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# CITY OF POMONA COUNCIL REPORT

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April 7, 2025

To: Honorable Mayor and Members of the City Council sitting as the Governing Board for the Pomona Housing Authority

From: Anita D. Scott, City Manager

Submitted By: Beverly Johnson, Neighborhood Services Director

**SUBJECT: APPROVE THE CITY OF POMONA HOUSING AUTHORITY'S FIVE YEAR PLAN FOR FY 2025-2030 AND ANNUAL PLAN FOR FY 2025-26 FOR SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

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## **RECOMMENDATION:**

It is recommended that the City Council, sitting as the Governing Board of the City of Pomona Housing Authority, take the following actions:

- 1) Conduct a Public Hearing for the City of Pomona Housing Authority's Five-Year Plan for Fiscal Year (FY) 2025-2030, Annual Plan for FY 2025-26, Moving to Work (MTW) Supplement to the Annual Plan and Administrative Plan to receive testimony and comments; and,
- 2) Adopt the following resolution:

**RESOLUTION NO. 2025-45 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA SITTING AS THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY, APPROVING THE HOUSING AUTHORITY'S FIVE-YEAR PLAN FOR FY 2025-2030, ANNUAL PLAN FOR FY 2025-26, AGENCY CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN, THE CERTIFICATION OF COMPLIANCE WITH THE PUBLIC HOUSING AUTHORITY ANNUAL PLAN AND MOVING TO WORK (MTW) SUPPLEMENT TO THE ANNUAL PLAN AND SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (ATTACHMENT NO.1)**

## **EXECUTIVE SUMMARY:**

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires Public Housing Agencies (PHA) administering the Housing Choice Voucher (HCV) program to develop a PHA

Plan. There are two parts to the plan: A Five-Year Plan submitted once every fifth PHA fiscal year and an Annual Plan that is submitted to HUD every year. The Five-Year and Annual Plan provide a ready source for interested parties to locate basic public housing agency policies and requirements concerning operations and services. In conjunction with the Annual Plan the MTW Supplement to the Annual Plan is included by the PHA since it is designated a MTW agency.

HUD guidelines state that the PHA Plan is due seventy-five (75) days prior to the new fiscal year (July 1, 2025). Adoption of the resolution and approval of the PHA Plan will place the PHA in compliance with QHWRA, with respect to the HCV program component.

In accordance with 24 CFR 982.54, HUD requires each PHA overseeing a HCV program, to periodically update and adopt a written Administrative Plan that is in compliance with HUD's approach to monitoring and policy development. The Administrative Plan establishes local policies for administration of the program in accordance with HUD requirements, and serves as a supporting document to the PHA plan, which must be available for public review. The PHA must revise the administrative plan if needed to comply with HUD requirements.

**SB1439/GOVERNMENT CODE §84308 APPLICABILITY:**

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$500 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$500 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

**FISCAL IMPACT:**

No Fiscal Impact at this time.

**PUBLIC NOTICING REQUIREMENTS:**

The Housing Authority must publish a notice informing the public that the Five Year Plan, Annual Plan, MTW Supplement to the Annual Plan and Administrative Plan are available for review. A 45-day period is required to allow for public comment of these documents. A notice of a public hearing was published on February 21, 2025, in the Inland Valley Daily Bulletin (Attachment No. 11).

**PREVIOUS RELATED ACTION:**

On April 8, 2024, the City Council conducted a public hearing and adopted a resolution approving the FY 2024-25 Annual PHA Plan, the Moving to Work (MTW) Supplement to the Annual Plan, and the Administrative Plan. All approved documents were submitted to the U.S. Department of Housing and Urban Development and approved as filed.

## **DISCUSSION:**

Currently, the Housing Authority serves over 1,000 families and maintains a waiting list of 1,320 applicants, which last opened in 2021. Staff anticipates opening the waiting list during FY 2025-26. In addition to the HCV program, which assists over 850 families, the Housing Authority also administers the Family Self-Sufficiency (FSS), Mainstream (MS), Veterans Affairs Supportive Housing (VASH), Foster Youth to Independence (FYI), Emergency Housing Vouchers (EHV), and Housing Stability Vouchers (HSV) Programs. There are 65 participants enrolled in the FSS program working toward mainstream housing placement and self-sufficiency, 43 non-elderly disabled families in the MS, 57 Veterans in the VASH program, 8 Foster Youth families in the FYI program, 79 Homeless Families in the EHV Program, and 11 families in the Stability Housing Voucher Programs.

### **HUD Public Housing Agency Requirements**

To be in good standing with HUD and to have the ability to continue providing rental assistance through the HCV program, the Housing Authority must meet HUD's requirements. HUD requires the Housing Authority to develop a two policy and planning documents related to the HCV program: the PHA Plan (Attachment No. 3) and the Administrative Plan (Attachment No. 9).

