

Agenda

Housing & Community Development Commission (HCDC)

**Thursday, January 21, 2016
6:30 P.M.**

Senior Center, Assembly Room

*Please use the Washington Street entrance –
all other entrances will be locked*

28 S. Linn Street, Iowa City

- 1) Call meeting to order
- 2) Approval of the November 19, 2015 minutes
- 3) Public comment of items not on the agenda
- 4) Staff/commission announcements
- 5) Discuss FY2017 Aid to Agencies funding requests and consider budget recommendation to City Council
- 6) Consider a recommendation to the City Council regarding proposed Smoke Free Policy in public housing units
- 7) Consider a recommendation to the City Council regarding inclusion of Housing Choice Vouchers as a protected class under source of income
- 8) Consider a recommendation to City Council regarding proposed FY2016 Annual Action Plan Amendment #3
- 9) Consider forming sub-committee to celebrate National Community Development Week, March 28-April 2
- 10) Overview of housing pro forma template
- 11) Adjournment

REVISED

**Agenda
Housing & Community Development
Commission (HCDC)**

**Thursday, January 21, 2016
6:30 P.M.**

Senior Center, Assembly Room

*Please use the Washington Street entrance –
all other entrances will be locked*

28 S. Linn Street, Iowa City

- 1) Call meeting to order
- 2) Approval of the November 19, 2015 minutes
- 3) Public comment of items not on the agenda
- 4) Staff/commission announcements
- 5) Discuss FY2017 Aid to Agencies funding requests and consider budget recommendation to City Council – applications are available at www.icgov.org/actionplan
- 6) Consider a recommendation to the City Council regarding proposed Smoke Free Policy in public housing units
- 7) Consider a recommendation to the City Council regarding inclusion of Housing Choice Vouchers as a protected class under source of income
- 8) Consider a recommendation to City Council regarding proposed FY2016 Annual Action Plan Amendment #3
- 9) Consider forming sub-committee to celebrate National Community Development Week, March 28-April 2
- 10) Overview of housing pro forma template
- 11) Adjournment

**MINUTES
HOUSING AND COMMUNITY DEVELOPMENT COMMISSION
NOVEMBER 19, 2015 – 6:30 PM
SENIOR CENTER, ASSEMBLY ROOM**

PRELIMINARY

MEMBERS PRESENT: Peter Byler, Sydney Conger, Bob Lamkins, Jim Jacobson, Dorothy Persson, Emily Seiple, Mark Signs

MEMBERS ABSENT: Michelle Bacon Curry

STAFF PRESENT: Kris Ackerson, Tracy Hightshoe

OTHERS PRESENT: Maryann Dennis, Casey Westhoff, Roger Lusala

RECOMMENDATIONS TO CITY COUNCIL:

By a vote of 7-0 the Commission recommends City Council adoption of FY2016 Annual Action Plan Amendment #2 which will allocate CDBG funds totaling \$100,002 to Prelude, \$50,000 to Systems Unlimited, \$49,998 to The Housing Fellowship and \$600,000 to Bilam Properties, LLC.

CALL TO ORDER:

Byler called the meeting to order at 6:30 PM.

APPROVAL OF OCTOBER 22, 2015 MINUTES:

Lamkins moved to approve the minutes of October 22, 2015 with minor edits. Persson seconded the motion. A vote was taken and motion passed 7-0.

PUBLIC COMMENT:

None.

STAFF/COMMISSION ANNOUNCEMENTS:

Ackerson welcomed Conger to her first meeting.

Ackerson noted that Signs resigned from the Commission and this would be his last meeting.

Byler mentioned that all future emails will come from staff so that they can be included in public record if needed.

Seiple noted that this evening the Senate was voting to not fund HOME as part of an amendment to the transportation bill which would take funding down by 95%.

MONITORING VISITS:

The Housing Fellowship, Maryann Dennis

Dennis stated that The Housing Fellowship received funds to rehab 621 Keokuk Court and 446 Hawaii Court which are two dwellings the Fellowship has owned for quite a few years. The bid

ad was published on October 8 and bid packets were sent out to five additional contractors. They received three bids for each unit, and there was a bid opening on October 30 and the Hawaii Court project was awarded to Creative Improvements. The Fellowship had cut out some of the items from the project because they have \$24,999 to work with and need to have some funds held back for unexpected items. The tenant that lives in the Hawaii Court home prefers the work not begin until after the holidays and the Fellowship agreed. The 621 Keokuk Court bid was awarded to CCBS Construction (they will not use more than \$24,999 of HOME funds, the Fellowship will pay for the rest). Dennis showed pictures of CCBS beginning work on the 621 Keokuk Court home. The home will get new windows, new garage door opener, complete re-do of the bathroom, and many other necessities. Dennis noted the current tenants have lived in the home since 1997. Dennis said the project will be done within 90 days. These two projects are from funds that were awarded to the Fellowship in January.

Dennis reminded the Commission that The Housing Fellowship is a non-profit housing developer that mainly concentrates on affordable rental homes for families. They just celebrated their 25 anniversary in September. They currently own and manage 171 scattered site rental homes, they do not own any property that has any common areas, so no apartment buildings. Their properties are all single family homes, townhomes, duplexes, or a few condos within a bigger condo association. All the families they rent to are low income.

Persson asked about the money that was allocated to the Fellowship last month and how those projects are progressing. Dennis said they are working on the scope of the projects as they wait for the amendment to officially pass Council. Hightshoe also noted they will need to go through environmental review. Once all requirements are met, the Fellowship may proceed. Dennis noted that since they are a non-profit they must advertise for bids and give them time to review the properties, submit the bids, have a bid opening, submit the minutes, and then enter into a contract.

Dennis noted they have a few long term tenants, one over 20 years and this family at 621 Keokuk Court for 18 years. Tenants can have the option to buy the properties if they are able to, are income eligible and then not resell the property for a set number of years.

Systems Unlimited, Casey Westhoff

Westhoff (Executive Director) provided the Commission with an update regarding the property at 1628 California Avenue which was the home they purchased utilizing CDBG funds. They closed on the home in mid-September. The home will house three individuals with severe intellectual mental disabilities and autism that have some significant behavioral challenges. They knew when they purchased this house they would need to do some renovations to make it more friendly for the individuals they serve. They typically see such tenants put significant holes in walls, doors and windows. So they are putting in new drywall throughout the home, 5/8 inch drywall (thicker than normal drywall for resistance), and new windows will be installed soon. They hope to have the interior finished within the next two months. The home has two bedrooms on the main level and two more bedrooms in the finished basement. Systems paid \$160,000 for the home. Westhoff noted the house was re-roofed as part of the purchase negotiation. Westhoff showed pictures of the home. The tenants who will be placed in this home are moving from another home in Iowa City that is too small and not in great shape. Systems is excited to find this home and be able to customize it to meet the needs of these individuals. Westhoff noted they would also put in additional fencing around the yard, six foot in height for safety of the tenants. Westhoff stated they would upgrade the house the tenants are

vacating for other individuals in need. He said there is 24-hour care for the individuals in the home, on a rotating basis.

Mayor's Youth Empowerment Program, Roger Lusala

Lusala (Executive Director) stated they received an award of \$60,000 and were originally going to complete one project with the funds but were able to buy two houses with the funds. The first house is on Shamrock Drive, a three bedroom house. They spent an additional \$8,100 to get the house updated, new carpeting, washer and dryer, and other miscellaneous repairs. They purchased the home on July 28 and the new tenants were able to move in August 15. There are three ladies with disabilities living in the home; they are all new to the MYEP program and new to Iowa City as well. Lusala noted for their residential program they serve adults, ages 18 and above, and the three ladies living in this home range in age from 22 to 30. Folks in their program can live in the homes indefinitely. He stated that the majority of their services are for people with disabilities but they do have some programs that work with at risk youths in employment capacities. For the housing program, only people with disabilities can be placed in the homes.

Lusala said the second house they purchased is at 403 Elmridge Avenue for \$189,000. They put a down payment of \$37,000 from CDBG funds. For this house they partnered with US Bank and it did not need much work so they only spent about \$2,400 to get it ready for people to move in. They closed on this house on August 5 and the first person moved in on September 1 and now it is full with three men living in the home, all in their early 20's so this is their first home. Thanks for the CDBG funds they were able to purchase two houses and give six individuals homes.

REVIEW OF PROCESS – ANNUAL ACTION PLAN AMENDMENT #1:

Hightshoe noted that they clarified with legal counsel that whatever amendment they publish for public input goes to Council. She said that is why the Commission's objection was noted in the comments received and in the memo. She stated she believes that this is the only time it has been done this way. Typically the Commission meets, they form a recommendation, staff presents that to the public, the Commission then sees it again during the 30-day public comment period, and then makes a final recommendation to Council. In this unique situation staff needed to start the 30-day process in order to meet the HOME deadline and drafted the amendment before HCDC could meet.

CONSIDER A RECOMMENDATION TO COUNCIL ON THE FY2016 ANNUAL ACTION PLAN AMENDMENT #2:

Byler noted this amendment formalized the allocations discussed at the October 22 meeting. That amendment was drafted, and now is up for public comment.

Seiple noted she was concerned about ramifications with the crime free lease and federal funding based on protected classes related to the funding for Bilam Properties LLC. She said in her research she found that such leases can discourage residents from calling police.

Persson noted that due to increased incarceration over the past 20 years, rapid rehousing needs have increased and many homeless do have criminal records so there may be future

issues with how to deal with that situation. Persson agrees the crime free leases are to make everyone in the neighborhood feel safe, however how are we to aid and assist those homeless folks with criminal records. Jacobson said this does raise the question of disparate impact.

Dennis noted that The Housing Fellowship does conduct background checks and that the Supreme Court has passed a disparate impact ruling which can impact what non-profits or companies receiving federal funds can do. On the other hand the HOME program requires that if a property is leased with HOME funds the property owner or manager must have an approved tenant selection plan. They must submit what criteria they use to allow a tenant to lease the property. Most landlords do a credit check, The Housing Fellowship does not, but they do national criminal and eviction background checks. Dennis said their attorney recommends not having an itemized list of what they will or will not accept in background checks, to be more subjective on a case-by-case basis. They look more at history of destruction of property, theft and violence to people. Dennis said their background checks only go back three years.

Jacobson noted that while the Council ultimately makes the final decision, his concern is what the Commission is perhaps agreeing to, or recommending, could it be adverse to the City. Hightshoe said the City is just assisting with the rehab of the property and ensures compliance with the rehabilitation and CDBG/HOME requirements. She stated the City encourages good property management, but will check with the City's legal department about the issue of crime free leases and if in any case this is not legal or not in compliance with the CDBG program. The City does monitor that CDBG housing recipients are leasing more than 50% to low income (under 80%) households.

Persson moved to recommend approval of the proposed FY16 Annual Action Plan Amendment #2. Jacobson seconded the motion. A vote was taken and the motion carried 7-0.

DISCUSSION OF SCORING CRITERIA AND APPLICATION FORM FOR CDBG AND HOME GRANT APPLICATIONS AND CONSIDER A RECOMMENDATION TO COUNCIL:

Byler noted the scoring criteria and draft application form was emailed out to the Commissioners. Hightshoe said that The Housing Fellowship submitted comments and distributed their letter.

Byler stated that several Commissioners had sent their suggestions to Ackerson and Byler then redid the scoring sheet and combined the two scoring sheets into one. He said some of the significant changes are the scoring sheet follows the application sections and there are no more yes/no questions on the scoring sheet. They removed some of the questions that were more conceptual and not really able to be scored. The cost estimate questions also now line up on the application and scoring guide.

Persson asked for clarification on community partnerships and volunteer resources. She noted that so many of the projects are put out for bids and the work being completed by professionals. Byler referred to question 12 "please describe any community partnership or volunteers that will contribute to the project" so if you are Habitat for Humanity and you are using volunteer labor that leverages the money the Commission is awarding. Another example would be two non-profits working together on a project. Persson asked how The Housing Fellowship would fulfill leveraging community partnerships or volunteer resources. Dennis replied that they can leverage partnerships with banks and trust funds. She noted that her Board is all volunteer

members so she classifies their time as volunteer resources. Habitat for Humanity will always score more in volunteer service. Jacobson noted these scoring criteria are used as guidance. Byler also noted the first question is “does the project have realistic cost projections including bids,” so that covers The Housing Fellowship’s need to get bids and the fact the Habitat for Humanity will never have a bid process. Hightshoe noted the question includes both community partnerships and volunteer resources so it can be scored equally over various types of projects.

Persson noted she liked the draft, but wanted confirmation that the scoring system would be used as a starting point for discussions, not as an absolute in making decisions. Byler said that could be up for discussion.

Dennis addressed the Commission about the application and scoring sheet from the perspective of the applicants. The Housing Fellowship has applied for many different sources of financing and most of the applications are scored, so as an applicant when filling out an application they aim to get the highest score. She noted the FY16 allocation process was very frustrating as an applicant because some Commissioners didn’t score the applications at all, and the discrepancy in the scores for the same application didn’t make any sense. To Dennis that indicates there is way too much subjectivity in the analysis of the applications. Other sources of financing that uses scoring systems are much more objective and can explain their scoring systems. Dennis stated that when analyzing an application there are four things to look at as written in the CITY STEPS Plan for funding: 1) high priority need; 2) the capacity of the applicant; 3) the impact of the project; 4) and the feasibility of the budget.

Byler asked whether Dennis was suggesting that staff would be better equipped to draft the allocation recommendations and just have the Commission approve staff’s recommendations. Dennis did not suggest that however noted that staff is more aware of project budget and proforma than many on the Commission. Other boards and commissions for the City vote on staff recommendations.

Jacobson noted that if the decision is to use the scoring criteria, then everyone on the Commission should use the scoring criteria. Lamkins noted he was not a fan of the scoring sheets; he would rather have discussions and subjectively rank the applications. Seiple noted it would be hard for a new commissioner to fill out the scoring sheet without discussion.

Byler noted that the flip side of the scoring is the discussion is very valuable for making allocations, but how will they make distinctions when all the applicants meet the high priority need, the capacity of impact, and have a budget. Does everyone get the same funding? What makes one project more worthy than another?

Hightshoe noted that the projects are often not easily comparable – one can be for housing rehabilitation and another could be for a warehouse expansion for the Crisis Center.

Lamkins liked the idea of scoring as long as they were not restricted to allocating strictly based on scoring. He likes the discussion and ability to change funding priorities based on the discussions.

Byler asked whether more Commissioners were in favor of using the scoring sheet as a personal guide. Persson agreed to that, but that the scoring sheets should be completed and turned in prior to the discussion at the meeting. Signs agreed with Persson that seeing the scoring sheets prior to the discussion would be helpful, especially to new commissioners.

Jacobson suggested staff also fill out score sheets as guidance, to address the expertise of their knowledge of the projects and applicants that perhaps the Commissioners are not privy to. The Commission discussed the value of staff completing the scoring sheets and agreed it would be valuable to the Commission.

The Commission and staff discussed edits to the draft scoring sheet. There was significant discussion on the question of overhead of the organization and project. Byler said that is addressed in question 23. Byler noted that he and Ackerson did discuss question 20 at length “to what extent does the proposed project pay property taxes”. Byler was unsure that was pertinent to the application. The Commission agreed to remove that question from the application and scoring sheet.

Next was discussion on the weighting of points for each section. Seiple asked for clarification on differentiating parts one and two. Byler said it was a way to prioritize projects that may not have another source of funding, and also the ability to leverage allocations. Also adding the question regarding “ability to private fund raise” should be added back to the application.

Jacobson noted that in section one, with the new CITY STEPS, the number of possible things that constitute a need, everything is a need and it would be very hard for an applicant to not get the full 20 points. Byler noted the judgement comes in on the 2nd part of the question in how well the applicant fills the need. The question will be revised to “how well does the applicant document the project to meet the needs identified in the CITY STEPS”.

Persson noted that the area of capacity is very important and should carry a heavy weight. The Commission discussed and felt it was subjective and would be an area of discussion during the time of review of applications.

Signs noted removing the question regarding innovation was good. Persson agreed and said what usually happens is those type of applicants have not done the community work to seek other funding and partnerships and rely only on the grant funding.

Lamkins moved to use the new scoring criteria with revisions as a non-binding process that will be used as a guide and completed by a deadline by all Commissioners and staff so that a summary can be presented at the meeting for discussion.

Signs seconded the motion.

A vote was taken and the motion carried 7-0.

Ackerson noted that the Commission has the opportunity to have a meeting in December (December 17) to discuss the Aid to Agencies applications which the Commission will be recommending funding in January. This meeting can be a time for the Commissioners to ask specific questions to the applicant agencies. There is not enough time for each agency to present their application; it is more for the Commission to address questions/concerns prior to discussion and voting at the January meeting. The Commission discussed and decided to only hold the January meeting.

**PUBLIC MEETING - ANNUAL REVIEW OF THE 2016-2020 CONSOLIDATED PLAN
(AKA CITY STEPS)**

Byler opened the public hearing.

Seeing no one, Byler closed the public hearing.

ADJOURNMENT:

Dennis announced that the Johnson County Coalition was having a mixer on Monday, December 7 at Red's Alehouse in North Liberty open to all.

Jacobson moved to adjourn. Conger seconded the motion. A vote was taken and motion carried 7-0.

