

THE HOUSING AUTHORITY Newsline

Opportunity now, where owners make a difference

A NEWSLETTER FROM THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO VOLUME 9 NUMBER 2 • FALL 2011

NAHRO Merit Awards 2011

The Housing Authority received four Awards of Merit in Housing and Community Development from the National Association of Housing and Redevelopment Officials (NAHRO) for the areas outlined below. The merit awards were presented in a Special Awards Event on July 28 at the NAHRO summer conference in Louisville, Kentucky.

- **Landlord Portal:** In an effort to increase communication with our landlords, improve efficiencies, reduce costs and promote green initiatives, we implemented a 'Landlord Portal.' This feature provides landlords with direct deposit of checks and 24-hour access to view their monthly statements and 1099s online. This award also was entered in the National Awards of Excellence Competition.

- **Let's Give Back:** In 2009, we made a concerted effort to give back to the community and launched our first "Let's Give Back" Charity Campaign. In keeping with its mission and values, HACSB staff selected a non-profit organization that serves disadvantaged residents in San Bernardino County year round. HACSB committed to a matching funds program based on staff contributions (donating money, resources, or volunteering their time), which was calculated into a monetary donation for the agency to match and donate to the non-profit.

- **Pay for Performance Program:** Employing a workforce of 144 individuals, the Housing Authority made a concerted effort to reinforce the new agency culture of personal accountability by moving from an automatic, step-based compensation program to one that is directly dependent upon individual performance. The result was the adoption of a new Pay for Performance program.

- **Program Integrity Through Collaborative Partners:** The Housing Authority collaborates with the San Bernardino County Sheriff's Department and the San Bernardino County District Attorney's Office to track and terminate housing assistance to families/



Pictured above at the NAHRO Awards Event from left to right: Sylvia Miller, HACSB Commissioner; Jessie Muñoz, HACSB Commissioner; Saul Ramirez, NAHRO CEO; Ana Gamiz, HACSB Director of Policy and Community Affairs; and Alison Crawford, HACSB Director of Administrative Services.



HOUSING AUTHORITY OF THE
COUNTY OF SAN BERNARDINO

In the initial plan, HACSB established its long term vision and goals, but limited activities related to these goals were identified and approved.

The following are our Vision and Mission Statements, with HACSB's values:

Vision: HACSB is committed to creating a world in which all people have a stable and enriched quality of life.

Mission: HACSB empowers all individuals and families in need to achieve an enriched quality of life by providing housing opportunities and resources throughout San Bernardino County.

Values: The HACSB strives to be a key participant in supporting and improving the community it serves. HACSB seeks to streamline its program and establish a higher standard of services to the community. To this end, the Agency has adopted the following values that will guide it towards achieving its Mission and Vision.

- Create a workplace environment that attracts and retains capable employees who feel they are making a difference.
- Develop an effective communication program that disseminates information to all employees.
- Maintain strong collaborative relationships with a wide variety of agencies and innovative community partners.
- Positively engage the community in building a safe and stable environment.



EQUAL HOUSING
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New Design for the Landlord Portal



Please go to www.hacsb.net/VisualHOMES/ to view our new Landlord Portal features. When you log in the “messages” page will be the first one you see. The message board is a great way to receive updates on the program. You may find “E-tips” about inspections criteria or the lease-up process, or you may also find messages about upcoming events like Landlord Workshops or Public Hearings. If you have any questions or suggestions about the content of our messages board please feel free to contact our main Housing Programs Office at (909) 890-9533.

Another feature is the inspections tab, where you can find information about previous inspections. This information will state if the unit passed or outline any identified fail items. When we have scheduled your next annual inspection within our system you will be able to view your next inspection date for a specific unit. Generally we start scheduling our annual inspections about four to five weeks before the date identified in your inspection letter. This feature will not replace our appointment letters, but is simply an added benefit to the

Portal. You will still receive an appointment letter before your annual inspection.

Also please remember that the current features on the Landlord Portal include the ability to view payments and 1099s.

