



PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

July 11, 2023

The Councils of Park City and Summit County, Utah, will hold a special joint meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

8:45 a.m. - Light breakfast will be served

9:00 a.m. - JOINT CITY COUNCIL AND COUNTY COUNCIL MEETING

I. ROLL CALL

II. AFFORDABLE HOUSING SUMMARY AND DISCUSSION

Regionalization Feasibility Taskforce Update

Project-Specific Updates

Affordable Housing Discussion

[Affordable Housing Staff Report](#)

[Exhibit A: Park City and Summit County Housing Presentation](#)

[Exhibit B: Potential Regional Housing Authority Presentation](#)

[Exhibit C: Draft Business Plan Operations Manual](#)

III. 3KINGS WATER TREATMENT PLANT OVERVIEW

IV. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: July 11, 2023

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: AFFORDABLE HOUSING SUMMARY AND DISCUSSION

Subject:

Affordable Housing Discussion

Suggested Action:

Attachments:

[Affordable Housing Staff Report](#)

[Exhibit A: Park City and Summit County Housing Presentation](#)

[Exhibit B: Potential Regional Housing Authority Presentation](#)

[Exhibit C: Draft Business Plan Operations Manual](#)



Staff Report

MEETING DATE: July 11, 2023

TO: Summit County Council
Park City Mayor and City Council

SUBJECT: Regional Housing Authority

ISSUING

DEPARTMENT(s): Summit County Economic Development and Housing
Park City Municipal Corporation Housing Department

STAFF: Jeffrey B Jones, AICP
Economic Development & Housing Director
jones@summitcounty.org

Jason Glidden
Housing Development Manager
jglidden@parkcity.org

ITEM: **Regional Housing Authority
Business Plan Operations Manual**

| | |
|---|---|
| <u> </u> <u> </u> <u> </u> <u> </u> <u> </u> | RECIEVE DISCUSSION DRAFT STAFF DIRECTION MOTION RESOLUTION ORDIANCE |
|---|---|

BACKGROUND/EXISTING CONDITIONS

On April 25, 2023, Summit County and Park City Municipal Corporation met to discuss the potential establishment of a regional housing authority. The staff was directed at that meeting to establish a working committee with one (1) council member from Summit County's Council and one (1) member from the

Park City Council. Towards that end, Staff established the “Housing Authority Exploration Committee.”

The Committee was/is made up of the following members:

- Tana Toly, Chair
- Canice Harte, Vice Chair
- Jason Glidden, PCMC, Housing Development Manager
- Jeffrey B. Jones, AICP, Economic Development & Housing Director
- Helen E. Strachan, Summit County Attorney's Office
- Cate Brabson, PCMC Attorney's Office
- Jennifer McGrath, PCMC
- Daniel Nackerman, Consultant

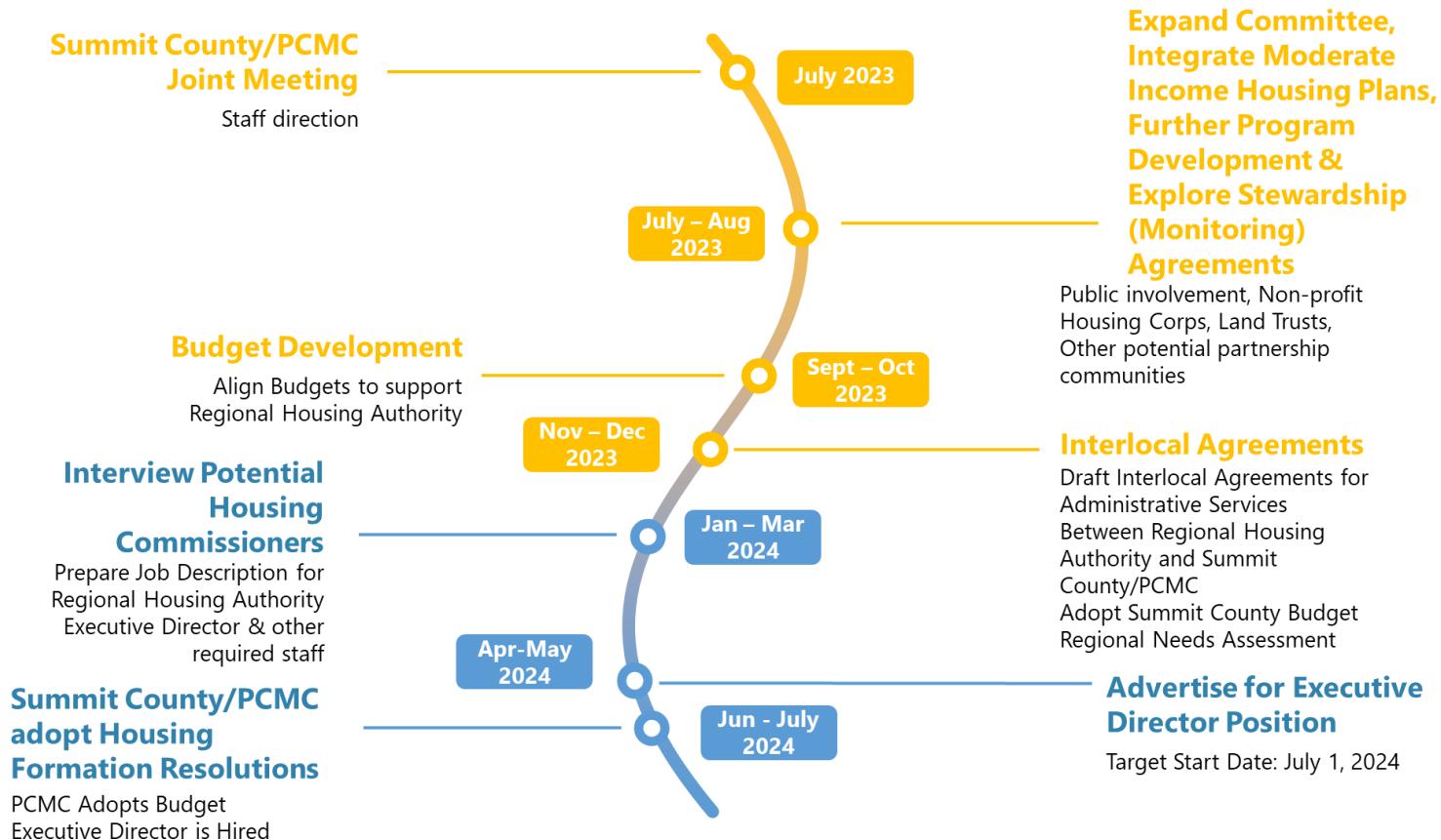
The Committee has met six (6) times since the preparation of this report. During this period, the Committee extended a contract to Daniel Nackerman to provide consulting services in support of the Committee. Once executed, the contract for Mr. Nackerman's services are to be paid from funds from both Summit County and Park City Municipal Corporation.

Except for Mr. Nackerman, no one serving on the Committee has direct experience of working for a housing authority. In response, the Committee felt it necessary to develop a business plan/operation manual to increase the Committee's knowledge base. Nine (9) areas of discussion are included in the attached draft document:

1. Housing Authorities
2. Board and the Executive Director
3. Housing Authority Meetings
4. Strategic Planning
5. Policy Making
6. Fiscal Affairs
7. Legal Matters
8. Public Housing Programs
9. Appendix

Additionally, the Appendix includes an implementation timeline and a draft resolution that Summit County (PCMC) would need to adopt prior to the establishment of a new housing authority.

The timeline was developed with a target implementation date of **July 2024**. An implementation timeline is outlined below.



It should be noted that Staff did not include a detailed budget as part of this report as that step would be completed in September-October. The budget should be aligned to support the targeted programming identified by an “expanded” Committee and in consultation with other community partners.

When developing the targeted programming and budget, the Committee should also identify programmatic goals that describe what each policy or program is expected to achieve and the required milestones that are necessary to implement the strategy and achieve the planned goals.

Having a programmatic goal for each policy or program in the budget will help the County/City determine whether each program is contributing as expected at a future date.

Goals should be ambitious but grounded in the reality of what can reasonably be achieved given available resources, constraints, and opportunities. Factors to consider in setting realistic goals may include funding and staff time dedicated to an activity, as well as political support and the buy-in of key

partners. Reviewing the results of similar activities implemented in the past by the jurisdiction or other peer jurisdictions may help in establishing realistic goals.

The Committee anticipates that the draft Business Plan/Operations Manual will be augmented and updated as programming and budgets are developed.

The timeline above would allow both jurisdictions to adequately plan, budget and staff a new housing authority.

REQUESTED ACTION

Recommend that the County and City Councils receive and review the draft business plan/operations manual, implementation timeline and provide directions to staff, as appropriate.

ATTACHMENTS

- i. Draft Business Plan/Operation Manual (July 2023)
- ii. Presentation: A Potential Regional Housing Authority

Council Joint Meeting

Housing Discussion

July 11, 2023



Studio Crossings

- **Project Details**
 - 100 Market-rate units
 - 185 Affordable units
- **Affordability Level**
 - 80%, 70%, & 60% AMI
- **Planning Commission Approval**
 - November 9, 2022
- **Anticipated Construction Start**
 - Summer 2023



HOPA

- **Project Details**
 - 317 Affordable units
- **Affordability Level**
 - Average 48% AMI
- **Planning Commission Approval**
 - June 28, 2023
- **Anticipated Construction Start**
 - Spring 2024

HOPA Rendering



EngineHouse

- **Project Details**
 - 24 Market-rate units
 - 99 Affordable units
- **Affordability Level**
 - 60% AMI
- **Planning Commission Approval**
 - October 29, 2022
- **Anticipated Construction Start**
 - Summer 2023

EngineHouse Rendering



Mine Bench

- **Project Details**
 - Up to 60 Market-rate Units
 - Up to 240 Affordable Units
- **Affordability Level**
 - 30%—70% AMI
- **Potential Construction Start**
 - Summer 2024 or 2025



Clark Ranch

- **Project Details**
 - Up to 300 Affordable units
- **Affordability Level**
 - At or below 60% AMI
- **Potential Construction Start**
 - Summer 2025 or 2026

Clark Ranch Site



Victory At Summit (Elk Meadows) Apartments

- \$500,000 grant in support of the Utah Preservation Fund's rehabilitation of the Victory at Summit (Elk Meadows) apartments.
- The ninety-six (96) unit project was financed through Low Income Housing Tax Credits (LIHTC), which expired on December 31, 2022.
- 40 Year deed restriction. Rents are targeted $\leq 60\%$ AMI.



Slopeside Apartments at Park City

- 169 Units
 - 1,107+ Beds
 - 579 Beds Occupied
 - Rents: \$617 - \$1,350 per bed
 - Median Rent \$850 per bed



Silver Creek Village

- 330 Income/Price Restricted Units
 - Rentals <60% AMI
 - Ownership 60%-80% AMI
 - Workforce Housing Agreements = 230 units.
 - Of those 230 units, 170 have recorded deed restrictions.