**HOUSING AND COMMUNITY DEVELOPMENT COMMISSION
ATTENDANCE RECORD**

NAME	TERM EXP.	1/15/15	2/19/15	3/12/15	4/16/15	6/18/15	9/17/15	10/22/15	11/19/15
BACON CURRY, MICHELLE	9/1/2016	X	X	X	O/E	X	X	O/E	O/E
BYLER, PETER	9/1/2017	X	X	X	X	X	X	X	X
CONGER, SYDNY	9/1/2018	---	---	---	---	---	O/E	O/E	X
JACOBSON, JIM	9/1/2017	X	X	X	X	O/E	X	O/E	X
LAMKINS, BOB	9/1/2016	---	X	X	X	O/E	X	X	X
PERSSON, DOTTIE	9/1/2016	X	X	X	X	X	X	X	X
SEIPLE, EMILY	9/1/2018	---	---	---	---	---	X	X	X
SIGNS, MARK	9/1/2018	---	---	---	---	---	X	X	X
TAYLOR, ANGEL	9/1/2017	O/E	X	O	X	X	O	---	---

Key:

- X = Present
- O = Absent
- O/E = Absent/Excused
- = Vacant

Agency	FY17 Requests	Seiple FY17 Recomm.	Lamkins FY17 Recomm.	Byler FY17 Recomm.	Conger FY17 Recomm.	Persson FY17 Recomm.	Average	Main Priority
4 C's Community Coord. Child Care	\$41,750	\$19,700	\$ -	\$15,000	\$15,000	\$ -	\$ 9,940	High - Child Care
Arc of Southeast Iowa	\$15,000	\$ -	\$ -	\$15,000	\$ -	\$ -	\$ 3,000	High - Child Care & Mental Health Services Medium - Handicapped and Youth Services
Four Oaks - Pal Program	\$15,000	\$ -	\$15,000	\$ -	\$ -	\$ -	\$ 3,000	High - Child Care and Mental Health Services
Neighborhood Centers of JC	\$50,000	\$40,000	\$40,000	\$ 43,700	\$45,000	\$ 50,000	\$ 43,740	High - Child Care Services Medium - Employment Training & Youth Services
IC Free Medical/Dental Clinic	\$15,000	\$15,000	\$15,000	\$ 15,000	\$15,000	\$ 15,000	\$ 15,000	High - Homeless & Mental Health Medium - Health, Senior, Substance Abuse and Youth Services
United Action for Youth	\$52,391	\$40,000	\$45,000	\$ 35,000	\$48,000	\$ 27,375	\$ 39,075	High - Homeless & Mental Health Services Medium - Youth Services
Crisis Center of Johnson County	\$55,825	\$40,000	\$45,000	\$ 40,000	\$40,000	\$ 55,825	\$ 44,165	High - Homeless Services
Free Lunch Program*	\$18,000	\$15,000	\$15,000	\$ 15,000	\$15,000	\$ 18,000	\$ 15,600	High - Homeless Services
Housing Trust Fund of JC	\$24,000	\$24,000	\$24,000	\$ 20,000	\$24,000	\$ 24,000	\$ 23,200	High - Homeless Services
Shelter House	\$65,000	\$50,000	\$49,700	\$ 45,000	\$50,000	\$ 65,000	\$ 51,940	High - Homeless Services
Pentacrest, Inc./Pathways Adult Day Health Center	\$15,000	\$15,000	\$15,000	\$ 15,000	\$15,000	\$ -	\$ 12,000	High - Mental Health Medium - Handicapped & Senior Services
Big Brothers / Big Sisters	\$33,000	\$20,000	\$30,000	\$15,000	\$25,000	\$ 33,000	\$ 24,600	High - Mental Health Services
Compeer of Johnson County	\$15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	High - Mental Health Services
National Alliance on Mental Illness of Johnson County	\$15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	High - Mental Health Services
Prelude Behavioral Services	\$25,000	\$15,000	\$ -	\$ 15,000	\$ -	\$ 25,000	\$ 11,000	High - Mental Health Services Medium - Health & Substance Abuse Services
Rape Victim Advocacy Program	\$17,500	\$15,000	\$15,000	\$ 15,000	\$16,000	\$ 17,500	\$ 15,700	High - Mental Health Services Medium - Health & Youth Services
Table to Table	\$10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	High - Child Care, Food Banks, Homeless Services Medium - Senior, Batter and Abused Spouse & Youth Services
Domestic Violence Intervention Program	\$48,000	\$40,000	\$40,000	\$ 40,000	\$45,000	\$ 48,000	\$ 42,600	High - Homeless Services Medium - Services for Battered and Abused Spouses & Youth Services
Systems Unlimited	\$55,000	\$30,000	\$ -	\$ 15,000	\$ -	\$ -	\$ 9,000	High - Mental Health Medium - Youth Services
Iowa Jobs for American's Graduates (JAG)	\$15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Medium - Employment Training and Youth Services
IV Habitat for Humanity	\$15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Medium - Handicapped, Health and Senior Services
Elder Services Inc.	\$50,000	\$ -	\$30,000	\$ 20,000	\$25,000	\$ -	\$ 15,000	Medium - Transportation, Handicapped, Health and Senior Services
Girl Scouts of Eastern Iowa and Western Illinois	\$15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Medium - Youth Services
Community Corrections Imp. Assoc.								N/A
HACAP - Food Reservoir Backpack Program								N/A
ICCSA Family Resource Centers								N/A
Junior Achievement of Eastern Iowa								NA
Mayor's Youth Employment Program								NA
Total Request:	\$680,466	\$378,700	\$378,700	\$378,700	\$378,000	\$378,700	\$378,560	



CITY OF IOWA CITY MEMORANDUM

Date: December 9, 2015
To: Housing and Community Development Commission
From: Steven J. Rackis, Iowa City Housing Authority
Re: Amendments to the Iowa City Housing Authority's Admissions and Continued Occupancy (ACOP) Plan.

Introduction:

The purpose of the ACOP is to define the Iowa City Housing Authority's policies for the operation of the Public Housing Program, incorporating Federal, State and local law.

History/Background:

In November 2015, the Federal Department of Housing and Urban Development (HUD) issued a proposed rule that would require each public housing agency (PHA) administering public housing to implement a smoke-free policy. Specifically, this rule proposes that no later than 18 months from the effective date of the final rule, each PHA must implement a policy prohibiting lit tobacco products in all living units, indoor common areas in public housing, and in PHA administrative office buildings (in brief, a smoke-free policy for all public housing indoor areas). The smoke-free policy must also extend to all outdoor areas up to 25 feet from the housing and administrative office buildings. HUD proposes implementation of smoke-free public housing to improve indoor air quality in the housing, benefit the health of public housing residents and PHA staff, reduce the risk of catastrophic fires, and lower overall maintenance costs.

This is a proposed rule. HUD may choose not to promulgate a rule at all (although unlikely) or may choose to make changes to the proposed rule. The Iowa City Housing Authority has 81 public housing units:

- 36 Single-Family homes;
- 37 Zero Lot/Duplex/Tri-Plex;
- 8 Multi-Family;
- 4 Row House.

Regardless of when, or if HUD acts, the Iowa City Housing Authority wishes to implement a no-smoking policy in early 2016.

Proposed Amendments to the ACOP:

Staff recommends adding the following new section to the ACOP:

22.0 SMOKE-FREE POLICY 24 CFR 965.653

Iowa's Smoke Free Air Act went into effect on July 1, 2008. This law mandates that City buildings and the grounds around them be smoke free, pursuant to Iowa Code, Chapter 142D. In addition, the Iowa City Housing Authority prohibits the use of lit tobacco products in all public housing units and interior common areas, including but not limited to, hallways, laundry centers, and similar structures, as well as in outdoor areas, including but not limited to, playgrounds and other areas frequented by children. Smoking also includes the use of electronic cigarettes and waterpipe tobacco smoking (referred to as hookahs).

Because of the unit types listed above, the Iowa City Housing Authority is designating the Public Right of Way as the area where it is permissible for public housing tenants to smoke.

Purpose of Smoke-Free Policy: The Iowa City Housing Authority is mitigating (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building.

Recommendation:

Staff recommends approving the amendments to the ACOP.

Volunteer Fair for Retired Persons

Retish reported that attempts to organize a volunteer fair for retired persons has been frustrating. Retish does not want to duplicate what is already occurring in the community.

Commission Action Plan 2015

Coulter expressed his desire for the Commission to support the racial equity and diversity action plans recently put forth by City staff and the Council in January. Retish and Townsend both noted that they had concerns/questions about the St. Ambrose disproportionate minority contact study. Bowers asked Retish and Townsend to provide the questions/concerns that they have to her and she would forward the questions for a response.

Hanrahan reported on the possibility of using the upcoming Soul Food Dinner at City High (being held on February 20) as a listening post. Hanrahan and Hart recently discussed the possible venues for future listening posts. Townsend added that identifying the key players in the community is important to having successful listening posts. Olmstead and Coulter would like the Commission to work with the Council on their listening posts and to be a part of that community initiative.

Motion by Hanrahan, seconded by Hart to support the recommendations for racial equity and the diversity action plans. Motion passed 7-1. (Townsend in the negative).

Hart is planning on attending a panel discussion on Affordable Housing in March and may revisit the current program plans by the Commission on a similar topic.

Ghoneim spoke with the Coalition for Religious Communities on doing outreach to them on the Commission and its role in the community. Ghoneim will have further information on possible presentation dates at the March meeting. She also will look into possible presentations to the Iowa City Mosque and the Iowa Chapter of the American Civil Liberties Union.

2015 Choice Awards

Hanrahan who attended the event spoke very highly of it. The Commission was one of many co-sponsors.

Juneteenth

Hart will attend the March Juneteenth planning committee meeting and report back to the Commission.

Education Subcommittee

Retish and Hanrahan who are members of the Iowa City Community School District (ICCS) Equity Committee along with Olmstead spoke of a recent meeting in which Equity Director Kingsley Botchway presented a PowerPoint presentation on the future of equity within the ICCS.

Building Communities

Bowers spoke on the status of including Housing Choice Voucher (Section 8) in the definition of public assistance source of income under the Iowa City Fair Housing Ordinance. It is currently excluded in the definition. Adding it to the definition would make it illegal to deny the rental of property to a person based solely on the fact that they hold a Housing Choice Voucher. Bowers noted that the Council would more likely than not defer to the City Attorney's Office for legality prior to moving forward on the recommendation.

Motion by Townsend, seconded by Olmstead for Council to add Housing Choice Voucher to the definition of public assistance source of income under the Iowa City Fair Housing Ordinance. Motion passed 8-0.

University of Iowa Center for Human Rights Board

The book for One Community One Book for 2015 is *Just Mercy* by Bryan Stevenson.

Prepared by: Stefanie Bowers, Equity Director/Human Rights Coordinator, 410 E. Washington St., Iowa City, IA
52240 (319) 356-5022

ORDINANCE NO. _____

ORDINANCE AMENDING TITLE 2 OF THE CITY CODE, ENTITLED "HUMAN RIGHTS," CHAPTER 2, ENTITLED "GENERAL PROVISIONS," SECTION 2-1-1, ENTITLED "DEFINITIONS; PUBLIC ASSISTANCE SOURCE OF INCOME," TO INCLUDE HOUSING CHOICE VOUCHER SUBSIDIES AND SIMILAR RENT SUBSIDY PROGRAMS AND TO CLARIFY THE DEFINITION OF "HOUSING TRANSACTION."

WHEREAS, the Human Rights Ordinance currently excludes rent subsidies in the definition of Public Assistance Source of Income; and

WHEREAS, the exclusion of rent subsidies in the definition of Public Assistance Source of Income creates inequalities in the rental market; and

WHEREAS, every resident or potential resident of Iowa City should not be restricted or denied the opportunity to apply for and reside in a housing unity that meets their income qualifications; and

WHEREAS, the exclusion of rent subsidies are contrary to Iowa City's commitment to ensure fair housing opportunities for all; and

WHEREAS, in Ordinance No. 15-4650, the definition of Housing Accommodation was deleted because it is not a term used by HUD (the U.S. Department of Housing and Urban Development), but that term remained within the definition of Housing Transaction due to an oversight;

WHEREAS, the definition of Housing Transaction should be amended to delete the term Housing Accommodation; and

WHEREAS, it is in the best interest of the City to adopt these amendments to further fair housing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA CITY, IOWA:

SECTION I. AMENDMENTS.

1. Title 2, entitled "Human Rights," Chapter 2, entitled "General Provisions" Section 1, entitled "Definitions," is amended by repealing the definitions of "Housing Transaction" and "Public Assistance Source of Income" and replacing them with the following:

Housing Transaction: The sale, exchange, rental or lease of real property and the offer to sell, exchange, rent or lease real property.

Public Assistance Source of Income: Income and support derived from any tax supported federal, state or local funds, including, but not limited to, social security, supplemental security income, temporary assistance for needy families, family investment program, general relief, food stamps, and unemployment compensation, Housing Choice Voucher subsidies and similar rent subsidy programs.

SECTION II. REPEALER. All Ordinances and parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION III. SEVERABILITY. If any section, provision or part of the Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE. This Ordinance shall be in effect after its final passage, approval and publication, as provided by law.

Passed and approved this _____ day of _____, 2016.

MAYOR

Approved by:

ATTEST: _____
CITY CLERK

 1-8-16

City Attorney's Office



CITY OF IOWA CITY MEMORANDUM

Date: January 13, 2016

To: Geoff Fruin, Assistant City Manager

From: Human Rights Coordinator/Equity Director Stefanie Bowers
Housing Authority Administrator Steve J. Rackis

Re: Staff Recommendation on including Housing Choice Voucher and other rental subsidies in the definition of Public Assistance Source of Income under the Human Rights Ordinance.

Introduction:

On February 17, 2015, the Human Rights Commission made a recommendation to the City Council to include Housing Choice Voucher (Section 8) in the definition of Public Assistance Source of Income under the City's fair housing laws.¹ Including Housing Choice Voucher (HCV) or other rental subsidies in the definition would make it unlawful to refuse to rent or lease a rental housing unit to a person based only on their use of a HCV or rent subsidy. It would also prohibit directly or indirectly advertising, or in any other manner indicating or publicizing that a person is not welcome or not solicited because of use of a HCV or other rental subsidy.

Background:

The Housing Choice Voucher Program is funded by the U.S. Department of Housing and Urban Development (HUD) to increase affordable housing choices for low-income persons/families. It allows holders of a HCV to rent (lease) affordable privately owned rental units. The Iowa City Housing Authority administers the program and the Veteran's Affairs Supportive Housing Vouchers (VASH) for Johnson County, Iowa County and Washington County (North of Highway 92).

Under the Housing Choice Voucher Program, a person generally pays 30% of their adjusted monthly income for their portion of the rent. Monthly incomes are adjusted if specific deductions apply. Minimum rent is \$50 at the initial lease-up and a participant is not allowed to pay more than 40% of their monthly adjusted income towards their rent. An inspection of the housing unit is required prior to the Iowa City Housing Authority rental assistance payment. There is no cost to the landlord for the inspection.

Over the last year the Housing Choice Voucher Program has paid approximately \$6.5 million in housing assistance payments to landlords in Johnson County. The vouchers in use, as of December 15, 2015, in Iowa City (851) represented 4.8% of the total number of rental units in Iowa City (18,193). The total number of available HCV and VASH for the Iowa City Housing Authority is 1,292.

As part of the City of Iowa City 2014 Impediments to Fair Housing, a survey was conducted that found 31% or 63 individuals out of 210 HCV clients surveyed believed that HCV was the most common reason for discrimination in the area of housing in Johnson County.

¹ Public Assistance Source of Income currently excludes rent subsidies. See Human Rights Ordinance §2-1-1.

Over the last several months staff in the Human Rights Office and Neighborhood & Development Services Department (includes the Iowa City Housing Authority) evaluated this recommendation. Staff wanted to know whether the inclusion would adversely affect individuals who have lower incomes but are not participating in the program, or create any unforeseen consequences to affordable housing in Iowa City.

On May 26, staff met with the Greater Iowa City Area Apartment Association at their monthly meeting to discuss and received questions from them on the recommendation. On July 21, the Greater Iowa City Area Apartment Association stated they are not in support of the recommendation to include HCV in the definition of Public Assistance Source of Income via correspondence sent to the City Manager.

Feedback from Landlords:

The Greater Iowa City Area Apartment Association in its correspondence of July provides 8 reasons for "why participation in the federally funded Housing Choice Voucher Program should remain voluntary." The 8 reasons are italicized and a brief staff response follows each reason. A copy of the correspondence is attached to this memo.

1. Our Housing Authority already does a really good job.

A high utilization rate is helpful but it does not take into account whether applicants who use HCV are able to obtain rental units that would fit within their financial means throughout Iowa City. Currently 408 landlords participate in the Housing Choice Voucher Program and HCV/VASH utilization is 101.3%. Staff support for the inclusion of HCV in the definition of Public Assistance Source of Income is based on the fact that a person regardless of HCV status should be able to apply and be accepted for housing if they can afford the unit and meet the landlord's criteria. Those who hold a HCV are not being considered for affordable rental units because there are some landlords who refuse to consider them as applicants for their housing units. A high utilization rate does not prove that persons are able to rent housing units of their choice or in an area of their choice.

2. Section 8 is a voluntary federal program.

The Housing Choice Voucher is a voluntary federal program. However, the practice of landlords refusing to consider persons/families solely on the basis that they would use a HCV to offset their rent costs has already made all low-income families without assistance a "more favored group" than persons/families receiving assistance from a HCV. There is an assumption that persons who receive rental subsidies are not cost burdened. The inclusion of HCV in the definition of Public Assistance Source of Income levels the field for all low-income families because landlords would be required to treat all applicants equally.

3. If Section 8 is a protected class, then students (or occupation) could also be a protected class.

The purpose of including HCV in the definition of Public Assistance Source of Income is to create more housing opportunities for those who use a HCV. In general when "students" are a protected characteristic it is usually to counteract the policies and practices of landlords who prefer not to rent to students based on arbitrary beliefs that students will bother other residents and damage property as opposed to their socio-economic status.

4. *Disparate Impact.*

The U.S. Census Bureau, 2009-2013 5-Year American Community Survey reports that the racial and ethnic demographics of Iowa City is as follows. These percentages are compared to the Iowa City Housing Authority head of household racial and ethnic demographics for HCV participants for calendar year 2015.

U.S. Census Bureau, 2009-2013

White = 57, 207 (82.5%)
Black/African American = 3, 825 (5.5%)
American Indian and Alaska Native = 257 (.37%)
Asian = 4,913 (7.0%)
Native Hawaiian and Pacific Islander = 164 (.23%)
Hispanic/Latino = 3,627 (5.2%)

HCV Participants as of November 24, 2015

White = 724 (56.8%)
Black/African American = 509 (39.9%)
American Indian and Alaska Native = 7 (.5%)
Asian = 14 (1.1%)
Native Hawaiian and Pacific Islander = 5 (.4%)
Hispanic = 48 (3.8%)

Under the Fair Housing Act “Disparate Impact” is a legal doctrine that states that “a policy may be considered discriminatory if it has a disproportionate adverse impact against any group based on race, national origin, color, religion, sex, familial status, or disability when there is no legitimate, non-discriminatory business need for the policy.”² There is no indication that including HCV in the definition of Public Assistance Source of Income would cause disparate impacts on persons based on race, national origin, color, religion, sex, familial status or disability.

