

CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200 • FACSIMILE: 962-4209



NOTICE AND AGENDA FOR THE SPECIAL MEETING OF THE

CITY COUNCIL

HOUSING AUTHORITY

**THURSDAY
JULY 21, 2022**

PLEASE NOTE
MEETING TIME

**SPECIAL MEETING
5:15 P.M.**

IRWINDALE CITY COUNCIL CHAMBER

Limited Public Access

Pursuant to Irwindale Resolution No. 2022-68-3318

The Irwindale City Council has authorized the conduct of hybrid meetings of the City Council, including all City Commissions and committee meetings, and all regularly scheduled meetings that would normally take place in the City Council Chambers, under the provisions of Government Code Section 54956 § E, as authorized by AB 361.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate are available through the following:

In-Person at the City Council Chambers

Via Zoom Webinar at <https://us02web.zoom.us/j/87104592389>

Webinar ID: 871 0459 2389



Spontaneous Communications: The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction. The City Council will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The City Council will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a City Council meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection at the office of the Chief Deputy City Clerk, City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday).

Code of Ethics

As City of Irwindale Council Members, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Council Member.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE CITY COUNCIL



**SPECIAL MEETING
CITY COUNCIL
5:15 P.M.**

A. CALL TO ORDER

B. ROLL CALL: Councilmembers: Mark A. Breceda, Manuel R. Garcia; H. Manuel Ortiz;
Mayor Pro Tem Albert F. Ambriz; Mayor Larry G. Burrola

SPONTANEOUS COMMUNICATIONS

Spontaneous communications are limited to the special meeting agenda items only.

C. REPORT FROM CLOSED SESSION – 6:15 PM SPECIAL MEETING ON JULY 13, 2022

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

California Government Code Section 54956.9(d)(2), (e)(1)

D. RECESS TO CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant Exposure to Litigation

[Pursuant to Government Code section 54956.9 (d)(2), e(1)]

A point has been reached where, in the opinion of the legislative body of the local agency, upon the advice of its legal counsel based on existing facts and circumstances that there is significant exposure to litigation against the local agency.

Number of cases: 1

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9

A) Name of Case: Five Points, LP vs. City of Irwindale

Case Number: 22STCV01394

E. RECONVENE IN OPEN SESSION

F. REPORT FROM CLOSED SESSION

G. ADJOURNMENT

HOUSING AUTHORITY
SPONTANEOUS COMMUNICATIONS

Spontaneous communications are limited to the special meeting agenda items only.

1. NEW BUSINESS

At this time, members of the audience may ask to be heard regarding an item on New Business.

- A. Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program (Continued from July 13, 2022)

Department: Community Development

Recommendation: Discuss and provide direction regarding the Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program Las Casitas.

2. ADJOURN

AFFIDAVIT OF POSTING

I, Laura Nieto, Chief Deputy City Clerk, certify that I caused the agenda for the special meeting of the City Council and Housing Authority to be held on Thursday, July 21, 2022, be posted at the City Hall, Library, and Post Office on Wednesday, July 20, 2022.

Laura M. Nieto, MMC

Laura M. Nieto, MMC
Chief Deputy City Clerk

- ☐ City Council
☐ Successor Agency
☒ Housing Authority
☐ Reclamation Authority
☐ Joint Powers Authority

City of
IRWINDALE
AGENDA REPORT

Date: ~~July 13, 2022~~ July 21, 2022
 To: Honorable Chair and Members of the Housing Authority Board
 From: Julian A. Miranda, Executive Director
 Issue: Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program

City Manager's Recommendation:

Discuss and provide direction regarding the Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program Las Casitas.

Administrative Action:

Prepared by:

Jamie Traxler, Assistant General Council

Submitted by:

Marilyn Simpson, Community Development Director
(626) 430-2209

Electronically Approved

Marilyn Simpson

Reviewed by:

Adrian R. Guerra, General Counsel

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, Executive Director

Julian A. Miranda

Background and Analysis:

As requested by the Irwindale Housing Authority ("IHA") Board ("Board") at the meeting of June 22, 2022, this matter is placed on the agenda for the Board to discuss and provide direction regarding the IHA Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program (Guidelines).