If you are not a current user of the Landlord Portal please contact us at (909) 890-9533 to get a username and password. Please update your email address in the “profile” section of the Portal to ensure you are part of our mailing list. If you *did not* contact Housing Authority staff for an owner username, but have registered directly from the website, you are limited in what you can view on the Landlord Portal. To take full advantage of the Portal features please contact Housing Authority staff to get a username that will enable all of the features. Once you have logged on with the username issued by HACSB, you can go to your profile and update your password and email address.

We hope that these new features bring added value to your experience with HACSB. Thank you again for your participation in our voucher program! ●

—LISA JONES, DIRECTOR, HOUSING ADMINISTRATION

NAHRO AWARDS CONTINUED FROM PAGE 1

individuals that were committing program violations. Working together, these efforts have resulted in \$1.5 million in court-ordered restitution, development of new legislation (AB 1607), and the creation of a new Program Integrity Unit.

The purpose of NAHRO’s Merit Award is to give national recognition to innovative housing and community development

projects, programs, and services provided by housing authorities throughout the country.

The purpose of the National Awards of Excellence Competition is to recognize outstanding innovation and achievement in housing and community development programs throughout the country. ●

—ANA GAMIZ, DIRECTOR OF POLICY AND COMMUNITY AFFAIRS

Inspection Updates

Local Inspection Standards and Carbon Monoxide Detectors HACSB applies and enforces HUD's Housing Quality Standards (HQS). This set of standards is written to serve all areas of the United States, but does not always address unique issues in various regions or communities (especially in a large, geographically diverse county like San Bernardino County). To address this issue we developed a revised list of the standards which HUD approved, known as our Local Inspection Standards. These can be found on our website at www.hacsb.com under the Housing Choice Voucher Administration Plan.

Due to recent changes in California laws, the Local Inspection Standards were revised requiring carbon monoxide detectors in housing units. Detectors are required only if: 1) there is any fossil fuel burning appliance in the unit; and/or 2) there is an attached garage. If these apply, there must be at minimum of one detector per level of the unit, and one detector adjacent to each sleeping area (i.e. the hall outside of bedroom doors). Guidelines on where to put the detector(s) are also available on our website www.hacsb.com.

Even though state law does not require carbon monoxide detectors in multi-unit buildings until 2013, all Housing Choice Voucher participating units must install them now.

Top Reasons a Unit Fails an Inspection HACSB Inspectors encounter a variety of areas for improvement during an inspection, but some issues reoccur more frequently than others. Below are the top items Inspectors find:

1. Chipped or peeling paint on exterior surfaces. The Housing Authority has a zero tolerance policy for deteriorated paint. Lead Based Paint hazards in units where small children are present may require professional clearance certification.
2. Inappropriate landscaping. Landlords are responsible for all areas visible from the street and common areas under the landlord's control.
3. Damaged and/or deteriorating fence(s).
4. An inappropriate electrical connection on the garbage disposal.
5. Stove burners not working properly (including inoperable pilot lights or ignitions).
6. Dirty or damaged carpets.
7. Toilets not securely bolted to the floor.
8. Damage to kitchen cabinets or cabinet doors.
9. Missing or improper temperature or pressure relief systems on water heaters.
10. Missing caulking around a shower or tub.
11. Damage to the roof, eaves or fascia on the building exterior.
12. Excessive debris or junk around the exterior of the unit.

Our Inspectors are available to explain in detail all the requirements and offer suggestions for repairs.

Biennial Inspections HACSB has introduced a program to reduce the number of visits to qualifying, well maintained units to improve operational efficiencies as well as to streamline and reduce the landlord's regulatory and compliance burden.