A Potential Regional Housing Authority



July 11, 2023
Jeffrey B. Jones, AICP, Summit County
Jason Glidden, PCMC



Presentation Outline



- Continuation of April 25th Joint County/City Council Meeting
- Housing Authority Exploration Committee
- Business Plan /Operations Manual
- Recommended Timeline & Project Phases
- Direction to Staff/Committee



Housing Authority Exploration Committee



Tana Toly, Chair

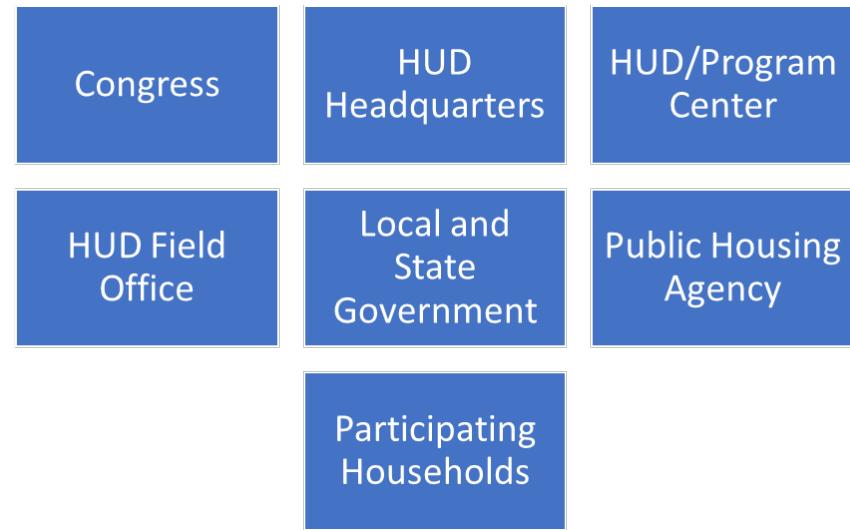
Canice Harte, Vice Chair

Jason Glidden, PCMC, Housing Development Manager
Jeffrey B. Jones, AICP, Economic Development & Housing Director
Helen E. Strachan, Summit County Attorney's Office
Cate Brabson, PCMC Attorney's Office
Jennifer McGrath, PCMC
Daniel Nackerman, Consultant



Housing Authorities

Utah Code 35A-8-407 grants to a Housing Authority all the public powers necessary or convenient to carry out the purposes and provisions of powers as they relate to housing authorities **except for the power to levy taxes.**



Each Housing Authority is governed by a Board of five (5) to seven (7) Commissioners appointed by the mayor with advice and consent of the governing body or in the case of a County, the governing body of the political jurisdiction within which the authority is established.



The Board and Executive Director

Commissioners must allow the Executive Director and staff to handle the day-to-day management of the agency's programs. The Commissioners' role is that of policy maker, while the responsibility of the Authority's administration belongs to a paid professional working full or part-time as the Executive Director of the agency.



The Quality Housing and Work Responsibility Act of 1998 requires anyone who is a **recipient of the Housing Authority services** be considered and appointed as a member of the Board of Commissioners. Exceptions are allowed if a public housing authority has less than 300 public housing units. Exceptions are also allowed if annual attempts to recruit resident Commissioners are made with no interest from qualifying residents.



Business Plan /Operations Manual



Pros & Cons of Housing Authorities

Pros

- Regional collaboration
- Reduced Political Influence
- Access to federal funding/programs
- Stewardship

Cons

- Increased rules and regulations
- Require local financial subsidies
- Potential political conflicts



Summit County/PCMC Joint Meeting

Staff direction

Budget Development

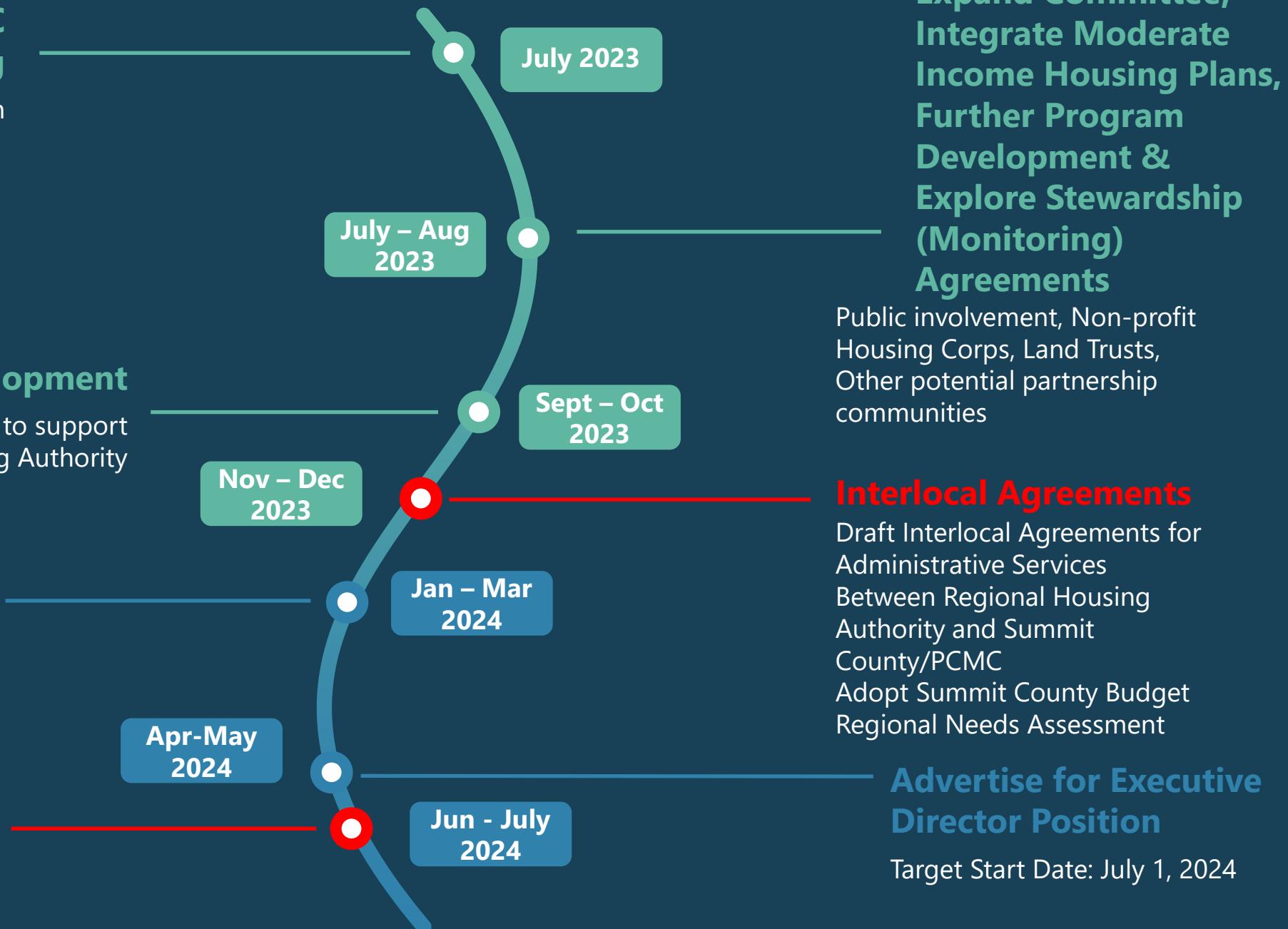
Align Budgets to support Regional Housing Authority

Interview Potential Housing Commissioners

Prepare Job Description for Regional Housing Authority Executive Director & other required staff

Summit County/PCMC adopt Housing Formation Resolutions

PCMC Adopts Budget
Executive Director is Hired



Expand Committee, Integrate Moderate Income Housing Plans, Further Program Development & Explore Stewardship (Monitoring) Agreements

Public involvement, Non-profit Housing Corps, Land Trusts, Other potential partnership communities

Interlocal Agreements

Draft Interlocal Agreements for Administrative Services Between Regional Housing Authority and Summit County/PCMC
Adopt Summit County Budget Regional Needs Assessment

Advertise for Executive Director Position

Target Start Date: July 1, 2024

Direction to Staff



Next Steps

Does the timeline seem correct?

How should staff proceed?

Questions?

Thank you



REGIONAL HOUSING AUTHORITY BUSINESS PLAN/OPERATIONS MANUAL

DISCUSSION DRAFT #1 – July 03, 2023

Housing Authority Exploration Committee

Tana Toly, Chair

Canice Harte, Vice Chair

Jason Glidden, PCMC, Housing Development Manager

**Jeffrey B. Jones, AICP, Summit County Economic
Development and Housing Director**

Helen E. Strachan, Summit County Attorney's Office

Cate Brabson, PCMC Attorney's Office

Daniel Nackerman, Consultant

Table of Contents

HOUSING AUTHORITIES

- How Housing Authorities Are Established
- Functions of the Regional Housing Authority
- Linkage to County/City Governments
- Appointment
- Residents as Commissioners
- When Vacancies Occur
- Qualifications
- Removal of Commissioners

THE BOARD & EXECUTIVE DIRECTOR – AN EFFECTIVE TEAM

- Defining Responsibilities
- Governance
- Roles of Board vs. Executive Director
- Areas of Responsibility
- What Makes an Effective Commissioner
- Resident Commissioners
- Importance of a Good Working Relationship
- Avoiding Conflict
- Support the Executive Director
- Situations to Avoid
- Closed Sessions

HOUSING COMMISSIONER MEETINGS

- Duties of Commissioners
- Preparation for the Meeting
- During the Meeting
- Follow-up to the Meeting
- Suggested Agenda Items

STRATEGIC PLANNING

- Guiding An Effective Agency

POLICY MAKING

- Overview
- Admissions and Continued Occupancy (ACOP) - Authority-owned Housing
- Administrative Plan - Housing Choice Voucher or Moderate Rehabilitation Program

Grievance Procedure: Allowing for Due Process Challenges to Administrative Acts
Rent Collection
Personnel: Standards for Agency Relations with Employees
Compensation/accrued absence policy
Investment: Utilization of Revenues Not Currently Needed for Operations
Capitalization: Define a Capital Investment
Disposition of Assets: Provide for Discarding Capital Items
Community Space: Establish Criteria for Use of Common Areas
Depreciation
Other Policies

FISCAL AFFAIRS

Overview
First Through Sixth Month of Current Year
By the Seventh Month or Eighth Month of the Fiscal Cycle
Funding for Public Housing
Annual Contributions Contract
The Annual Audit
Financial Information for Sound Management
HUD Monitoring and Assessment of Authority Performance
Executive Compensation

LEGAL MATTERS

Overview
Federal Assistance Contract
The Quality Housing and Work Responsibility Act of 1998
Public Officials Liability Insurance
Fidelity Bonds
Commissioner's Liability
Utah Open and Public Meetings Act
Minutes and Recordings
Closed Meetings
Emergency Meetings
Electronic Meetings
Lobbying

PUBLIC HOUSING, VOUCHER AND OTHER HOUSING PROGRAMS

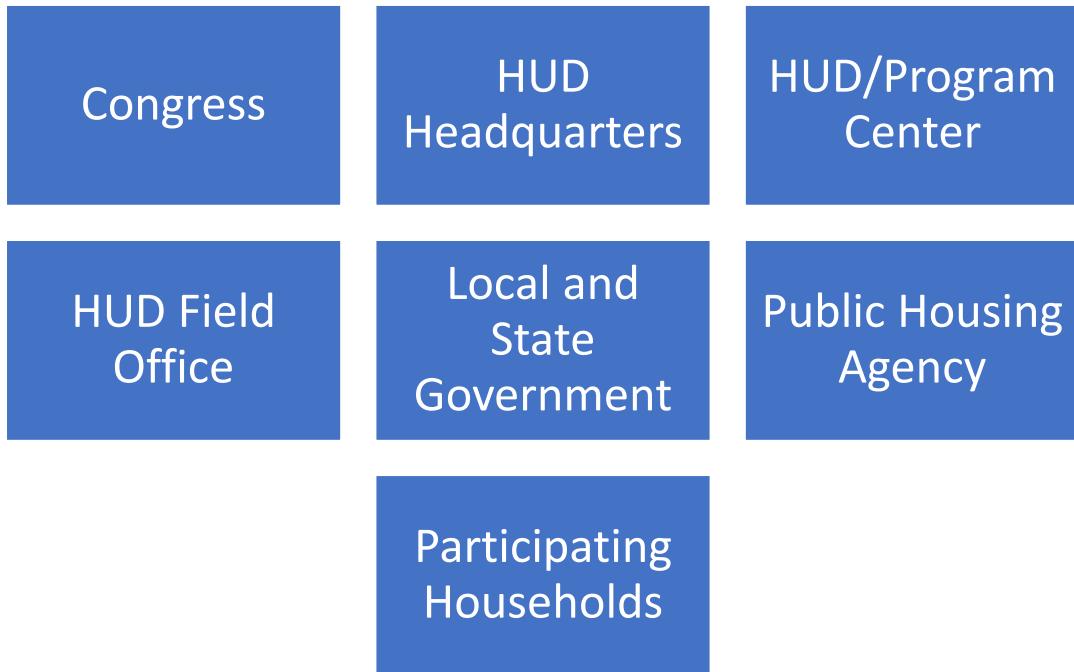
Public Housing and Voucher Programs
Other Housing Programs

APPENDIX

Glossary of Definitions
Acronyms
Resources
Authority Formation Timeline
Draft Summit County Resolution

HOUSING AUTHORITIES

How Housing Authorities Are Established



Functions of the Regional Housing Authority

A Public Housing Authority is a largely autonomous public corporation established to provide housing assistance primarily to low- and moderate-income households. In Utah, a housing authority is classified as a limited purpose government.