At the June 22, 2022 meeting, the Board directed staff to prepare a proposed definition of homelessness for discussion, along with the below changes to the Guidelines. The City Attorney's office was also directed to ensure that any proposed changes to the Guidelines are consistent with state law. Health & Safety Code section 34322.2 is the state law regarding priorities for tenant selection and requires adoption of regulations establishing a plan that does the following:

- Assures equal opportunity and nondiscrimination
- Sets standards for eligibility, notification procedures of eligibility or disqualification, and procedures for maintaining a waiting list;
- Gives priority to persons displaced by public or private action;
- Gives priority to families of veterans and servicemen;
- May establish occupancy standards, offering available units only to families of appropriate size;
- May further limit qualifications in order to comply with state or federal law or regulations.

It is therefore recommended that the Board adopt additional procedures for maintaining a waiting list of applicants, and add a priority category to persons displaced by public or private action.

Additional proposed changes to the Guidelines are as follows, pursuant to the Board's direction on June 22, 2022:

Second Priority Category

Current Version

- | | |
|------------|-------------------|
| Priority 1 | Disabled |
| Priority 2 | Veteran |
| Priority 3 | None of the above |

Proposed Changes

- | | |
|------------|---------------------|
| Priority 1 | Disabled or Veteran |
| Priority 2 | None of the above |

Third Priority Category

Current Version

- | | |
|------------|--|
| Priority 1 | Shared Renter for longer than one (1) year prior to Application |
| Priority 2 | Shared Renter for less than one (1) year prior to Application |
| Priority 3 | Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application |
| Priority 4 | Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application |

- Priority 5 Persons owning residence or other residential real property
- Priority 6 None of the Above

Proposed Changes

- Priority 1 Persons who are Homeless
- Priority 2 Shared Renter for longer than one (1) year prior to Application
- Priority 3 Shared Renter for less than one (1) year prior to Application
- Priority 4 Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application
- Priority 5 Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application
- Priority 6 Persons owning residence or other residential real property
- Priority 7 None of the Above

Along with adding a priority category for persons who are Homeless, the Board directed Staff to draft a proposed definition of the term "homeless." The definition is proposed to be added to section 2(A)(8) of the Guidelines as follows:

8. Homeless

A person who is homeless is:

- (1) An individual lacking a primary nighttime, fixed, regular, and adequate residence fit for human habitation and who is currently residing in a public or private place not meant for human habitation within the jurisdictional boundaries of Irwindale; or
- (2) An individual at imminent risk of homelessness within the jurisdictional boundaries of Irwindale who:
 - (a) has not had a lease, ownership interest, or occupancy agreement for permanent housing during the 90 days prior to the submission of the Application;
 - (b) has not identified or obtained any other subsequent or permanent residence; and
 - (c) during the same 90-day period prior to submission of the Application lacked the financial resources needed to obtain other permanent housing based on the Affordable Rent requirements as set forth in the Disposition and Development Agreement and Regulatory Agreement by and between the Irwindale Housing Authority and the Northridge Group, Inc.

An Applicant may qualify for the homeless preference by providing either of the following documentation:

- 1. A notarized affidavit signed under penalty of perjury by the Applicant and one reference familiar with the Applicant's situation certifying that the Applicant is homeless or at imminent risk of homelessness within the jurisdictional boundaries of Irwindale, that no permanent or subsequent residence has been identified or

- obtained, and that within the 90-day period prior to submitting the Application, the individual lacked the financial resources needed to obtain other permanent housing;
2. Written confirmation by a third-party non-profit organization or any public service agency or outreach program certifying that the Applicant is homeless or at imminent risk of homelessness within the jurisdictional boundaries of Irwindale; or
 3. A notice of eviction or a court order resulting from an eviction for an address located within the jurisdictional boundaries of Irwindale.

AND corresponding bank statements and tax returns (if applicable) necessary to verify income and lack of financial resources for the 90-days prior to application submittal.

