



Berkeley Housing Authority

DRAFT MINUTES Regular Meeting

BOARD OF THE BERKELEY HOUSING AUTHORITY

Thursday, April 14, 2022

5:01 pm

CHRIS SCHILDT, Chair

Max Levine, Vice Chair

Adolph Moody

Ali Kashani

Dan Rossi

Alexandria Thomas-Rodriguez

1. **Call to Order** – *The meeting was called to order at 5:13 pm.*
2. **Roll Call** – *All Commissioners present.*
3. **Comments from the Public** – *(a) Willie Philips, of Friends of Adeline & NAACP spoke about the impacts of policies and regulations, such as the overhoused/subsidy standard rule on households in Berkeley, and the importance of remembering the human impacts; (b) Mari Mendonca, Rent Board Commissioner and Friends of Adeline, spoke about the overhoused/subsidy standard rule and the challenges faced by families who have lived in their subsidized home for many years, and urged the Board to consider altering the exception procedure; (c) Christina Murphy, Friends of Adeline, spoke regarding the overhoused/subsidy standard rule in the context of displacement of households who have lived in their community rich in resources such as schools, transportation, relationships. She suggested that the current exception procedure remain in place until such a time that one of the bedrooms becomes empty due to a subsequent household member move out; (d) Cristi Ritschel of SAHA spoke about the challenges residents at Sacramento Senior Homes face, and the service rich environment that SAHA provides to address their needs; (e) Angela Cavanaugh of SAHA spoke about their commitment to move along the process of allowing those with EHV's to lease up in SAHA-owned properties.*
4. **Consent Calendar**
 - A. Adoption of a Resolution of the Board of Commissioners of the Housing Authority of the City of Berkeley Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to the Ralph M. Brown Act, as Amended by Assembly Bill 361– *Moved by Commissioner Rossi, seconded by Commissioner Thomas-Rodriguez, the Resolution passed (all in favor).*
5. **Closed Sessions:**
 - A. Conference with Legal Counsel-Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9: One potential case
 - B. Public Employee Performance Evaluation; Government Code section 54957 (b); Title: Acting Executive Director
The Board exited closed session at 7:20 pm, with nothing to report out.

6. **Approval of Minutes:** *Moved by Commissioner Rossi, seconded by Vice Chair Levine, the minutes of the April 7, 2022 Special Board Meeting were approved (All in favor, except Commissioner Kashani absent--left the meeting at 7:20 pm)*

7. **New Business**

A. Finance Report – Period Ending February 28, 2022 – *Jesy reported on some good news in the February report: projected deficit dropped significantly to \$65,842 primarily due to improvement in the 2022 administrative fee rates and pro-ration for 2022 resulting in higher administrative fee revenue; and savings in employee benefits from not filling the Administrative Assistant position throughout the fiscal year. She reminded the Board that the projection does not take into consideration the impact of GASB 68 and GASB 75 (ave. \$200K yearly). No significant change in the disposition proceeds other than small interest earned during the month. Total disbursements in March totaled to \$2,811,364.57. Break down for check payments (\$598,557.49) and direct deposit disbursements (\$2,210,325.44) were reported.*

B. Public Hearing and Adoption of 2022-23 Annual Plan/ Administrative Plan – *Chair Schildt opened the Public Hearing (no comments from the public); Moved by Commissioner Rossi, seconded by Commissioner Thomas-Rodriguez, the Public Hearing was closed (All in favor, except Commissioner Kashani absent).*

Moved by Commissioner Rossi, seconded by Commissioner Thomas-Rodriguez, the Resolution to Adopt the 2022-23 Annual Plan/ Administrative Plan and submit to HUD was approved (All in favor, except Commissioner Kashani absent).