Utah Code 35A-8-407 grants to a Housing Authority all the public powers necessary or convenient to carry out the purposes and provisions of powers as they relate to housing authorities except for the power to levy taxes.

The statute lists twenty-nine (29) different powers granted to Housing Authorities. The statutes focus on construction, acquisition, and management of housing.

Linkage to County/City Governments

As indicated above, a Public Housing Authority is a separate public corporation with separate powers. The local government is responsible for establishing it and for appointing commissioners to the authority. It does not have other direct powers over the Authority.

In some cases, Housing Authorities contract with the local government to provide various support services. The purpose of these contracts is to allow the authority to focus on the primary mission of creating and maintaining affordable housing.

Housing owned by the Housing Authority is not subject to property taxes. However, many Federal housing funding programs allow the payment of a Payment In Lieu of Taxes or PILOT to help off-set the cost of providing government services to the Housing Authority.

Housing Authorities are required to provide local government with an annual report of its activities.

Appointment

Each Housing Authority is governed by a Board of five (5) to seven (7) Commissioners appointed by the mayor with advice and consent of the governing body or in the case of a County, the governing body of the political jurisdiction within which the authority is established.

The commissioners first appointed shall serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment. After the first commissioners are appointed commissioners are appointed for a term of office of four years. All vacancies are filled for the unexpired term.

Residents as Commissioners

The [Quality Housing and Work Responsibility Act of 1998](#) requires anyone who is a recipient of the Housing Authority services be considered and appointed as a member of the Board of Commissioners. Exceptions are allowed if a public housing authority has less than 300 public housing units. Exceptions are also allowed if annual attempts to recruit resident Commissioners are made with no interest from qualifying residents.

When Vacancies Occur

Vacancies on the board are never considered cause to delay program activities. Utah statutes provide that a commissioner holds office until a successor is appointed and confirmed. The purpose of this stipulation is to assure that the work of the Housing Authority will not be delayed by a vacancy on the Board. The authority may take action upon a vote of a majority of the commissioners present, unless the bylaws of the authority require a larger number.

Qualifications

A Commissioner should be chosen based on a demonstrated ability to represent the community and for their professional experiences. A Commissioner must also be willing

and able to devote the time and energy required to carry out the demands made on them.

All members, officers, and employees of an agency whose employment as such constitutes their principal employment are subject to the provisions of the Hatch Act as amended. This federal act requires that employees may not:

- Engage in any political or partisan activity while on duty.
- Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- Be required as a duty of his/her office of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- Coerce or compel contributions for political or partisan purposes by any other employee of the agency.
- Use any supplies or equipment of the agency for political or partisan purposes.
- Identify their agency position with any public statement of personal opinion about any issue unrelated to their agency work or activity; or
- Seek candidacy for elective office in a partisan election.

If any individual who is also engaged in some other employment or occupation is doubtful as to his/her status under the Hatch Act, he/she may present the matter in writing to the United States Civil Service Commission for a ruling.

Removal of Commissioners

A commissioner of an authority may be removed by the mayor or, in the case of an authority for a county, by the body that appointed the commissioner for inefficiency, neglect of duty, or misconduct in office.

A commissioner may be removed only after a hearing and after having been given a copy of the charges at least 10 days prior to the hearing and having an opportunity to be heard in person or by counsel.

If a commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the clerk.

THE BOARD & EXECUTIVE DIRECTOR – AN EFFECTIVE TEAM

Housing Authority Commissioners provide leadership, set policy, approve budgets and earn support in the community for housing programs. Commissioners must allow the Executive Director and staff to handle the day-to-day management of the agency's programs. The Commissioners' role is that of policy maker, while the responsibility of the Authority's administration belongs to a paid professional working full or part-time as

the Executive Director of the agency. This person manages the operations and reports to the board. Without an effective Executive Director, an authority cannot be successful. Without a positive working relationship with the Board, an Executive Director cannot be effective.

Defining Responsibilities

It is easy to say that the Board of Commissioners sets policy while the Executive Director is responsible for the management. There are, however, gray areas within this definition, and the Board and the Executive Director must come to an agreement on these if they are to succeed.

The Board hires an auditor to audit the financial records, but the Executive Director seeks bids for the audit and makes a recommendation to the Board. The Executive Director will conduct a Request for Proposal (RFP) for an independent financial audit if their combined federal funds from all programs total [\\$500,000 or more](#).

Public Housing Authorities need to know whether funding from a State program originated from federal appropriations and therefore must be counted in this equation. The board may appoint a “Contracting Officer,” who shall administer all procurement transactions. Most times, this is the Executive Director, but some roles or limited functions of contract authority can be appointed to the financial manager.

The board creates policies for effective financial management and ensures good internal controls are in place to prevent fraud, mismanagement, and discrimination. The board approves budgets, but the Executive Director invests funds, to ensure bills are paid and handles the day-to-day operations and expenditures. The board approves bids for major purchases, but the Executive Director makes a recommendation and then carries out the actual purchase. Each public housing authority should create a Procurement Policy that complies with the procurement standards of [24 CFR 85.36](#).

The Commissioners are responsible for writing the agency’s long-range plan, but the Executive Director makes recommendations and implements the plan once it is completed. This responsibility can be accomplished through the creation of the public housing authority’s Five (Year and Annual Plan if the public housing authority operates public housing.

The Commissioners approve departmental budgets and general funding for staff salaries, but the Executive Director decides the scope of each department’s activities and recommends individual salaries and the amount of raises the staff receives.

The Commissioners sets broad personnel policies, but the Executive Director determines the level of staffing, writes job descriptions, and hires, promotes, evaluates, or fires staff.

It is not unusual for a staff person to take a concern or complaint directly to the Board or to an individual Board Member. However, when this occurs, it is the Board Member's responsibility to clearly remind the staff person of the chain of command. The Commission member should urge the staff person to take up the issue with the Executive Director (or his/her immediate supervisor) and to follow the internal grievance procedure as necessary.

Governance

The dictionary defines the governance as "the system or manner of government." The holistic approach involves the partnering of HUD, Board of Commissioners, Local Officials and Community Stakeholders.

Roles of Board vs. Executive Director

| TASK | BOARD ROLE | EXECUTIVE DIRECTOR |
|-----------------------------------|--------------------------------------|--|
| 5 year PHA Plan | Approves | Recommends & Provides Input |
| PHA annual plan | Monitors & Evaluates Progress | Establishes and Carries Out |
| Day-to-Day Operations | No Role | Makes All Decisions |
| Budget | Approves | Develops & Recommends |
| Routine Monthly Expenditures | Monitors | Establishes & Carries Out |
| Development of Policy | Adopts & Monitors | Recommends & Carries Out |
| Billing, Credit & Collections | Adopts Policy | Recommends & Carries Out |
| Hires, Directs, & Evaluates Staff | No Role | Approves |
| Staff Grievances | No Role | Manages all grievances |
| Staff Salaries | Allocates by Line Item in the Budget | Approves Salaries with Recommendation from Supervisors |
| Evaluating Staff | Evaluates the Executive Director | Evaluates all Other Staff |

Areas of Responsibility

Main areas of responsibility for Commissioners include:

1. Making decisions that are in the best interest of the agency. The Commissioner's job is to serve as an advocate for the Housing Authority.
2. Setting policy for the operation of the Housing Authority. Policies are very important, as they will ensure that the agency is run in an effective, efficient, ethical and legal manner. The PHA policies will provide direction for the agency, reflect the values of the board, and comply with applicable federal, state and local laws and regulations.
3. Although a commissioner does not have direct responsibility for the daily income and expenses, they do monitor the financials of the agency by reviewing agency financial statements.
4. Setting long and short-range goals with the use of the 5-year plan and annual plan along with input from the Executive Director. These goals will determine the direction in which the agency is to proceed.
5. To hire a qualified Executive Director to implement policies, direct housing programs, manage staff and day-to-day operations.

What Makes an Effective Commissioner

An effective Commissioner will:

1. Have knowledge of the purpose, goals, policies, programs, services, financial constraints, and needs of the agency. A Commissioner will exhibit leadership capabilities.
2. Avoid making decisions or judgments based on information received solely from individuals or outside groups. Experience in conducting a board meeting via Roberts Rules and knowledge of the [Utah Open and Public Meetings Act](#)
3. Deal honestly and fairly in all matters related to Housing Authority operations.
4. Refrain from getting involved with the day-to-day operations.
5. Attend training opportunities for Commissioners, when available.

Chairperson Responsibilities

The Board Chairperson must understand that he or she has no special authority beyond that of any other Board Member unless the full board decides otherwise. For example, the board may delegate specific powers to the Board Chairperson/President like managing meetings, representing the Board to the public or signing contracts and checks on behalf of the board.

In other words, any powers the Board Chairperson/President has must first be granted by the full Board either in policy or accepted board practice. This means that the Chairperson/President cannot speak or act for the board unless the full board has formally or informally delegated this privilege.

Traditionally, the Board Chairperson/President has several duties:

- Planner – The Chairperson works with the Executive Director to plan the meeting agenda as well as how the meeting will be conducted. The Chairperson keeps an overall view of the board calendar and makes sure that duties mandated by board policy or by law are completed on time.
- Facilitator – The Chairperson must be viewed as a facilitator, rather than a controller, of Board Meetings. He or she begins the meetings on time, directs the Board through the agenda and attempts to adjourn the meeting on schedule. As facilitator, the chairperson/president ensures that all Board Members have the opportunity for a fair participation, attempts to make sure all sides are heard, and moves the Board to action on the issues.
- Delegation – The Chairperson/President traditionally has the power to appoint others to committees, with Board consent. To do this, he or she must spend extra time with individual members to learn their skills, strengths and interests so that appropriate assignments can be made. It is also the Chairperson's/President's

responsibility to make sure that committee assignments are clear and to hold the committees accountable to the job assigned. The Chairperson/President often serves on committees.

- **Liaison** – The Chairperson/President must be able to communicate the Board's needs and concerns to the Executive Director and vice versa. In addition, the Chairperson/President offers personal support and counsel to the Executive Director and acts as his or her sounding board.
- **Team-builder** – It is the duty of the Chairperson/President to foster structure among Board Members. When this cooperation is endangered, he or she must mediate, counsel and discipline fellow board members to keep the team intact to achieve needed cooperation. The Chairperson/President must mediate so that all work is directed to the mission of the agency.

Resident Commissioners

With legislation passed in recent years, most Housing Authorities now have Resident Commissioners serving on their agency boards. The purpose of including residents on the Board is to bring their perspective to Board discussions and, ultimately, to the decisions that are made. They are not there to represent any other resident or organization, but rather to share their knowledge from the resident's viewpoint. The Resident Commissioner has the same duties and responsibilities as the other Commissioners.