Final Priority Category

Current Version

- | | |
|------------|---|
| Priority 1 | Category A Continuous Irwindale Resident (15 years) |
| Priority 2 | Category B Continuous Resident (3 years) |
| Priority 3 | Interrupted Resident |
| Priority 4 | Former Resident |
| Priority 5 | Immediate Family Member |
| Priority 6 | None of the above |

Proposed Changes

- | | |
|------------|--|
| Priority 1 | Category A Continuous Irwindale Resident (5 years) |
| Priority 2 | Category B Continuous Resident (3 years) |
| Priority 3 | Interrupted Resident |
| Priority 4 | Former Resident |
| Priority 5 | Immediate Family Member |
| Priority 6 | None of the above |

Also for the Board's consideration, the State audit recommended the removal of the long-term residency priorities from any future housing programs to which the City agreed to make the necessary modifications to the Guidelines Policies and Procedures.

It is therefore recommended that the Board discuss the proposed changes to the Guidelines, and provide any direction to staff.

Fiscal Impact:

None

Attachment:

- A: Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program (Revised: November 10, 2021)

Attachment “A”

**IRWINDALE HOUSING AUTHORITY
GUIDELINES, POLICIES AND
PROCEDURES FOR
SENIOR LOW/MODERATE INCOME
HOUSING APARTMENT RENTAL
PROGRAM**

Adopted by the:

Irwindale Housing Authority

Approved: March 9, 2011

Revised: May 26, 2021

Revised: November 10, 2021

GUIDELINES, POLICIES, AND PROCEDURES

SECTION 1. GENERAL

The Irwindale Housing Authority ("Authority") has a goal of providing a multi-family housing stock for Irwindale residents to replace existing substandard housing units and to create safe and sanitary rental opportunities for seniors.

SECTION 2. PROGRAM GUIDELINES, POLICIES AND PROCEDURES

A. Definitions

1. Applicant

A person/family submitting a formal application for consideration and determination of eligibility to rent an apartment hereunder.

2. Application Deadline

The Application Deadline shall be the date established by the Authority as the deadline for submitting Applications for each apartment unit that becomes available.

3. Conflict of Interest

Authority Board members and officers, or management level employees of the Authority are deemed to have a conflict of interest and may not participate in this program. Persons who exercise operational responsibilities relative to any financing pertaining to the apartment project are similarly deemed to have a conflict of interest.

4. Continuous Resident

A "Continuous. Resident(s)" shall be placed in two (2) subcategories thereof: Those persons/families continuously residing in Irwindale since at least fifteen (15) year period immediately preceding the Application Deadline shall be identified as "Category A" Continuous Resident. Those persons/families continuously residing in Irwindale for at least thirty-six (36) months but establishing residence on or after fifteen (15) year period immediately preceding the Application Deadline shall be identified as "Category B" Continuous Resident.

5. Disabled Family

- (a) Any person or his/her family member who has a disability or handicap recognized under the Americans with Disabilities Act of 1990, as amended, which includes;

- (i) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; .
 - (ii) a record of such an impairment; or
 - (iii) being regarded as having such an impairment (42 U.S.C. §12102.)
- (b) A handicap does not include current, illegal use of or addiction to a controlled substance. For purposes of this part, an individual shall not be considered to have a handicap solely because that individual is a transvestite. (24 C.F.R. § 100.201) As used in this definition:
- (c) "Physical or mental impairment" includes:
 - (i) Any physiological disorder or condition, cosmetic; disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs, cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness; and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
- (d) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (e) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical . impairment that substantially limits one or more major life activities.
- (f) "Is regarded as having an impairment" means:
 - (i) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

- (ii) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or
- (iii) Has none of the impairments defined in paragraph (i) of this definition but is treated by another person as having such an impairment.

