

From: [Luke Novella](#)
To: [Martha Cheever](#)
Cc: senator.mcguire@senate.ca.gov
Subject: RE: draft of the PHA Plan - Notice of Public Hearing Sonoma County Housing Authority
Date: Sunday, November 15, 2020 2:13:26 AM

EXTERNAL

Hi,

My name is Luke Novella. I have 2 teenage kids full time, and I work full time for O'Reilly Media in Sebastopol and part time for DoorDash. We currently live in the Humboldt Apartments in Santa Rosa, and we are very fortunate to rent a unit there. I sleep in the living room space, and my kids take the two bedrooms we have. Prior to living here, we shared a one bedroom apartment, and we all shared a single bedroom together in previous years.

We were one of nine families slated to build homes through Habitat for Humanity of Sonoma County's Duncan Village project in Windsor, however, all 9 families including us received notice end of last year (2019) that Habitat for Humanity of Sonoma County no longer had the funds to build our homes for this project, and a few months ago the land for the project was listed for sale. My daughter and I completed our sweat equity hours, 500 volunteer work hours which would have assisted with our down payment, but 3 years after beginning this labor we still do not have a home to purchase and move into.

One of the problems I'm currently facing is the inability to even apply for the Section 8 program because of the closed wait list. The Section 8 program needs to be open, always. There needs to be a much larger budget to fund it, and there should never be a wait list for those in need of assistance. I would like to see this improve drastically for the benefit of all who need it, including us.

I also believe the income cap needs to increase to qualify for the Section 8 housing program, because the cost of living is becoming increasingly burdensome. I am currently working over 60 hours a week between 2 jobs, because over half of my primary income is spent on rent in a low income apartment! This is not good, and I'm exhausted.

I would like to share 2 problems I see and propose solutions which could help solve them:

Problem 1: Selling/Flipping/Renting houses for profit is a primary contributing factor

The cost of housing is quickly rising, and it's rising consistently. Realators, people flipping houses, landlords acquiring rental properties with mortgages they expect tenants to pay, Airbnb, and everyone who sells, or rents, a house for profit, or to get rich quick, are contributing to driving up the cost of housing in Sonoma County and in California. They are contributing to the problem, and they should be held responsible for contributing to the solution.

Proposed Solution 1: Tax the profit margin for housing inflation

There should be a tax on the sale of every house that is sold at a higher price than the previous purchase price, a percentage based on the amount of profit being gained by the seller and

realtor.

A tax on the inflation of the increased value of homes in Sonoma County would increase the funding to build and provide more affordable housing and affordable housing programs. This could help offset the housing crisis greatly.

Profit for rentals above certain thresholds should also be taxed on a monthly basis for any landlord taking away profits above the cost of maintenance and fair wages for their staff.

Those who are contributing to the rising cost of housing for profit need to contribute to the solution for affordable housing for low income families and low income individuals.

Problem 2: Average wages are unfair compared to housing

Another issue are the high costs of housing vs. the low wages paid by employers in Sonoma County and in California. If an organization can pay six or seven figures to their executive staff, the average wage they pay to the rest of their employees should not be \$18.25 when the "housing wage" necessary to afford the fair market rent for a one-bedroom apartment in Sonoma County is \$27.83. For two-bedrooms it's \$36.29.

Profit focused employers contributing to this problem also need to be held accountable and responsible for contributing to the solution to ending poverty and for ensuring their own employees can afford shelter, food, and clothing for themselves and for their families.

Multi-million dollar companies should not have employees who can't even afford shelter for their families, let alone other basic necessities.

Proposed Solution 2: Tax penalties for unfair wages which contribute to the spread and creation of poverty

There should be a penalty tax for all employers who otherwise could pay a fair living wage to their employees but who choose not to. Multi-million dollar organizations should be held responsible for their contributions to creating and spreading poverty by being required to provide for the solution to ending the poverty they helped to spread and create.

In conclusion:

If there are resources that can better fund the Section 8 program, streamline the application process, and eliminate the required waitlist which lasts for years on end, please make every effort to allocate the necessary resources to help low income families and low income individuals in our community. If there simply are not enough funds to help improve affordable housing programs, please consider holding responsible parties, who are taking advantage of our housing markets and labor workers, accountable for their actions by requiring them to contribute to the solution to the problems they are helping to create.