Importance of a Good Working Relationship

To have a well-run agency, it is important to have a good working relationship between the Board and the Executive Director. To this end, a commissioner should:

1. Allow the Executive Director to do his/her job without interference.
2. Always be open and honest about any problems or concerns that arise.
3. Never ask special favors of the staff, including requests for information, unless you have consulted with the Executive Director.
4. Refrain from taking it upon yourself to meet with staff, discuss Housing Authority business with constituents or seek any public forum on an individual basis.
Always ask for information from and through the Executive Director, preferably at a Board meeting.
5. Support the Executive Director in his/her relationships with outside groups or individuals.

Avoiding Conflict

To avoid conflict, Commissioners should:

1. Serve the agency as a whole rather than any special interest groups or individuals.
2. Avoid even the appearance of a conflict of interest. Disclose any possible conflict of interest to the Board in a timely manner.
3. Maintain objectivity on all matters coming before the Board. Be fair, ethical, and always exhibit personal integrity.
4. Never accept (or offer) favors or gifts from (or to) anyone who works for, is a constituent of, or does business with the Housing Authority.

Support the Executive Director

If the Board discovers something that the Executive Director is doing which they do not like, or if they have received a complaint, they should sit down and discuss this with him/her. While the Commissioners should be sensitive to the public, they should not allow others to bypass the Executive Director. He/she, not the Commissioners, is ultimately responsible for the daily operations of the Housing Authority and should be given a chance to handle the problem at hand. This also pertains to staff. It is the responsibility of the Executive Director to hire, fire, supervise, evaluate, promote, etc. the staff. All employee complaints, grievances, etc. should be brought to the Executive Director to be handled according to the established grievance policy and not the board. The Commissioners and the Executive Director work as a team. It is the Board's responsibility to support the Executive Director and it is the Executive Director's responsibility to inform and advise the Board. The Commissioners provide support by providing direction and good policies. The Executive Director has the authority to carry out the Board's plans and is the manager of the operations.

Situations to Avoid

A Commissioner should not:

1. Hold meetings individually with constituents. If either the staff or clients contact a commissioner, they should be reminded of the chain of command and be encouraged to talk with the Executive Director or their immediate supervisor.
2. Be a spectator at Board meetings. Participation is needed from all who sit on the Board.
3. Interfere in the day-to-day operations of the Housing Authority.
4. Criticize the Housing Authority operations or staff to the press or other outside individuals or groups. Any concerns should be discussed with the Executive Director and at a meeting of the Board.
5. Make decisions via email or by telephone. All decisions must be made according to the Open and Public Meetings Act.
6. Discuss Housing Authority business outside of the Housing Authority board meeting.

Closed Sessions

The Board of Commissioners should never meet in closed session without the Executive Director present. The Executive Director is the link with the agency. He/she knows every aspect of the organization and should be involved in all decisions.

HOUSING COMMISSIONER MEETINGS

Duties of Commissioners

- Set policies for the Housing Authority regarding its course of action.
- Pass resolutions that give the Housing Authority the direction from the Board.
- Determine how policy is implemented by reviewing reports submitted at meetings by management staff.
- Receive information as to the status of current programs or upcoming issues that are important to the Housing Authority
- Review financial information.

Preparation for the Meeting

- Several days before the meeting, the Commissioners should be provided with copies of the agenda and all resolutions or other materials to be discussed at the meeting. This will allow Commissioners a chance to review the information and make sound decisions on important matters to come before the Board.
- Commissioners should review all materials received prior to the meeting so they will be familiar with the issues that will be discussed at the meeting.

During the Meeting

Adhere to the established meeting procedures.

- Limit action on any new topic not on the agenda unless it is of an emergency nature.
- Keep the meeting focused and stay on time. The actual meeting should not last more than 2 to 3 hours.
- Ask questions about topics being voted on.
- Suggest issues or topics to be placed on the agenda for the next meeting.
- Robert's Rules of Order should prevail.

Follow-up to the Meeting

- Minutes are written up and sent to the Commissioners prior to the next meeting.
- If possible, any actions dictated by the Board will be implemented by the Executive Director prior to the next meeting.

Suggested Agenda Items

Roll Call

Approval of Minutes of Previous Meeting

Approval of Financial Statements and Bills

Communications

Reports of Committees

Report of Executive Director

Unfinished (Old) Business

New Business and/or Public Comments

Set Next Meeting Date (unless always scheduled on a specific date)

Adjournment

STRATEGIC PLANNING

Guiding An Effective Agency

Once a commissioner understands the legal framework and the financial streams that establish and support the agency, attention should move to helping the agency pursue its missions. The daily duties to fill vacancies, repair apartments and complete extensive paperwork, too often leave little time to concentrate on agency goals.

However, to be truly effective, short, and long-range goals have to be established and evident to Commissioners, managers and staff. The purpose begins with a mission. The mission of the agency needs to be clearly identified and re-visited periodically so that funds and energies are properly focused. The agency's mission may vary somewhat from HUD's adopted mission. The objectives of HUD may not consider local service providers or be tailored to the programs and projects the authority may operate.

The Agency mission statement should be a brief, clear and concise statement capturing the essence of the agency's efforts and giving direction for future action. The mission statement perspective should span decades. Long-range planning is a key responsibility for Commissioners. It provides direction to the Executive Director and helps the agency adjust to internal changes of staff and programs, and external conditions in the community.

After Commissioners have agreed to adopt or amend a mission statement, strategic planning begins. Strategic planning will help lead the agency from its current status, along a path of progress, toward accomplishing the Authority's mission. By examining the agency's strengths, weaknesses, opportunities and obstacles, Commissioners can direct attention and resources in a coordinated plan. As the mission statement establishes direction, specific strategies can be identified to take advantage of strengths and opportunities, and to address weaknesses and obstacles. This exercise might include reviewing program audits, HUD management reviews, Reports on the waiting list, occupancy, and utilization should also be reviewed. From that performance data, specific strategies can be considered that will allow you to work with your Executive Director to develop implementation plans.

At this point, Commissioners move to a role as evaluators to monitor progress on the strategic initiatives and how they impact the mission. This role continues until there is a need to amend the mission statement. With broad agency/community planning goals and strategies in place, Commissioners delegate short-term planning and implementation to management and staff.

Current regulations require the authority to electronically file an Annual and Five-Year Plan with HUD. These plans can be useful tools for publicizing changes in agency programs or direction, and for documenting the flow of funds. In particular, the Five-Year Plan should be reviewed for compatibility with adopted strategies and evaluated in light of the agency's mission.

The agency also has an opportunity to affect other community planning processes that have an impact on affordable housing. Many governments in Utah require [Moderate Income Housing Plans](#).

Section 9(g)(3) of the United States Housing Act of 1937 sets a limit on the number of Public Housing units for which a Public Housing Authority may receive Capital Funds and Operating Funds. Specifically, the amendment prohibits HUD from funding the construction or operation of new public housing with Capital or Operating Funds if the units would exceed the number of units the Public Housing Authority owned, assisted, or operated as of October 1, 1999 (the "Faircloth Limit"). HUD periodically publishes the Faircloth Limit for every Public Housing Authority with a Public Housing program.

Public Housing Authorities can develop or acquire units exceeding the Faircloth Limit and can spend Capital Funds and Operating Funds on them but won't receive Capital Fund or Operating Fund allocations for those units. For example, if a Public Housing Authority had 100 units under an Annual Contributions Contract (ACC) and a Faircloth Limit of 90 units, the PHA's annual Capital Fund and Operating Fund allocations would be calculated based on 90 units. However, the PHA could still spend Capital Fund and Operating Funds on eligible uses related to the 100 units.

POLICY MAKING

Overview

The Board of Commissioners of an Authority, in cooperation with the Executive Director, are responsible for developing and adopting policy. Some policies establish procedures to be followed; others set goals and direction for future activity. Adoption of policy should be documented in the written Minutes of Board Meetings. Policies guide the agency director and staff in carrying out their responsibilities. Effective policies provide clear guidance without placing rigid restrictions on implementation.

Federal and state regulations require several policies be in place for agency and program management. A policy manual may be useful to consolidate and document authorization and guidance from the Board of Commissioners. Policies should be reviewed periodically in light of changes in operations or regulations. Minutes of the board should note policies reviewed even if no revisions are made. When revisions are made, the new policy should be formally adopted by resolution.

Policies required may vary depending on the programs and developments under management. Policies are frequently distributed in program fact sheets and resident handbooks restating the policies in terms of resident/participant guidelines and rules. Below is a list of policies and examples of items that could or should be covered in these policies.

Admissions and Continued Occupancy (ACOP) - Authority-owned Housing

- Marketing the program and property to all eligible persons.
- Determining applicant eligibility.
- Process and procedures for resident selection.
- Process for determining rent.
- Assessing eligibility for continued occupancy.
- Parameters for ongoing rent certifications.
- Procedures for evaluating/re-evaluating proper unit size.
- Procedures for termination and eviction.
- Execution of the lease and related residency documentation.
- Affirmatively Furthering Fair Housing (AFFH).

Administrative Plan - Housing Choice Voucher or [Moderate Rehabilitation Program](#)

- Marketing the program and property to all eligible persons.
- Determining applicant eligibility.
- Process and procedures for participant selection and issuance of Vouchers.
- Process for determining rent.
- Process for qualifying dwelling units (inspection/reasonable rent).
- Assessment for continued participation and conducting ongoing rent certifications.
- Procedures for evaluating/re-evaluating proper unit size.
- Procedures for termination.
- Procedures for intake and export for households utilizing Voucher portability.
- [Provisions for Family Self-sufficiency \(FSS\)](#), Home Ownership, Congregate Housing, or other program variations available as a local option.

Grievance Procedure: Allowing for Due Process Challenges to Administrative Acts

- A grievance policy is mandated under federal regulations. It establishes the procedures to be followed when the Authority is taking an adverse action against an applicant, resident or program participant. The grievance policy is to be conspicuously posted.

Rent Collection

- When rents are due and where rent is paid.
- Permitted or preferred forms of payment (cash, check, credit card etc.).
- Processing for maintenance and miscellaneous charges that arise.
- Process and parameters authorizing and addressing any partial payments.
- Late payment charges and procedures in pursuit of delinquent payments.

Personnel: Standards for Agency Relations with Employees

- Authorizing authority for hiring and firing decisions.
- Delineating positions, job description, salaries and benefits.
- Performance assessment with evaluations, probationary requirements, and a discipline process.

Compensation/accrued absence policy Investment: Utilization of Revenues Not Currently Needed for Operations

- Periodic review of revenue and pending expenses.
- Establishing limitations to HUD approved investment vehicles.
- Requiring depositories be FDIC or FSLIC insured and allowing investment only to the insurance limit unless deposits are collateralized.

Capitalization: Define a Capital Investment

- Establish a reasonable dollar value for capitalizing an item. All purchases above that level whether tools, equipment, improvements or additions are classified as a capital expenditure and not an operating expense. Consequently, all capital items must be inventoried and depreciated.

Disposition of Assets: Provide for Discarding Capital Items

- Define a process to be followed when the Authority wishes to remove capitalized items from inventory. The Annual Contributions Contract with HUD sets minimum standards that must be included in this policy.

Community Space: Establish Criteria for Use of Common Areas

- Set parameters for resident and public use of available space and facilities including price (if any), availability and reservation preferences.

Depreciation

- Adopt a standard accounting procedure for tracking depreciation.

Other Policies

- It is the commissioner's responsibility to assure that the policies are established and updated periodically. They include but are not limited to: purchasing and contracting, disposition, capitalization, depreciation, personnel, travel, rent collection and investment.
- All policies need to be in compliance with HUD regulation, State and Federal Laws that are applicable. It is a good practice to have policies reviewed by HUD or Legal Counsel to ensure compliance.