5. *Constitutional issues are not settled; there is no agreement about Section 8 being a lawful source of income.*

The current definition of Public Assistance Source of Income is defined in the Human Rights Ordinance as “income and **support** derived from any tax supported federal, state or local funds.” The recommendation if approved would add HCV and other rental subsidies to the list of other named bases for support.

Across the country 12 states, 9 counties and 18 cities include rent subsidies in their fair housing laws and have done so without any challenge from HUD. Marion is the only city in Iowa that currently provides protection; the Iowa Civil Rights Act (state) and the Fair Housing Act (federal) do not.³ Even though neither the appellate courts in Iowa nor the federal appellate court for Iowa have ruled on this issue, a strong case can be made that there is no preemption and/or that there is no conflict between a local ordinance that makes landlord participation mandatory and the federal law that makes it voluntary.

6. *The Housing Authority is in a larger area than Iowa City.*

Iowa City’s fair housing laws currently offer greater protection than exists at the state or federal level and so landlords with properties in other areas are already working with different fair housing laws. Including HCV in the definition of Public Assistance Source of Income does not create an administrative burden to landlords with properties outside of Iowa City.⁴ Landlords should be using the same application process for accepting/rejecting potential tenants regardless of where the property exists.

² National Fair Housing Alliance Disparate Impact, <http://www.nationalfairhousing.org/PublicPolicy/DisparateImpact/tabid/4264/Default.aspx>.

³ See *Landlord Discrimination Against Section 8 Vouchers Outlawed* by David Mark Simpson Santa Monica Daily Press, May 7, 2015.

⁴ The Iowa City Housing Authority’s jurisdiction is Johnson County, Iowa County, and Washington County (North of Highway 92). Most persons who hold a HCV reside in Johnson County and this percentage “mirrors where the general population resides in Johnson County.

7. Penalizing Landlords.

The Housing Assistance Payments (HAP) Contract is a regulatory requirement.⁵

8. Overview of Problem.

Every resident or potential resident to this community should be allowed the opportunity to apply for and reside in a housing unit of their choice. Across the country 12 states, 9 counties and 18 cities include rent subsidies in their fair housing laws and have done so without any challenge from HUD. Even though neither the appellate courts in Iowa nor the federal appellate court for Iowa have ruled on this issue, a strong case can be made that there is no preemption and/or that there is no conflict between a local ordinance that makes landlord participation mandatory and the federal law that makes it voluntary.

Recommendation:

It is staff's recommendation that the City Council amend the Human Rights Ordinance to include "HCV and similar rent subsidy programs" in the definition of Public Assistance Source of Income. If a person who uses a HCV applies to rent a housing unit but does not meet the landlord's selection criteria required for all applicants, the application can be denied for those reasons. But if the person meets the selection criteria required for all applicants a landlord cannot refuse to rent to that person. To refuse to rent (lease) to a person because the person will use a rental subsidy is not a practice that supports the values of this community and is contrary to our commitment to fair housing.

⁵ The main regulation for this program is 24 Code of Federal Regulations Part 982.451 – 982.456.

Greater Iowa City Area Apartment Association

P.O.Box 1765
Iowa City, IA 52244
www.gicaa.org

2015 - 2016 Board:

President –
Chris Villhauer

Vice-President –
Tony Vespa

Secretary –
Michelle Lamkins

Treasurer –
Mark Ruggeberg

David Kacena

Jim Houghton

Blaine Thomas

Celeste Holloway

January 13, 2016

City of Iowa City
Attn: City Council
410 E. Washington St.
Iowa City, IA 52240

Dear City Council Members,

This correspondence is concerning a recommendation to the City Council to include Housing Choice Voucher (Section 8) in the definition of Public Assistance Source of Income. The Greater Iowa City Apartment Association is a local non-profit organization whose membership includes owners of rental property, managers of rental units, or those associated with either.

Many of our members currently participate in the Housing Choice Voucher program and have a great working relationship with Housing Administrator, Steven Rackis and his staff. We have enjoyed having Mr. Rackis as a guest speaker at our meetings many times.

The Greater Iowa City Apartment Association helps to promote Fair Housing education in order to achieve equal housing opportunities for all. The attached information explains why the choice to participate in this federally funded program should remain voluntary by both tenants and landlords.

The Greater Iowa City Apartment Association would like to work with the Iowa City Housing Authority, the Human Rights Commission, and any other group or commission that you, or the City Council, feel would be beneficial in working towards the housing goals of the City of Iowa City.

If you have any questions please let me know. Thank you for your time.

Sincerely,



Chris Villhauer
President
Greater Iowa City Apartment Association
apartmentassoc@gmail.com
www.gicaa.org

2016 JAN 13 PM 1:24
CITY CLERK
IOWA CITY, IOWA

FILED

Greater Iowa City Area Apartment Association
P.O.Box 1765
Iowa City, IA. 52244
www.gicaa.org

Regarding Section 8 source of income protected class:

In a November 17, 2015 memo from Stefanie Bowers to Tom Markus we read "Including participation in the HCV program to the definition of Public Assistance Source of Income simply requires those renting housing units to treat all applicants equally."

This is **Not True**.

1. Landlords participating with Section 8 are obligated to sign a HUD document, the HAP contract.

Section 8 is a Federal Program which is voluntary for tenants and landlords. There is no Federal or Iowa State law mandating that landlords participate.

The terms of the HAP contract are different than for other tenants, especially Part B,#4 which spells out all the possible reasons that the HAP contract and therefore the lease will terminate. In addition Part B, 7c2 states "The amount of the PHA housing assistance payment is subject to change during the HAP contract term in accordance with HUD requirements. The PHA must notify the family and the owner of any changes in the amount of the housing assistance payment."

All City Councilors should read the 12 page HAP contract to understand that it is neither simple, nor the same as for other tenants.

No other protected classes or source of income require such a contract in addition to the regular lease.

2. Landlords and property managers with properties inside and outside the Iowa City limits will present tenants with 2 sets of rules.

Currently 68% of vouchers are used in Iowa City and the rest are spread throughout Johnson County and parts of other counties.

Section 8 tenants are limited to units at Fair Market Rent. This is a complicated calculation by HUD set at 40% of 2 bedroom gross rents reported in the American Community Survey over a 5 year period ending 3 years before it applies and then making some mathematical adjustments. In 2014 the American Community Survey canvassed about 350 renters in Johnson County out of about 21,200 units. Only people reporting on 2 bedroom units will be counted in future Fair Market Rents. This is a tiny sample! Depending on who is surveyed each year, Fair Market Rate will rise or fall. (Indeed, the national association of directors of all the Public Housing Authorities write

2016
MAY 15
FILED
IOWA CITY
24

to HUD every year with scathing comments complaining that Fair Market Rent is flawed, not credible, inaccurate, and volatile, showing wild swings from year to year.)

In contrast, the local Cook Appraisal Apartment Survey is done biennially, surveys about 5000 units, and utilizes geographic areas. These areas are the "Pentacrest Mile", Iowa City outside the "Mile", Coralville, and North Liberty. Pentacrest Mile has substantially higher average rents than other areas. Rents do not rise and fall because of survey results, but are determined by business decisions.

Fair Market Rent cannot adjust for realities in rental markets in different areas of the county.

3. Economic risk for landlords may be perceived as greater.

Landlords renting to students or young people are likely to require a co-signer on the lease to have a better guarantee that damages or early move outs will be paid for. A co-signer is not possible with a Section 8 tenant and there is less likelihood of recovering damages after going through a lawsuit in court.

Property owners can have legitimate business reasons for choosing to participate in the Section 8 program and can have legitimate business reasons for declining to participate. Economic sustainability requires prudent management of all risks and opportunities. Vacancies, evictions, turnover, nuisance complaints, unhappy neighbors, property damage, and administrative costs are all to be avoided if one is to operate an economically sustainable business.

Landlords may also be concerned that Fair Market Rent will fall, making the unit unaffordable to the Section 8 tenant and necessitating their moving out.

Some landlords own and operate 1000 units and many other landlords may only have one or two units. This may represent their retirement income, where even a month or two of vacancy is a very big deal. The human rights of all stakeholders should be taken into account.

Some cities which have passed ordinances protecting Section 8 have also established a city fund which can reimburse landlords for losses.

4. Insurance may be affected.

Insurance coverage for multifamily housing is already limited.

Property insurance companies consider subsidized housing including Section 8 and student housing to be "high risk". This leads to higher premiums, more anticipated exclusions, or no coverage at all. For example:

West Bend Company will write for up to 10% units with Section 8 with an extra premium charged.

AIC (Apartment Insurance Consultants) has some policies allowing up to 10% but sells other good rate policies that say "No subsidized, student, senior or assisted housing." Cincinnati (a main market for standard apartments) will not insure apartments that take Section 8.

A landlord who has to pay a higher premium or loses coverage because of a mandate to participate in the Section 8 program will have a legitimate concern.

FILED
JAN 3 2019
CITY OF IOWA
POLICE DEPARTMENT

(Perhaps all insurance companies should be mandated to cover Section 8 housing. However, when risks are spread out then insurance rates would rise for everything.) We should note that it is actuaries that determine perceived risks, costs, expected losses, and average expenses. Risk discrimination is the underpinning of insurance.

5. The Section 8 program is not fair for all.

Across the country Section 8 waiting lists may open for only 1-5 days every 2-10 years. Hundreds of thousands of people will apply to be in a lottery to be on a waiting list for a voucher. A lucky few will eventually get a voucher after years of waiting while everyone else gets nothing. HUD estimates that it may be able to help 25% of people who qualify for their subsidized housing programs including Section 8.

In addition, many renters are just as impoverished but choose not to apply for a voucher. Making Section 8 voucher holders a more favored group may be considered discriminatory against all those who are eligible but choose not to apply. Once receiving a housing voucher, there is little incentive to get off the system and families may utilize a voucher for decades. This does not allow others to have such an opportunity since there are not resources to add vouchers at this time. In fact, vouchers were lost during the recent sequestration process.

6. Landlord freedom to contract or not contract in connection with property they own will be lost with negligible gain in the community.

Most cities who have passed ordinances to make Section 8 a protected class have done so because of very poor voucher utilization rates. Research has shown that utilization rates may improve but locations where vouchers are used does not change.

Iowa City Housing Authority has maximum utilization rates and 450 participating landlords. The program runs very well.

In the Iowa City Housing Authority brochure "Reasons for Landlords to Consider Participating in HCVP" it states:

You may rent to as many or as few participants as you choose; landlords are not required to forever participate. If you have multiple units you are not required to rent them all or a percentage to other participants.

Would this all be changed with new policy? Is that the intent?

Mandating landlord participation in Section 8 is intended to deconcentrate pockets of poverty. However, our Iowa City high poverty concentration areas are right around the University itself, most likely because 63% of people under the poverty threshold in Iowa City are age 18-24. (ACS 2014) These are likely to be students who are not eligible for vouchers. Data about poverty is deceptive: We publicly subsidize up to 13% of all rentals in Johnson County but these households may still show up as under poverty threshold because Section 8 and other subsidies **do not count as a source of income** in the ACS survey which determines area median income.

RECEIVED
OFFICE OF THE ATTORNEY GENERAL
IOWA
MAY 13 2015
PM 1:24

Possible course of action

1. Have a new Section 8 protected class ordinance take effect when the voucher utilization rate falls to a set level such as 90%, which would be 30% higher than national levels.
2. Create a city fund to reimburse landlords for unpaid damages beyond normal "wear and tear", lost rent, attorney fees, and repair costs when participating in the Section 8 program; \$500,000 to start.
3. Have the city lease apartments from landlords under normal lease terms and then they can be sublet to Section 8 tenants.
4. Allow landlords who are mandated to participate in the voucher program to require that tenants participate in the Family Self-Sufficiency Program. (An underutilized voluntary HUD program shown to increase employment, increase income, and increase asset accumulation)
5. Request that the Greater Iowa City Apartment Association work with Iowa City landlords to remove non-inclusive language from rental ads.
6. Encourage landlords to use IowaHousingSearch.org, a free search engine listing affordable units for rent which accept Section 8.
7. Work with surrounding communities to make this a regional project especially since surrounding towns have more affordable units available.
8. Do nothing, recognizing that mandating landlords to participate and obligating them to sign an additional contract with different terms than for other tenants is a violation of civil liberties.

FILED
2016 JAN 13 PM 1:24
CITY CLERK
IOWA CITY, IOWA

**Housing Assistance Payments Contract
(HAP Contract)
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing
OMB Approval 2577-0169 (Exp. 04/30/2018)**

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of family members' names and unit address, and owner's name and payment address is mandatory. The information is used to provide Section 8 tenant-based assistance under the Housing Choice Voucher program in the form of housing assistance payments. The information also specifies what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the tenant. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family or owner participation in the program.

Instructions for use of HAP Contract

This form of Housing Assistance Payments Contract (HAP contract) is used to provide Section 8 tenant-based assistance under the housing choice voucher program (voucher program) of the U.S. Department of Housing and Urban Development (HUD). The main regulation for this program is 24 Code of Federal Regulations Part 982.

The local voucher program is administered by a public housing agency (PHA). The HAP contract is an agreement between the PHA and the owner of a unit occupied by an assisted family. The HAP contract has three parts:

Part A Contract information (fill-ins). See section by section instructions. Part B Body of contract
Part C Tenancy addendum

Use of this form

Use of this HAP contract is required by HUD. Modification of the HAP contract is not permitted. The HAP contract must be word-for-word in the form prescribed by HUD.

However, the PHA may choose to add the following:

Language that prohibits the owner from collecting a security deposit in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Such a prohibition must be added to Part A of the HAP contract.

Language that defines when the housing assistance payment by the PHA is deemed received by the owner (e.g., upon mailing by the PHA or actual receipt by the owner). Such language must be added to Part A of the HAP contract.

To prepare the HAP contract, fill in all contract information in Part A of the contract. Part A must then be executed by the owner and the PHA.

Use for special housing types

In addition to use for the basic Section 8 voucher program, this form must also be used for the following "special housing types" which are voucher program variants for special needs (see 24 CFR Part 982, Subpart M): (1) single room occupancy (SRO) housing; (2) congregate housing; (3) group home; (4) shared housing; and (5) manufactured home rental by a family that leases the manufactured home and space. When this form is used for a special housing type, the special housing type shall be specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: (Insert Name of Special Housing type)."

However, this form may not be used for the following special housing types: (1) manufactured home space rental by a family that owns the manufactured home and leases only the space; (2) cooperative housing; and (3) the homeownership option under Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)).

How to fill in Part A

Section by Section Instructions

Section 2: Tenant

Enter full name of tenant.

Section 3. Contract Unit

Enter address of unit, including apartment number, if any.

Section 4. Household Members

Enter full names of all PHA-approved household members. Specify if any such person is a live-in aide, which is a person approved by the PHA to reside in the unit to provide supportive services for a family member who is a person with disabilities.

Section 5. Initial Lease Term

Enter first date and last date of initial lease term.

The initial lease term must be for at least one year. However, the PHA may approve a shorter initial lease term if the PHA determines that:

Such shorter term would improve housing opportunities for the tenant, and

Such shorter term is the prevailing local market practice.

Section 6. Initial Rent to Owner

Enter the amount of the monthly rent to owner during the initial lease term. The PHA must determine that the rent to owner is reasonable in comparison to rent for other comparable unassisted units. During the initial lease term, the owner may not raise the rent to owner.

Section 7. Housing Assistance Payment

Enter the initial amount of the monthly housing assistance payment.

Section 8. Utilities and Appliances.

The lease and the HAP contract must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the tenant. Fill in section 8 to show who is responsible to provide or pay for utilities and appliances.

2016 JAN 13 2 44 PM
CITY OF
FILED

**Housing Assistance Payments Contract
(HAP Contract)
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Part A of the HAP Contract: Contract Information

(To prepare the contract, fill out all contract information in Part A.)

1. Contents of Contract This

HAP contract has three parts:

Part A: Contract Information

Part B: Body of Contract Part

C: Tenancy Addendum

2. Tenant

3. Contract Unit

4. Household

The following persons may reside in the unit. Other persons may not be added to the household without prior written approval of the owner and the PHA.

5. Initial Lease Term

The initial lease term begins on (mm/dd/yyyy): _____

The initial lease term ends on (mm/dd/yyyy): _____

6. Initial Rent to Owner

The initial rent to owner is: \$ _____

During the initial lease term, the owner may not raise the rent to owner.

7. Initial Housing Assistance Payment

The HAP contract term commences on the first day of the initial lease term. At the beginning of the HAP contract term, the amount of the housing assistance payment by the PHA to the owner is \$ _____ per month.

The amount of the monthly housing assistance payment by the PHA to the owner is subject to change during the HAP contract term in accordance with HUD requirements.

FILED
2016 JAN 13 PM 1:24
CITY CLERK
IOWA CITY, IOWA

8. Utilities and Appliances

The owner shall provide or pay for the utilities and appliances indicated below by an "O". The tenant shall provide or pay for the utilities and appliances indicated below by a "T". Unless otherwise specified below, the owner shall pay for all utilities and appliances provided by the owner.

Item	Specify fuel type				Provided by	Paid by
	Natural gas	Bottle gas	Oil or Electric	Coal or Other		
Heating						
Cooking						
Water Heating						
Other Electric						
Water						
Sewer						
Trash Collection						
Air Conditioning						
Refrigerator						
Range/Microwave						
Other (specify)						

**Signatures:
Public Housing Agency**

Print or Type Name of PHA

Signature

Print or Type Name and Title of Signatory

Date (mm/dd/yyyy)

Owner

Print or Type Name of Owner

Signature

Print or Type Name and Title of Signatory

Date (mm/dd/yyyy)

Mail Payments to:

Name

Address (street, city, State, Zip)

FILED
 2016 JAN 13 PM 1:24
 CITY CLERK
 IOWA CITY, IOWA

**Housing Assistance Payments Contract
(HAP Contract)
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Part B of HAP Contract: Body of Contract

1. Purpose

- a. This is a HAP contract between the PHA and the owner. The HAP contract is entered to provide assistance for the family under the Section 8 voucher program (see HUD program regulations at 24 Code of Federal Regulations Part 982).
- b. The HAP contract only applies to the household and contract unit specified in Part A of the HAP contract.
- c. During the HAP contract term, the PHA will pay housing assistance payments to the owner in accordance with the HAP contract.
- d. The family will reside in the contract unit with assistance under the Section 8 voucher program. The housing assistance payments by the PHA assist the tenant to lease the contract unit from the owner for occupancy by the family.