Thank you for your time, and for considering my thoughts and ideas,

Luke Novella





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Legal Aid's mission is to promote social justice and advance basic human rights for vulnerable people in our community.

November 13, 2020

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Martha Cheever
Sonoma County Housing Authority Manager

Dear Ms. Cheever:

Legal Aid of Sonoma County is writing to submit our comments on the Sonoma County Public Housing Authority (PHA) Administrative Plan. Our recommendations focus on: strengthening reasonable accommodations policies; establishing new policies to encourage participation in high-resource, low-poverty areas; increasing program accessibility for limited English proficiency persons; strengthening the anti-discrimination policy; eliminating the policy that encourages owners to screen applicants for eviction history; improving notices of tenant rent increases and notices of termination of assistance; and ensuring access to Housing Authority hearing procedures. These recommendations reflect current best practices and would serve our clients well.

Thank you for your consideration. If you have questions about any of the proposals outlined in our comments, please contact me at sdershowitz@legalaidsc.com or 707-308-2518.

Sincerely,

Suzanne Dershowitz
Housing Policy Attorney

CHAPTER 1 Statement of Policies and Objectives

G. Reasonable Accommodations Policy (1-5)

The PHA should ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, including a statement similar to:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

The PHA should display posters and other housing information and signage in locations throughout the PHA’s office in such a manner as to be easily readable from a wheelchair.

Common Types of Reasonable Accommodations (1-5)

The following sentence should be deleted: “Documentation of the accessibility features of a specific unit that meet a disability related need must be provided prior to higher payment standards being authorized.” This additional requirement is onerous and not typically included in PHA Administrative Plans.

O. Owner Outreach (1-13)

Research demonstrates that growing up in low-poverty neighborhoods with good schools improves children’s academic achievement and long-term chances of success. Studies have also consistently found that living in segregated neighborhoods with low-quality schools and high poverty rates diminishes families’ well-being and children’s long-term outcomes. An important study by Harvard economists Raj Chetty, Nathaniel Hendren, and Lawrence Katz found that young children in families that used housing choice vouchers to move to better neighborhoods fared much better as young adults than similar children who remained in extremely poor neighborhoods.¹

The PHA should establish new policies that incentivize landlords in high-resource, low-poverty areas to rent to families with housing choice vouchers. PHAs, through Small Area Fair Market Rents (FMRs) or tiered payment standards, can make participation more financially attractive in higher-cost areas by ensuring that participating landlords can charge rents similar to what they would charge market-rate renters without vouchers.² Some PHAs, like the Marin Housing Authority, have devoted funds to reimburse landlords for costs incurred through renting to voucher holders, such as vacancy or damage, and supplemented security deposits. Marin’s [Landlord Partnership Program](#) even waives building permit fees as an incentive for participating owners. These are best practices that should be replicated in Sonoma County.

¹ [“The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment,”](#) American Economic Review 2016.

² Mary Cunningham, Martha Galvez, Claudia L. Aranda, Rob Santos, Doug Wissoker, Alyse Oneto, Rob Pitingolo, and James Crawford. 2018. [“A Pilot Study of Landlord Acceptance of Housing Choice Vouchers,”](#) U.S. Department of Housing and Urban Development.

The PHA should also list most prominently the available units in high-opportunity areas. The PHA list of units available for the HCV Program should be compiled not by *bedroom size* but by *neighborhood*, with units in the lowest poverty rate census tracts listed first. The PHA should prioritize individuals' use of HCVs in census tracts with less than 10% poverty and a population that is less than 30% Latinx.

CHAPTER 2 Eligibility for Admission

B. Family Composition (2-2)

Live-In Aides (2-2)

Add the following language to ensure the live-in aide policy meets the legal requirements for reasonable accommodations:

“The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8 to make the program accessible to and usable by the family member with disabilities.”

“The participant can request a reasonable accommodation if they are unable to find a live-in aide in the allotted timeframe due to a disability.”

D. Mandatory Social Security Numbers (2-4)

Add the following language to allow a longer time period for persons with disabilities to provide a verification:

“Elderly persons **or persons with a disability** must provide verification within 120 days.”

CHAPTER 3 Applying for Admission

A. Overview of the Application Taking Process (3-1)

Add the following language regarding accessibility of the application process:

“The PHA must take steps to ensure that the application process is accessible to those individuals who might have difficulty complying with the normal, standard PHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with Limited English Proficiency (LEP). The PHA must provide reasonable accommodation to the needs of individuals with disabilities.”