FISCAL AFFAIRS

Overview

The Board of Commissioners is the legal recipient of all money awarded to the Housing Authority. This fiscal responsibility is reflected in the contracts, budgets, audits, and other financial documents presented to them for authorization or rejection at virtually every meeting. It is the Commissioner's responsibility to oversee a continuing judicious handling of funds through careful reading of financial reports and votes that guarantee sound fiscal policies. Several administrative devices for measuring and evaluating the local programs are available to a Commissioner: the budget, financial statement and the audit.

The Quality Housing and Work Responsibility Act of 1998 included a new procedure for assessing the financial management of Housing Authorities. This new procedure is incorporated into the [Public Housing Assessment System](#), or PHAS. PHAS is intended to evaluate the financial condition, management operations, physical condition and use of Capital Fund Program resources by Public Housing Authorities. In regard to financing, PHAS examines Public Housing Authority operations to determine whether an authority has adequate monetary sources and to determine if those resources are being managed effectively. As a result, Housing Authorities are required to prepare financial information in accordance with Generally Accepted Accounting Principles (GAAP).

All Housing Authorities that administer subsidized programs under the terms of an [Annual Contributions Contract](#) must produce an annual financial statement that conforms to GAAP. [HUD's Real Estate Assessment Center \(REAC\)](#) assesses the financial condition of local authorities. Housing Authorities have the option to either hire a fee accountant or have internal accounting staff.

It is the responsibility of the Executive Director to create budgets. Final approval is the Board's responsibility. Commissioners deal with three kinds of budgets:

1. Operating Budgets, which maintain current programs;
2. Developmental Budgets, which make future programs possible; and
3. Modernization Budgets, which include the rehabilitation of existing housing.
4. [Payments in Lieu of Taxes PILOT](#), which is negotiated with a local government.

An operating budget is a realistic estimate of the Authority's operating receipts and expenditures. The Board of Commissioners must ensure that the Housing Authority's business operations are conducted in a cost-effective and economical manner. The Commissioner, can evaluate budget items by:

- Comparing them with similar budget items from the previous year.
- Comparing proposed amounts with expenses charged against the budget item for the previous years.
- Asking for explanations of how the amount of various budget items were set.

Approval of a financial report is a standard part of Board Meetings. The reports should list expenditures and income by budget item and show balances on hand in various accounts. At a minimum, financial reports should be examined as follows:

- Check whether expenditures are in line with the amount budgeted for various budget items.
- Ask for explanation of items that are not clearly labeled or budgeted.
- Ask for explanation of items that are way above or way below budget.

The Authority's operating budget balances projected income and expenditures and serves as a plan of operation. As the year progresses, the budget also serves as a tool to measure performance and can be used to answer some important questions: Has income lived up to expectations? Have expenditures exceeded expected levels? Are programs funded under the budget performing?

A prudently managed operating budget is important. The challenge facing Commissioners is to achieve a balance between the short- and long-term benefits of budget decisions. For example, a decision may be made to reduce the Authority's day-care program. Not only would the level of services be reduced, but also working parents may be forced to stay home to take care of the children. Thus, a decision to reduce day-care services could result in the loss of a tenant's ability to pay rent.

Budget cuts in maintenance may lead not only to deteriorating living conditions, but also may contribute to a negative community image. Therefore, a Commissioner must weigh the effects of decisions made on budgetary matters. A clear understanding of the authority's operations, and the interrelated character of those operations are essential for sound decision-making.

Unless specifically requested, a Public Housing Authority does not need to submit the operating budget to the local field office for approval. Following the schedule below, which is completed by the Executive Director, should enable an Authority to meet its deadline.

First Through Sixth Month of Current Year

- Analyze past year's budget estimates vs. actual income and expenditures. Compare with previous years' activity to detect trends.
- Track current year's income and spending against budget, reviewing trends.
- Make specific requests for information necessary to upcoming budget.
- Ask the Executive Director and staff to assess the need for a formal revision of the current year's budget, due in the seventh month (if necessary at all).

By the Seventh Month or Eighth Month of the Fiscal Cycle

- Complete any needed revision of the current budget.
- Develop an outline of programs to be included in the upcoming budget.
- Develop a tentative budget using information gathered to date.
- Refine administrative and operating program plans and related estimates for audits and other monitoring programs.
- Develop a final budget and complete drafts of budget schedules and associated materials. Review with staff and board.

Development budgets, those for construction of new housing, should take into account both the present and future. Cheap, poorly designed buildings in undesirable locations initially may cost less than alternatives; in the long run, however, they may present expensive problems. In budgeting for new programs, authorities must plan for initial costs as well as long-term operating expenses. Commissioners budgeting for future programs often find themselves caught between two demands:

1. Be "realistic" about the budget; and
2. Make sure that new buildings are attractive, well designed and, in accordance with the local "housing assistance plan" and the [Comprehensive Housing Assistance Strategy \(CHAS\)](#), required by 1990 housing legislation.

It is interesting to note that the Language of HUD's Annual Contributions Contract reads, "Each Project...shall be developed in such a manner that it will not be of elaborate or extravagant design or materials, and shall be developed and administered to promote serviceability, efficiency, economy, and stability and to achieve the economic and social well-being and advancement of the tenants thereof."

In establishing development budgets, Commissioners should pay careful attention to achieving the greatest cost savings in procuring goods and services. An analysis should take place before the procurement process begins. Commissioners should ask Housing

Authority management to provide such analyses as cost/benefit studies, lease/purchase considerations, product specifications comparisons, and opportunity-lost comparisons.

Funding for Public Housing

Funding for public housing comes primarily from the U.S. Department of Housing and Urban Development (HUD), a cabinet-level department that establishes and carries policies aimed at implementing housing legislation passed by Congress. The Secretary of HUD is a Presidential Appointee. Also appointed by the President is the Assistant Secretary for Public and Indian Housing, whose office is responsible for HUD's contributions and subsidies to local Housing Authorities and for approving budgets and auditing programs. HUD's network of field offices and FHA offices administer programs and carry out policies developed in Washington. The main sources of revenue for federally assisted housing programs are:

1. HUD operating subsidy and modernization funds;
2. Rental income; and
3. Interest on investments. Investment income comes from excess funds that are deposited in the general fund and credited to the operating reserve.
4. Other revenue or resource

The [Quality Housing and Work Responsibility Act of 1998 \(QHWRA\)](#) creates two funds—essentially block grants—for local Housing Authority funding: a Capital Fund and an Operating Fund.

The Capital Fund allows housing agencies to develop, finance and modernize public housing—including mixed-finance developments—and to use funds for vacancy reduction.

The Capital Fund also can be used to address deferred maintenance activities, to bring dwellings into compliance with local building codes, for management improvement, demolition and replacement of units, resident relocation, expenditures that improve self-sufficiency efforts, security improvements and home-ownership programs.

QHWRA allows agencies with 250 or more units to use a percentage of their Capital Fund (CFP) for operating expenses. The Act allows agencies with less than 250 units to use up to 100 percent of the Capital Fund for operating purposes. However, if the planned expenditure is a capital improvement it should be on the appropriate line item in the CFP budget, not put into the operations account.

The Operating Fund can be used by local authorities for “soft costs” to operate and manage public housing programs and must only be used for non-capital operating costs.

The fund can be used to reimburse security activities, supportive services, insurance costs, energy costs, debts incurred and, generally, the costs associated with operating a

mixed-finance development. The secretary of the Department of Housing and Urban Development may withhold or limit a Housing Authority's Capital Fund or Operating Fund if an agency fails to meet the requirements specified in the Quality Housing and Work Responsibility Act.

HUD funding for public housing programs continues to be reduced. Housing Authorities should not rely solely on HUD funds. Exploring and accessing other resources including grants, partnerships, State and local programs will provide ongoing revenue to meet increasing costs of maintaining the property. Commissioners must be aware of Congressional activity and how federal spending affects local Housing Authority operations.

Annual Contributions Contract

The Annual Contributions Contract (ACC) is the key funding agreement between the local Public Housing Authority and federal government through HUD. In accepting the terms of the ACC, the local authority promises to develop and operate its developments and programs for the sole purpose of providing decent, safe and sanitary dwellings for low-income families. It further pledges to manage its development efficiently and economically, maintaining it for ongoing occupancy.

In return, the local Authority receives grants from HUD for the development, operations, and modernization of its communities. Originally, the annual contributions were intended to cover only the cost of the initial construction and related financing costs. Today, however, with rental income falling far short of operating expenses, HUD also provides operating subsidies to help authorities meet their expenses.

HUD grants, provided under the ACC, also help pay for modernizing existing housing. Modernization funds for authorities in need of rehabilitating their housing stock and making other necessary capital improvements are available under the Capital Fund. Projects, primarily those located in larger cities, may qualify for funds appropriated for the major revitalization of distressed public housing projects through [HOPE VI grants](#).

The Annual Audit

Subject to the criteria stated below in [Circular A-133](#), public Housing Authorities are required by the Single Audit Act of 1984 to conduct an annual audit using the services of an independent public accountant (IPA). It is the Board's responsibility to hire the IPA. Hiring should be done well before the end of the year subject to audit. The Audit Act provides guidance on what areas should be examined.

Circular A-133 stipulates that non-federal entities expending less than \$300,000 per year in Federal funds are exempt from the Single Audit Act (subpart b .200 of the OMB A-133 Circular). The question has arisen that if an entity is below the SAA threshold, what type of audit can be done under these circumstances. In meetings held with GAO, OIG and the REAC Quality Assurance Director, the "bottom line" conclusion reached

was that an entity below the SAA threshold could have whatever type of audit it wanted. Thus, while REAC recommends that Public Housing Authorities obtain an audit even when they are exempt from the Single Audit Act, the final determination of the type of audit is left to the PHA's management. (See [PIH Notice 2002-4](#))

Commissioners may meet with the IPA if problems exist. The Board should feel free to ask questions and perhaps provide suggestions that would alter the IPA's scope. Ultimately, the Board should approve the scope of the audit.

As soon as the audit is completed, the Board should request to review the audit-results. During the review, the IPA presents audit results, findings, adjustments, internal control problems and questioned costs to the Board and authority management. Ultimately, the Board accepts the audit report and results of work, including management's corrective action plan.

Public Housing Authorities must submit their annual audit report electronically to HUD within nine months after their fiscal year ends.

Financial Information for Sound Management

Commissioners must receive a regular flow of information from the Executive Director in order to make informed decisions. To ensure a regular and consistent flow, Boards and Executive Directors should work out a dependable system for getting information to Commissioners, preferably well in advance of Board Meetings. Of particular importance is financial information.

New Commissioners should be briefed thoroughly by the Executive Director on the Housing Authority's affairs. The Executive Director may provide the following information which is useful in monitoring the financial condition of the Housing Authority:

- Six-month and year-end financial statements:
- Monthly or quarterly reports on the status of expenditures vs. budget.
- An analysis of the operating reserve.
- An analysis of rent collections and rent collection policies and procedures.
- An explanation of the development of annual operating budget and schedules.
- An analysis of staffing levels vs. units and a trend analysis.
- An explanation of any pending litigation and contingent liabilities.
- Status and analysis of Tenants' Accounts Receivable.
- An explanation of the agency's internal controls.
- A review of any findings of the annual audit.
- A report on any findings from HUD reviews of agency financial activities.
- Progress on REAC, SEMAP, PHAS scores.

HUD Monitoring and Assessment of Authority Performance

In signing the Annual Contributions Contract (ACC), local public housing agencies agree to undergo regular HUD reviews. Through its field offices, HUD periodically monitors each authority to ensure that it is:

- Providing decent, safe and sanitary housing to low-income families.
- Carrying out statutory, regulatory and contractual obligations.
- Properly managing federal funds without waste or fraud.
- Adhering to civil rights requirements, set forth first in 1962 when the President directed public housing to avoid all racial bias in its development and occupancy policies, and later in 1964 under Title VI of the Civil Rights Act, which prohibited discrimination in programs or activities receiving federal funding assistance.