2. Lease of Contract Unit

- a. The owner has leased the contract unit to the tenant for occupancy by the family with assistance under the Section 8 voucher program.
- b. The PHA has approved leasing of the unit in accordance with requirements of the Section 8 voucher program.
- c. The lease for the contract unit must include word-for-word all provisions of the tenancy addendum required by HUD (Part C of the HAP contract).
- d. The owner certifies that:
 - (1) The owner and the tenant have entered into a lease of the contract unit that includes all provisions of the tenancy addendum.
 - (2) The lease is in a standard form that is used in the locality by the owner and that is generally used for other unassisted tenants in the premises.
 - (3) The lease is consistent with State and local law.
- e. The owner is responsible for screening the family's behavior or suitability for tenancy. The PHA is not responsible for such screening. The PHA has no liability or responsibility to the owner or other persons for the family's behavior or the family's conduct in tenancy.

3. Maintenance, Utilities, and Other Services

- a. The owner must maintain the contract unit and premises in accordance with the housing quality standards (HQS).
- b. The owner must provide all utilities needed to comply with the HQS.
- c. If the owner does not maintain the contract unit in accordance with the HQS, or fails to provide all utilities needed to comply with the HQS, the PHA may exercise any available remedies. PHA remedies

for such breach include recovery of overpayments, suspension of housing assistance payments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contract. The PHA may not exercise such remedies against the owner because of an HQS breach for which the family is responsible, and that is not caused by the owner.

- d. The PHA shall not make any housing assistance payments if the contract unit does not meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within the period specified by the PHA.
- e. The PHA may inspect the contract unit and premises at such times as the PHA determines necessary, to ensure that the unit is in accordance with the HQS.
- f. The PHA must notify the owner of any HQS defects shown by the inspection.
- g. The owner must provide all housing services as agreed to in the lease.

4. Term of HAP Contract

- a. **Relation to lease term.** The term of the HAP contract begins on the first day of the initial term of the lease, and terminates on the last day of the term of the lease (including the initial lease term and any extensions).
- b. **When HAP contract terminates.**
 - (1) The HAP contract terminates automatically if the lease is terminated by the owner or the tenant.
 - (2) The PHA may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If the PHA terminates program assistance for the family, the HAP contract terminates automatically.
 - (3) If the family moves from the contract unit, the HAP contract terminates automatically.
 - (4) The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.
 - (5) The PHA may terminate the HAP contract if the PHA determines, in accordance with HUD requirements, that available program funding is not sufficient to support continued assistance for families in the program.
 - (6) The HAP contract terminates automatically upon the death of a single member household, including single member households with a live-in aide.

- (7) The PHA may terminate the HAP contract if the PHA determines that the contract unit does not provide adequate space in accordance with the HQS because of an increase in family size or a change in family composition.
- (8) If the family breaks up, the PHA may terminate the HAP contract, or may continue housing assistance payments on behalf of family members who remain in the contract unit.
- (9) The PHA may terminate the HAP contract if the PHA determines that the unit does not meet all requirements of the HQS, or determines that the owner has otherwise breached the HAP contract.

5. Provision and Payment for Utilities and Appliances

- a. The lease must specify what utilities are to be provided or paid by the owner or the tenant.
- b. The lease must specify what appliances are to be provided or paid by the owner or the tenant.
- c. Part A of the HAP contract specifies what utilities and appliances are to be provided or paid by the owner or the tenant. The lease shall be consistent with the HAP contract.

6. Rent to Owner: Reasonable Rent

- a. During the HAP contract term, the rent to owner may at no time exceed the reasonable rent for the contract unit as most recently determined or redetermined by the PHA in accordance with HUD requirements.
- b. The PHA must determine whether the rent to owner is reasonable in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:
 - (1) The location, quality, size, unit type, and age of the contract unit; and
 - (2) Any amenities, housing services, maintenance and utilities provided and paid by the owner.
- c. The PHA must redetermine the reasonable rent when required in accordance with HUD requirements. The PHA may redetermine the reasonable rent at any time.
- d. During the HAP contract term, the rent to owner may not exceed rent charged by the owner for comparable unassisted units in the premises. The owner must give the PHA any information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

7. PHA Payment to Owner

- a. When paid
 - (1) During the term of the HAP contract, the PHA must make monthly housing assistance payments to the owner on behalf of the family at the beginning of each month.
 - (2) The PHA must pay housing assistance payments promptly when due to the owner.
 - (3) If housing assistance payments are not paid promptly when due after the first two calendar months of the HAP contract term, the PHA shall pay the owner penalties if all of the following circumstances apply: (i) Such penalties are in accordance with generally accepted practices and law, as applicable in the local housing market, governing penalties for late payment of rent by a

tenant; (ii) It is the owner's practice to charge such penalties for assisted and unassisted tenants; and (iii) The owner also charges such penalties against the tenant for late payment of family rent to owner. However, the PHA shall not be obligated to pay any late payment penalty if HUD determines that late payment by the PHA is due to factors beyond the PHA's control. Moreover, the PHA shall not be obligated to pay any late payment penalty if housing assistance payments by the PHA are delayed or denied as a remedy for owner breach of the HAP contract (including any of the following PHA remedies: recovery of overpayments, suspension of housing assistance payments, abatement or reduction of housing assistance payments, termination of housing assistance payments and termination of the contract).

- (4) Housing assistance payments shall only be paid to the owner while the family is residing in the contract unit during the term of the HAP contract. The PHA shall not pay a housing assistance payment to the owner for any month after the month when the family moves out.

b. Owner compliance with HAP contract. Unless the owner has complied with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments under the HAP contract.

c. Amount of PHA payment to owner

- (1) The amount of the monthly PHA housing assistance payment to the owner shall be determined by the PHA in accordance with HUD requirements for a tenancy under the voucher program.
- (2) The amount of the PHA housing assistance payment is subject to change during the HAP contract term in accordance with HUD requirements. The PHA must notify the family and the owner of any changes in the amount of the housing assistance payment.
- (3) The housing assistance payment for the first month of the HAP contract term shall be prorated for a partial month.

d. Application of payment. The monthly housing assistance payment shall be credited against the monthly rent to owner for the contract unit.

e. Limit of PHA responsibility.

- (1) The PHA is only responsible for making housing assistance payments to the owner in accordance with the HAP contract and HUD requirements for a tenancy under the voucher program.
- (2) The PHA shall not pay any portion of the rent to owner in excess of the housing assistance payment. The PHA shall not pay any other claim by the owner against the family.

f. Overpayment to owner. If the PHA determines that the owner is not entitled to the housing assistance payment or any part of it, the PHA, in addition to other remedies, may deduct the amount of the overpayment from any amounts due the owner (including amounts due under any other Section 8 assistance contract).

8. Owner Certification

During the term of this contract, the owner certifies that:

- a. The owner is maintaining the contract unit and premises in accordance with the HQS.
- b. The contract unit is leased to the tenant. The lease includes the tenancy addendum (Part C of the HAP contract), and is in accordance with the HAP contract and program requirements. The owner has provided the lease to the PHA, including any revisions of the lease.
- c. The rent to owner does not exceed rents charged by the owner for rental of comparable unassisted units in the premises.
- d. Except for the rent to owner, the owner has not received and will not receive any payments or other consideration (from the family, the PHA, HUD, or any other public or private source) for rental of the contract unit during the HAP contract term.
- e. The family does not own or have any interest in the contract unit.
- f. To the best of the owner's knowledge, the members of the family reside in the contract unit, and the unit is the family's only residence.
- g. The owner (including a principal or other interested party) is not the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

9. Prohibition of Discrimination. In accordance with applicable equal opportunity statutes, Executive Orders, and regulations:

- a. The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the HAP contract.
- b. The owner must cooperate with the PHA and HUD in conducting equal opportunity compliance reviews and complaint investigations in connection with the HAP contract.

10. Owner's Breach of HAP Contract

- a. Any of the following actions by the owner (including a principal or other interested party) is a breach of the HAP contract by the owner:
 - (1) If the owner has violated any obligation under the HAP contract, including the owner's obligation to maintain the unit in accordance with the HQS.
 - (2) If the owner has violated any obligation under any other housing assistance payments contract under Section 8.
 - (3) If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing assistance program.
 - (4) For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan.
 - (5) If the owner has engaged in any drug-related

criminal activity or any violent criminal activity.

- b. If the PHA determines that a breach has occurred, the PHA may exercise any of its rights and remedies under the HAP contract, or any other available rights and remedies for such breach. The PHA shall notify the owner of such determination, including a brief statement of the reasons for the determination. The notice by the PHA to the owner may require the owner to take corrective action, as verified or determined by the PHA, by a deadline prescribed in the notice.
- c. The PHA's rights and remedies for owner breach of the HAP contract include recovery of overpayments, suspension of housing assistance payments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contract.
- d. The PHA may seek and obtain additional relief by judicial order or action, including specific performance, other injunctive relief or order for damages.
- e. Even if the family continues to live in the contract unit, the PHA may exercise any rights and remedies for owner breach of the HAP contract.
- f. The PHA's exercise or non-exercise of any right or remedy for owner breach of the HAP contract is not a waiver of the right to exercise that or any other right or remedy at any time.

11. PHA and HUD Access to Premises and Owner's Records

- a. The owner must provide any information pertinent to the HAP contract that the PHA or HUD may reasonably require.
- b. The PHA, HUD and the Comptroller General of the United States shall have full and free access to the contract unit and the premises, and to all accounts and other records of the owner that are relevant to the HAP contract, including the right to examine or audit the records and to make copies.
- c. The owner must grant such access to computerized or other electronic records, and to any computers, equipment or facilities containing such records, and must provide any information or assistance needed to access the records.

12. Exclusion of Third Party Rights

- a. The family is not a party to or third party beneficiary of Part B of the HAP contract. The family may not enforce any provision of Part B, and may not exercise any right or remedy against the owner or PHA under Part B.
- b. The tenant or the PHA may enforce the tenancy addendum (Part C of the HAP contract) against the owner, and may exercise any right or remedy against the owner under the tenancy addendum.
- c. The PHA does not assume any responsibility for injury to, or any liability to, any person injured as a result of the owner's action or failure to act in connection with management of the contract unit or the premises or with implementation of the HAP contract, or as a result of any other action or failure to act by the owner.
- d. The owner is not the agent of the PHA, and the HAP contract does not create or affect any relationship between the PHA and any lender to the owner or any suppliers, employees, contractors or subcontractors used by the owner in connection with management of

the contract unit or the premises or with implementation of the HAP contract.

the Fair Housing Act or other Federal equal opportunity requirements.

13. Conflict of Interest

- a. "Covered individual" means a person or entity who is a member of any of the following classes:
- (1) Any present or former member or officer of the PHA (except a PHA commissioner who is a participant in the program);
 - (2) Any employee of the PHA, or any contractor, sub-contractor or agent of the PHA, who formulates policy or who influences decisions with respect to the program;
 - (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or
 - (4) Any member of the Congress of the United States.
- b. A covered individual may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or during one year thereafter.
- c. "Immediate family member" means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.
- d. The owner certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the HAP contract, or at any time during the HAP contract term.
- e. If a prohibited interest occurs, the owner shall promptly and fully disclose such interest to the PHA and HUD.
- f. The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.
- g. No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of the HAP contract or to any benefits which may arise from it.

14. Assignment of the HAP Contract

- a. The owner may not assign the HAP contract to a new owner without the prior written consent of the PHA.
- b. If the owner requests PHA consent to assign the HAP contract to a new owner, the owner shall supply any information as required by the PHA pertinent to the proposed assignment.
- c. The HAP contract may not be assigned to a new owner that is debarred, suspended or subject to a limited denial of participation under HUD regulations (see 24 Code of Federal Regulations Part 24).
- d. The HAP contract may not be assigned to a new owner if HUD has prohibited such assignment because:
 - (1) The Federal government has instituted an administrative or judicial action against the owner or proposed new owner for violation of the Fair Housing Act or other Federal equal opportunity requirements, and such action is pending; or
 - (2) A court or administrative agency has determined that the owner or proposed new owner violated

- e. The HAP contract may not be assigned to a new owner if the new owner (including a principal or other interested party) is the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the family of such determination) that approving the assignment, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
- f. The PHA may deny approval to assign the HAP contract if the owner or proposed new owner (including a principal or other interested party):
 - (1) Has violated obligations under a housing assistance payments contract under Section 8;
 - (2) Has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program;
 - (3) Has engaged in any drug-related criminal activity or any violent criminal activity;
 - (4) Has a history or practice of non-compliance with the HQS for units leased under the Section 8 tenant-based programs, or non-compliance with applicable housing standards for units leased with project-based Section 8 assistance or for units leased under any other Federal housing program;
 - (5) Has a history or practice of failing to terminate tenancy of tenants assisted under any Federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
 - (a) Threatens the right to peaceful enjoyment of the premises by other residents;
 - (b) Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing;
 - (c) Threatens the health or safety of, or the right to peaceful enjoyment of their residents by, persons residing in the immediate vicinity of the premises; or
 - (d) Is drug-related criminal activity or violent criminal activity;
 - (6) Has a history or practice of renting units that fail to meet State or local housing codes; or
 - (7) Has not paid State or local real estate taxes, fines or assessments.
- g. The new owner must agree to be bound by and comply with the HAP contract. The agreement must be in writing, and in a form acceptable to the PHA. The new owner must give the PHA a copy of the executed agreement.

15. **Foreclosure.** In the case of any foreclosure, the immediate successor in interest in the property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the HAP contract between the prior owner and the PHA for the occupied unit. This provision does not affect any State or local law that provides longer time periods or other additional protections for tenants. ~~This provision will sunset on December 31, 2012 unless extended by law.~~

16. **Written Notices.** Any notice by the PHA or the owner in connection with this contract must be in writing.

17. **Entire Agreement: Interpretation**

- a. The HAP contract contains the entire agreement between the owner and the PHA.
- b. The HAP contract shall be interpreted and implemented in accordance with all statutory requirements, and with all HUD requirements, including the HUD program regulations at 24 Code of Federal Regulations Part 982.

FILED
2016 JAN 13 PM 1:25
CITY CLERK
IOWA CITY, IOWA

**Housing Assistance Payments Contract U.S. Department of Housing
(HAP Contract) and Urban Development**
Section 8 Tenant-Based Assistance Office of Public and Indian Housing
Housing Choice Voucher Program

Part C of HAP Contract: Tenancy Addendum

1. Section 8 Voucher Program

- a. The owner is leasing the contract unit to the tenant for occupancy by the tenant's family with assistance for a tenancy under the Section 8 housing choice voucher program (voucher program) of the United States Department of Housing and Urban Development (HUD).
- b. The owner has entered into a Housing Assistance Payments Contract (HAP contract) with the PHA under the voucher program. Under the HAP contract, the PHA will make housing assistance payments to the owner to assist the tenant in leasing the unit from the owner.

2. Lease

- a. The owner has given the PHA a copy of the lease, including any revisions agreed by the owner and the tenant. The owner certifies that the terms of the lease are in accordance with all provisions of the HAP contract and that the lease includes the tenancy addendum.
- b. The tenant shall have the right to enforce the tenancy addendum against the owner. If there is any conflict between the tenancy addendum and any other provisions of the lease, the language of the tenancy addendum shall control.

3. Use of Contract Unit

- a. During the lease term, the family will reside in the contract unit with assistance under the voucher program.
- b. The composition of the household must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. Other persons may not be added to the household without prior written approval of the owner and the PHA.
- c. The contract unit may only be used for residence by the PHA-approved household members. The unit must be the family's only residence. Members of the household may engage in legal profit making activities incidental to primary use of the unit for residence by members of the family.
- d. The tenant may not sublease or let the unit.
- e. The tenant may not assign the lease or transfer the unit.

4. Rent to Owner

- a. The initial rent to owner may not exceed the amount approved by the PHA in accordance with HUD requirements.
- b. Changes in the rent to owner shall be determined by the provisions of the lease. However, the owner may not raise the rent during the initial term of the lease.
- c. During the term of the lease (including the initial

term of the lease and any extension term), the rent to owner may at no time exceed:

- (1) The reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements, or
- (2) Rent charged by the owner for comparable unassisted units in the premises.

5. Family Payment to Owner

- a. The family is responsible for paying the owner any portion of the rent to owner that is not covered by the PHA housing assistance payment.
- b. Each month, the PHA will make a housing assistance payment to the owner on behalf of the family in accordance with the HAP contract. The amount of the monthly housing assistance payment will be determined by the PHA in accordance with HUD requirements for a tenancy under the Section 8 voucher program.
- c. The monthly housing assistance payment shall be credited against the monthly rent to owner for the contract unit.
- d. The tenant is not responsible for paying the portion of rent to owner covered by the PHA housing assistance payment under the HAP contract between the owner and the PHA. A PHA failure to pay the housing assistance payment to the owner is not a violation of the lease. The owner may not terminate the tenancy for nonpayment of the PHA housing assistance payment.
- e. The owner may not charge or accept, from the family or from any other source, any payment for rent of the unit in addition to the rent to owner. Rent to owner includes all housing services, maintenance, utilities and appliances to be provided and paid by the owner in accordance with the lease.
- f. The owner must immediately return any excess rent payment to the tenant.

