameda County, housing voucher programs are administered by local Public Housing Authorities (PHAs). When *Volume 2* of this guide is available, please see Part Seven, Form 5 for a list of housing authorities in Alameda County.



**Project-Based Vouchers:** Project-Based Voucher (PBV) subsidies benefitting very low income or extremely low income residents of affordable housing are awarded to the developers of tax credit properties at the time the building is approved for financing and construction. The availability of PBV assistance to property developers is based on the amount of PBV funding allocated by HUD to the County and the process of applying for PBV subsidies is highly competitive.

PBV subsidies make it possible to provide “affordable” units to households whose income would otherwise be insufficient to support an “affordable” rent, even a rent that has been set to correspond to 20% or 30% of AMI.

Example:

In Spring 2022 a ‘tax credit’ senior housing building opened its wait list. A minimum gross annual income of \$22,200 (about \$1,850 per month) was needed to qualify for a studio apartment with a rent of \$888/month. At the time, this annual income represented slightly more than 20% of AMI. Without access to a PBV subsidy, a client receiving the standard SSI benefit of \$1,040 per month (about \$12,480 annually) could not be approved to rent this apartment.

To move into a PBV-subsidized apartment, the new tenant is asked to pay their first month’s rent portion as calculated by the housing authority, along with a security deposit. The security deposit is commonly equivalent to one month of the tenant’s share of rent. Recently, some developers have begun to establish an alternative deposit structure: if the new tenant’s share of rent is less than \$500 per month, a flat security deposit of \$500 is charged. If the PBV share of rent is over \$500 per month, the deposit is equal to one month’s rent.

The most significant difference between Project-Based vouchers and those that are tenant-based is that the holder of a PBV *may not transfer* the rental assistance to any other property. The voucher assistance is held by the property and is made available to the approved occupant of the unit. When a PBV-voucher holder moves out of their apartment, they surrender the voucher and it is assigned to the next resident. (Under rare circumstances, a PBV tenant could be permitted to transfer their PBV assistance to the Housing Choice Voucher program as part of an approved request for a reasonable accommodation, but approval is extremely difficult to obtain).

**Tenant-Based Vouchers:** The most common type of tenant-based voucher is the Housing Choice Voucher (HCV). There are other, smaller special-purpose voucher programs that also provide tenant-based rental assistance. These special purpose programs, which are only available through designated housing authorities, usually have their own wait lists and eligibility criteria. Examples include:

- **Emergency Housing Vouchers:** These vouchers were made available in 2021 to assist homeless households impacted by the pandemic. Applicants for these vouchers are referred through the Alameda County Coordinated Entry System. While HUD regulations made these vouchers available to several vulnerable groups, including those fleeing domestic violence and those who were at imminent risk of homelessness, Alameda County chose to refer only applicants who meet the HUD criteria for literal homelessness.



- **Mainstream Vouchers:** These vouchers are set aside for applicants with disabilities who are between the ages of 18 and 61. They must be homeless or at imminent risk of homelessness. Each local housing authority's process for seeking applicants to this program is different.
- **HUD-VASH:** Referrals to HUD-VASH (HUD-Veterans Affairs Supportive Housing) are made by the staff of the VA Behavioral Health Clinics. Applicants must be honorably discharged veterans who are experiencing homelessness. Rental subsidies are offered through the Housing Choice Voucher program and are accompanied by support services that are provided by VA social workers and the staff of SSVF (Supportive Services for Veteran Families) agencies.
- **Family Unification Program:** This program provides tenant-based rental assistance and case management services to families referred by County Children and Family Services programs, to aid families who have successfully completed court requirements for their child(ren) to be returned to their custody from foster care.
- **Foster Care to Independence (FYI) Vouchers:** This is a new initiative as of August 2022. It will make HCV funds available to public housing authorities that partner with child welfare agencies. The program will serve youth between the ages of 18 and 24 who have left foster care, or will leave foster care within 90 days, and are homeless or are at risk of becoming homeless at age 16 or older. The Voucher provides rental assistance for a maximum of 36 months.