“The preliminary application will also be available in additional languages in accordance with the PHA’s LEP plan. (See Chapter 1.)”

Delete the following sentence: “Paper preliminary applications will only be provided to interested families as a reasonable accommodation for persons with a disability that prevents them from applying online.” Many low-income individuals lack access to technology to apply online. Add the following language:

“Paper preliminary applications will be provided to all interested families.”

B. Opening/Closing of the Waiting List (3-1)

Add **Legal Aid of Sonoma County, West County Community Services, Corazon Healdsburg, Graton Day Labor Center, COTS Homeless Shelter, and Fair Housing Advocates of Northern California** to the list of organizations that will be notified of the opening of the Housing Choice Voucher Waiting List. (3-3)

On page 3-4, the Proposed Administrative Plan states, "Notices will also be provided in Spanish." Add the following language:

"Notices will be provided in additional languages in accordance with the PHA's LEP plan (See Chapter 1.)"

CHAPTER 4 Establishing Preferences and Maintaining a Waiting List

D. Local Preferences (4-2)

The PHA should establish a preference for households displaced by disasters, such as wildfires and COVID-19.

CHAPTER 7 Verification Procedures

Medical Need for Larger Unit (7-12)

The proposed change for the documentation requirement for additional bedrooms does not go far enough to accommodate persons with disabilities. Individuals with disabilities must be given an opportunity to make requests for reasonable accommodations *at any time*, not only on an annual basis or at each reexamination.

CHAPTER 8 Voucher Issuance and Briefings

A. Briefing Types and Required Attendance (8-1)

Initial Applicant Briefing (8-1)

In addition to conducting briefings in English and Spanish, the PHA should provide translation services for LEP applicants who speak other languages in accordance with the PHA's LEP plan. Add the additional language:

"For limited English proficient (LEP) applicants who do not speak English or Spanish, the PHA will provide translation services in accordance with the PHA's LEP plan (See Chapter 1)."

The PHA should ensure that families eligible for assistance receive proper notice of briefings. Add the additional language:

"The notice of the briefing will identify who is required to attend the briefing, as well as the location, date, and time of the scheduled briefing."

All applicants who miss the first scheduled briefing should automatically be scheduled for another briefing. This imposes minimal administrative burden on the PHA while giving all families

eligible for assistance a second chance to attend a briefing and access a housing choice voucher. Strike this sentence, “Applicants **who provide prior notice of inability to attend a briefing** will automatically be scheduled for the next briefing.” Instead, include the following language:

“Applicants who fail to attend a scheduled briefing will automatically be scheduled for another briefing.”

Briefing Packet (8-1 and 8-2)

The family should also be provided with the following information and materials:

- The advantages of moving to areas outside of high-poverty concentrations.
- A list of landlords or other parties willing to lease to assisted families or help families find units outside areas of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to the PHA.

B. Encouraging Participation in Areas Without Low Income or Minority Concentration (8-3)

As mentioned above, the PHA should establish new policies that incentivize landlords in high-resource, low-poverty areas to rent to families with housing choice vouchers.

The PHA should also articulate a new policy in the Proposed Administrative Plan to provide mobility counseling to help interested families use their vouchers to move to and remain in low-poverty, high-resource neighborhoods.³

Ideally, the mobility counseling initiative would provide interested families with (1) assistance in locating available units in high-resource neighborhoods; (2) higher rental subsidy levels; (3) payments for security deposits and other moving costs associated with moving to high-opportunity areas; (4) access to cars and other transportation to help individuals using HCVs move to and remain in these high-resource areas; and (5) counseling to help them adjust to such neighborhoods.

The PHA should provide interested families with information about the characteristics of low-poverty, high-resource areas, including enhanced job opportunities, better schools, and access to other services.

The PHA should **not** strike the following language from the Proposed Administrative Plan regarding housing search assistance services for individuals using HCVs:

“The Housing Authority will also provide housing search assistance to all families searching for housing. The Housing Authority has developed a Housing Search Workshop to assist families in locating a unit.”

³ Barbara Sard and Douglas Rice. 2016. “[Realizing the Housing Voucher Program's Potential to Enable Families to Move to Better Neighborhoods](#),” Center on Budget and Policy Priorities.