6. Other Fees and Charges

- a. Rent to owner does not include cost of any meals or supportive services or furniture which may be provided by the owner.
- b. The owner may not require the tenant or family members to pay charges for any meals or supportive services or furniture which may be provided by the owner. Nonpayment of any such charges is not grounds for termination of tenancy.
- c. The owner may not charge the tenant extra amounts for items customarily included in rent to owner in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

7. Maintenance, Utilities, and Other Services

- a. **Maintenance**

RECEIVED
COMMUNITY DEVELOPMENT
PM 11:25
APR 10 2014

- (1) The owner must maintain the unit and premises in accordance with the HQS.
 - (2) Maintenance and replacement (including redecoration) must be in accordance with the standard practice for the building concerned as established by the owner.
- b **Utilities and appliances**
- (1) The owner must provide all utilities needed to comply with the HQS.
 - (2) The owner is not responsible for a breach of the HQS caused by the tenant's failure to:
 - (a) Pay for any utilities that are to be paid by the tenant.
 - (b) Provide and maintain any appliances that are to be provided by the tenant.
- c **Family damage.** The owner is not responsible for a breach of the HQS because of damages beyond normal wear and tear caused by any member of the household or by a guest.
- d **Housing services.** The owner must provide all housing services as agreed to in the lease.

8. Termination of Tenancy by Owner

- a **Requirements.** The owner may only terminate the tenancy in accordance with the lease and HUD requirements.
- b **Grounds.** During the term of the lease (the initial term of the lease or any extension term), the owner may only terminate the tenancy because of:
- (1) Serious or repeated violation of the lease;
 - (2) Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
 - (3) Criminal activity or alcohol abuse (as provided in paragraph c); or
 - (4) Other good cause (as provided in paragraph d).
- c **Criminal activity or alcohol abuse.**
- (1) The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:
 - (a) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
 - (b) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
 - (c) Any violent criminal activity on or near the premises; or
 - (d) Any drug-related criminal activity on or near the premises.

- (2) The owner may terminate the tenancy during the term of the lease if any member of the household is:
 - (a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
 - (b) Violating a condition of probation or parole under Federal or State law.
- (3) The owner may terminate the tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.
- (4) The owner may terminate the tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

d **Other good cause for termination of tenancy**

- (1) During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.
- (2) During the initial lease term or during any extension term, other good cause may include:
 - (a) Disturbance of neighbors,
 - (b) Destruction of property, or
 - (c) Living or housekeeping habits that cause damage to the unit or premises.
- (3) After the initial lease term, such good cause may include:
 - (a) The tenant's failure to accept the owner's offer of a new lease or revision;
 - (b) The owner's desire to use the unit for personal or family use or for a purpose other than use as a residential rental unit; or
 - (c) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, the owner's desire to rent the unit for a higher rent).
- (5) The examples of other good cause in this paragraph do not preempt any State or local laws to the contrary.
- (6) In the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease, requiring the tenant to vacate the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner: (a) will occupy the unit as a primary residence; and (b) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice. This

provision shall not affect any State or local law that provides for longer time periods or addition protections for tenants. **This provision will sunset on December 31, 2012 unless extended by law.**

e. Protections for Victims of Abuse.

- (1) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for termination of the assistance, tenancy, or occupancy rights of such a victim.
- (2) Criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of domestic violence, dating violence, or stalking.
- (3) Notwithstanding any restrictions on admission, occupancy, or terminations of occupancy or assistance, or any Federal, State or local law to the contrary, a PHA, owner or manager may "bifurcate" a lease, or otherwise remove a household member from a lease, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others. This action may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the housing choice voucher program.
- (4) Nothing in this section may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.
- (5) Nothing in this section limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a

more demanding standard than other tenants in determining whether to evict or terminate.

- (6) Nothing in this section may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant is not evicted or terminated from assistance.
- (7) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

f. Eviction by court action. The owner may only evict the tenant by a court action.

g. Owner notice of grounds

- (1) At or before the beginning of a court action to evict the tenant, the owner must give the tenant a notice that specifies the grounds for termination of tenancy. The notice may be included in or combined with any owner eviction notice.
- (2) The owner must give the PHA a copy of any owner eviction notice at the same time the owner notifies the tenant.
- (3) Eviction notice means a notice to vacate, or a complaint or other initial pleading used to begin an eviction action under State or local law.

9. Lease: Relation to HAP Contract

If the HAP contract terminates for any reason, the lease terminates automatically.

10. PHA Termination of Assistance

The PHA may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If the PHA terminates program assistance for the family, the lease terminates automatically.

11. Family Move Out

The tenant must notify the PHA and the owner before the family moves out of the unit.

12. Security Deposit

- a. The owner may collect a security deposit from the tenant. (However, the PHA may prohibit the owner from collecting a security deposit in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Any such PHA-required restriction must be specified in the HAP contract.)
- b. When the family moves out of the contract unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, as reimbursement for any unpaid rent payable by the tenant, any damages to the unit, or any other amounts that the tenant owes under the lease.

- c. The owner must give the tenant a list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant.
- d. If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may collect the balance from the tenant.

13. Prohibition of Discrimination

In accordance with applicable equal opportunity statutes, Executive Orders, and regulations, the owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status or disability in connection with the lease.

14. Conflict with Other Provisions of Lease

- a. The terms of the tenancy addendum are prescribed by HUD in accordance with Federal law and regulation, as a condition for Federal assistance to the tenant and tenant's family under the Section 8 voucher program.
- b. In case of any conflict between the provisions of the tenancy addendum as required by HUD, and any other provisions of the lease or any other agreement between the owner and the tenant, the requirements of the HUD-required tenancy addendum shall control.

15. Changes in Lease or Rent

- a. The tenant and the owner may not make any change in the tenancy addendum. However, if the tenant and the owner agree to any other changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must be in accordance with the requirements of the tenancy addendum.
- b. In the following cases, tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:
 - (1) If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
 - (2) If there are any changes in lease provisions governing the term of the lease;
 - (3) If the family moves to a new unit, even if the unit is in the same building or complex.
- c. PHA approval of the tenancy, and execution of a new HAP contract, are not required for agreed changes in the lease other than as specified in paragraph b.
- d. The owner must notify the PHA of any changes in the amount of the rent to owner at least sixty days before any such changes go into effect, and the amount of the rent to owner following any such agreed change may not exceed the reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements.

Any notice under the lease by the tenant to the owner or by the owner to the tenant must be in writing.

17. Definitions

Contract unit. The housing unit rented by the tenant with assistance under the program.

Family. The persons who may reside in the unit with assistance under the program.

HAP contract. The housing assistance payments contract between the PHA and the owner. The PHA pays housing assistance payments to the owner in accordance with the HAP contract.

Household. The persons who may reside in the contract unit. The household consists of the family and any PHA-approved live-in aide. (A live-in aide is a person who resides in the unit to provide necessary supportive services for a member of the family who is a person with disabilities.)

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the Section 8 tenant-based programs.

HUD. The U.S. Department of Housing and Urban Development. **HUD requirements.** HUD requirements for the Section 8 program. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

Lease. The written agreement between the owner and the tenant for the lease of the contract unit to the tenant. The lease includes the tenancy addendum prescribed by HUD.

PHA. Public Housing Agency.

Premises. The building or complex in which the contract unit is located, including common areas and grounds.

Program. The Section 8 housing choice voucher program.

Rent to owner. The total monthly rent payable to the owner for the contract unit. The rent to owner is the sum of the portion of rent payable by the tenant plus the PHA housing assistance payment to the owner.

Section 8. Section 8 of the United States Housing Act of 1937 (42 United States Code 1437f).

Tenant. The family member (or members) who leases the unit from the owner.

Voucher program. The Section 8 housing choice voucher program. Under this program, HUD provides funds to a PHA for rent subsidy on behalf of eligible families. The tenancy under the lease will be assisted with rent subsidy for a tenancy under the voucher program.

2016 JAN 13 PM 1:25
 FILED
 CITY CLERK
 IOWA CITY, IOWA

16. Notices



Public Housing Authorities Directors Association
511 Capitol Court, NE, Washington, DC 20002-4937
phone: 202-546-5445 fax: 202-546-2280 www.phada.org

October 8, 2015

Peter B. Kahn & Jean Lin Pao
Economic and Market Analysis Division Office
of Policy Development and Research
Department of Housing and Urban Development
451 7th Street SW., Room 8100
Washington, DC 20410

Lourdes Castro Ramirez
Principal Deputy Assistant Secretary for Public
and Indian Housing
Department of Housing and Urban Development
451 7th Street SW., Room 4100
Washington, DC 20410

Re: Proposed Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program and Other Programs; Fiscal Year 2016 [Docket No. FR-5885-N-01]

To Whom It May Concern:

On behalf of the Public Housing Authorities Directors Association (PHADA) and its 1,900 members, I would like to thank you for the opportunity to comment on the Department's notice titled, *Proposed Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program and Other Programs; Fiscal Year 2016 [Docket No. FR-5885-N-01]*. PHADA's letter summarizes issues that are explained in greater detail in the enclosed memo. Please note that PHADA's submission to HUD through www.regulations.gov, also includes a number of tables of PHADA's analysis of HUD's proposed FY 2016 FMR and SAFMR values.

PHADA's letter, memo and data tables include our critiques and recommendations regarding HUD's:

- proposed FY 2016 Fair Market Rents (FMRs);
- proposed FY 2016 Small Area Fair Market Rents (SAFMRs);
- proposed changes in the use of data and geographic areas to determine FMRs and SAFMRs;
- criterion for qualification and requalification of 50th percentile FMRs;
- inadequate review of the methodological assumptions used by the Department to assess the accuracy of its discretionary FMR and SAFMR estimating methodologies relative to the ACS data available for that identical time period; and
- deeply flawed FMRs, SAFMRs, etc. and PHADA's related recommendations regarding a broad range of adverse program impacts.

The scope of low-income households, property owners and communities served by Housing Authorities and other HUD partners covered by HUD's Fair Market Rent (FMR) and Small Area Fair Market Rent (SAFMR) values is substantial. Therefore, it is critically important for HUD to produce accurate rental housing values. Regrettably, HUD has not accomplished this goal for

2015
OCT 11
PM 1:25
FILED

over a decade. If the Department finalizes FMRs and SAFMRs as proposed for FY 2016, it will be another year that HUD will fall far short of achieving this goal.

With the greatest depth and breadth of rental housing data HUD's Office of Policy Development & Research (PD&R) has ever had available to it through special tabulations from the Census Bureau of the 5-year and 1-year American Community Surveys, it is disappointing to see the inaccurate results of HUD's proposed FY 2016 FMRs and SAFMRs. PHADA and our members' critiques and analyses of HUD's proposed rental figures pertain to certain aspects of the flawed area definitions and methodologies it employs in adjusting rental values on a discretionary basis. Despite the service we provide by illustrating flawed *outcomes* in HUD's proposed rental housing values each year, we believe it is ultimately incumbent upon the Department to identify and correct all of the *underlying flaws in its methodologies* which lead to these outcomes.

In years' past, the Department's consistent replies to PHADA and its members' valid comments and analyses, by citing FMR statutory language as the reason it cannot make such recommended changes. HUD's thread bare explanations year after year amount to feeble excuses for its inaction on PHADA and our members' valid critiques and recommendations for improvements. HUD has refused to seek changes in FMR statutes in the areas subject to comment and recommendations from PHADA and our members. Moreover, many of PHADA and our members' recommendations to HUD relate to aspects of the Department's discretionary authority which require no change in HUD's FMR statutory authority. Taking these two facts together, there is ample evidence of the choices HUD has and continues to make each year that go well beyond the reasons the Department has posited in past replies for its action and inaction. It is long past time for HUD to get this important task right. PHADA urges HUD to take these necessary steps within its existing discretionary authority for FY 2016 and to submit legislative language regarding our recommended changes for FY 2017 and beyond.

Correcting HUD's proposed FY 2016 FMRs will help Housing Authorities (HAs) maintain the purpose of the programs - to assist low-income households in sustaining decent, safe, sanitary and affordable housing. Barring the Department addressing flaws in its proposed FMRs and SAFMRs, the implementation of HUD's rental housing values will continue to erode the performance of Federally-assisted rental and homeownership programs and ultimately undermine the Department's goals under its five year strategic plan.

On behalf of PHADA, I would like to thank you for the opportunity to comment on these important issues. If you need any information or have questions, please feel free to call me at 202-546-5445.

Sincerely,



Jonathan B. Zimmerman
Policy Analyst

FILED
2016 JAN 13 PM 1:25
CITY CLERK
IOWA CITY, IOWA



Public Housing Authorities Directors Association
511 Capitol Court, NE, Washington, DC 20002-4937
phone: 202-546-5445 fax: 202-546-2280 www.phada.org

Memo

To: HUD

From: Jonathan Zimmerman, Policy Analyst / PHADA

Re: Comments regarding Re: Proposed Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program and Other Programs; Fiscal Year 2016 [Docket No. FR-5885-N-01]

Date: October 8, 2015

Obviously, HUD's proposed FY 2016 FMRs and SAFMRs are subject to comment by October 8, 2015. As such I added to our previous comment letters, a number of additional critiques and data analyses regarding HUD's proposed FY 2016 FMRs, SAFMRs. I respectfully request that the Department adopt these prior and current recommendations. I bolded the text of our recommendations in order to underscore them. Please find attached, a memo with my comments and analyses filed on behalf of PHADA that are also designated by our logo.

Error of Estimate Using ACS Data

HUD's notice of proposed FY 2016 FMRs "incorporates a change in the level of statistical reliability that is allowed for an ACS estimate to be used in the calculation of FMRs. Previously, if the error of the estimate was less than the estimate itself, HUD used the estimate. The Proposed FMRs in this notice use ACS estimates where the size of the error is limited to half of the estimate." **PHADA supports this change as a reasonable measure to help improve the accuracy of FMRs.**

Replacing 50th Percentile FMRs with SAFMRs

It was wise for HUD not to implement a change in the Department's existing data and methodology for 50th percentile FMRs at this time. PHADA's comment letter on this topic is enclosed.

HUD's Discretionary Adoption of OMB Areas (Feb. 2013) as FMR Areas

An additional change to the proposed FY 2016 FMRs is the incorporation of the February 28, 2013, Office of Management and Budget (OMB) metropolitan area definition update based on the 2010 Decennial Census data. The 2013 ACS data are the first to use the new area definitions in the compilation of the ACS data. As a result of HUD's discretionary adoption of OMB's areas (February 2013) for purposes of calculating its proposed FY 2016 FMRs, there are counties

2016 JAN 13 11:11 AM
CITY OF IOWA
FILED

formerly designated by HUD as non-metro that the Department proposes designating as metro areas and vice-versa.

PHADA's enclosed analyses include these counties, showing erratic FMR values that do not reflect historic norms of rental housing market changes. More time is needed for us to undertake a deeper analysis of HUD's proposed FMR area changes including a determination of whether or not OMB's area definitions correct the problems HUD created with its discretionary adoption of these areas for FMR purposes from FY 2006 – FY 2015.

HUD recently announced that it is providing a one-year extension of its proposed change to Columbia, MD. Overall, there are many more counties that are adversely affected by HUD's discretionary adoption of OMB's February 2013 area definitions for FMR purposes for which HUD has made no allowances. **PHADA strongly urges the Department to set up a streamlined process for HAs to make a similar request of HUD and to be granted a similar one-year extension to the Department's proposed FMR area definitions. Similarly, PHADA strongly urges HUD to set up a streamlined process for HAs to appeal HUD's proposed FY 2016 FMRs if they dramatically conflict with a recent statistically valid rental market study by an HA or HUD within the last several years.**

There are many examples enclosed which illustrate HUD's proposed FY 2016 FMR values compared with HUD's prior years' FMR values, that are counterintuitive with historic norms of applicable rental housing values. PHADA compared proposed FY 2016 FMRs with proposed FMRs by county/town and bedroom size. At a time of scarce Federal resources for housing assistance programs, HUD's inaccurate and erratic FMRs and SAFMRs contribute to over-subsidization in some rental housing markets and under-subsidization in others. While HAs have the opportunity to set voucher payment standards within their "basic range" of 90-110 percent of applicable FMRs, the magnitude of HUD's errant FMRs and SAFMRs is so great in many instances that further efforts are necessary in order for HAs to secure exception payment standards and special exception payment standards.

In voucher programs, HAs have the discretionary authority to set voucher payment standards higher or lower than FMRs in order to adjust for and under or oversupply of available and affordable units at the local level. Among other factors, it appears that HUD's discretionary adjustments to FMRs for three bedrooms or greater as a way to expand affordable housing opportunities for larger size households where there is a scarcity of available and affordable larger sized dwelling units, may contribute to FMRs values that are inaccurate and/or erratic. **The fact that HUD establishes ranges in FMR values of all bedroom sizes in relation to other bedroom sizes each year, while completely ignoring dramatic changes in FMR values within the same bedroom size in the same county year over year that well exceed those established ranges, is an indication that the Department's methodology for making adjustments to the raw ACS data lacks a coherent approach or any form of internal quality control year over year.**

FILED
JAN 13 PM 1:25
CITY CLERK
IOWA CITY, IOWA

90 Day Grace Period From the Date of HUD's Final FMRs/SAFMRs

HUD established a reasonable approach to HAs' implementation of the former FY 2014 Public Housing flat rent law. As you know, HUD issued PIH Notice 2014-12 to HAs on May 19, 2014 allowing HAs to implement flat rents as early as June 1, 2014 and as late at October 31, 2014. At that time, HUD deemed a change in flat rent as a "significant amendment" rather than leaving it up to each HA's definition of a "significant amendment." To its credit, HUD provided time for HAs to go through that process such that both HUD and HAs met the Congressional requirement to start the flat rent process by June 1, 2014 such that the last effective date of flat rents for residents was no later than October 31, 2014. That made sense. It is impractical for HAs (or HUD if the Department were to put itself in HAs shoes for a moment) for FMRs and/or flat rents to take effect for tenants/residents the day FMRs are published or in a time period that is impossible for HAs to comply.

PHADA recommends HUD allow HAs a 90 day grace period from HUD's publication of final FY 2016 FMRs before any HAs' revised voucher payment standards would affect voucher-assisted households' rent shares or Total Tenant Payment (TTP) as of January 1, 2016.

PHADA also recommends HUD allow HAs at least a 90 day grace period from HUD's publication of final FY 2016 FMRs and SAFMRs before any HAs' flat rents would affect Public Housing-assisted households' rent shares or TTP as of January 1, 2016.