The PHA plan is a requirement initiated by QHWRA that must articulate the Housing Authority's mission statement and spell out the agency's long-term and short-term plans consistent with that mission statement. There are two parts to the PHA plan: a Five-Year Plan (Attachment No. 2) submitted once every 5<sup>th</sup> PHA fiscal year and an Annual Plan (Attachment No. 3) that is submitted to HUD every year. This Plan has a direct impact on the housing needs of program applicants. It outlines the resources the local HCV program brings to meet those needs and the policies, rules, and standards that govern program participation and management. The Housing Authority must include residents in the HCV program in plan development and must reflect residents' input in the final Plan.

The Housing Authority must also adopt a written Administrative Plan that establishes local policies for program administration. The Plan must conform to HUD regulations and state the Housing Authority's policy in those areas where PHA's have discretion to establish local policy. The Plan is a formal document that communicates to all interested parties the policy choices the local agency has made where federal regulations or law does not direct the Housing Authority's actions or decisions. The Housing Authority ensures that it keeps the Plan up to date and that staff operate under the policies outlined in the Plan (Attachment No. 9).

As part of the adoption process, the Housing Authority's Governing Board must conduct a public hearing and invite the public to comment on the Plan. Since the PHA does not administer public housing and has a continued high-performing status annually, it can submit a streamlined public housing agency plan template (Attachment No. 3).

## **The Pomona Housing Authority PHA Plan**

The following is an overview of the Housing Authority's PHA Plan:

### *Five-Year Plan*

The Five-Year Plan includes a mission statement designed to serve the needs of low-income and very low-income families in the PHA's jurisdiction. It also outlines the Housing Authority's long-term goals and quantifiable objectives for achieving the mission statement. The City Council, sitting as the Governing Board, conducted a public hearing and adopted a resolution (Attachment No. 1) approving the Five-Year Plan on March 6, 2020.

### *FY 2025-26 Annual Plan*

The FY 2025-26 Annual Plan represents Year One (1) of the Five-Year Plan, providing details about the Housing Authority's participants, programs, and services and its strategy for addressing operational concerns, resident needs, programs, and services for the upcoming year. (Attachment No. 3)

The Annual Plan includes:

1. All PHA's Plan elements and any revisions made by the Housing Authority since its last Annual Plan submission, if applicable.
2. The Housing Authority's general policies governing eligibility, selection, admission policies, de-concentration of lower-income families, and waiting list procedures.
3. A statement of financial resources anticipated by the Housing Authority.
4. Rent determination, including payment standards and minimum rents.
5. The Housing Authority's grievance procedures statement.
6. Civil Rights Certification of Compliance.
7. Recent results of the Housing Authority's fiscal year audit.
8. A description of any activities, services, or programs provided or offered by the Housing Authority, directly or in partnership, to address the "Violence Against Women Act."
9. A statement of Homeownership programs the Housing Authority will administer or apply for approval.
10. A statement of the housing needs of families residing in the agency's jurisdiction and the strategy by which the agency intends to address those needs.
11. A statement of the progress in meeting the mission and goals described in the preceding Five-Year Plan.
12. A certification that the Annual Plan is consistent with the City of Pomona's Consolidated Plan.

In addition, the MTW Supplement to the Annual PHA Plan informs HUD, families served by the PHA, and members of the public about the MTW waivers and associated activities that the MTW agency seeks to implement in the coming Fiscal Year and updates the status of MTW activities that have been previously approved (Attachment No. 4). It also provides information about Safe-Harbor waivers, Agency-Specific waivers, compliance with MTW statutory requirements, and evaluations. The MTW Supplement does not replace the PHA Plan. Still, the applicable PHA Plan must continue to be submitted by MTW Agencies. MTW agencies that are not required to

submit annual PHA Plans under the Housing and Economic Recovery Act of 2008 (HERA) must submit the MTW Supplement annually, in addition to holding public hearings, obtaining board approval, and consulting with Resident Advisory Boards (RAB) and tenant associations, as applicable, on planned MTW activities.

#### *Resident Advisory Board*

The Annual Plan must be developed in consultation with the (RAB). The Housing Authority establishes the RAB, which includes adequate resident representation assisted by the Housing Authority. The role of the RAB is to provide input and comment on the development of the Plans. For the development of the FY 2025-26 Plan, the RAB met in person on October 7, 2024 and a summary of their comments is attached to the Plan (Attachment No. 8).