The most important features of the Housing Choice Voucher (HCV) program and its variations are as follows:

- Housing authorities review HCV applications to assure that the applicant meets HCV program requirements related to immigration status, criminal background and outstanding debts to housing authorities from past program participation. The housing authority does not conduct tenant screening, review rental history, or evaluate credit history. The housing authority does not make any representations to landlords that the applicant will be a suitable tenant.
- Depending on the housing authority, the HCV is initially issued for a period of four to six months, with the possibility of a four-to-six-month extension for those who are unable to locate suitable housing within the initial timeframe.
- Each housing authority sets a payment standard by bedroom size, based on the cost of 'reasonably priced' rental housing in their jurisdiction. (The Housing Authority of the County of Alameda uses multiple payment standards that reflect variations in the cost of rental housing in different parts of the County).
- The maximum subsidy a housing authority will pay on behalf of a voucher holder is the difference between 30% of the HCV holder's adjusted monthly income and the payment standard for the relevant bedroom size. Voucher holders are advised that they should look for housing priced at or below the payment standard because they will not be allowed to enter into a lease that requires them to pay more than 40% of their adjusted monthly income toward gross rent.
- After the unit is selected by the HCV holder, the prospective landlord submits the Request for Tenancy Approval (RTA) to the housing authority for approval. The contract rent is negotiated with the property owner and the HCV holder's approximate share of the gross rent is calculated using a formula that considers the "contract rent" paid to the landlord and an allowance for tenant-paid utilities and tenant-furnished appliances.





- After the contract rent is negotiated with the property owner, the house or apartment is then inspected by housing authority staff. When *Volume 2* of this guide is available, Part 5, Section 28 contains a list of Housing Quality Standards (HQS) requirements that are used to determine whether the unit is in passing condition. (The list of requirements also applies to PBV-assisted units in tax credit buildings).
- The housing authority will not enter into a Housing Assistance Payments (HAP) Contract unless/until the unit passes the HQS inspection. Voucher holders are advised that, if they move into a house or apartment prior to the passing inspection, they will be responsible for paying 100% of the rent for the days they occupy the house or apartment prior to the passing inspection.
- Voucher holders are warned not to pay a rent amount other than the amount stated on the lease and contract. These “under the table” payments constitute fraud committed jointly by both landlord and tenant.
- The rules governing security deposits for the HCV program and other voucher-based rental assistance are quite different from the PBV rules. Under California law, a landlord can charge a security deposit for an unfurnished unit that is equivalent to twice the amount of the monthly rent. As long as the security deposit is within the legal limit, the landlord can ask the HCV holder to pay a market-rate security deposit regardless of the household’s income.
- HCV holders are responsible for paying the full security deposit charged by the landlord at the time of move-in. Housing authorities do not pay any portion of the tenant’s security deposit. (When *Volume 2* of this guide is available, see Part Five Section 30 for information about assistance with move-in costs).
- The initial lease period is usually 12 months, but a 6-month lease is sometimes used. At the end of the initial period, the lease converts to a month-to-month rental agreement. During the initial lease period, the HCV holder cannot give a 30-day notice to end their tenancy and move. The landlord can choose to grant the HCV holder permission to move out before the end of the lease term by “releasing” them from the lease.
- When a tenant with an HCV decides to move (or when their landlord asks them to move) they must obtain a “transfer voucher” by presenting the housing authority with a copy of the notice and current proof of household income. They are then issued a voucher that they can use to seek another home. Some severe or repeated lease violations are grounds for loss of the tenant’s voucher assistance and termination from the HCV program, and moving out of a voucher-assisted unit without notifying the housing authority and requesting a transfer can lead to inadvertent loss of the voucher.
- Portability is a program feature that is unique to the Housing Choice Voucher program and some of the smaller voucher programs administered by local housing authorities. Portability allows an HCV holder to transfer their voucher to another housing authority within the United States, as long as the receiving authority has a policy permitting them to absorb HCVs from another jurisdiction. The 30-day notice and documents verifying income and household composition that are submitted to the local housing authority in connection with a transfer request are forwarded to the receiving housing authority, and the receiving housing authority then issues one of its own HCVs.



- To be eligible to “port” a voucher to another housing authority’s jurisdiction, the HCV holder must have been under lease and contract in the issuing housing authority’s jurisdiction for at least a year. A newly-approved HCV holder can use portability immediately if they have been a resident of the housing authority’s jurisdiction for at least a year prior to being selected from the wait list to receive their initial voucher.