When a Housing Authority Inspector first inspects a unit (either at move-in or at the first visit for any given year), and the inspection passes with no major violations, it will be designated as a Biennial Inspection unit and we will schedule the next inspection two years away. If the unit does not meet this standard, it will simply remain on an annual schedule for inspections. The higher standard Biennial rating can be earned or lost in any given year, depending on the condition of the unit at the time of the inspection. The Housing Authority still retains the right to conduct random quality control inspections at any time. ●

—MATT POTTER, HCV SUPERVISOR, INSPECTIONS

WHAT THOSE INITIALS MEAN

This newsletter uses initials and special terms to describe agencies and procedures that are important to landlords. Here's what some of them mean:

HUD: The Department of Housing and Urban Development, a federal agency that provides much of the money we use to subsidize housing in San Bernardino County.

HACSB: Housing Authority of the County of San Bernardino

MTW: Moving to Work; the Housing Authority's new designation with HUD.

HCV: Housing Choice Voucher program (see Section 8 below).

SECTION 8: The rental subsidy program through which subsidy payments are made directly to landlords on the participant's behalf. The term refers to the section of the federal code that authorizes and controls such direct payments. Also called the Housing Choice Voucher program (HCV).

HAP: Housing Assistance Payment; the share of the tenant's rent which the Housing Authority pays directly to the landlord.



The Apartment Association Greater Inland Empire (AAGIE) is an advocate for an ethical rental housing industry and a provider of education, services, and networking to enable our members to operate successfully. We are the local chapter of the California Apartment Association, your advocate in Sacramento, keeping an eye on proposed and new legislation, and fighting for your rights as an owner and manager of residential rental property.



KAREN FRICKE,
EXECUTIVE DIRECTOR,
APARTMENT
ASSOCIATION
GREATER INLAND
EMPIRE

How Do I Verify a Potential Tenant's Income?



Question: One of the recent applicants to our apartment community claims he is paid "under the table." How do I verify his income?

Answer: You really can't verify his income because he is committing fraud. You should not consider this a legal source of income. If he fails to otherwise qualify, deny his rental application. Verifiable sources of income include W-2 forms, bank statements, pay stubs, disability, welfare, alimony, palimony, and child support.

Q: My tenant claims he paid the rent by mailing us a money order. We never received it, and he says we should have received it. Who would bear the loss if we do not find the missing payment?

A: Under most leases, it is normally the responsibility of the tenant to ensure the landlord receives payment. Since it is up to the tenant to choose the method of delivery, he or she bears the risk that the payment is in fact made. However, some landlords will determine the method of delivery. In those cases, the landlord may bear the risk that the payment reaches the landlord.

Q: The city sent me a letter notifying me there is an inoperative vehicle on my property. The city said if the tenant's car is not moved, they will charge me for the cost of removing it. May I move the vehicle myself? What are my options at this time?

A: If the vehicle is on rented property and belongs to the tenant or the tenant's invitee, you may consider serving a three-day notice to perform conditions and/or covenants or quit. The notice would require your tenant to remove the vehicle within three days or quit the premises. A copy of the city's letter would also be appropriate.

Q: The tenants living in one of our apartments signed a one-year lease which states that no pets are allowed. They now have two cats in the apartment and are only in the second month of the lease. We served a 3-day notice to perform covenant or quit. They have chosen to leave. The rent for the entire month was paid. Are they entitled to the prorated amount for the unused portion of the month?

A: No, they are liable for the remainder of the lease or up to the time you relet the premises, whichever occurs first.

Q: Our tenant owes us back rent and is stating he is probably going to file bankruptcy. We've been trying to work with him but are getting nervous now. Do we lose all the back rent if he files bankruptcy?

A: It depends. If he files a Chapter 7, there is little hope. If he files a Chapter 13, you may receive all or a portion of the back rent.

Q: One of my landlord/tenant law books states I can require the tenant to keep up with all building and health codes instead of me

making the changes, in exchange for lower rent. Does this mean I would not be liable for any habitability defects?

A: California law requires that all residential landlords have given an implied warranty of habitability of the premises that cannot be waived by the tenant. The only exception is if the tenant agrees to make necessary repairs to render the property habitable in exchange

for a rent reduction during the time of inhabitability.

For information on how to join AAGIE call (909) 948-0784 ext.13 or check out our website at www.aagie.com Send your rental questions to questions@aagie.com.

