

RESOLUTION NO. 20XX-XX

OF THE BOARD OF COMMISSIONERS OF THE BERKELEY HOUSING AUTHORITY

RE: Amending BHA’s Administrative Plan Waiting List Preferences to Accommodate Risk of Rental Assistance Loss Due to Funding or Program Changes

WHEREAS, the Berkeley Housing Authority is committed to its mission of providing safe, decent, and affordable housing to eligible low-income individuals and families within its jurisdiction; and

WHEREAS, the BHA relies significantly on funding and programmatic rules established by the U.S. Department of Housing and Urban Development (HUD) to administer its voucher programs; and

WHEREAS, HUD PIH Notice 2025-19 titled, “Guidance on Transitioning EHV Families into HCV and End of EHV Services Fee Expenditure” states:

This notice provides guidance to Public Housing Agencies (PHAs) on how to transition Emergency Housing Voucher (EHV) families into its Housing Choice Voucher (HCV) program. PHAs may elect to transition EHV families into the HCV program so that EHV families do not experience a loss or gap in housing assistance and can remain in their assisted units.

The ARP made EHV funds available for obligation by HUD until September 30, 2030, and those funds will be cancelled as a matter of law effective September 30, 2035. However, due to historic increases in rental prices resulting in a higher per unit cost (PUC) for EHV, HUD estimates that the Department will only have sufficient funds to cover all EHV families through most of Calendar Year (CY) 2026.

WHEREAS, HUD PIH Notice 2025-19 titled, “Guidance on Transitioning EHV Families into HCV and End of EHV Services Fee Expenditure” states:

In order to transition EHV families into the PHA’s regular HCV program, the family must be selected through the PHA’s HCV waiting list as required by 24 CFR 982.204(a). PHAs that currently have an open waiting list should take the following steps:

Determine if establishing a waiting list preference constitutes a significant amendment to its PHA Plan (24 CFR 903.21).

If the PHA determines that establishing a waiting list preference constitutes a significant amendment, complete the process for updating the PHA Plan (24 CFR

903.17). PHAs must provide a public comment period, which is a statutory requirement that cannot be waived by HUD.

Complete the process for updating the administrative plan (24 CFR 982.54). Per 24 CFR 982.54(a), revisions to the administrative plan must be formally adopted by the PHA's Board of Commissioners or other authorized PHA officials.

PHAs with a currently closed HCV waiting list who opt to transition EHV families may choose to open their waiting list only for families that qualify for an EHV preference. In this case, the PHA must include the preference in its administrative plan (24 CFR 982.54(d)(1)).

WHEREAS, HUD PIH Notice 2025-19 titled, "Guidance on Transitioning EHV Families into HCV and End of EHV Services Fee Expenditure" also states:

PHAs may establish a local preference based on local housing needs and priorities as determined by the PHA (24 CFR 982.207(a)(2)), and this may include families participating in EHV. PHAs that want to transition EHV families into the HCV program should structure the preference in a way that provides clarity that only current EHV participants are eligible for the preference. For example, the preference could state that it is for currently assisted EHV families whose assistance is at risk of termination due to lack of program funding.

WHEREAS, the Board of Commissioners recognizes its fiduciary duty to protect the interests of residents and the long-term sustainability of the BHA's housing programs; and

WHEREAS, it is prudent and necessary for the BHA to prepare for these potential risks by developing and executing a comprehensive mitigation and contingency plan;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Berkeley Housing Authority that:

1. Potential Risk Acknowledged. The Board formally acknowledges the risk of reduced federal funding and adverse programmatic changes, and the potential negative impact on the BHA's EHV program and residents.

2. Executive Director Authority. The Executive Director is hereby authorized and directed to amend BHA's Administrative Plan language as follows:

Risk of Rental Assistance Loss Due to Funding or Program Changes: At the sole discretion of the PHA, families participating in any special-purpose voucher program who are at risk of losing rental assistance because of funding limitations, program changes, or shifts in eligibility requirements will be offered the next available Housing Choice Voucher (HCV), or another available special-purpose voucher for which the household qualifies.

If the number of at-risk families exceeds the number of available HCVs or special-purpose vouchers, assistance will be provided based on each household's original date of admission.

6. Implementation. This resolution shall take effect immediately upon its adoption.

ADOPTED by the Board of Commissioners of the Berkeley Housing Authority on September 30, 2025, by the following vote:

Ayes:

Nays:

Abstentions:

Attest:

James Williams
Secretary, Board of Commissioners