## Section 18: HOPWA (Housing Opportunities for People with HIV/AIDS)

Established in 1990, HOPWA funds housing programs and housing-related support services for people living with HIV (PLWH) and their families, including the following:

- Housing subsidies for about 300 units located in affordable housing developments in Alameda and Contra Costa Counties. When *Volume 2* of this guide is available, please see Part Seven, Form 4 for a list of buildings in Alameda and Contra Costa Counties that have HOPWA units.
- Housing and case management services at Permanent Supportive Housing (PSH) sites that provide housing to PLWH
- Operating costs at a few small 100% HOPWA apartment buildings
- 25 shelter beds reserved for PLWH at the East Oakland Community Project Crossroads Shelter
- STRMU (Short Term Rental, Mortgage and Utility) financial assistance that provides one-time mortgage, rental and utility payments to help PLWH maintain their housing
- Project Independence, a program in Alameda County that provides a small on-going rental subsidy to PLWH who are renting market-rate housing and paying up to 80% of their income for rent
- Tenant-based rental assistance, similar to the Housing Choice Voucher program. (This assistance is not funded in Alameda or Contra Costa Counties)

Residents of HOPWA units typically pay 30% of their adjusted income for rent. There is no minimum income required of an applicant for HOPWA housing. The maximum annual income allowed at admission to the HOPWA program is 30% of the Area Median Income (AMI), which is considered by HUD to be “extremely low income”. As of 2022, to be eligible for admission to a HOPWA unit in Alameda County or Contra Costa County, a one-person household must have a gross income that is below \$30,000 per year, and a household of two people must have a gross annual income that is below \$34,290. After a resident is housed in a HOPWA unit, their rent is reviewed annually and rent is adjusted accordingly.

HOPWA units are often supported by additional subsidies that are provided by the Project Based Voucher program. Project Based Vouchers are administered by a local housing authority, and to be accepted for a HOPWA/Project Based Voucher unit, an applicant must be approved by both the management of the property and by the housing authority. Unlike Housing Choice Vouchers, which provide tenant-based rental assistance, a Project Based Voucher is not “portable”, i.e., it cannot be taken to another building if the tenant decides to move.

Most properties with HOPWA units maintain their own wait lists. However, vacancies at all Permanent Supportive Housing (PSH) sites in Alameda County, including those with HOPWA units, are all filled by



referral from the “by-name” list maintained by the Coordinated Entry System or HUD Continuum of Care. These buildings provide subsidized housing along with on-site supportive services to residents who are coming from homelessness. (See Section 19 below.)

In addition, there are some properties with HOPWA units, primarily in Berkeley and in Contra Costa County, that have contracted with the local housing authority to accept HOPWA applications, manage their wait lists, screen their applicants for eligibility, and provide referrals when there are vacancies.

Until a few years ago, most building managers kept their HOPWA wait lists open even when their general wait lists were closed. As of this writing, only two buildings in Alameda County have open HOPWA wait lists.

## Section 19: Permanent Supportive Housing

Permanent Supportive Housing (PSH) is designed to assist people who have experienced chronic homelessness in achieving a successful transition to permanent housing. Permanent Supportive Housing is described as “services-enriched,” and is affordable to those with the lowest incomes, with rent based at 30% of adjusted income and no minimum income required to qualify. According to the National Health Care for the Homeless Council (NHCHC), PSH is “a model that combines low-barrier affordable housing, health care, and supportive services to help individuals and families lead more stable lives. PSH typically targets people who are homeless or otherwise unstably housed, experience multiple barriers to housing, and are unable to maintain housing stability without supportive services”. The Shelter Plus Care program, a combination of rental subsidies and service coordination, is probably the most well-known example of permanent supportive housing.

In Alameda County, referrals to Permanent Supportive Housing are provided through the County’s Coordinated Entry System. Persons experiencing “HUD Homelessness”, defined as living in an emergency shelter or a place unfit for habitation, are assessed by staff for severity of housing need. Those who receive acuity scores exceeding a County-set benchmark (currently an acuity score of at least 80) are placed on a wait list to be considered for a PSH referral when a vacancy is available or when a program such as Shelter Plus Care has openings.

Many PSH units are subsidized through programs such as HOPWA and the Mental Health Services Act (MHSA), so it is vitally important for clients to provide accurate information about their life circumstances and physical/mental health issues when they are going through the assessment process. Many literally homeless PLWH answer “no” to the assessor’s question about living with HIV and as a result they are not considered for available HOPWA-funded permanent supportive housing. Case managers can assist in this area by requesting that the CES assessment be updated to include correct information about HIV status if necessary.

Entry into PSH is based on a model called Housing First, a low-barrier approach that enables persons experiencing homelessness to access to permanent housing without prerequisites or conditions beyond those imposed on a typical renter. The Housing First philosophy is based on five principles:

- Immediate access to permanent housing with no housing readiness requirements



- Participant choice and self-determination
- Recovery orientation
- Individualized and participant-driven support
- Social and community integration

Residents are not required to address behavioral health or substance use issues prior to being housed, nor are they required to successfully complete a series of services programs before they can access housing. The Housing First approach prioritizes permanent housing as a first step and as a platform from which the person experiencing homelessness can pursue their personal goals and improve their quality of life. Supportive services are offered to support people with housing stability and individual well-being, but participation in supportive services is not required as a condition of remaining housed.