Medical certification of a disability or handicap is required from persons claiming disability who are not recipients of benefits under either 42 U.S.C. § 423 (Social Security Act) or § 102 (b) (5) of the Development Services and Facilities Construction Amendments of 1970. The laws and regulations cited in this Section may be amended from time to time by the appropriate governmental authority. Any such amendments that modify the definitions contained herein shall be automatically incorporated without formal action by the Authority.

6. Former Resident

Persons who previously resided within Irwindale for at least thirty-six (36) consecutive months within the fifteen (15) year period immediately preceding the Application Deadline, but who do not currently reside in Irwindale, shall be considered to be Former Residents.

7. Handicapped Person

A person having a disability or handicap, which (a) is expected to be of long continued and indefinite duration, (b) substantially impedes the person's ability to live independently, and (c) is of such a nature that such ability could not be improved by more suitable housing. Any member of a family who is handicapped qualifies that family as a Disabled Family, (See: "*Disabled Family*".)

8. Immediate Family Member

Parents, grandparents, siblings, or children of Continuous Residents are considered to be Immediate Family Members.

9. Income Qualification Criteria

Extremely low, very low, low and moderate income qualification criteria shall be as set forth in Exhibit "A" hereto, which may be amended from time to time without formal action by the Authority or CRA to be consistent with state laws and regulations (Subchapter 2 of Chapter 6.5 of Division 1 of Title 25, California Code of Regulations; see also: California Health and Safety Code §§ 50106, 50105, 50079.5 and 50093.)

10. Interrupted Resident

Any person (or family) who resided in Irwindale for at least thirty-six (36) consecutive months within the fifteen (15) year period immediately preceding the Application Deadline, moved away for a period of time, but has reestablished a bona fide residence within the City limits of Irwindale for at least one year prior to the Application Deadline shall be considered to be an Interrupted Resident.

11. Non-resident

Any person (or family) who is not now and has not been a resident of Irwindale for at least thirty-six (36) consecutive months within the fifteen (15) year period immediately preceding the Application Deadline.

12. Renter

An applicant successfully completing the application process and renting an apartment hereunder.

13. Senior

A Senior is a person who is at least sixty-two (62) years of age or older.

14. Shared Renter

Persons sharing rental accommodations with unrelated persons.

15. Veteran

Any person who has been honorably discharged from one of the military services of the United States shall be considered a Veteran.

B. Eligibility Criteria

Since the Senior Apartment Rental Program is an apartment rental program, there are two (2) primary criteria which must be met to determine eligibility:

1. Income eligibility under § 2.A.9, above.
2. Be a Senior as specified in § 2.A.12, above.

C. Priorities

Eligible applications from persons/families meeting basic income (extremely low, very low, low or moderate income) criteria, shall be processed based upon the following priority schedule and the application procedures in Section 2.D:

1. First Priority Criteria

- (a) Extremely low income persons/family - nine (9) apartment units
[subject to modification]
- (b) Very low income persons/family - six (6) apartment units
[subject to modification]
- (c) Low income persons/families - five (5) apartment units
[subject to modification]
- (d) Moderate income persons/families - five (5) apartment units
[subject to modification]

A primary goal of the Authority is to create, to the extent feasible, sufficient new rental units to meet the projected needs of Irwindale Seniors. Accordingly, and notwithstanding the initial allocations established in § 2. C.1, above, pertaining to the number of units allocated among the income categories, the Authority reserves the right to reallocate the final number of units specified for each income category, if deemed necessary and appropriate, to meet the quantified needs of Irwindale Seniors.

2. Second Priority Criteria

- (a) Disabled Family Priority 1
- (b) Veteran Priority 2
- (c) None of the above Priority 3

3. Third Priority Criteria

- (a) Shared Renter for longer than one (1) year prior to Application - Priority 1.
- (b) Shared Renter for less than (1) year prior to Application - Priority 2.
- (c) Persons residing in rental accommodations (single/married) for longer than one (1) year prior to Application - Priority 3.
- (d) Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application - Priority 4.
- (e) Persons owning residence or other residential real property - Priority 5.
- (f) None of the above – Priority 6.