Under PHAS, local Housing Authorities will be assessed based on their performance in the areas of physical condition, financial condition and management operations. To facilitate PHAS, HUD has created several entities that will participate in the assessment process. The Real Estate Assessment Center (REAC) will assess conventional public housing and the performance of all HUD properties, including those administered under programs such as Section 8, Section 236 and Section 202. REAC also has the goal of assuring that all HUD accounting be based on Generally Accepted Accounting Principles (GAAP).

HUD reviews the Housing Choice Voucher Program through SEMAP analysis which ensures compliance with regulations. HUD will address the problems of authorities that have been classified as troubled under PHAS.

While Commissioners do not normally get involved in the assessment, they should be informed of the assessment results. The assessment is intended to produce a realistic evaluation of an Authority's strengths and weaknesses. It is important that Commissioners discuss the results of the PHAS/SEMAP with the Executive Director.

Commissioners need to be aware of problems that are discovered, particularly since they may be called upon to approve improvement plans for correcting deficiencies. Local authorities—and specifically Commissioners—are responsible for ensuring that any problems identified in the assessment are corrected. To assist in making the correction, HUD provides, to the extent possible, the necessary technical assistance or identifies other sources of assistance.

If problems are not addressed in a timely fashion by the local authority, HUD can impose sanctions, ranging from the withholding of discretionary grants to taking control of the management of HUD-funded developments. No one is eager to serve an authority with sanctions. The emphasis should be placed on working cooperatively so that problems are corrected, and the housing program is strengthened.

Executive Compensation

The 2013 Appropriations Act for HUD capped the amount of Federal Public Housing and Housing Choice Voucher funds that could be used for PHA salaries at [\\$155,500 per employee](#). The HUD Appropriations Bill for 2014 repeats this same provision. Any amount of salary above that level must be paid for with other funds.

Public housing agencies receive Federal funding to administer Federal housing assistance programs, but they are state or locally run entities. This means that while Congress has capped the amount of Federal Public Housing and Housing Choice Voucher dollars that may be used for executive salaries, other Federal, state or local funds may be used to exceed that cap.

LEGAL MATTERS

Overview

The [United States Housing Act of 1937](#) opened the door for the era of public housing programs. Following the passage of this Act, states were required to pass legislation that would permit local governments to create Housing Authorities. The ensuing State Law mandated:

- The status of the Housing Authority as a legal entity.
- The area of jurisdiction – county, city, etc.
- The legal powers and restrictions.
- The types of activities the Housing Authorities are permitted to engage in.
- The number of Commissioners and whether they are appointed or elected.
- Housing Authority Boards must comply with Federal, State and local guidelines in the development and management of their housing stock.

Federal Assistance Contract

To receive federal assistance, each Housing Authority is required to enter into a contract called [Annual Contributions Contract \(ACC\)](#) with the Department of Housing and Urban Development. This contract specifies the responsibilities of the Housing Authority in developing and managing the financial aspect of their programs.

The Quality Housing and Work Responsibility Act of 1998

Congress passed the [Quality Housing and Work Responsibility Act \(QHWRA\)](#) in 1998. This Act requires housing authorities to prepare annual and five-year plans that outline the Agency's operation, goals, objectives and finances. In addition, it requires de-concentration of low-income residents, safety and security procedures, background checks on prospective tenants, and files to be maintained on public housing residents. It also specifies the targeting of resources to the Authority's clients and allows for a mix of financial development options.

Public Officials Liability Insurance

Many Housing Authorities offer the protection provided by Public Officials Liability Insurance, also known as Directors and Officers Insurance. This type of insurance protects Commissioners, officers, and staff against claims based on wrongful acts committed or alleged to have been committed in the course of their duties.

Fidelity Bonds

All Housing Authorities are required to obtain Fidelity Bond Insurance coverage in an adequate amount to protect the agency from dishonest acts by Commissioners and staff. The minimum requirement is that this insurance covers officers or staff who handle cash and/or who are authorized to sign checks on behalf of the agency. Several forms of fidelity bonds are available.

Commissioner's Liability

Housing Authority Commissioners and staff are subject to potential liability suits in several areas. These include, but are not limited to:

- Breach of contract.
- Torts – intentional or negligent wrongful acts.
- Constitutional or civil rights violations.
- Acts in excess of authority.
- Discrimination against any of the protected classes.

Utah Code provide [general indemnification](#) of employees and officers of governmental bodies for suits brought against them for acts performed within their official capacity. Suits are less likely to be successful if commissioners are acting in good faith. Good faith implies that the actions were free from fraud and collusion, and that the action was not arbitrary.

There are ways to minimize the possibility of successful suits against the Housing Authority or the Commissioners. These include, but are not limited to:

1. Establish policies and procedures that comply with federal and state legislation protecting the civil rights of tenants and staff. These policies should be established in written form, with resolutions adopted by the Board to approve these policies. They should be recorded in the meeting minutes.
2. Train all staff and Commissioners in what these policies are and how they apply to their duties.
3. Make sure the policies are followed.
4. Seek legal counsel if in doubt. This demonstrates the intention to act in a reasonable and prudent manner.

5. Stay informed on issues confronting the Housing Authority. The defense of acting in good faith can be lost if you act or fail to act because of ignorance or lack of readily available knowledge.
6. If a suit seems likely, contact legal counsel, liability carrier and the funding agency immediately.

Utah Open and Public Meetings Act

The Utah Open and Public Meetings Act provides that all meetings of governmental units, including Housing Authorities, shall be open to the public and held in places reasonably accessible to members of the public unless otherwise expressly provided by law. This law is found in Utah Code [52-4-101](#).

In the context of the law, “meeting” means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specified body has jurisdiction or advisory power. Social or chance gatherings, however, which are not intended to avoid meeting this law, are not included.

The right of the public to attend a governmental meeting does not necessarily imply a right to participate or have input into the meeting. The Utah Open and Public Meetings Act deals solely with the public’s right to be present. It is, however, complimented and supplemented by laws that afford the opportunity to speak by requiring public hearings as part of some legislative, quasi-judicial and administrative proceedings.

The Open Meeting Law deals with rights of the “general public” rather than special interests such as the press and other media. However, the law complements other laws affording specific members of the public, such as parties in particular proceedings, rights to special notices of upcoming meetings affecting their interest.

Whenever a meeting is held in open session, they are required to make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This does not mean any person is allowed to record, film or photograph a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.

The Open and Public Meetings Act also requires the following:

1. Notice shall be given at least 24 hours prior to the meeting.
2. Notice shall set forth the time, date, place and subject matter of the meeting, including items intended for consideration at closed session.
3. Notice shall also be posted on the Utah Public Notice Website and at the location of the meeting and be provided to a newspaper or local media correspondent.
4. A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings

A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.

- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be: posted on the Utah Public Notice Website; and made available at the public body's office.

Closed Meetings

A public body may hold a closed meeting only for certain reasons, including to discuss:

- A person's character, competence, or health.
- Pending or imminent litigation.
- Certain matters regarding acquisition or sale of real property, including water rights or shares.
- The deployment of security personnel, devices, or systems.
- An investigation of alleged criminal conduct.
- The receipt or review of an ethics complaint, if the public body is the Independent Legislative Ethics Commission.
- Certain matters under the jurisdiction of a legislative ethics committee, and
- Certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by two thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- The Health and Human Services Interim Committee to review a fatality review report.
- The Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or
- An ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

No vote is required to close a meeting of the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting. A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for

an elected position. A public body may not take a vote in a closed meeting, except for a vote on a motion to end the closed portion of the meeting.

Emergency Meetings

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require the public body to consider matters of an emergency or urgent nature.

However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting. Any member of a legislative public body may attend an emergency electronic meeting by electronic means and the public body may conduct an emergency electronic meeting of the legislative public body remotely by electronic means.

Electronic Meetings

A public body may not convene or conduct a meeting by electronic means unless it has adopted procedures to govern electronic meetings, including how a remote member will be included in calculating a quorum.

Electronic meetings shall comply with OPMA, including posting written notice of the meeting at the anchor location, unless the meeting is being held without an anchor location.

A public body may conduct an electronic meeting without an anchor location if the chair of the public body:

- Makes a determination that conducting the meeting with an anchor location presents a substantial risk to the health or safety of those who may be present at the anchor location.
- States the facts upon which the determination was made; and
- Includes in the public notice for the meeting information on how the public may view or make comments at the meeting.

If an electronic meeting is held without an anchor location, a public body shall provide means by which the public can view and hear the open portions of the meeting and provide comments electronically. A member of a legislative body may attend a meeting remotely by electronic means if the member has a specified reason and notifies the chair of the public body.

When a member of a legislative public body attends a meeting of the legislative public body by electronic means, the member's attire and appearance shall be consistent with the attire and appearance that would be expected if the member were attending the meeting in person.

The member's location should also reflect the dignity of the meeting, particularly if the member is attending via video conference. A member of a legislative public body may not attend a meeting by electronic means while engaging in any activity that would be abnormal or prohibited if the member were attending the meeting in person, including operating a motor vehicle.

Lobbying

Housing Authorities may engage in lobbying activities and not violate applicable federal laws or regulations with the following considerations:

1. A Housing Authority may not use federal funds to pay lobbyists.
2. However, non-federal funds may pay for lobbying activities.
3. A Housing Authority is always permitted to educate and advocate for matters concerning the budget and issues related to activities of the Housing Authority.

PUBLIC HOUSING, VOUCHER AND OTHER HOUSING PROGRAMS

Public housing and voucher programs provide decent and safe affordable housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to high rise apartments for elderly families. HUD's public housing programs include:

Public Housing and Voucher Programs

[Asset Management](#)

[Capital Fund](#)

[Choice Neighborhoods](#)

[Demolition/Disposition](#)

[Family Self-Sufficiency \(FSS\)](#)

[Homeownership](#)

[HOPE VI](#)

[Housing Choice Vouchers \(HCV\)](#)

[Mixed-Finance Public Housing](#)

[Moderate Rehabilitation](#)

[Moving to Work Demonstration \(MTW\)](#)

[Operating Fund](#)

[Public Housing Agency \(PHA\) Plans](#)

[Rental Assistance Demonstration \(RAD\)](#)

[Rental Housing Integrity Improvement Project \(RHIIP\)](#)

[Resident Opportunities and Self Sufficiency \(ROSS\) and Neighborhood Networks \(NN\)](#)

[Supportive Services Programs](#)

[Section 8 Management Assessment Program \(SEMAP\)](#)

Other Housing Programs

[Home Investment Partnership Act](#)

[Low Income Housing Tax Credits](#)

[Inclusionary Zoning \(where allowed under Utah Code\)](#)

[Moderate Income Housing Plan](#)

Redevelopment Agencies. Under Utah Code Title 17C Community Reinvestment Agencies Act, Utah RDAs are authorized to undertake housing projects within a given project area. Governments typically allocate a minimum of 10% of tax increment from each project area fund to affordable housing, per 17C requirements.

Homeless Services Programs

Rental Assistance Programs

Down Payment Assistance

Accessory Development Units (ADUs)

Housing Stipend Programs

Employee Housing Programs

Deed Restriction Programs

Hotel Conversion Programs

Housing Preservation Programs

Land Trust Programs

Veteran Housing Programs

Senior Housing Programs

APPENDIX

Glossary of Definitions

Adjusted Income. The Annual Income less allowable deductions and expenses.

Affirmatively Furthering Fair Housing (AFFH). Under the AFFH regulation, HUD grantees that complete a Consolidated Plan for HUD's CPD block grant programs as well as Public Housing Agencies (PHAs) will complete an AFFH to accompany their 3-5 Year Con Plan or 5-Year PHA Plan. They may also work together with other grantees and PHAs to submit a joint AFFH. Members of the community will also have an opportunity to provide input for the Assessment of Fair Housing.