## Section 20: Shelter Plus Care

Shelter Plus Care is a HUD-funded permanent supportive housing program that uses a “Housing First” approach to provide subsidized housing and service coordination to homeless people with disabilities. The program was first funded in 1992-93 with the intention of targeting the “hardest to serve” among the homeless population: those who are living on the streets or in emergency shelters and are “disabled by either chronic substance abuse and/or severe mental illness and/or HIV/AIDS.” Originally authorized by Title IV of the McKinney-Vento Homeless Assistance Act, Shelter Plus Care is now part of the HUD Continuum of Care. Shelter Plus Care accounts for a significant percentage of the permanent supportive housing units in Alameda County.

Applicants can no longer apply directly to the Shelter Plus Care program in Alameda County. Since 2017, all applications for Shelter Plus Care have been processed through the County’s Coordinated Entry System, and the first step in “applying for” Shelter Plus Care is to be assessed by staff at one of the CES Housing Resource Centers or by one of the street outreach teams operating in the County. When there are program openings or vacancies, those who are at the top of the list for permanent supportive housing are referred to the program.

In order to qualify for Alameda County’s Shelter Plus Care program, an individual/household must meet the following criteria:

- Alameda County resident
- Literally homeless (living in a setting unfit for habitation, residing in an emergency shelter, or otherwise meeting the HUD criteria for literal homelessness). A verification of homelessness must be provided at the time of application to confirm eligibility
- Living with a disability that meets HUD criteria (the disability is expected to be indefinite; it substantially impedes the individual’s ability to live independently, and could be improved by more suitable housing conditions)
- Has an income less than 50% of the County’s area median income (AMI)
- If claiming status as “chronically homeless”, the applicant must be able to verify literal homelessness for at least twelve consecutive months, or three episodes of homelessness that add up to twelve months in the past 3 years.



Alameda County Shelter Plus Care offers four main types of assistance, all of which involve a combination of a housing subsidy and supportive services. HUD funds the housing subsidies, and in most cases the supportive services are provided through Memoranda of Agreement with community agencies. The four primary types of Shelter Plus Care assistance are:

- Project-based Rental Assistance (PRA): Fourteen units at Alameda Point and nine units at Lorenzo Creek in Castro Valley provide housing subsidies and supportive services to disabled, formerly homeless individuals and their families.
- Sponsor-based Rental Assistance (SRA): Sixty-five (65) SRA units are located at scattered sites throughout the County. These units range in size from rooms in shared housing settings and Single Room Occupancy (SRO) units to apartments with one, two or three bedrooms. Subsidies are administered by the Oakland Housing Authority.
- Single Room Occupancy (SRO): The County receives HUD funding to provide 46 Single Room Occupancy (SRO) units at the Harrison Hotel in Oakland, some of which have overlaid HOPWA funding. Subsidies are administered by the Oakland Housing Authority and supportive services are provided by LifeLong Medical Care.
- Tenant-based Rental Assistance (TRA): A Shelter Plus Care Certificate enables the client to locate rental housing on the private market. TRA Certificate holders pay 30% of their adjusted income for rent, and the Shelter Plus Care program provides a monthly subsidy (Housing Assistance Payment) to the property owner. While there are similarities, *TRA Certificates are not Housing Choice Vouchers and they cannot be transferred out of the jurisdiction of the issuing housing authority.* The TRA program in Alameda is operated by two housing authorities. TRA-N (North County, from Albany to San Leandro) is administered by Oakland Housing Authority and TRA-S (South County, from San Leandro to Fremont and all of East County) is administered by the Housing Authority of the County of Alameda. Over 400 households receive assistance through the Shelter Plus Care TRA program.

Shelter Plus Care also administers an additional four small TRA programs:

- “Homes for Wellness” with subsidies provided by Oakland Housing Authority and the Housing Authority of the County of Alameda, and support services provided by ABODE Services
- The “Welcome Home Combined” and “Welcome Home Expanded” TRA programs with subsidies and support services provided through contracts with ABODE Services and BACS
- “Welcome Home San Leandro”, operated under a contract with Building Futures for Women and Children (BFWC) to subsidize private market housing in the San Leandro Area for literally homeless San Leandro residents.