4. Final Priority Criteria

- (a) Category A Continuous Irwindale Resident - Priority 1

- (b) Category B Continuous Resident - Priority 2
- (c) Interrupted Resident - Priority 3
- (d) Former Resident - Priority 4
- (e) Immediate Family Member - Priority 5
- (f) None of the above - Priority 6

D. Application Procedure

1. Applications

- (a) Upon commencement of the application process, interested persons will be required to complete and sign an Application. As a material part of the Application, interested persons will be required to execute an authorization and waiver form for release of information from persons, firms, public entities and others who may retain data necessary for a complete analysis of the Application. Data needed will include name, address, telephone number, family composition and ages, declaration of income and assets, declaration of outstanding financial obligations, veteran status, declaration of physical status (with appropriate medical confirmation), declaration of home ownership status. (See: § 2.D.1(i).). Appropriate assistance in completing the Application will be provided to interested persons, if requested.
- (b) Applications shall be submitted for review and screening.
- (c) Applications will then be assigned to the appropriate First Priority classification under § 2.C.1.
- (d) Within each primary eligibility classification (or priority), the Applications will be further prioritized according to the Second Priority Criteria set forth in § 2.C.2, above.
- (e) Applications will be further prioritized with each category by the Third Priority Criteria set forth in § 2.C.3, above.
- (f) Applications will be finally prioritized within each classification by the Final Eligibility Criteria set forth in § 2.C.4.
- (g) Within the numerical allotments provided by the First Eligibility Criteria (§ 2.C.1), the final order of priority will be established by adding the numerical priority rating assigned to each Application. The Applications will be ranked, in order of descending priority, with the smallest total number assigned being the highest priority.

For example, an Applicant who is a Displaced Person (Priority 1), Shared Renter (Priority 1) and a Continuous Resident (Priority 1) will have a total Priority Rating of 3 and would be ranked higher than a person who is a "none of the above" (Priority 4), Property Owner (Priority 5) and an Immediate Family Member (Priority 5) with a total Priority Rating of 13.

- (h) The Executive Director shall be vested with the authority to make the final determination of priority ratings which will be presented to the Board for informational purposes only. In the event a tie occurs between two (2) or more Applicants, the total Priority Rating rank order will be assigned by a random blind drawing publicly conducted by the Board during a duly noticed Board meeting.
- (i) The Authority staff will verify the following data:
 - (i) name and address
 - (ii) residence requirement
 - (iii) employment
 - (iv) income
 - (v) existing equity/assets (if applicable)
 - (vi) credit history
 - (vii) property ownership
- (j) Documentation necessary to verify income, age, handicap (disability), and residency requirements shall be submitted with application documents and may include, but is not limited to: birth certificates, current pay check stubs, income tax returns, employment/salary verification, bank statements for all checking and/or savings accounts, telephone records and utility records, hospital admittance records, medical care records, and records of educational institutions and public agencies as the same are relevant to matters pertaining to verification of information submitted.
- (k) If Authority staff is unable to verify necessary information through Documentation as described in Section (D)(1)(j) herein, Authority staff may request and accept a submitted affidavit signed under penalty of perjury to verify any such required information.
- (l) All data submitted shall be verified as true and correct under penalty of perjury of the laws of the State of California. Failure to so verify shall result in application rejection.

- (m) Ineligible Applicants shall be notified, in writing, with a statement indicating why the Applicant has been denied and advising the Applicant of his or her right to appeal the determination in writing within ten (10) days of the letter of denial. Appeals will be heard by the Authority Board and the Authority Board's determination shall be final.
- (n) Eligible Applicants shall be mailed the necessary rental agreement documents to begin processing the rental application. The Authority will provide such assistance as may be necessary to ensure timely and complete submissions.

2. Insufficient Eligible Applications

- (a) If there are insufficient eligible Applicants during the first thirty (30) days of the Application Deadline, the Board may authorize additional time for further applications which will be processed in accordance with the procedures set forth in § 2.D.1, above.
- (b) Priority for Applicants shall be strictly maintained in accordance with the application period during which submittal occurred. Additional Applicants authorized by the Board after the first thirty (30) days shall not be included with the first group of Applicants.
- (c) Once rental agreement documents have been approved, then a move-in date will be established.