—KAREN FRICKE, EXECUTIVE DIRECTOR, APARTMENT ASSOCIATION GREATER INLAND EMPIRE

A Message from the San Bernardino County Sheriffs Department

Premise Liability



A landlord has an obligation to their residents to ensure the rental property meets safe and adequate living standards. Failure to do so could open the landlord up to a premise liability lawsuit. This legal trend, which is sweeping the country, will attempt to hold a landlord or property manager responsible for money damages, including if someone is injured on your rental property.

If you think that a person who enters your property does so at their own risk, you are mistaken. Many landlords also believe this is why they carry insurance, but fail to realize that simply being proactive on their rental properties could make the difference. Also, most insurance companies will not cover any punitive damages a court or jury may order against you, the defendant. Why not, and what are punitive damages? These are awards designed to punish a landlord, not just to compensate the plaintiff for any injuries.

The plaintiff's claim must be based on the fact the landlord failed to repair a broken or defective condition. They must also prove the landlord knew or should have known of the condition and had enough time to remedy the condition, but failed to do so. If you receive a request from your resident to make a repair or remedy any defective condition on your rental property, make sure you document not only their request but any repairs you made. This documentation could be your only defense if a premise liability lawsuit is filed against you.

A landlord also has a duty to take affirmative steps to protect resident on their rental properties from criminal acts of third parties. This is done by ensuring all doors and windows have functional locking mechanisms. If fencing and gates are installed on the property, they must be maintained and in good working order. In a recent case in San Bernardino a property owner is involved in a premise liability lawsuit after they were notified that security gates were not in working order and did nothing to repair the gates. Several non-residents came onto the property and started shooting and an eleven year old girl was killed by a stray bullet while she stood in her own kitchen.

The bottom line is be a proactive landlord. If you have the liability for the property then you should be diligent and proactive to remedy any defective conditions that may be on your property before they are brought to your attention. If they are brought to your attention, then make the necessary repairs in a timely manner and document everything.

Remember: if you put money and property revenue before people it is only a matter of time before you become a defendant. ● —RON HALL, SHERIFF'S DEPARTMENT, PUBLIC AFFAIRS

Moving to Work Updates

In March 2008, the Housing Authority of the County of San Bernardino (HACSB) became one of only one percent of housing authorities nationwide to be designated a Moving to Work (MTW) demonstration site by the U.S. Department of Housing and Urban Development (HUD).

MTW is a demonstration program that allows housing authorities to design and test ways to: 1) promote self-sufficiency among assisted families; 2) achieve programmatic efficiency and reduce costs; and 3) increase housing choices for low-income households. As an MTW agency, HACSB will have the opportunity to implement new policies outside the usual scope of HUD policies and regulations.

The Housing Authority is transitioning to implement various activities to achieve the goals listed above. More information on MTW activities can be found in our Fact Sheets located on our website at www.hacsb.com. Our website also contains our detailed MTW Plans and Reports.

—SUKET DAYAL, PLANNING & POLICY ANALYST



Dear Homer...

Q: I want to lease my unit to another Housing Authority participant but was told that a 2-year lease is required. I don't understand; a previous tenant was only under a 6 month lease. Why the different requirements?

The majority of our participants are now Moving to Work participants and are required to enter into a 2-year contract and lease. There are some participants, however, whose funding comes from a different grant with different requirements, so the leasing requirements may vary for those individuals. The participant will have documentation that specifies the program.

Q: I have not received the Housing Authority portion of rent. Can I serve the tenant a 3-day pay or quit for the housing assistance payment?