## Section 21: HUD Section 202 and HUD Section 811 Housing

**HUD Section 202 Supportive Housing for the Elderly Program:** Since 1959, the HUD Section 202 program has provided federally subsidized housing and supportive services to very low income seniors, including the frail elderly. To qualify for Section 202 housing, the applicant must be at least 62 years of age and have a gross annual income at or below 50% AMI. The goal of the Sec. 202 program is to offer very low income seniors affordable housing that enables them to live independently in an environment that offers on-site support activities such as recreational activities, transportation, referrals to social services, and support with cleaning and cooking. Owners of Section 202 housing typically employ resident services coordinators to provide these services.

The Section 202 program provides funds to develop supportive housing and to fund the rental assistance that covers the difference between the development's operating costs and the tenants' share of rent, which is typically set at 30% of monthly adjusted income, with no minimum income needed to qualify. (Some of the older Sec. 202 developments are "unassisted", meaning that tenants pay rents that are based on the building's operating costs). Owners of HUD 202 developments must be non-profit or faith-based organizations or nonprofit consumer cooperatives. Public agencies and for-profit entities are not allowed to own or operate Section 202 housing.

Some Section 202 properties maintain an open wait list, but in most cases a wait list is only opened for a brief period (1 or 2 weeks) and only when there are vacancies or when the existing wait list is depleted. When the application process calls for an online application, paper applications are usually made available at the property site.

**HUD Section 811 Supportive Housing for Persons with Disabilities Program:** The Section 811 Program provides funding to build and subsidize housing with supportive services to enable disabled persons who are very low income (50% AMI) and extremely low income (30% AMI) to live as independently as possible. (Until 1990, when Section 811 became a separate program, Section 202 funded housing programs for both very low income seniors and disabled persons). Section 811 developments are required to have a Supportive Services Plan, which can consist of case management services, training in independent living skills and assistance in obtaining employment. Residents are not required to participate in supportive services as a condition of occupancy.

Section 811 buildings are often referred to as "Section 811 PRAC buildings". PRAC stands for Project Rental Assistance Contract and indicates that the owner of the development has entered into a partnership with the state Medicaid agency or health and human services agency to provide rental assistance to residents. The partnership requires the development of a policy for referrals, tenant selection and service delivery to ensure that the housing is targeted to a population most in need of deeply subsidized supportive housing. Many of the HOPWA units in Alameda County are in Section 811 PRAC buildings.

While Section 811 housing is available to applicants with incomes at 50% AMI, eligibility for a unit in a Section 811 PRAC building is limited to applicants with incomes at or below 30% AMI. The tenant's rent





at Section 811 PRAC buildings is typically set at 30% of monthly adjusted income, with no minimum income needed to qualify.

## Section 22: Public Housing

The Low Income Public Housing program is the oldest form of subsidized housing in the U.S. The first public housing developments were built in the 1940's and 1950's and were often built to accompany urban renewal/slum clearance activities. Public housing is owned and managed by Public Housing Authorities, which are local government agencies funded by the U.S. Department of Housing and Urban Development. Public housing developments are operated as "family housing" or "senior housing".

Public housing was originally built to provide reasonably priced housing to working families and elderly/disabled persons, and tenants paid a flat, below-market rent based on the cost of building, operating and maintaining the development. Because of policy changes in the 1960's, public housing eligibility shifted from working families to "the poorest of the poor". Priority was given to families receiving welfare benefits as opposed to working families with somewhat higher incomes. In 1969, flat rents were replaced by a rent formula that based the rent on 25% of a household's adjusted monthly income. In the early 1980's, the percentage of adjusted monthly income paid toward rent was increased to 30% of income over a period of five years.

Over the past several decades, insufficient federal operating subsidies and reduced rental revenue caused many developments to fall into severe disrepair. Many public housing developments have been demolished and rebuilt, often as "mixed income" housing. Others have been substantially renovated, with changes in financing that provide more funds for maintenance and operations. Many public housing developments are now managed by private management companies working under contracts with local housing authorities.

In Alameda and Contra Costa Counties, all public housing is owned by local Public Housing Authorities (PHAs) that receive federal funding from HUD. The PHA maintains wait lists, determines applicant eligibility, and screens applicants prior to referral to an available apartment. Housing authorities seldom maintain an open wait list for their public housing program. When the wait list is opened, the housing authority is responsible for publicizing it widely.

Very low-income households (with incomes up to 50% AMI) are eligible for public housing if they qualify as a family, an elderly person over 62 years of age, or a person with a disability. Rent is set at 30% of adjusted monthly income less an allowance for tenant-paid utilities. All applicants for public housing must be US citizens or have eligible immigration status.

When *Volume 2* of this guide is available, please see Part Seven, Form 5 for a list of housing authorities in Alameda County.

Check out [www.EBGTZ.org/housing](http://www.EBGTZ.org/housing) for the latest volumes and versions of this guide available.