3. Hearing Procedures

- (a) **Matters Subject to a Hearing.** The following matters shall be subject to a hearing under these guidelines:
 - (i) Appeals by an Applicant whom has been deemed ineligible for the housing Program;
 - (ii) Revocation or Termination of any housing award given under this housing program due to improper determinations of Applicant eligibility including:
 - (A) Failure to provide accurate statements of all information requested in the application, including, but not limited to, address, residency, income, assets, expenses, and family composition at the time of the application such that, the Applicant was ineligible for the housing program at the time of the award;
 - (B) Housing awards that are inconsistent with, or not authorized by, policy.

- (b) **Notice Requirements.** Irwindale Housing Authority staff is authorized and shall provide an Applicant a minimum ten (10) calendar days written notice of a hearing scheduled to take place under these Guidelines. Notice shall include the date, time, and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered or action to be taken by the Irwindale Housing Authority, and a general description of the location of the real property, if any, that is the subject of the hearing.

The Irwindale Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the hearing. The Housing Authority must be notified within three (3) calendar days of the scheduled time of the hearing if special accommodations are required.

- (c) **Administrative Hearing Panel.** The Irwindale Housing Authority Board shall be the designated Hearing Panel presiding over a hearing under this section. In order to conduct a hearing under these guidelines, a quorum of the Irwindale Housing Authority Board must be present on the Hearing Panel at all times in accordance with Irwindale Municipal Code section 2.32.050. The Board shall have the option, in its sole discretion, to designate a different hearing officer or panel. All procedures described herein shall apply to the designated hearing officer or panel.

- (d) **Hearing Procedures and Evidence.** The hearing shall be informal in nature, and formal rules of evidence and discovery do not apply. The hearing shall be open to public observation and nothing herein shall preclude the use of telephonic or other electronic means of communication if deemed appropriate by the Hearing Panel.

- (i) The Irwindale Housing Authority shall make available a copy of these governing procedures to the Applicant whom the action is directed.

- (ii) Each party shall have the opportunity to provide testimony and evidence in support of his or her case. The evidentiary record submitted by the parties shall be accepted by the Hearing Panel as prima facie evidence of the respective facts contained therein. Any document or evidence not submitted at the hearing may not be relied upon by the Hearing Panel in rendering a decision. The Hearing Panel may only consider evidence that is made part of the record at the hearing and relevant to the issues raised in the notice and may disregard any other matter.

- (iii) The failure of any applicant to appear at the hearing will constitute a forfeiture of the hearing, a failure to exhaust administrative remedies, and the order of the Hearing Panel will become the final determination.
 - (iv) An audio recording or transcript shall be taken of any hearing which takes place under these guidelines. A copy of any such audio recording or transcript shall be provided to the Appellant upon request, and the Irwindale Housing Authority may charge a fee sufficient to cover the actual cost of copying said transcript or audio recording.
- (e) **Written Decision.** After considering all of the testimony and evidence submitted at the hearing, the Hearing Panel must issue a written decision within seven (7) business days of the hearing. The written decision may be in the form of a resolution adopted by the Housing Authority Board. The Hearing Panel will use preponderance of the evidence as the standard of evidence in deciding issues. The written decision shall include a statement of the factual and legal basis for the decision.
- (i) The statement of the factual basis for the decision shall be based exclusively on the evidence of record in the proceeding and on matters officially noticed in the proceeding. The written decision shall include a reference to judicial review of the Hearing Panel's final decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. The decision of the Hearing Panel shall be final when issued.
 - (ii) The written decision shall be sent to all parties by certified mail, return receipt requested. The written decision shall be deemed issued and final when mailed.
- (f) **Judicial Review.** A final decision issued by the Hearing Panel may be subject to judicial review within ninety (90) days following the date of the final decision pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6. Computation of the time to appeal shall be governed by the Code of Civil Procedure.