

C Community Development Committee
For the Metropolitan Council meeting of October 13,
2010

Item: 2010-329

ADVISORY INFORMATION

Date October 6, 2010
Prepared:
Subject: Public Housing Agency Plan Approval

Proposed Action:

That the Metropolitan Council approve the attached 2011 Public Housing Agency Plan (PHA Plan), authorize the Metropolitan Council Chair to execute the required certifications and direct staff to submit the final Plan to the U.S. Department of Housing and Urban Development (HUD).

Summary of Committee Discussion / Questions:

Staff reported that although no comments were received at the public hearing for the PHA Plan, Legal Aid Society of Minneapolis had submitted written comments containing suggested changes to policies contained in the Administrative Plan document. Staff provided examples of policies that were modified based on the comments and examples of policies not changed and the rationale. Motion by Meeks, seconded by Wolter and passed unanimously.

C Community Development CommitteeMeeting date: **September 20, 2010****ADVISORY INFORMATION**

Date: September 10, 2010
Subject: Approval of 2011 Public Housing Agency (PHA) Plan
District(s), Member(s): All
Policy/Legal Reference: Code of Federal Reg. Title 24, Ch. VIII, Part 903
Staff
Prepared/Presented: Terri Smith, HRA Manager, 651-602-1187
Division/Department: Community Development/HRA

Proposed Action

That the Metropolitan Council approve the attached 2011 Public Housing Agency Plan (PHA Plan), authorize the Metropolitan Council Chair to execute the required certifications and direct staff to submit the final Plan to the U.S. Department of Housing and Urban Development (HUD).

Background

The PHA Plan is a comprehensive guide to the Metropolitan Council Housing and Redevelopment Authority's (Metro HRA) programs, policies, operations and strategies for meeting local housing needs and goals. The Plan is intended to be a convenient source of information for program participants, HUD and the general public. It provides the Metro HRA an opportunity to articulate its mission for serving the needs of low-income households.

A local waiting list preference is being proposed with the 2011 Plan. This adopts a priority for rent assistance participants who were previously terminated due lack of funding. If adopted, participants who were previously terminated due to lack of funding would be provided with rent assistance prior to serving additional waiting list applicants. Although we have not been in the position of needing to terminate families from the Section 8 program due to lack of funding, the preference is being adopted as a preventative measure should we get in that position.

A public hearing was held at the Community Development Committee meeting on Monday, August 16, 2010, in order to receive public comment on the 2011 PHA Plan for the Section 8 Rental Assistance Programs. No comments were received at the public hearing. Written comments submitted by the Legal Aid Society of Minneapolis during the public notice period were reviewed and considered. The PHA Plan was revised and the submitted written comments are addressed in Part 11.0 (g) of the 2011 PHA Plan.

The written comments received by the Legal Aid Society focused primarily on issues in the Administrative Plan associated with the Limited English Proficiency, Violence Against Women's Act, and reasonable accommodation obligations under federal and state statute. Revisions necessary to ensure accordance with law or supported by federal regulation were made to the Administrative Plan. Other comments made by Legal Aid

focused on discretionary policy matters that will be considered in future versions of the Plan.

Staff recommends approval of the 2011 PHA Plan as revised. A full copy of the Plan can be found at www.metrocouncil.org/housing/HRA/plan.htm.

Rationale

Federal regulations for the Section 8 Program require submittal of the PHA Plan.

Funding

Not applicable

Known Support / Opposition

Comments were received by Legal Aid Society regarding discretionary policy issues related to the Section 8 Administrative Plan. HUD provides housing authorities with the discretion to develop policy on specific program areas. There are a few areas where Legal Aid would like to see changes. You will find discussion and detail on these items in Part 11.0(g) of the 2011 Plan.

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

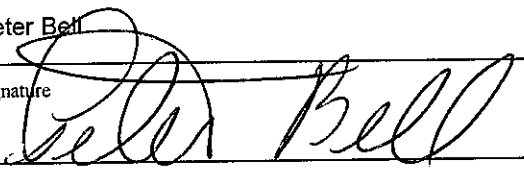
Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or Annual PHA Plan for the PHA fiscal year beginning 2011, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

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| Metropolitan Council HRA | MN163 |
| PHA Name | PHA Number/HA Code |
| <input type="checkbox"/> 5-Year PHA Plan for Fiscal Years 20__ - 20__ | |
| <input checked="" type="checkbox"/> Annual PHA Plan for Fiscal Years 20 ¹¹ - 20 ¹¹ | |

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

| | |
|---|-----------------------------|
| Name of Authorized Official | Title |
| Peter Bell | Chair, Metropolitan Council |
| Signature | Date |
|  | 10/13/2010 |

Civil Rights Certification

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires 4/30/2011

Civil Rights Certification**Annual Certification and Board Resolution**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

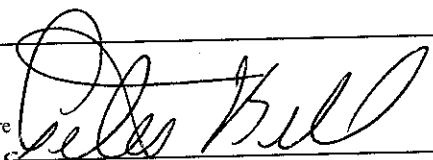
The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

Metropolitan Council HRA

MN163

PHA Name

PHA Number/HA Code

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|---|---|
| I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802) | |
| Name of Authorized Official | Peter Bell |
| Title | Chair, Metropolitan Council |
| Signature |  |
| Date | 10/13/2010 |