Annual Contributions Contract (ACC). A federal contract entered into between HUD and local public Housing Authorities over a fixed period of time for annual debt service on project financing.

Annual Income. The anticipated total income to be received by an eligible family from all sources for a 12-month period following the date of determination of income.

Budget Authority. The total amount of yearly payments authorized for an assisted housing project/program. This represents the total long-term cost of project/program. It is the annual budget authority times the number of years in the contract.

Capital Fund Program (CFP). This is the program that makes funds available for physical and management improvements to public Housing Authorities.

Community Development Block Grant (CDBG). The program which provides entitlement communities with direct grants that they can use to revitalize neighborhoods, expand affordable housing and economic opportunities, and/or improve community facilities and services, principally to benefit low to moderate income persons.

Community and Housing Development Organization (CHDO). A federally- defined type of non-profit housing provider. The primary difference between a CHDO and other non-profits is the level of low-income resident participation on the Board of Directors.

Congregate Housing. An assisted independent living environment that offers those who are elderly or socially deprived, but otherwise in good health, the residential accommodations and supporting services they need to maintain or return to a semi-independent lifestyle and to prevent premature or unnecessary institutionalization as they grow older.

Consolidated Plan. Is a collaborative process whereby a community establishes a unified vision for community development actions. It offers local jurisdictions the opportunity to shape the various housing and community development programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context, and to reduce duplication of effort at the local level.

Contract Authority. This is total dollar limit that HUD (or other federal agencies) can commit under contracts with developers (or other constituents) for a given program. (Established by congressional appropriations acts.

Contract Rent. The rent payable to the owner under the lease (contract), including the portion of rent payable by the family. In case of a cooperative, the term "contract rent" means charges under the occupancy agreements between the members and the cooperative.

Cooperation Agreement – Public Housing. This is a contract between a local Housing Authority and the governing body of the municipality in which the public housing project is located. It provides for the governing body to furnish municipal services and facilities to the Housing Authority and for the authority, in turn, to make stipend payments in lieu of taxes to the municipality.

Davis-Bacon Act. An act passed in 1931, and subsequently amended, requiring that all laborers and mechanics employed in certain programs of federal financial assistance

involving construction activities be paid wage rates no less than those prevailing on similar construction in the locality as determined by the Secretary of Labor. The threshold is limited at \$2,000. All contracts over this amount must adhere to the prevailing wage.

Davis-Bacon Wage Rates. These are Federal wage rates set up by the Department of Labor. The Contract of Sale or Construction Contract must contain the applicable Davis-Bacon rates.

Drug-Related Criminal Activity

This is the possession, possession with intent to sell, illegal use or manufacture of a controlled substance.

Elderly Household. A family whose head or spouse, or whose sole member, is at least 62 years of age or disabled. It may include two or more elderly/disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well-being.

Emergency Shelter Grant (ESG). A federal grant program designed to help improve the quality of existing emergency shelters for the homeless, to make additional shelters available, to assist in operational costs, to provide social services to the homeless and to prevent homelessness.

Equal Housing Opportunity Plan (EHOP). This is a requirement for encouraging minority participation in Section 8 Programs.

Equal Opportunities Commission (EOC). A body created to enforce the rights of minority participation in housing and employment.

Fair Housing & Equal Opportunity (FHEO). The Office of Fair Housing and Equal Opportunity administers federal laws and establishes national policies that make sure all Americans have equal access to the housing of their choice.

Fair Market Rents (FMR). Rent schedules published annually in the Federal Register that include utilities (except telephones), ranges and refrigerators, parking and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned, newly constructed or substantially rehabilitated rental housing of modesty design with suitable amenities.

Family Self-Sufficiency (FSS). FSS is a program to promote economic and social self-sufficiency for public housing and Section 8 participants. It is intended to utilize existing community resources.

Flat Rent. Annually, tenants may elect to pay rent which is income based or the flat rent for a unit. Flat rent is set by the board of Commissioners but may not be less than 80% of the appropriate HUD published Fair Market rent for the area.

General Occupancy. Almost all of HUD's projects are considered General Occupancy. General Occupancy has determined everyone is qualified no matter the age. Preferences would need to be stipulated in the ACOP according to HUD regulations.

Gross Rent. This is the Contract Rent plus the utility allowance. If the tenant does not pay utilities, the Contract Rent is the Gross Rent.

Housing Assistance Payment (HAP). The payment made to the owner of an assisted unit by HUD or the PHA as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the total housing expense and the total family contribution. (For section 8 only)

Housing Assistance Payments Contract. This is a written contract between the Housing Authority and the owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family. This contract defines the owner and PHA responsibilities. (For section 8 only)

Housing Quality Standards (HQS). HQS is a federal minimum standard nationwide performance requirement for HUD-assisted housing. (For section 8 only)

Low Income Family. A family whose Annual Income does not exceed 80% of the median income for a locality as determined by HUD.

Low Income Housing Tax Credits (LIHTC). LIHTC is a way of obtaining financing to develop low-income housing. Government programs provide dollar-for-dollar credit toward taxes owed by the housing owner. These tax credits can be sold, or used to back up bonds that are sold, to obtain financing to develop housing.

Maintenance – Extraordinary. This is to be established as a budget line item for work that is recurrent, is substantial in scope, and is performed in connection with specific work programs. Whether performed by the owner or regularly employed staff, specific labor force or under contract, the expenditure involved would otherwise materially distort the level trend of ordinary maintenance.

Maintenance – Ordinary. This is to be established as a budgeted line item for work that, regardless of scope, is a continuing function performed by the regularly employed staff, seasonal or part-time personnel, or under a maintenance contract, the expenditures for which allow a level trend year after year.

Near Elderly. Individual or family head over the age of 50.

Operating Subsidy. Subsidy paid by the federal government to a local Housing Authority to compensate for the limitation on rent of 30% of a tenant's adjusted monthly

income. This is a result of the Housing & Urban Development Act of 1970. The operating subsidy funds the amount of the deficit between rents and expenses up to the difference between the annual contributions paid to the authority by the federal government.

Payment in Lieu of Taxes (PILOT). Payments of a sum of money by a tax-exempt or tax-excused property owner to a taxing authority in amounts presumably commensurate with the cost of public services provided to such owner. PILOT should not exceed property tax values and PHAs can deduct any services as indicated on HUD form 52267.

Payment Standard. This term applies to the Section 8 Housing Choice Voucher Program. It is set at 90-110% of the Fair Market Rent as established by the PHA and approved by their Board. The payment standard determines the maximum housing assistance payment allowable by bedroom size of the unit.

Public Housing Assessment System (PHAS). A nationwide rating system for public Housing Authorities that assigns scores for the management of public housing and the financial management of the authority.

Real Estate Assessment Center (REAC). REAC's mission is to provide and promote the effective use of accurate, timely and reliable information assessing the condition of HUD's portfolio; to provide information to help ensure safe, decent and affordable housing; and to restore the public trust by identifying fraud, abuse and waste of HUD resources.

Rental Assistance Demonstration (RAD). The Rental Assistance Demonstration was created in order to give public Housing Authorities (PHAs) a powerful tool to preserve and improve public housing properties and address the \$26 billion-dollar nationwide backlog of deferred maintenance.

Section 8 Existing Management Assessment Program (SEMAP). A nationwide rating system for public Housing Authorities administering the Housing Choice Voucher Program that assigns scores to various aspects of management of the program.

Section 8 Housing Choice Voucher Program. This is a rent subsidy program for low-income households under which HUD pays the difference between the local Payment Standard (as established by the PHA) and a designated percentage of household income. The program utilizes existing housing units. The PHA certifies tenants, inspects units for compliance with HQS and Rent Reasonableness, and contracts with landlords for subsidy payments.

Single Room Occupancy (SRO). Section 221(d) program provides mortgage insurance for multifamily properties consisting of single-room occupancy apartments. SRO's must provide human services as well as shelter.

Substandard Housing. A dwelling unit that is either dilapidated or unsafe, thus endangering the health and safety of the occupant, or that does not have adequate plumbing or heating facilities. For purposes of HUD-assisted housing, homeless households are deemed to be living in substandard housing.

Total Tenant Payment (TTP). The total amount required to be paid by the tenant toward rent and utilities.

Utility Allowance (UA). An amount determined by the PHA as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the family. Where the family pays directly for one or more utilities or services, the amount of the allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Total Family Contribution.

Very Low-Income Family. This is a low-income family whose annual income does not exceed 50% of the median income for the locality.

Violent Criminal Activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Acronyms

AAF – Annual Adjustment Factor, a Section 8 program factor published by HUD that is used to compute rent increases.

ACC – Annual Contributions Contract, Agreement between a housing agency and HUD, which allows annual payments to the PHA.

AEL – Allowable Expense Level, an amount initially established by HUD that is updated each year as part of the PFS formula.

AM – Asset Management (Asset Based Management)

CDBG – Community Development Block Grant, HUD grant to designated entitlement cities.

CFP – Capital Fund Program, a HUD program to provide funds on an annual basis to improve the physical condition and upgrade management and operations of public housing developments.

CFR – Code of Federal Regulations, statutory provisions, which govern HUD and other programs, administered by Federal agencies, published April 1st of each year.

CGP – Comprehensive Grant Program, a HUD program to provide funds on an annual basis to improve the physical condition and upgrade management and operations of public housing developments.

CIAP – Comprehensive Improvement Assistance Program, a competitive HUD program for the same purposes as CGP.

EEOC – Equal Employment and Opportunity Commission, a commission that enforces Federal civil rights laws prohibiting employment discrimination.

FASS – Financial Assessment Subsystem, a web system designed for REAC to measure the financial condition of PHAs.

FDS – Financial Data Schedule, HUD's standardized financial statement form submitted electronically to REAC by PHAs.

FHEO - Fair Housing and Equal Opportunity, a division of HUD that enforces the Fair Housing Act and other civil rights laws to ensure the right of equal housing opportunity and the right to fair housing choice without regard to race, color, age, religion, sex, national origin, disability or family composition.

FMC – Financial Management Center, HUD's centralized Section 8 financial processing center for PHA's.

FMR – Fair Market Rent, a rent limit published in the Federal Register for Section 8 rental assistance.

FSS – Family Self-Sufficiency, a HUD program designed to promote self-sufficiency by providing supportive services through public and private resources for families receiving Section 8 tenant based or public housing assistance.

GAAP – Generally Accepted Accounting Principles, a widely accepted method of accounting that HUD now requires PHA's to use.

GAO – General Accounting Office, an investigative arm of Congress, which oversees Federal programs and operates to assure accountability to the American people.

HA – Housing Authority/Agency, any state, county, or municipality or other governmental entity or public body that is authorized by State Law to engage in or assist in the development or operation of housing for low-income families.

HAP – Housing Assistance Payment, the amount the HA pays the owner for a unit occupied by a Section 8 tenant.

HQS – Housing Quality Standards, the minimum quality standards a unit must meet to be allowed housing assistance from HUD for the Section 8 Program.

HUD – Department of Housing and Urban Development, a department of the Federal government whose mission is to provide decent, safe, sanitary home and suitable living environment for every American.

LBP – Lead-Based Paint, a paint manufactured before 1978 and is harmful to individuals who ingest it.

LOCCS – Line of Credit Control System, A HUD database that monitors all HUD disbursements, allows PHA's to draw down grant funds and allows the HUD Field Office to monitor PHA obligation and expenditure progress against funds disbursed by HUD.

MASS – Management Assessment Subsystem, also referred to as Management Operations Certification, is an assessment of a PHA's management capability based on detailed information submitted electronically to the REAC.

MTCS – Multifamily Tenant Characteristic System, A HUD national computer database that collects, maintains and reports information on families who participate in the Housing Choice Voucher and Public Housing Programs.

OGC – Office of General Counsel, legal counsel for HUD.