FMRs & SAFMRs For Voucher Program Purposes

The timing of HUD's proposed FMRs, final FMRs and required effective date of FMRs/SAFMRs on tenants/residents is important. **To reiterate, allowing HAs a 90 day grace period from HUD's final FMRs/SAFMRs publication date of October 1st to implement voucher payment standards no later than January 1, 2016 is still important.**

PHADA also requests HUD PIH and HUD OPPLI to consider our request for a 90 day grace period, as well as revisit its existing voucher program policies related to voucher payment standard decreases resulting from HUD's volatile FMRs, and revisit its criterion for approval or denial of Housing Authorities' exception voucher payment standard types (e.g. exception and special exception, voucher success rate FMRs, etc.).

Voucher Payment Standard Decreases

As a result of HUD PD&R's volatile final FMRs year over year in the same FMR area within the same bedroom size, clarification from HUD is needed on the implementation of Housing Authorities' changing their voucher payment standards just be within "basic range" payment standards in relation to HUD's volatile final FY 2016 FMRs. For example, if a Housing Authority's existing voucher payment standard (using final FY 2014 FMRs) is now above the "basic range" FMR due solely to HUD's final FY 2016 FMRs which changed significantly from the year before, they are put in a position of having to **decrease** their payment standards just to remain in the "basic range," where applicable. This action triggers HUD's other program requirement - the lower payment standard amount will not apply to families who have already

2016 JAN 11 10AM
CITIZEN
FILED

leased units under the higher standard until they move to a new unit or have a change in their family size or composition, or at the second annual reexamination after the HA lowers its payment standard. If HUD PD&R's final FMRs in the same FMR area and bedroom size were not so volatile year over year, the above actions would not be needed. But dealing with the present realities rather than based on my hopes for improvements to HUD PD&R's FMRs in the future, when HAs are now forced to take the action described above resulting from HUD's volatile FMRs, it is not an efficient or effective use of precious and limited Federal Housing Assistance payment funds to serve the greatest number of households at affordable income to rent burdens as possible. In the past, HUD PIH only entertained and granted waiver requests from HAs' to implement *decreased* voucher payment standards earlier than the second re-exam requirement if it would help prevent termination of housing assistance to existing leased households. For the reasons described above that result from HUD's volatile FMRs, HUD's standards for evaluating this type of waiver request from HAs should be revisited, revised and issued to HAs for their education and usage.

HUD's volatile FMRs are also likely to compound existing problems with HAs' compliance with HUD's "affordability standard" (listed below). As you know, HUD's regulatory "affordability standard" has also been an important component in HUD's previous reviews of HA's request to decrease their voucher payment standards below their "basic range" and/or to their waiver requests to implement them earlier than the second annual reexamination after the PHA lowers its payment standard.

There are a number of scenarios and reasons where providing a similar 90 day treatment to Housing Authorities (HAs) in voucher programs as HUD does in the Public Housing, is also needed and warranted. PHADA requests HUD provide HAs with a 90 day grace period from the effective date of *final* FMRs on agencies' implementation of new voucher payment standards, due to:

- 1) The volatility of FMR *decreases* and *increases* year over year within the FMR area and bedroom size, triggers HAs' actions around revising voucher payment standards and rent reasonableness determinations;**
- 2) HAs need time to process any change in voucher payment standards in relation to *final* FMRs and to conduct rent reasonableness where applicable, along with needing time to submit exception payment standard requests to HUD for approval or denial; and**
- 3) HUD's recent track record of publishing *final* FMRs has been late, without enough time for HAs to simultaneously adopt new voucher payment standards in relation to *final* FMRs.**

FILED
2016 JAN 13 PM 1:25
CITY CLERK
IOWA CITY, IOWA

HUD's Regulatory "Affordability Standard"

HUD's voucher regulation referred to as HUD's "affordability standard" [24 CFR §982.503(d)] and [24 CFR §982.503(g)] states:

"§ 982.503 Voucher tenancy: Payment standard amount and schedule. - (d) HUD approval of payment standard amount below the basic range. HUD may consider a PHA request for approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve PHA establishment of a payment standard lower than the basic range. In determining whether to approve the PHA request, HUD will consider appropriate factors, including rent burden of families assisted under the program. HUD will not approve a lower payment standard if the family share for more than 40 percent of participants in the PHA's voucher program exceeds 30 percent of adjusted monthly income. Such determination may be based on the most recent examinations of family income."

"§ 982.503 Voucher tenancy: Payment standard amount and schedule. (g) *HUD review of PHA payment standard schedules.* (1) HUD will monitor rent burdens of families assisted in a PHA's voucher program. HUD will review the PHA's payment standard for a particular unit size if HUD finds that 40 percent or more of such families occupying units of that unit size currently pay more than 30 percent of adjusted monthly income as the family share. Such determination may be based on the most recent examinations of family income. (2) After such review, HUD may, at its discretion, require the PHA to modify payment standard amounts for any unit size on the PHA payment standard schedule. HUD may require the PHA to establish an increased payment standard amount within the basic range."

Voucher Payment Standard Increases

The scenario described above regarding HAs' having to *decrease* their payment standards just to remain in the "basic range" would also apply to agencies that have to *increase* their payment standards just to remain in the "basic range" in relation to HUD's FY 2016 FMRs. To reiterate, when agencies have to *increase* their voucher payment standards due to HUD's volatile FMRs, HUD and HAs' shared strategic goal to serve the greatest number of low-income households at the best possible income to rent affordability with the funds available is undermined.

In both "basic range" scenarios described above, agencies may apply to HUD for a variety of other voucher payment standard types (e.g. exception and special exception, voucher success rate FMRs, etc.). In the past, HUD PIH only entertained and granted waiver requests from HAs' to implement *decreased* voucher payment standards earlier than the second re-exam requirement if it would help prevent termination of housing assistance to existing leased households. For reasons described above that result from HUD's volatile FMRs, HUD's standards for evaluating this type of waiver request from HAs should be revisited and revised in a less narrow manner and issued to HAs for their education and usage.

There is an intersection between this recommendation and the earlier recommendation for HUD to allow HAs a 90 day grace period from HUD's publication of final FMRs before any HAs' revised voucher payment standards would affect voucher-assisted households' rent shares or Total Tenant Payment (TTP). **This intersection is that HUD should allow HAs to maintain their existing voucher payment standards during the period of their application to HUD for either a *decreased* or *increased* exception payment standard application to HUD, and still be deemed to be in compliance with voucher payment standard regulations.**

A Specific Example of Unproductive and Unworkable FMRs to Illustrate A Systemic Problem with HUD's FMRs

Attached is a spreadsheet which shows FMRs from 2012 to 2016 for the counties covered by the Lebanon County Housing Authority (LCHA) in Pennsylvania. In 2013, LCHAs' FMRs went up an average of 18%, then in 2014 they went down 13%, then in 2015 they went back up 13%, and in 2016 they are all over the place – 0 bedroom up 10%, 1, 2, and 3 BR down between 2 and 5% and 4 BR up almost 4%.

The Lebanon County Housing Authority has their voucher payment standards set at 109% of FMR to allow for maximum mobility to higher rent areas (to the extent that such units exist). So now LCHA will once again need to REDUCE their payment standards (and all that goes with it, like the two year phase in for a payment standard reduction). But LCHA is already only half way into the two year phase in for the reduction that happened in 2014!

So to summarize – LCHA has participants still at the higher 2013 payment standards and they all will not be phased in to those new lower 2014 standards until the end of 2015. Then they have the participants who came in at the lowered 2014 standards who are now in the midst of being increased to the higher 2015 standards. However, these people will now need a two year phase in to the lowered 2016 standards (so they won't be changed until the end of 2017). Furthermore, the people who are just ending the phase in to the lowered 2014 standards will actually see an increase to the 2016 standards, since they essentially missed the 2015 14% increase. So to one group the 2016 amounts are really an increase (since they were stuck in the two year phase in), while to others the 2016 amounts are a decrease and hence the start of another two year phase in.

Think about how LCHA and other HAs are to explain all of this to their staff, let alone the participants, let alone the property owners. Think about how to explain to a participant that a one bedroom apartment that rents for say \$620 was unaffordable in 2012, then affordable in 2013, then unaffordable again in 2014, then affordable in 2015 and now unaffordable again in 2016. What in the world is HUD doing? Rents do not change that way in the real world and HAs cannot possibly run the program this way nor should require them to do so without dramatically improving its deeply flawed FMRs and SAFMRs. HAs that operationalize HUD's flawed FMRs to property owners have a hard time being taken as knowledgeable real estate professionals when it is already hard for HAs to get them to participate in the program. The same is true with voucher holders who's income to rent burdens are also affected by the intersection of HAs' voucher payment standards and gross rents of their current and future dwelling units. How are HAs going to assist voucher holders in their evaluation and choice of dwelling units in "higher opportunity areas" when agencies have to once again reduce payment

standards for the most popularly sized units? This is also a recipe for increased improper payments stemming from HUD's erratic FMRs. Given the Department and HAs' deeply important mission to serve the nation's low-income households, participating property owners and communities, HUD's execution of FMRs and SAFMRs is a sad indictment. //

HUD's Small Area FMR Values Used In the Small Area Rent Ratio Variable Are Not Credible

Over the years HUD officials have talked about breaking down silos within the Department in order to improve program service. In this vein, PHADA includes a number of adverse program impacts resulting from HUD PD&R's FMR and SAFMR values as well as other HUD PIH's utilization of this data/information for programmatic purposes.

Because Section 8 voucher programs are primarily *rental* market-based, it is essential that the *Housing Choice Voucher Administrative Fee Study* and formula include an accurate and valid rental market variable in the fee formula. A valid fee formula variable for the "availability of affordable housing" category is needed, because Small Area Rent Ratios (SARRs), which rely on HUD's Small Area Fair Market Rents (SAFMRs), are deeply flawed.

In referring to SARRs, HUD's notice states, "[f]or PHAs in Metropolitan counties, the small area rent ratio is calculated as the median gross rent for the zip codes where voucher holders live, weighted by the share of voucher holders in each zip code, divided by the median gross rent for the Metropolitan area; for PHAs in non-Metropolitan counties, the small area rent ratio is calculated as the unadjusted two-bedroom FMR for the non-Metropolitan counties where the PHA operates, divided by the published FMR. One of the underlying data sets used for the SARR variable is HUD's SAFMRs. PHADA's analysis of HUD's SAFMRs is available to HUD and the public at: <http://www.phada.org/pdf/SAFMRs2011to2014-06272014.pdf>. PHADA's analysis of SAFMRs have demonstrated: 1) wild swings and extreme relationships in SAFMR values on a systemic basis among and between bedroom sizes within in the same zip code or area *in the same year* for both metropolitan and non-metropolitan areas that are not found in any other independent and reputable rental housing market study or analysis; 2) wild swings and extreme relationships in SAFMR values on a systemic basis among and between bedroom sizes within in the same zip code or area *year-over-year* for both metropolitan and non-metropolitan areas that are not found in any other independent and reputable rental housing market study or analysis. Historically, rental housing markets do not operate in either of these ways.

PHADA recommends the Department study an alternative data source for the "availability of affordable housing" factor. For example, American Community Survey (ACS) provides valuable rental housing dwelling unit data by county. HUD should study the extent of available dwelling units' rent and utility costs that would be affordable to extremely low-income households, very low-income households and low-income households. The Comprehensive Housing Affordability Strategy (CHAS) data and similar analysis of it by household income levels, may also lend itself to similar use. We request HUD first publish the results of its findings in the context of fee formula. Conceptually, these data sources with some additional analysis, would address HUD's intended "availability of affordable housing" factor established at the outset of the study design. Instead, the Department is

PHADA
MAY 11 2014
11:25

attempting to shoe-horn deeply flawed SARR values into the fee formula under “expanding housing opportunities” in a way that was not part of the study design.

The significance level of this test is traditionally set at 1 percent or 5 percent level. The p-value of SARRs in HUD’s study was marginally statistically significant (1%) but only at the 10 percent level. Usually a 10 percent significance level is only used in small studies where there is not robust data set available. As such, the Small Area Rent Ratio (SARR) is not by any means a significant indicator of HAs’ administrative costs to administer voucher programs. **Did HUD choose a significance level before data collection? If so, what was the significance level set at prior to HUD’s data collection? If the significance level of SARRs did not meet the level set by HUD prior to data collection, why was this not underscored in the Department’s report? If the significance level of SARRs did not meet the level set by HUD prior to data collection, what is the Department’s justification for including SARRs in the fee formula?**

The theoretical basis for SARR states, “More HCV participants in neighborhoods with relatively high rents could increase costs for the PHA as owners willing to accept vouchers are harder to find, more units available at or below the payment standard may fail inspection, and new voucher tenants may need more guidance in finding suitable housing in unfamiliar neighborhoods.” However, HUD’s study report did not provide any information in the final report regarding its analysis of the 60 sample HAs’ Random Moment Sampling (RMS) data to reinforce the theoretical basis for SARRs driving administrative costs. While HUD’s theory may be true, nothing in HUD’s RMS analysis of the 60 sample HAs confirmed or refuted this theory. Among other voucher program functions, had HUD conducted and published its RMS analysis of HAs’ Housing Quality Standard (HQS) inspections by census tract, zip code, etc. using the Global Positioning System (GPS) feature on its smart phones for example, policy makers would be have been able to understand the validity or lack thereof of the study team’s SARR regression results and theoretical construct. Unfortunately, HUD has not done this to date. **PHADA recommends HUD review its RMS data with this in mind and to publish the results that either proves or disproves its conceptual theory.**

Under HUD’s original combined cost driver model, the research design listed “time on expanding housing opportunities” as a variable included in a combined cost driver model as one of several variables including “time on intake” within the overall cost driver category – “PHA staff time allocation.” However under its retest, HUD’s final study report uses SARRs to fulfill a cost driver category referred to as “expanding housing opportunities” rather than to fulfill the originally intended cost driver category referred to as “availability of affordable housing” in its combined cost driver model. Careful examination of HUD’s final study report demonstrates the reasons that SARRs are inadequate for either as “availability of affordable housing” or as “expanding housing opportunities” as administrative cost driver categories. Moreover, HUD’s final study demonstrates that “time on expanding housing opportunities” is inadequate even within the overall cost driver category of “PHA staff time allocation.” Specifically, HUD’s final report states:

Another consideration is that the study did not collect data on outcomes related to expanding housing opportunities—that is, whether those PHAs that recorded more time on expanding housing opportunities activities during the RMS period

2016 JAN 11 PM 1:25
FILED
10 WASHINGTON DC
10 WASH DC

actually had better outcomes than other PHAs, such as more HCV households living in opportunity neighborhoods. The small area rent ratio variable, which captures the extent to which HCV households live in relatively expensive areas, may be a better measure of PHA outcomes regarding the locational distribution of HCV participants and the costs associated with helping participants to lease up in such areas.

We concluded that time on expanding housing opportunities was not a reliable cost driver for several reasons. First, we observed very little time spent on expanding housing opportunities in the time study...The small amount of time recorded for expanding housing opportunities likely reflects the severe funding constraints that PHAs were operating under during the data collection period. The PHAs in the study reported that they did not have the resources to invest substantial staff time in expanding housing opportunities even though they valued these activities... While the cost driver analysis found that the time spent on Expanding Housing Opportunities was a significant cost driver with a very large coefficient, it does not make sense that it is, in reality, a significant cost driver since it accounts for less than one percent of PHAs' time on the HCV program...it is likely that the expanding housing opportunities variable is picking up some other factor that is not being captured by any of the other variables in the model. Given the inconsistency with the time study findings, we do not consider time spent on expanding housing opportunities to be a reliable cost driver.

Despite the shortcomings and incomplete analysis of SARRs by the study team, HUD's final study formula improperly retains SARRs in the fee formula. PHADA recommends that HUD undertake an analysis of the other rental housing market data sets described above and publish its findings.

HUD did not ask in its notice for comment about whether or not it should retain or remove the SARR variable from the fee formula. By contrast, HUD asked in its notice whether or not it should retain or remove the Health Insurance Cost Index from the formula. Whether by design or default, the contradiction in the way HUD PIH framed the issues regarding the validity of SARRs vs. Health Insurance Cost Index for purposes of retention or removal from the fee formula, leaves the impression that the Department is politicizing this administrative fee formula study and process.

PHADA's comments regarding HUD's "Establishing a More Effective Fair Market Rent (FMR) System; Using Small Area Fair Market Rents (SAFMRs) in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs; Advanced Notice of Proposed Rulemaking" is publicly available at: <http://www.regulations.gov/#!documentDetail;D=HUD-2016-0051-0062> Whether by design or default, it appears that HUD's solicitation for comment on SAFMRs and its separate solicitation for comment on SARRs relating to its voucher fee formula are taking place in isolation from each other. This is taking place, despite the fact that there would be effects on PHAs' administrative fee rates and funding.

FILED
JAN 13 PM 1:25
CITY CLERK
CITY, IOWA

Barring a natural disaster, major economic change positively or negatively, or major change in the supply and demand of rental housing in applicable 40th or 50th percentile FMR areas, historically applicable rental housing market values do not increase, decrease, increase and then decrease at significant percentages year after year within the same community and bedroom size. Historically, non-metropolitan areas do not experience substantially greater annual increases or decreases in rental values than metropolitan areas. However, that is exactly what has happened with HUD's FMR values over the years.

PHADA has repeatedly called upon HUD, to provide interested parties and the public with other comparable statistically valid rental housing market studies by other qualified organizations that illustrate dramatic annual undulations in opposite directions within the same area and bedroom size each year over a number of years, in applicable rental housing market values. Absent publishing such independent studies, we urge the Department to provide citations for such studies. If such studies exist, they would presumably bolster the soundness of the Department's FMR and SAFMR methodologies. If however such studies do not exist and the Department is unwilling to address this topic publicly, it casts strong doubts about the accuracy of HUD's FMR and SAFMR results.