C. Executive Director’s Monthly Report – *Rachel reported: (a) one new Covid-related adjustment since the start of the pandemic, bringing total interim reexams to 158 at \$569 per household per month; (b) EHV Program: BHA received 44 referrals of the 51 EHV’s awarded; 35 processed for intake by staff; 11 housed; 7 in some stage of review by staff; County still processing 9 referrals for BHA; Staff invited SAHA to one of our bi-monthly EHV collaborative meetings to see if they had suggestions on housing EHV voucher holders in their units—SAHA confirmed would check to see if those with an EHV could be prioritized for some of SAHA’s Berkeley units. (c) Housing Element Update: BHA was invited to submit comments to the City of Berkeley’s 2023-2031 Housing Element. On March 31, Chair Schildt participated with Rachel in a meeting to provide further input on various housing programs/plans. (d) 3x3 Committee March 11 meeting: a copy of the BHA slides was included in the Board packet; (e) Staff met with Bay Area Legal Aid attorneys to provide an overview of the EHV program, share MTW plans, and identify ways to collaborate, including potentially meeting regularly.*

D. Move to Work Update – *Rachel updated the Board about the two recent Financial Onboarding webinars, including that fiscal flexibilities may begin the first of the month following the execution of the ACC Amendment; and that activities requiring a waiver cannot be implemented until after the Supplement to the PHA Plan is approved by HUD. Additionally, reported that staff was invited to an MTW Collaborative virtual conference (the Collaborative includes all MTW designated PHAs including the new Landlord Incentive Cohort). Staff was asked to confirm with HUD whether disposition proceeds can be used for MTW administrative expenses.*

E. Sacramento Senior Homes: Update from Ad Hoc Subcommittee – *Chair Schildt motioned to move this item to the top of the agenda, under Consent; seconded by Commissioner Rossi (all in favor).*

Moved by Commissioner Kashani, seconded by Commissioner Levine, the Board approved an additional 7 PBVs for Sacramento Senior Homes, for a total of 20 PBVs for the 5-year Master HAP Contract Extension (all in favor).

F. Ashby Lofts: Approval of 5 Year Extension of Project-based Master HAP Contract – *Chair Schildt motioned to move this item to the top of the agenda, under Consent; seconded by Commissioner Rossi (all in favor).*

Moved by Commissioner Rossi, seconded by Commissioner Kashani, the Board approved a 5-Year contract extension for 20 PBVs at Ashby Lofts (all in favor).

- G. Discussion on Overhoused Rule – *Chair Schildt motioned to move this item to the top of the agenda, under Consent; seconded by Commissioner Rossi (all in favor).*

Rachel covered the HUD regulations with regard to Subsidy Standards and Overhousing—namely that subsidy standards (voucher size) must be applied consistently for all families of like size and composition, and that there may be exceptions when issuing the voucher for a family when it is selected for participation. Also, when there is a reduction in family size, the new unit voucher size must be used to determine the appropriate Payment Standard beginning the first of the month following the family's next reexam (after family notification of move out to BHA staff). BHA has the same subsidy standards as housing authorities in Alameda and Contra Costa County: 1 Bedroom for head of household & spouse or partner (if there is one), plus an additional bedroom for up to two people regardless of age & gender. Shared in the packet was the Case by Case Exception process utilized by BHA. Comments/ suggestions made by attendees/ public/ Board included that an extension in applying the correct Payment Standard is not an exception; that the livingroom is allowable as a sleeping room, per HUD; three Bedroom units tend to be the most involved in the challenges with a downsized household/ voucher size; HUD has urged housing authorities with laxed overhoused/ subsidy standard rules to right size vouchers for households out of compliance or risk having to pay back HAP inappropriately spent; and, BHA could explore ways in which the MTW designation could help identify a solution, for example, separating siblings of different genders up to a certain age.

8. **Commissioners' Questions and Matters**

- A. Form 700 Reminder – *Board reminded to submit Form 700 if not already done so.*
B. Board Appointment – *None.*

Communications – *three communications sent via email to Commissioners on April 14, 2022, prior to the Board meeting: Confidential Memo from Goldfarb Lipman regarding Closed Session Agenda Item 5A; and, two communications regarding Agenda Item 7G, Discussion on Overhoused Rule (from Friends of Adeline and Mari Mendonca).*

10. **Adjournment** - *Moved by Commissioner Moody, seconded by Commissioner Thomas-Rodriguez, the meeting was adjourned at 8:46 pm (all in favor, except Commissioner Kashani absent).*