This type of housing search assistance is critical in helping to encourage individuals using HCVs to move to and remain in low-poverty, high-resource neighborhoods.

C. Assistance to Families who Claim Discrimination (8-3)

Add the additional language to create a stronger anti-discrimination policy:

“If an applicant or participant believes that any family member has been discriminated against by the PHA or an owner, the family should advise the PHA. HUD requires the PHA to make every reasonable attempt to determine whether the applicant’s or participant’s assertions have merit and take any warranted corrective action.”

“Applicants or participants who believe that they have been subject to unlawful discrimination may notify the PHA either orally or in writing.”

“The PHA will post information related to the HUD Discrimination Complaint webpage in all of the Agency’s public buildings. The link to the HUD Discrimination Complaint website will also be included in all PHA briefing packets.”

“The PHA will attempt to remedy discrimination complaints made against the PHA.”

E. Term of Voucher (8-3)

The PHA should adopt a policy that the voucher is valid for a period of at least **120 calendar days** (instead of 60 calendar days) from the date of issuance. Extending the search period will allow families enough time to find units in high-opportunity neighborhoods and help the PHA to meet its affirmatively furthering fair housing obligation. Additional time would also allow voucher holders to receive the counseling necessary to move to low-poverty neighborhoods. (HUD-VASH vouchers are issued an initial search term of 120 days.)

Extensions (8-3)

Extensions should be granted automatically. Inflexible limitations on the amount of time that a family has to find a unit that meets program requirements can discourage families from searching for housing in neighborhoods that are harder for them to get to and/or where fewer landlords accept vouchers.

CHAPTER 9 Request for Tenancy Approval and Contract Execution

H. Information to Owners (9-4)

The PHA should not encourage owners to screen applicants for eviction history. Eviction history is not one of the factors listed in 24 CFR 928.307(a)(3). Eviction history should not be used to screen applicants for suitability as tenants. Many tenants have eviction records because they were unable to afford legal representation in their unlawful detainer cases. Furthermore, many tenants are evicted through no fault of their own, because the landlord wished to move in or take the rental unit off the market (or for no stated cause whatsoever). Eviction records can make it very difficult for individuals to find housing. Eligible families should not be denied access to housing through the HCV program due to eviction records.

Strike “eviction history” in the following sentence:

“Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, ~~eviction history~~, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.”

Also, the PHA may not disclose to the owner any confidential information provided to the PHA related to the fact that an individual is a victim of domestic violence. Add the following language:

“The PHA may not disclose to the owner any confidential information provided to the PHA by the family as part of VAWA documentation, or in relation to any other VAWA related matter, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking unless the disclosure is requested or consented to in writing by the individual that provided the information in a time limited release. (24 CFR 5.2007(c)(2).)”

CHAPTER 10 Housing Quality Standards and Inspections

Modifications (10-2)

Add the following language to ensure compliance with the Fair Housing Act:

“Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit.”

I. Consequences if Owner is Responsible (Non-Emergency Items) (10-5)

Termination of Contract (10-6)

The PHA should impose a policy to ensure that HAP contract termination does not cause the family to become homeless.

Add the following language:

“The PHA should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time. The PHA will issue a voucher to permit the family to move to another unit.”

CHAPTER 12 Recertifications

We are pleased to see the proposed changes with regard to eliminating the requirement for in-person appointments and updating policies to allow for recertifications to be conducted through the mail (12-2 & 12-3). These changes lessen the burden on voucher holders and reflect the need for new methods of recertification procedures, especially while the shelter-in-place order remains in effect.

Tenant Rent Increase and Decrease (12-3)

The PHA Administrative Plan should clearly state *when* a tenant will receive notice of a rent increase or decrease. Industry practice typically provides at least 30-day notice of any increase in tenant payment. [[HCV GB, Reexaminations](#), p. 5.] We recommend 60-day notice so that tenants will have sufficient time to prepare or dispute the PHA's determination. The notice should also clearly state that participating families are entitled to an opportunity for informal hearing regarding the PHA's determination of the family's annual or adjusted income.

Include the following language:

"The PHA must notify the tenant of any changes in the amount of the HAP payment."

"The PHA must provide at least 60-day notice of any increase in tenant rent payment."