Among other inherent flaws in HUD's SAFMR methodology, is that relative to other zip codes in an SAFMR area, HUD PD&R does not take into consideration: 1) the quantity of rental housing in each zip code; 2) or the differences in population by zip code; in determining SAFMR values for each zip code. In several instances, HAs authorities that have reviewed HUD's small area / zip code FMRs for their service areas found that HUD's SAFMR calculations were not adjusted as a result of some zip code FMRs containing only commercial office space and/or were made up of Post Office boxes but did not contain rental housing. By contrast, among and between census tracts, they have relatively similar population sizes where substantial differences in the quantity of rental housing can also be captured.

Because several of HUD's discretionary methodologies used for proposed FY 2016 FMRs were also implemented in FY 2014 going back to FY 2006, PHADA also enclosed our analyses of HUD's proposed FY 2014 FMRs compared with the last four years' FMRs (starting with the special tabulations from the 2010 Decennial Census). PHADA's analyses in metro areas and non-metro areas for FY 2010 – FY 2014 FMRs are accessible to HUD and the public at:

<http://www.phada.org/pdf/MetroFMRsFY2010to2014-07012014.pdf> and <http://www.phada.org/pdf/NonMetroFMRs2010to2014n-06292014.pdf> respectively. Like HUD's SAFMR values, the Department's FMR values also contain dramatic increases and decreases each year, often in the opposite direction within the same bedroom size year after year over this four year period. As PHADA has demonstrated over the years in its comments to HUD regarding FMRs (and SAFMRs), prior to FY 2006 HUD's use of a different OMB area as the geographic area through which it used AHS/ACS rental housing market data, produced more accurate FMRs than the Department's current methodology. Similarly, HUD's previous methodology produced more accurate annual inflation factors for HAs' HAP contract renewal funding, so that agencies' would have more accurate HAP-related funding with which to lease the greatest number of authorized households, which in turn enabled them to earn administrative fees commensurately.

FILED
JAN 31 2016
3:26 PM
FBI - DENVER
1010 W. 14TH AVE
DENVER, CO 80202

The HUD/Abt study team reviewed a host of other measures of housing affordability, one from the ACS and two from the USPS. The draft report states that the “small area rent ratio variable captures the local housing market conditions that PHAs are working under that we could not address through other variables such as vacancy rates, which produced counter-intuitive results in our modeling.” PHADA believes that it is essential that the voucher program(s), which is a market-based program, include a variable in the fee formula of “availability of affordable housing.” Unfortunately, it is impossible for PHADA to look past the glaring problems of SAFMRs as one of the major underlying data sets going into the “small area rent ratio.”

The HUD/Abt research team adopted a series of principles, standards and protocols in the administrative fee study prior to any variable being adopted for the fee formula. PHADA requests the study team to review and reconsider whether or not SAFMRs prior to its use in the “small area rent ratio” variable being used for fee formula category “availability of affordable housing” by default rather than it meeting both institutions’ principles, standards and protocols established for this study. **For our part, PHADA recommends that additional work or acquisition of special tabulations of available rental market, vacancy and other data sets identified in the draft report take place, to come up with a valid fee formula variable for the category of “availability of affordable housing” which in our view the “small area rent ratio” is not.** Please note that our opposition to the use of SAFMRs in the “small area rent ratio” is not and should not be reduced to concerns we raised about SAFMRs’ volatility in a fee formula. Before HUD even gets to the point of evaluating or modifying a variable like SARRs for its volatility, the Department must first evaluate the accuracy and validity of the underlying SAFMR data as representative of rental housing markets. PHADA believes that the SAFMRs do not meet that first test.

Programmatic Impacts of HUD’s Proposed FY 2016 FMRs

The task at hand for HUD PD&R is to develop the most accurate FMRs possible with the data available and our task is to comment on the Department’s data sources and methods for its FMR values. However, both Congress and other interest program stakeholders should also be made aware of the adverse program impacts of HUD’s proposed FMRs that will affect approximately five million low-income households in communities around the country including but not limited to:

- HUD’s proposed FY 2016 FMRs where the extent of the decrease is inaccurate, will decrease voucher holders’ “success rates” in securing a dwelling unit, increase the number of voucher-assisted households with housing cost burdens (income to rent and utility allowances or expenses) relative to their income, contribute to voucher-assisted households living in greater concentrations of poverty, and contribute to voucher-assisted households living in dwelling units with relatively lower quality housing stock. In the aggregate, this will also result in lower leasing and budget utilization rates than would otherwise be the case, as well as reduced administration fees for the HAs. In these instances, this will also result in a downward spiral of all funding and services.
- HUD’s proposed FY 2016 FMRs where the extent of the increase is inaccurate, will result in HAs’ per voucher HAP costs increasing and being able to lease fewer

FILED
JAN 11 2016
CITY OF IOWA

households under the budget-based renewal HAP funding system in place for the last ten years and for the foreseeable future.

- In both of the scenarios described in the two paragraphs above, with additional burdens placed upon HAs, they can apply for waivers to HUD for exception voucher payment standards and special exception voucher payment standards in an attempt to compensate for HUD's inaccurate proposed FMRs, but there is no guarantee that the Department will approve them. Further, given the depth and breadth of inaccurate proposed FY 2016 FMRs the volume of waivers that affected HAs will submit with extensive documentation to justify their requests. This fact coupled with the Department's strained staffing capacity to review such waivers on a timely basis is a poor way to conduct business at a time of greatly reduced financial resources to HAs.
- A five percent change in the FMR triggers a rent reasonableness study, which is costly for cash-strapped HAs. We believe it is also imprudent for HUD PD&R to impose prohibitively expensive costs on HAs and other program stakeholders to conduct local real-estate rental housing markets consistent with HUD's data sampling and other requirements, in order for them to correct HUD PD&R's inaccurate and discretionary FMR methodologies. This is less a critique of the mail-in rental housing market survey HUD has implemented. Instead, this is more of a critique of the inaccurate FMR values HUD PD&R generates which necessitate additional mail-in survey expenses. The expense of mail-in surveys would not be necessary if HUD's FMR values were accurate.
- With dramatically reduced FMR values, participating property owners will be less likely to renew their existing assisted dwelling leases with low-income housing-assisted households, and more likely to rent to higher income households. Prospective property owners will be less likely to participate in many HA's Section 8 voucher programs in the future. This will result in a significant loss of available and affordable housing units to extremely-low-income and very-low-income households and prevent assisted-households from leasing decent, safe, sanitary and affordable housing units.
- HUD's proposed FY 2016 FMRs apply to Public Housing flat rents. All HAs must set flat rents no lower than 80 percent of applicable FMRs. The dramatic changes in annual FMRs within the identical area and bedroom size coupled with HUD's flat rent at no less than 80% of applicable FMRs which themselves are wildly inaccurate, has wrought havoc among many affected Public Housing-assisted households and the financial viability of some HAs' applicable public housing developments.
- The implications of HUD's proposed FY 2016 FMRs also apply to other programs including: conversions to HUD's Rental Assistance Demonstration (RAD) from Public Housing, Moderate Rehabilitation, Rent Supplement, and Section 236 Rental Assistance Payment programs to Section 8 Project-Based Rental Assistance and Project-Based Voucher programs as modified under RAD. HUD's proposed FY 2016 FMRs if made final will also be used in the maximum allowable rent policies in RAD, which is a key element in the demonstration's structure. The maximum rent for properties converting to the Section 8 Project-Based Voucher program as modified by RAD, is the *lesser of*: 1)

total program funding in FY 2012; or 2) an amount not to exceed 110 percent of the applicable FMR by bedroom size; or 3) HUD's rent reasonableness regulatory requirements [as defined under 24 CFR Section 983.303(b)]. The maximum rent for properties converting to the Section 8 Project-Based Rental Assistance program as modified by RAD, is the *lesser of*: 1) total program funding in FY 2012; or 2) an amount not to exceed 120 percent of the FMR.

FILED

2016 JAN 13 PM 1:26

CITY CLERK
IOWA CITY, IOWA



FY 2016 FAIR MARKET RENT DOCUMENTATION SYSTEM

The \$fmrtype\$ FY 2016 Iowa City, IA HUD Metro FMR Area FMRs for All Bedroom Sizes

\$fmrtype\$ FY 2016 FMRs By Unit Bedrooms				
Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$546	\$658	\$853	\$1,243	\$1,489

The Office of Management and Budget release new Core Based Statistical Area definitions in February 2013. The Census American Community Survey incorporated these definitions in the [ACS₂₀₁₃ release](#), which are the basis for FY2016 Fair Market Rents. HUD has elected to continue use of the pre-2013 definitions except where the post-2013 definitions result in a smaller FMR area. This is consistent with HUD's objective to maximize tenant choice by allowing FMRs to vary locally.

The Iowa City, IA HUD Metro FMR Area consists of the following counties: Johnson County, Iowa. All information here applies to the entirety of the Iowa City, IA HUD Metro FMR Area.

Fair Market Rent Calculation Methodology

[Show/Hide Methodology Narrative](#)

Fair Market Rents for metropolitan areas and non-metropolitan FMR areas are developed as follows:

- 2009-2013 5-year American Community Survey (ACS) estimates of 2-bedroom adjusted standard quality gross rents calculated for each FMR area are used as the new basis for FY2016 provided the estimate is statistically reliable. The test for reliability is whether the margin of error for the estimate is less than 50% of the estimate itself.

If an area does not have a reliable 2009-2013 5-year, HUD checks whether the area has had a reliable estimate in any of the past 5 years. If so, the most recent reliable estimate is updated by the change in the area's corresponding State metropolitan or non-metropolitan area from the year of the most recent reliable estimate to 2009. This update value becomes the

2016
 FILED
 PM 11:26
 COUNTY CLERK
 IOWA CITY, IOWA

basis for FY2016.

If an area has not had a reliable estimate in the past 5 years, the estimate State for the area's corresponding metropolitan area (if applicable) or State non-metropolitan area is used as the basis for FY2016.

2. HUD calculates a recent mover adjustment factor by comparing a 2013 1-year 40th percentile recent mover 2-bedroom rent to the 2009-2013 5-year 40th percentile adjusted standard quality gross rent. If either the recent mover and non-recent mover rent estimates are not reliable, HUD uses the recent mover adjustment for a larger geography. For metropolitan areas, the order of geographies examined is: FMR Area, Entire Metropolitan Area (for Metropolitan Sub-Areas), State Metropolitan Portion, Entire State, and Entire US; for non-metropolitan areas, the order of geographies examined is: FMR Area, State Non-Metropolitan Portion, Entire State, and Entire US. The recent mover adjustment factor is floored at one.
3. HUD calculates the appropriate recent mover adjustment factor between the 5-year data and the 1-year data and applies this to the 5-year base rent estimate.
4. Rents are calculated as of 2014 using the relevant (regional or local) change in gross rent Consumer Price Index (CPI) from annual 2013 to annual 2014.
5. All estimates are then inflated from 2014 to FY2016 using a trend factor based on the most average annual change in national gross rents over the most recent 5 years.
6. FY2016 FMRs are then compared to a State minimum rent, and any area whose preliminary FMR falls below this value is raised to the level of the State minimum.

The results of the Fair Market Rent Step-by-Step Process

1. The following are the 2013 American Community Survey 5-year 2-Bedroom Adjusted Standard Quality Gross Rent estimate and margin of error for Iowa City, IA HUD Metro FMR Area.

Area	ACS ₂₀₁₃ 5-Year 2-Bedroom Adjusted Standard Quality Gross Rent	ACS ₂₀₁₃ 5-Year 2-Bedroom Adjusted Standard Quality Gross Rent Margin of Error	Ratio	Result
Iowa City, IA HUD Metro	<u>\$783</u>	\$13	\$13 / \$783=0.017	0.017 < .15 Use ACS ₂₀₁₃ 5-Year Iowa City, IA HUD Metro FMR Area 2-Bedroom

FMR Area	Adjusted Standard Quality Gross Rent
----------	--------------------------------------

Since the ACS₂₀₁₃ Margin of Error Ratio is less than .5, the ACS₂₀₁₃ Iowa City, IA HUD Metro FMR Area value is used for the estimate of 2-Bedroom Adjusted Standard Quality Gross Rent:

Area	ACS ₂₀₁₃ Rent
Iowa City, IA HUD Metro FMR Area	\$783

- A recent mover adjustment factor is applied based on the smallest area of geography which contains Iowa City, IA HUD Metro FMR Area and has an ACS₂₀₁₃ 1-year Adjusted Standard Quality Recent-Mover estimate with a Margin of Error Ratio that is less than .5.

Area	ACS ₂₀₁₃ 1-Year 2-Bedroom Adjusted Standard Quality Recent-Mover Gross Rent	ACS ₂₀₁₃ 1-Year 2-Bedroom Adjusted Standard Quality Recent-Mover Gross Rent Margin of Error	Ratio	Result
Iowa City, IA HUD Metro FMR Area	<u>\$806</u>	\$99	0.123	0.123 < .5 Use ACS ₂₀₁₃ 1-Year Iowa City, IA HUD Metro FMR Area 2-Bedroom Adjusted Standard Quality Recent-Mover Gross Rent

The smallest area of geography which contains Iowa City, IA HUD Metro FMR Area and has an ACS₂₀₁₃ 1-year Adjusted Standard Quality Recent-Mover estimate with a Margin of Error Ratio that is less than .5 is Iowa City, IA HUD Metro FMR Area.

- The calculation of the relevant Recent-Mover Adjustment Factor for Iowa City, IA HUD Metro FMR Area is as follows:

ACS ₂₀₁₃ 5-Year Area	ACS ₂₀₁₃ 5-Year 40th Percentile 2-Bedroom Adjusted Standard Quality Gross Rent	ACS ₂₀₁₃ 1-Year 40th Percentile 2-Bedroom Adjusted Standard Quality Recent-Mover Gross Rent

FILED
 2016 JAN 26 1:26
 CIVIL CLERK
 IOWA

Iowa City, IA HUD Metro FMR Area	<u>\$783</u>	<u>\$806</u>
---	--------------	--------------

Area	Ratio	Recent-Mover Adjustment Factor
Iowa City, IA HUD Metro FMR Area	$\frac{\$806}{\$783} = 1.029$	$1.029 \geq 1.0$ Use calculated Recent-Mover Adjustment Factor of 1.029

4. The calculation of the relevant CPI Update Factors for Iowa City, IA HUD Metro FMR Area is as follows: HUD updates the 2013 intermediate rent with the ratio of the annual 2014 local or regional CPI to the annual 2013 local or regional CPI to establish rents as of 2014.

	Update Factor	Type
CPI Update Factor	<u>1.0238</u>	Region CPI

5. The calculation of the Trend Factor is as follows: HUD uses the average annual change in national gross rents over the most recent 5 years. This annual change is applied for 1.75 years, or 7 quarters. This makes Fair Market Rents "as of" FY2016.

2008 National Gross Rent	2013 National Gross Rent	Average Annual Change	Trend Factor
\$824	\$905	$(\frac{\$905}{\$824})^{1/5} = 1.019$	$1.019^{7/4} = 1.033$

6. The FY 2016 2-Bedroom Fair Market Rent for Iowa City, IA HUD Metro FMR Area is calculated as follows:

Area	<u>ACS₂₀₁₃ 5-Year Estimate</u>	<u>Recent- Mover Adjustment Factor</u>	<u>Annual 2013 to 2014 CPI Adjustment</u>	<u>Trending 1.033 to FY2016</u>	FY 2016 2- Bedroom FMR
Iowa City, IA HUD Metro FMR Area	\$783	1.029	1.0238	1.0334	$\$783 * 1.029 * 1.0238 * 1.0334 = \853

7. In keeping with HUD policy, the preliminary FY 2016 FMR is checked to ensure that it does not fall below the state minimum.

Area	Preliminary FY2016 2-Bedroom FMR	FY 2016 Iowa State Minimum	\$fmrtype\$ FY2016 2-Bedroom FMR
Iowa City, IA HUD Metro FMR Area	\$853	<u>\$611</u>	\$853 ≥ \$611 Use Iowa City, IA HUD Metro FMR Area FMR of \$853

\$fmrtype\$ FY2016 Rents for All Bedroom Sizes for Iowa City, IA HUD Metro FMR Area

The following table shows the \$fmrtype\$ FY 2016 FMRs by bedroom sizes.

Click on the links in the table to see how the bedroom rents were derived.

\$fmrtype\$ FY 2016 FMRs By Unit Bedrooms					
	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
\$fmrtype\$ FY 2016 FMR	\$546	\$658	\$853	\$1,243	\$1,489

The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four bedroom FMR, for each extra bedroom. For example, the FMR for a five bedroom unit is 1.15 times the four bedroom FMR, and the FMR for a six bedroom unit is 1.30 times the four bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero bedroom (efficiency) FMR.

Public Comment Sought on Alternative Trend Factor

As an alternative to the trend factor methodology currently used, HUD is considering using a forecast of gross rent changes, i.e., forecasts of the national CPI components Rent of Primary Residence and Fuels and Utilities combined into a weighted average "Gross Rent Index". If the Gross Rent Index forecast had been used as the trend factor in formulating the proposed FY2016 FMRs, the 7-quarter trend factor would have been 1.0457, and the FMRs for Iowa City, IA HUD Metro FMR Area using this alternative methodology would be the following:

RECEIVED
 HUD
 DEPT OF HOUSING
 AND URBAN DEVELOPMENT
 WASHINGTON, DC
 OCT 13 2015
 1:26 PM

Alternate \$fmrtype\$ FY 2016 FMRs By Unit Bedrooms					
	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
\$fmrtype\$ FY 2016					

FMR

\$552

\$665

\$863

\$1,258

\$1,507

More information on the Gross Rent Index forecast is available [here](#). Public comment on this proposed methodology change as well as other aspects of Proposed FY2016 FMRs may be submitted via [regulations.gov](http://www.regulations.gov)

Permanent link to this page: [http://www.huduser.gov/portal/datasets/fmr/fmrs/FY2016_code/2016summary.odn?&year=2016&fmrtype=\\$fmrtype\\$&cbsasub=METRO26980MM3500](http://www.huduser.gov/portal/datasets/fmr/fmrs/FY2016_code/2016summary.odn?&year=2016&fmrtype=$fmrtype$&cbsasub=METRO26980MM3500)

Other HUD Metro FMR Areas in the Same MSA

Select another \$fmrtype\$ FY 2016 HUD Metro FMR Area that is a part of the Iowa City, IA MSA:

Washington County, IA HUD Metro FMR Area

Select Metropolitan FMR Area

Select a different area

Press below to select a different county within the same state (same primary state for metropolitan areas):

Adair County, IA

Select a new county

Press below to select a different state:

Select a new state

Select a \$fmrtype\$ FY 2016 Metropolitan FMR Area:

Iowa City, IA HUD Metro FMR Area

Select Metropolitan FMR Area

[HUD Home Page](#) | [HUD User Home](#) | [Data Sets](#) | [Fair Market Rents](#) | [Section 8 Income Limits](#) | [FMR/IL Summary System](#) | [Multifamily Tax Subsidy Project \(MTSP\)](#) | [Income Limits](#) | [HUD LIHTC Database](#)

Prepared by the [Economic and Market Analysis Division](#), HUD. Technical problems or questions?