Refer to Part C of the HAP Contract: Tenancy Addendum (this addendum must be attached to the lease) Section 5: Family Payment to Owner. The tenant is not responsible for paying the housing assistance payment (HAP) portion of rent to the owner covered by the Housing Authority under the HAP contract between the owner

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Five Types of Eviction Notice

An eviction notice is issued upon the termination of the landlord-tenant relationship. Below is an outline of the various types of eviction notices:



3-Day Notice to Pay Rent or Quit is used to give any tenant notice that they owe rent for a certain period of time and they must either pay the rent due within three days or vacate the property within three days. If the tenant does not comply with the notice, an Unlawful Detainer action will have to be filed so that the owner may regain possession of the property. If the tenant chooses to vacate the property within the three days, the owner can still file a small court claims complaint against the tenant for the unpaid rent. This notice is usually served after the rent has become late according to the rental agreement; usually rent is due on the first and late on the fifth, so the notice could be served on the sixth.

3-Day Notice to Perform Covenant is given to a tenant who is on a written rental agreement notice and has breached their contract in some manner and needs to be cured. This notice can be used to ask for late fees as long as there is a clause in the written agreement, which can be cited. This notice can also be used for a non-paid security deposit, an unauthorized pet, or a utility payment that is due. As long as there is clause in the agreement which can be cited, this notice can be used to give the tenant notice of the breach in contract and how the tenant needs to cure the breach. The tenant is supposed to comply with the notice within three days, or legal action may be taken.

30-Day Notice to Terminate Tenancy is given to a month-to-month tenant, who has resided in the premises for less than one year, notice that the owner wishes to regain possession of the property after the 30 days have expired. This notice is given to a tenant on a month-to-month tenancy, or tenants who can be considered "tenants at will." The tenant is given notice to vacate the property by the expiration of the notice. The tenants are responsible for all of the rent until the expiration of the notice, even if they move out early. If the tenants do not vacate the property by the expiration of the notice, an Unlawful Detainer action will have to be filed so that the owner may regain possession of the property. The owner does not have to specify a reason for the notice on the notice or otherwise: good cause is not an issue.

60-Day Notice to Terminate Tenancy is given to a month-to-month tenant who has resided in the premises for more than one year, notice that the owner wishes to regain possession of the property after the 60 days have expired. This notice is given to a tenant on a month-to-month tenancy, or tenants who can be considered "tenants at will." The tenant is given notice to vacate the property by the expiration of the notice. The tenants are responsible for all of the rent until the expiration of the notice, even if they move out early. If the tenants do not vacate the property by the expiration of the notice, an Unlawful Detainer action will have to be filed so that the owner may regain possession of the property. The owner does not have to specify a reason for the notice on the notice or otherwise: good cause is not an issue.

90-Day Notice to Terminate Tenancy is used for Section 8 tenant-based contracted units in rent control and non-rent control jurisdictions. This notice is given to tenants who reside under Section 8 tenant-based contracts. The tenant(s) who were the beneficiaries of the contract or recorded agreement shall be given at least 90 days' written notice of the effective date of the termination and shall not be obligated to pay more than the tenant's portion of the rent, as calculated under the contract or recorded agreement to be terminated, for 90 days following receipt of the notice of termination of nonrenewal of the contract. If the tenants do not vacate the property by the expiration of the notice, an Unlawful Detainer action will have to be filed so that the owner may regain possession of the property.

When landlords wish to terminate a tenancy for cause (for example, because the tenant has not paid the rent, violated an important lease clause, or seriously damaged the property), they may use the quick three-day notice that advises the tenant to pay the rent (or cease the violation) or move out. ●

ARACELY LUNA, ASSISTANT DIRECTOR CDBG, INLAND FAIR HOUSING AND MEDIATION BOARD

Scholarships Awarded to Ten College Students

The Housing Authority awarded ten college scholarships to students to help them pay for their education expenses. The selection committee reviewed almost 50 applications from Housing Authority clients, and narrowing the selection to ten was a tough decision.

For 20 years, the Housing Authority has been awarding college scholarships to students, in a commitment to help students succeed in college. Students attending a four-year college or university received \$1,000 scholarships, while community and technical/vocational students received \$500 scholarships. The Housing Authority uses non-public funds to promote educational success among their participants.

This year's scholarship recipients

are attending the following colleges/universities: University of California, Los Angeles; University of California, Merced; California State University, San Bernardino; Biola University; Summit Career College; and San Bernardino Valley College. Their areas of study include majors such as biology, business management, film, human resources, liberal arts, nursing, psychology, and social work.