"The notice must include the following information:

The amount and effective date of the new HAP payment

The amount and effective date of the new family share of the rent

The amount and effective date of the new tenant rent to owner"

"The family must be given an opportunity for an informal hearing regarding the PHA's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment. (24 CFR 982.555(a)(1)(i).)"

"The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment. The notice also will state the procedures for requesting an informal hearing."

J. Streamlined Annual Recertifications (12-6)

The PHA is proposing to update policies to allow for *biennial* inspection for families receiving fixed income. However, *triennial* verification is all that is required under 24 CFR 982.516(b)(5). Families with fixed incomes are only required to undertake a full recertification every *three* years, and the PHA Administrative Plan should be updated to reflect that. The PHA should replace all references to "biennial" verification with "triennial." It makes good sense to streamline triennial recertifications for all households whose only source of income is fixed; it is less burdensome on families and on the PHA.

CHAPTER 13 Moves with Continued Assistance/Portability

A. Allowable Moves (13-1)

The PHA should clarify that this list of circumstances when a family may move to a new unit with continued assistance is not exhaustive. Replacing "if" (as used in 24 CFR 982.354(b)) with "under one of the following circumstances" is misleading. The PHA should add the following language at the end of the bullet point list:

"This list of circumstances is not exhaustive."

B. Restrictions on Moves (13-1)

The PHA Administrative Plan should clearly state the exceptions on the PHA's ability to restrict moves. Add the following language:

“There are important exceptions on the PHA's ability to restrict moves. PHAs must comply with all applicable federal civil rights laws, and any limitations on family moves are subject to civil rights requirements and Violence Against Women Act (VAWA) requirements. Three examples that may commonly arise in connection with family moves are (1) protections for victims of domestic violence, dating violence, sexual assault or stalking; (2) reasonable accommodations; and (3) harassment in housing as prohibited under the Fair Housing Act. (See [HCV GB, Moves and Portability](#) p. 7.)”

CHAPTER 14 Contract Terminations

A. Contract Termination (14-1)

Under 24 CFR 982.552(b)(2), the PHA must terminate program assistance for a family evicted from housing assisted under the program for a *serious violation* of the lease. Add the following language to this sentence:

“If the family moves in violation of their rental agreement or is evicted due to a **serious** violation of the rental agreement, the Housing Authority will pay through the end of the month in which they vacate.

B. Termination of Contracts by the Owner (14-2)

Add the following language:

“The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.”

“An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault, or stalking is limited by the Violence Against Women Reauthorization Act of 2013 (VAWA).”

C. Termination of the Contract by Housing Authority (14-3)

The Proposed Administrative Plan states that the Housing Authority may terminate assistance if the family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition. **The PHA should clarify that a violation of HQS space standards does not necessitate termination of assistance.** Under this circumstance, the PHA is required by law to issue the family a new voucher and to try to find an acceptable unit as soon as possible. Add the following language:

“If the PHA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as

soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms. (24 CFR 982.403(a).)”

The Proposed Administrative Plan states that the Housing Authority may terminate assistance if funding is no longer available under the Annual Contributions Contract (ACC). **The PHA should establish a policy requiring a determination if any actions can be taken to reduce program costs prior to terminating any HAP contracts due to a shortage of funding.** Add the following language:

“If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the PHA will terminate HAP contracts as a last resort.”

“Prior to terminating any HAP contracts, the PHA will inform the local HUD field office. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA’s annual budget authority.”

“If the PHA experiences a shortfall in Housing Assistance Payments funding as a result of Congressional action through the federal appropriations process, the PHA may implement a series of procedures to ensure that the fiscal solvency of the PHA is maintained while minimizing the impact on participating families.”

CHAPTER 15 Denial or Termination of Assistance

E. Notice of Termination of Assistance (15-10)

The notice should also include the following additional information:

- The effective date of the termination
- The family’s VAWA rights and the HUD 5382 form
- If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record must also be provided to the subject of the record. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record in accordance with 982.555. (24 CFR 982.553(d).)

The Proposed Administrative Plan should also clarify that families will be given a minimum of 30 days’ notice of termination of contract.

CHAPTER 19 Complaints and Appeals

A. Complaints to the Housing Authority (19-1)

The Housing Authority hearing procedures should be readily accessible to families. Add the following language:

“The Housing Authority hearing procedures will be provided to families in the briefing packet and upon request by the family. The hearing procedures will also be available on the Housing Authority website.”