#### **The Pomona Housing Authority Administrative Plan**

The Housing Authority's Administrative Plan must describe the policies adopted in each area where the PHA has discretion. The HCV program regulations specify the policy areas that must be covered in the Administrative Plan. From time to time, HUD amends these regulations and adds new administrative plan requirements. The Housing Authority is responsible for updating its Administrative Plan to include these additional elements as required. The Housing Authority must also revise its Plan whenever local circumstances require a policy change. A copy of the draft Administrative Plan is attached, highlighting the proposed changes. (Attachment No. 9).

#### *Mandatory vs. Optional References in the Administrative Plan*

The Housing Authority must refer to mandatory and optional references when developing administrative policies.

Mandatory References are binding and must be followed by all PHAs. These include HUD handbooks, statutes, the Code of Federal Regulations, current notices from the Office of Public and Indian Housing, including those that have been extended or reinstated, forms required by regulations and opinions or rulings of HUD's Office of General Counsel.

Optional References are non-binding and may include, but are not limited to, guidebooks, notices, and recommendations from individual HUD staff.

HUD recommends that PHAs develop policies consistent with optional references when no mandatory references are available. This creates a "safe harbor" for the PHA. HUD has already determined that the recommendations and suggestions contained in these optional references (guidebooks, notices, and recommendations from individual HUD staff) are consistent with applicable requirements. If the Housing Authority decides to use a policy or procedure that differs from HUD's guidance, it is not protected by the "safe harbor" concept and must determine whether it is consistent with applicable requirements.

*The Pomona Housing Authority Administrative Plan*

The Housing Authority completed a careful review of HUD regulations, identifying "decision points" and items needing further clarification or interpretation to administer the HCV Program in compliance with HUD regulations. Accordingly, the Housing Authority consulted and received training from HUD staff and Nan McKay and Associates, a leading expert in professional housing training, in preparing the Housing Authority to revise the Administrative Plan.

The revised Administrative Plan contains language recommended by Nan McKay for each area in which the Housing Authority has discretion or flexibility to adopt its policies. Policies addressing these decision points ensure a more consistent policy application by Housing Authority staff and a better understanding of Housing Authority decisions by program participants and the public.

*Administrative Plan Revisions*

Substantive changes to default policies and expanded policies on existing program administration have been made. The Administrative Plan includes a summary of the changes (Attachment No. 10).

The Housing Authority's goal is to provide quality service, maintain a successful administration of the HCV Program, ensure it has the most up-to-date information, and comply with Federal mandate requirements. A copy of the complete revised Administrative Plan binder is available for review at the Front Desk of the PHA lobby and will be posted on the City's official website upon approval.

The Administrative Plan becomes the Housing Authority's "official" policy when the Board approves it. HUD must receive a copy of the Plan and may require changes if the policies adopted are inconsistent with program regulation requirements. However, HUD approval of the administrative Plan is not required before its implementation.

**Governing Board Action Summary**

The City Council, sitting as the Pomona Housing Authority Governing Board, is presented the Five Year PHA Plan (FY 2025-2030) (Attachment No. 2), FY 2025-26 Annual Plan (Attachment No. 3) with HUD Form 50075 MTW Supplement to the Annual PHA Plan including MTW Certifications of Compliance (Attachment No. 4), HUD Form 50077 SL – PHA Certification of Consistency with the Consolidated Plan for FY 2025-26 (Attachment No. 5), HUD Form 50077 ST-HCV-HP Certification of Compliance with PHA Plan (Attachment No. 6) and HUD Form 50077 CR Civil Rights Certification (Attachment No. 7), the Administrative Plan with revisions, for your consideration and approval. Alongside with the action of adopting the Resolution 2025-45 (Attachment No. 1), approval of the FY 2025-26 PHA Plan (Attachment No. 2), MTW Supplement and the Administrative Plan, this action will place the Housing Authority in compliance with QHWRA and HUD policies with respect to the HCV program.

Prepared by:

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**ATTACHMENTS:**

- Attachment No. 1 - Resolution No. 2025-45
- Attachment No. 2 - HUD Form 50075 - 5-Year PHA Plan
- Attachment No. 3 - HUD Form 50075 - HCV - Streamlined Annual PHA Plan
- Attachment No. 4 - HUD Form 50075 - MTW (MTW Supplement to the Annual PHA Plan)
- Attachment No. 5 - HUD Form 50077 - SL (PHA Certification of Consistency)
- Attachment No. 6 - HUD Form 50077 - ST - HCV - HP (Cert of Compliance with PHA Plan)
- Attachment No. 7 - HUD Form 50077 - CR (Civil Rights Certification)
- Attachment No. 8 - RAB Comments - October 2024
- Attachment No. 9 - PHA Admin Plan eff. April 2025
- Attachment No. 10 - Summary of Changes in the Current Revision
- Attachment No. 11 - Publication Notice of Public Hearing 2025