The Housing Authority's goal is to help all their residents achieve self-sufficiency, and these winners as well as many other students in the housing programs are headed on paths toward this goal. ●

—ANA GAMIZ, DIRECTOR OF POLICY AND COMMUNITY AFFAIRS



2011 Scholarship recipients (left to right): Evelyn Amez, Jashe Lee, Shawn Jackson, Shirley Wilson, Linda Ton, Jessica Espinoza, Wendy Padron, Isis Eskander, Sultana Dillion, Angelica Mosqueda

DEAR HOMER

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and the Housing Authority. The Housing Authority's failure to pay is not a violation of the lease for the participant. The owner may not terminate the tenancy for nonpayment of the Housing Authority's housing assistance payment. Please contact Housing Authority staff directly with questions regarding the HAP.

Q: Will the Housing Authority review the Payment Standards again?

Yes, a market study of the county's rental submarkets is conducted on an annual basis, and any updates to the Payment Standards will be posted on our website at www.hascb.com.

—INES WORK, HCV SUPERVISOR

HA Newsline is distributed to landlords in the County of San Bernardino. To learn more about the Housing Authority of the County of San Bernardino's rent subsidy program, or to add your name to our mailing list, contact the Housing Programs Office at 672 S. Waterman, San Bernardino, CA 92408 (phone 909.890.9533 ext 3202) or email [sstokes@hacsb.com](mailto:ss Stokes@hacsb.com).

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Office Hours:

9 AM to 4 PM — All offices are closed every other Friday.

A Special "Thank You"
The Housing Authority of the County of San Bernardino thanks you for helping us build communities and change lives in our county. Your service to the people of the county assists us in our mission of "empowering all individuals and families in need to achieve an enriched quality of life."

—ALISON CRAWFORD, DIRECTOR OF ADMINISTRATIVE SERVICES

HCV Employees Celebrate 25 Years of Service

In celebrating our 70 years of service as an agency, we would like to honor four Housing Choice Voucher (HCV) Program employees who have served our agency and program participants for over 25 years:

- **Kathy Weigel** was hired in 1985 as a Clerk/Typist, promoted in 1986 to an Occupancy Technician I, and in 1996 to an Occupancy Technician II. Kathy has provided exceptional service as an HCV caseworker for 15 years. Her best memories include seeing participants go through the Homeownership Assistance Program and become self-sufficient homeowners.
- **Ines Work** was hired in 1985 as a Tenant Relations Aide, promoted in 1991 to an Occupancy Technician I, in 1993 to an Occupancy Technician II, and to an HCV Supervisor in 2006. In this supervisor role, Ines continues to lead her team in providing service to the residents at the San Bernardino HCV Program office. She enjoys being a part of an agency that has a vision to help people.
- **Terry Quiroz** was hired as a Clerk Typist, and through the years received several promotions, including Occupancy Technician I, Occupancy Technician II, Senior Occupancy Technician, HCV Program Manager, and

eventually Program Integrity Unit Manager in 2010. She took on the challenge of starting and managing this new Program Integrity Unit. Terry expresses great excitement about working with a strong, compassionate and dedicated team at the Housing Authority. "I appreciate all they do; we are all here to help people of our community," states Terry.

- **Martha Little** was hired in 1983 as a Clerk Typist II, promoted to a Senior Administrative Clerk in 1994, and in 1999 promoted to an Occupancy Technician I. Part of the waiting list unit, she determines initial eligibility for future participants being pulled from the waiting list. "Some of our people have lost their homes in the recession and have nowhere to call home. It makes my day knowing that they have somewhere to call home," states Martha.

Congratulations Kathy, Ines, Terry, and Martha for your years of service. We appreciate all the work you have provided to our participants and employees. Your committed and dedicated service make our agency a better workplace and provide a positive environment to assist people. ●

—LIZERI GUERRERO, HCV SUPERVISOR