OIG – Office of the Inspector General, a division of the Federal Government which ensures the integrity, efficiency, and effectiveness of HUD operations.

OMB – Office of Management and Budget, a division of the Federal Government which assists the President in the development and resolution of all budget, policy, legislative, regulatory, procurement and management issues.

OSHA – Occupational Safety and Health Administration, a division of the Federal Government that provides safety guidelines.

PASS – Physical Assessment Subsystem, also known as the Physical Inspections, is an annual physical inspection program of public housing units.

PBB – Project Based Budgeting

PBM – Project Based Management

PEL – Project Expense Level

PFS – Performance Funding System, HUD formula used to determine the annual operating subsidy eligible for PHA's.

PHA – Public Housing Authority/Agency, see HA

PHMAP – Public Housing Management Assessment Program, replaced by PHAS

PHAS – Public Housing Assessment System, provides for the assessment of the physical condition, financial health, management operations and resident services in public housing. Its purpose is to enhance public trust by creating a comprehensive

management tool that effectively and fairly measures a PHA's performance based on standards that are objective, uniform and verifiable.

PIC – Public and Indian Housing Information Center, a HUD database, which provides PHAs an electronic source to submit required funding data to HUD.

PUM – Per-Unit-Per-Month, an amount derived by dividing a dollar amount to the unit months available.

PILOT – Payment in Lieu of Taxes, instead of taxes, the lump sum payment made to local government(s) by PHAs.

QHWRA – Quality Housing and Work Responsibility Act, a law passed in 1998 enacted landmark measures that constituted a substantial overhaul of HUD's public housing and Section 8 assistance programs.

RAB – Resident Advisory Board, a board consisting of individuals who adequately reflect and represent the residents assisted by the PHA.

RFP – Request for Proposals, a formal request for competitive bids.

REAC – Real Estate Assessment Center, HUD's centralized management center to assess performance by PHAs.

SEMAP – Section Eight Management Assessment Program, measures a PHA's performance in the Section 8 Housing Choice Voucher tenant-based assistance program.

TANF – Temporary Assistance for Needy Families, program administered by Department of Human Services that provides payments for families with needy children under age.

TEVS – Tenant Eligibility Verification System, on-line program by which PHAs can confirm the amount of funds received by residents under the Social Security or the Supplemental Security Income (SSI) Program.

TTP – Total Tenant Payment, total amount tenant is required to pay toward rent and utilities under HUD assisted programs.

UA – Utility Allowance, an estimate of average monthly utility bills used by HUD in the calculation of rent.

UMA – Unit Months Available, PHA's units multiplied by the number of months the units are available for occupancy in a given PHA fiscal year.

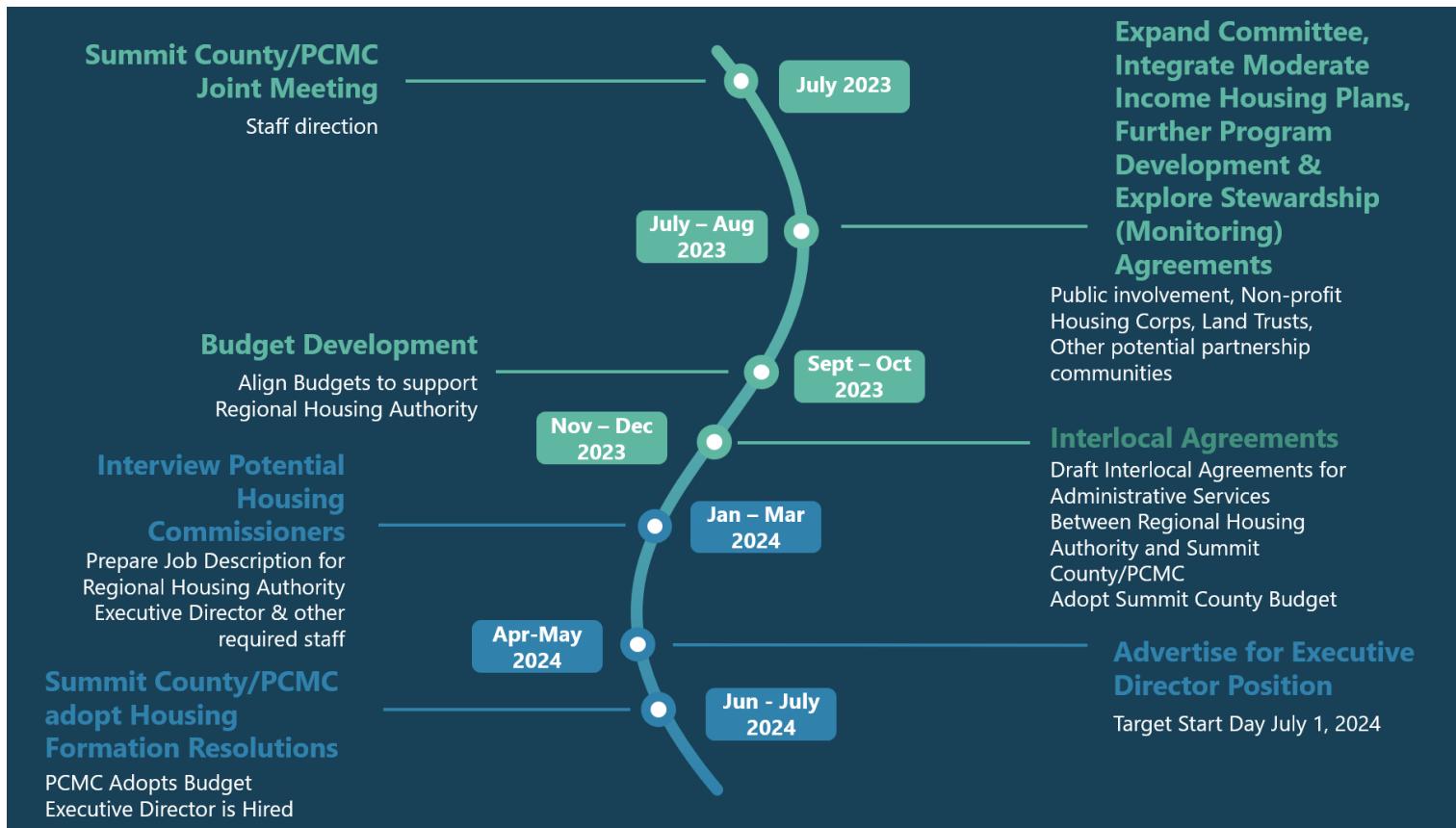
UPCS – Uniform Physical Condition Standards, the minimum quality standards a Public Housing unit must meet to be allowed housing assistance from HUD.

Resources

References

1. [Public Housing Occupancy Handbook](#)
2. [Procurement Guidebook](#)
3. [Public Housing Agency \(PHA\) Plans](#)
4. [Davis Bacon and Labor Standards](#)
5. [HUDCLIPS Library – HUD forms](#)
6. [HUD Public and Indian One Stop Tool \(POST\)](#)
7. [Annual Contributions Contract](#)
8. [Official site of HUD Acronyms](#)
9. [Lead the Way Training](#)
10. [Utah State Code](#)
11. [CDBG Consolidated Plan: Summit and Wasatch Counties](#)
12. [Streamlined Annual PHA Plan \(Small PHAs\)](#)
13. [5-Year PHA Plan \(for All PHAs\)](#)
14. PHA Certifications of Compliance with PHA Plans and Related Regulations
([HUD-50077-CRT-SM](#), [HUD-50077-ST-HCV-HP](#))
15. [Civil Rights Certifications](#)
16. [Certification by State or Local Office of PHA Consistency with the Consolidated Plan](#)
17. Public Housing Authorities in Utah
 - [Cedar City Housing Authority](#)
 - [Davis Community Housing Authority](#)
 - [Emery County Housing Authority](#)
 - [Housing Authority of Utah County](#)
 - [Salt Lake City Housing Authority](#)
 - [Housing Connect \(Salt Lake County Housing Authority\)](#)
 - [St. George Housing Authority](#)
 - [Tooele County Housing Authority](#)
 - [Weber Housing Authority](#)
 - [West Valley City Housing Authority](#)

Authority Formation Timeline



**DRAFT SUMMIT COUNTY, UTAH
RESOLUTION NO. _____**

**A RESOLUTION OF THE GOVERNING BODY OF SUMMIT COUNTY DECLARING
THE NEED FOR AND CREATING A REGIONAL HOUSING AUTHORITY**

WHEREAS, Utah Code §35A-8-401 et. seq., allows public bodies within the State of Utah to create housing authorities, which are separate bodies, corporate and politic, created to provide adequate and affordable housing for those in need; and

WHEREAS, a housing authority may be created by the governing body of a county or city by resolution declaring there is need for an authority and creating an authority in the city or county if it finds: (a) that unsanitary or unsafe inhabited dwelling accommodations exist in the city or county; or (b) that there is a shortage of safe and sanitary dwelling accommodations in the city or county available to persons of medium and low income at rentals or prices they can afford; and

WHEREAS, in 1974, the Board of County Commissioners of Summit County, acting as the governing body of Summit County, adopted Resolution No. 1974-02, declaring a need to establish a housing authority for Summit County pursuant to Utah's Housing Authorities Act of 1969, a predecessor to what is currently found in Utah Code §35A-8-401; and

WHEREAS, as it has been almost fifty years since the creation of the original Summit County Housing Authority, the Summit County Council, acting as the governing body of Summit County, desires to re-declare the need for and the creation of a Housing Authority for Summit County; and

WHEREAS, recognizing that the need for affordable housing exists across Summit County and extends into its municipalities and beyond, Summit County also desires that the Housing Authority created by Summit County be regional in nature; and

WHEREAS, Utah Code §34A-8-411 provides that two or more housing authorities may cooperate with one another or jointly exercise any or all of their powers for the purpose of financing, issuing bonds and other obligations and giving security for them, planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects located within the jurisdictional boundaries of one or more housing authorities; and

WHEREAS, pursuant to Utah Code §34A-8-411(b) and for the above-described purpose, a housing authority may, by resolution, authorize a housing authority joining or cooperating with the authority to act on the authority's behalf.

WHEREAS, Summit County desires to collaborate with municipalities within Summit County to take a holistic approach to addressing housing needs within the County, including but not limited to entering into interlocal agreements with its cities and towns; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Summit County Council, pursuant to Utah Code §35A-8-401 et. seq., hereby finds, determines and declares as follows:

Section 1: That unsanitary and/or unsafe inhabited dwelling accommodations exist in Summit County and there is a shortage of safe and sanitary dwelling accommodations in Summit County available to persons of medium and low income at rentals or prices they can afford.

Section 2: There is a need for a housing authority in Summit County and Summit County hereby re-establishes a Summit County Housing Authority, created pursuant to Utah Code §35A-8-401 et. seq.

Section 3: Commissioners -- Appointment -- Terms -- Quorum -- Meetings -- Employment of other officers and employees authorized. The provisions of Utah Code §35A-8-404 (as amended) are hereby adopted by this reference as that provision applies to the housing authority created pursuant to this resolution.

Section 4: Powers of the Summit County Housing Authority. The Summit County Housing Authority shall have all of the powers given to housing authorities pursuant to Utah Code §35A-8-401 et. seq. (as amended).

Section 5: Eligibility Requirements for Occupants– Rights of Obligee on Default of Authority. The Summit County Housing Authority shall issue regulations establishing eligibility requirements consists with the purpose of Utah Code, §35A-8-409 (as amended).

This Resolution shall take effect immediately upon its adoption.

APPROVE, ADOPTED, AND PASSED and ordered published by the Summit County Council, this _____ day of _____, 2023

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

Roger Armstrong,
Chairperson

Armstrong voted

Hanson voted

Stevens voted

Robinson voted

Harte voted

ATTEST:

Evelyn Furse, County Clerk

APPROVED AS TO FORM:

Helen Strachan
Deputy County Attorney