[Contact Us](#).

FILED
2016 JAN 30 PM 1:26
IOWA CITY, IOWA



LIVING

WORKING

ENJOYING

CITY GOVERNMENT

NEWS AND MEDIA

CALENDAR

Home / City Government / Departments and Divisions / Neighborhood and Development Services / Neighborhood Services / Housing Authority

Family Self-Sufficiency Programs

Family Self-Sufficiency (FSS)

What is the FSS program?

Family Self-Sufficiency (FSS) is a voluntary program available to residents of Housing Authority's Public Housing and Section 8 Programs. The purpose of the program is to assist families to improve their economic situations and reduce their dependence on welfare programs.

Who can participate?

Participants must be receiving Section 8 rental assistance or be living in a Public Housing unit. FSS is for those people who are unemployed or those who are already employed but wanting to increase their income.

What do participants do?

City Government

▼ Departments and Divisions

▼ Neighborhood and Development Services

▼ Neighborhood Services

▼ Housing Authority

Application for assistance

Area Median Income Guidelines

Community resources

Family Self-Sufficiency Programs

FILED
2016 JUN 13 PM 1:26
CITY CLERK
IOWA CITY, IOWA

Families commit to making changes in their lives when they enter this program. Each FSS participant works with an FSS case manager to create a five-year plan that includes employment goals and identifies training or education needs. The FSS family is responsible for:

- Working towards completion of identified goals
- Becoming free of public assistance for one consecutive year before the end of the contract
- Providing information on program progress
- Complying with lease terms
- Living in the Housing Authority jurisdiction for at least 12 months

FSS staff then works with the family to identify locate and arrange for the services that they need to accomplish these goals. The Housing Authority is responsible for:

- Obtaining supportive services from public and private resources
- Coordinating availability of resources for participating families
- Establishing an escrow account for families when credit is earned
- Determine if interim goals have been met for partial withdrawal of escrow monies
- Determine if the family has completed the contract

What is the FSS escrow account?

As FSS participants succeed in raising their family income, the portion of their monthly income contributed toward their rent payment also increases. The Housing Authority sets up an escrow account for the family and HUD then deposits a percentage of this

Homeownership programs

Housing Authority documents

▶ Housing Choice Voucher (HCV)

Landlord/owner information

Links to rental listings

Preference categories

Public housing

▶ Community Development

▶ Housing Inspection Services

▶ Neighborhood Outreach

▼ Development Services

▶ Building Inspection Services

▶ Urban Planning

▶ Economic Development

MPOJC
Sustainability Services

▶ Airport
City Attorney

2016 JAN 18 PM 1:26
FILED
CITY CLERK
IOWA CITY, IOWA

rent increase into an interest-bearing escrow account. If the family meets its goals within five years and has received no welfare assistance for one year, they are eligible to receive the funds in the escrow account.

How successful is the program?

FSS participants have:

- Earned GED/Diplomas
- Earned training certificates and/or Degrees
- Obtained employment
- Started their own businesses
- Ended welfare dependence
- Built escrow accounts with an average monthly deposit of \$200.00 and an average balance of \$2,000.00
- Become homeowners

A community partnership

The FSS program maintains community input through an advisory board called the Planning Coordinating Committee. This board is comprised of persons from public and private sectors, local government, FSS participants, business and community members. This group works to identify public and private service groups and resources, guide program policy, identify service gaps, recommend new services, maintain positive working relationships with service providers, and maintain ongoing outreach to agencies in the community to provide new services.

How do I find out more about FSS?

For more information please contact:

Mary Abboud

- ▶ City Clerk
- ▼ Communications
 - Cable
- ▼ Finance
 - Accounting
 - ▶ Finance Administration
 - Information Technology Services
 - ▶ Purchasing
 - ▶ Revenue
 - Risk Management
- ▶ Fire Department
- ▶ Human Resources
- ▶ Human Rights
- Iowa City Public Library
- ▶ Parks and Recreation
- ▶ Police Department
- ▼ Public Works
 - Administration
 - ▶ Engineering
 - Equipment
 - ▶ Streets
 - Wastewater
 - ▶ Water

2016 JAN 13 PM 1:26
CITY CLERK
IOWA CITY, IOWA

FILED

Housing Authority
410 E Washington Street
Iowa City, Iowa 52240
(319) 887-6061

- ▶ Senior Center
- ▼ Transportation and Resource Management

- ▶ Parking
- ▶ Solid waste
- ▶ Transit

Staff directory

- ▶ Boards, commissions and committees

City Charter

City Code

- ▶ City Council
- ▶ City Manager's Office

Quick links

[City Code](#)
[City Council](#)
[Commodities, services and consulting bids](#)
[Construction project bids](#)
[Employment](#)
[Fire](#)
[Iowa City Public Library](#)

Connect

[E-subscriptions and newsletters](#)
[Events](#)
[Johnson County Emergency Notification System/Alert Iowa](#)
[News](#)
[Report an issue](#)
[Social media](#)


ICgov.org

[Accessibility](#)
[Employee resources](#)
[Links policy](#)
[Privacy policy](#)
[Social media policy](#)
[Warranties and disclaimers](#)

City of Iowa City

410 E. Washington St.
Iowa City, Iowa 52240
319-356-5000

Contact the webmaster

 Facebook

 Twitter

Housing Choice Landlord Guarantee Program

<p>Program Overview</p>	<p>Oregon Housing and Community Services (OHCS) was directed by the 77th Oregon Legislative Assembly to develop and implement the Housing Choice Landlord Guarantee Program. The Housing Choice Landlord Guarantee Program is designed to provide financial assistance to landlords to mitigate damages caused by tenants as a result of their occupancy under the HUD Housing Choice Voucher Program, also known as Section 8.</p>
<p>Eligibility Requirements</p>	<p>A landlord may apply for financial assistance to reimburse them for qualifying damages. To be eligible for the program, landlords must have leased to tenants through the HUD Housing Choice Voucher Program, also known as Section 8. Tenants with Housing Choice vouchers for veterans, also known as Veterans Affairs Supportive Housing or VASH vouchers, are also eligible. The damages to the residence must exceed normal wear and tear, and must have occurred after July 1, 2014.</p> <p>To qualify for program assistance, a landlord must first obtain a judgment against a tenant from a court in an Oregon county, in which either the tenant or the property is located.</p> <ul style="list-style-type: none"> a) The judgment must be from a circuit court, a small claims department of a circuit court, or a justice court; b) The time frame for appeal of the judgment must have expired without appeal or the judgment must otherwise not be subject to further judicial review. <p>Program assistance is limited to reimbursement for those amounts covered in a final judgment. Claim reimbursements may include expenses related to property damage, unpaid rent, or other damages satisfactorily described and documented in a claim from the landlord to OHCS. Property damage claims must include the following:</p> <ul style="list-style-type: none"> a) Property damage incurred after July 1, 2014; b) Property damage was caused as a result of a tenant’s occupancy, pursuant to a rental agreement under the Housing Choice Voucher Program at the time the damage was incurred; c) Damage to property exceeds normal wear and tear; and d) Expenses for repairs are in excess of \$500, but not more than \$5,000 per tenancy.
<p>Types of Program Assistance</p>	<ul style="list-style-type: none"> a) Partial Reimbursements: Program assistance may be available for damages in amounts less than \$500 when a partial amount is still owed on a judgment that is in excess of \$500. For example, if a landlord received a payment of \$400 on a \$700 judgment on qualifying damages, the landlord may seek reimbursement for the remaining \$300 owed to them under the judgment. b) Reimbursements up to \$5,000: Program assistance for damages up to \$5,000 may be provided on a judgment that is in excess of \$5,000. For example, if a landlord has a judgment for \$7,000 for qualifying damages, the landlord may see reimbursement for up to \$5,000 of the qualifying damages.
<p>Qualifying damages include</p>	<ul style="list-style-type: none"> a) Attorney fees, court costs, and interest; b) Loss of rental income during the time required for repairs to with respect to qualifying property damage; c) Lease-break fees; d) Pre-judgment and/or post-judgment interest; e) Other costs related to lease violations by a tenant such as repair labor, materials, disposal fees, etc.

2016 JAN 19 PM 1:26
 FILED
 CITY CLERK
 10 W. CLY. BLDG.

Continued -



	<p>A landlord may not seek, accept or retain program assistance from the department for amounts already paid for qualifying damages by the tenant or by a third party. If, after submitting a claim for program assistance, a landlord receives payment for any claimed damages from a tenant or a third party, the landlord must notify the department within ten (10) days of such payment. A landlord must provide restitution to the department for overpaid program assistance within forty-five (45) days. The department will maintain a record of program assistance provided to a landlord to assist in determining if there has been an overpayment of program assistance.</p>
<p>Program Delivery</p>	<p>A landlord must submit a claim for program assistance to the Department within one year of obtaining a judgment against a qualified tenant. The time frame for appeal of the judgment must have expired without appeal or the judgment must otherwise not be subject to further judicial review. The application is available online at http://www.oregon.gov/ohcs/Pages/housing-choicelandlord-guarantee-assistance.aspx. After submission of the application, OHCS will notify applicants if the application is incomplete within ten (10) days. OHCS will process applications and payments to landlords within forty-five (45) days.</p> <p>After receiving assistance, a landlord must file a satisfaction of judgment within thirty (30) days in the amount of any program assistance received from the department in the court from which the judgment against the tenant was obtained. A copy of this filed satisfaction of judgment must be delivered to the department within forty (40) days of the landlord's receipt of the program assistance.</p> <p>Tenants whose landlords have received a judgment against them and submitted claims for assistance will be requested to repay the assistance. OHCS will contact tenants to request repayment, and will assist in creating reasonable repayment plans. OHCS may waive or suspend debt owed by tenants as circumstances dictate. OHCS may also send the debt to the Department of Revenue for collection.</p>
<p>Program Assistance</p>	<p>Landlords who are considering renting to Housing Choice Voucher tenants who have had judgments filed against them may contact OHCS to determine whether the tenant is in compliance. Landlords should contact landlord.guarantee@oregon.gov, or 1-800-453-5511 (choose option 8), and should expect a response within two (2) business days. To receive this information, the landlord will need to provide a tenant's name and the judgment number.</p>
<p>For more information</p>	<p>Individuals with questions about the program should contact: Ernest Kirchner, Program Analyst Ernest.Kirchner@oregon.gov, or 1-800-453-5511 (choose option 8).</p>

FILED
 2016 JAN 13 PM 1:27
 CITY CLERK
 IOWA CITY, IOWA



Reasons why participation in the federally funded Housing Choice Voucher program should remain voluntary

1. Our Housing Authority already does a really good job

In 2014 the Housing Authority had a 98% utilization rate of vouchers and 97% utilization of public housing. (1, pg. 4) In fact, the Iowa City Housing Authority has had an average of 97% for the last 11 years while managing more vouchers than the Cedar Rapids Housing Authority. (1272 vs 1265) The Housing Authority achieved a "high performance status" in 2014. (1, pg. 4) According to the waiting lists, there are thousands of people who want to have a voucher. (1, pg.10-11) We allow a generous 120 days to secure a unit and give some extensions.

In the only study done by HUD of Section 8 success rates done after 2001, the average national success rate was 69%. (6) In a very tight market the average success rate of utilizing a voucher was 61%. Iowa City could be considered a very tight market.

Only 12% of voucher holders in our service area have trouble renting a unit. (4, pg. 51) Reasons include:

- Bad credit history
- A criminal record
- Poor past landlord references or eviction
- Insufficient security deposit
- "No Smoking" and "No Pet" policies
- Applying for a unit that is no longer available or is considered unaffordable by Housing Authority rules

All of these reasons would still be cause for non-success in renting even if Section 8 was considered a protected class.

When a voucher is returned unused, it is given to someone else on the waiting list resulting in our high utilization rate of 98-99%. Therefore, unlike other cities, there is no problem with Section 8 voucher holders obtaining a unit in the Iowa City area.

2. Section 8 is a voluntary Federal program

Many renters are just as impoverished but choose not to apply for a voucher. Voucher holders could be considered those who were the most motivated, or persistent, or those best assisted by social service agencies. To be eligible for Section 8 a household must be below 50% of area median income (AMI), however our Housing Authority ensures that 75% of new admissions have income less than 30% AMI. (2, pg. 15)

How many households could be eligible for Section 8 vouchers? About 30% of all households in Iowa City have income less than \$20k per year which is less than half median income (\$42k). (3, pg. 11) This is about 10,600 households. More than half are in the over 25 age group so are less likely to be students. All of these households could apply for Section 8 vouchers. In Iowa City the supply of rental units considered affordable to households making less than 30% AMI does not come close to accommodating all who need them. Affordable units and choice should be reserved for the vast majority who are competing for these units. Making Section 8 voucher holders a more favored group may be considered discriminatory against those who are eligible but choose not to apply.

Additionally, 42% of Iowa City households who are renters pay more than 50% of income for housing and are considered severely cost burdened. (3, pg. 22) This would include 27.7% of Whites, 31.4% of Blacks, 29.9% of Asians, and 36% of Hispanics. (4, pg. 45) By definition this would not include anyone on Section 8 who pays 30% of income for rent. Making Section 8 holders a more favored group may be considered discriminatory towards the severely cost burdened people who are not participating in the program.

3. If Section 8 is a protected class, then students (or occupation) could also be a protected class

We read in City Steps 2016-2020 that "Iowa City is committed to serve the needs of low and moderate income residents. Households with incomes less than 50% AMI, particularly those with incomes less than 30% AMI are particular priorities." (4, pg. 95)

Half of the population of Iowa City is under age 25, 34% are age 18-24 (3, pg. 4) and many are college students. The University is trying to entice more young people to come to Iowa City for the economic health of the city. The housing needs of impoverished students should not be discounted just because they are students. According to the City Steps document, non-related students do account for the most cost burdened and severely cost burdened population in the city. (4, pg. 27, 36) We should not assume that all students are supported by parents. Should students be a protected class in Iowa City? They are in Eugene, OR (7) and College Park, MD (8).

4. Disparate impact

Some say that disparate impact is the reason that the city should declare Section 8 to be a protected class. Others say that we should wait to see how the Supreme Court rules on this theory later this year. Prior court rulings regarding landlords have been mixed.

Interesting statistics in ICHA Participation rates by race of head of household (H01-1), individual and family:

- White: 59% of vouchers and public housing (1, pg. 8) with 79.7% population (6, pg. 38)
- Black: 38% of vouchers and public housing (1, pg. 8) with 5.6% population (6, pg. 38)
- "All other race": 3% of vouchers and public housing (1, pg. 8) with 5.3% Hispanic population (6, pg. 38) and 6.9% Asian population (6, pg. 38)

Blacks, Hispanics, and Asians are about equal in population and about equal in being severely cost burdened (4, pg. 42-46) but there is a large difference in use of Section 8 vouchers. (1, pg. 8) The waiting list shows an even more pronounced difference in participation rates. (1, pg. 11) To make Section 8 a protected class in Iowa City may be considered discriminatory against students and "all other races" - at least at this time.

5. Constitutional issues are not settled; there is no agreement about Section 8 being a lawful source of income

The 2010 State of Iowa civil rights ordinance does not include lawful source of income as a rationale for protective class status. The Iowa City Fair Housing Law does already include public source of income as a protected class, however Section 8 is not included. Section 8 has been held to not represent a source of income to the individual because it has no specific value and is a source of income to the landlord to whom it is directly paid. It is not reportable as income.

This issue is far from settled nationally. By 2014 there were 12 states, Washington D.C., and about 25 municipalities that included source of income as specifically protected but not all include housing vouchers. This list includes Iowa City. Wisconsin and California protect source of income but exclude housing vouchers.

Wisconsin courts ruled that it would be wrong to allow a state to make a voluntary federal program mandatory without the Congress clearly stating that that was its intent. A California appellate court upheld an owner's right to not participate in the Section 8 program finding that neither the tenant's voucher, nor the housing payments made under the program constitute "income" of the tenant. In debates about whether states and cities can make laws more restrictive than federal law, the Supremacy Clause of the U.S. Constitution has been cited as taking precedence. In looking at the beginning of Section 8_ it is seen that Congress viewed Section 8 as a voluntary federal program in which landlords would function as usual in the private marketplace.

2016 APR 21 1:26
IOWA CITY
COMMUNITY DEVELOPMENT
DEPARTMENT

Section 8 was enacted by Congress in 1974 with the goals of increasing the availability of affordable housing and maintaining landlord autonomy in the selection of tenants and management decisions. There is no direct requirement in the federal law or in HUD regulations that mandates landlord participation. In 1987 the Section 8 program was felt by some to not be working well and two new regulations were added. One regulation known as "take one, take all" stipulated that if a landlord took one Section 8 tenant they must not refuse others. The second regulation was known as "the endless lease" and denied landlords the possibility of ending a Section 8 lease for management reasons. Both of these regulations were repealed by Congress in 1996 because they made the situation worse for Section 8 tenants trying to get a rental unit.

- Is Section 8 a source of income to a tenant?
- Should local government enact legislation that conflicts with federal law?
- Is Section 8 helping to increase the availability of affordable housing or is it a flawed federal program? (The work of Howard Husock, expert on housing and urban policy, could be considered including his book America's Trillion Dollar Housing Mistake: The Failure of American Housing Policy.)

6. The Housing Authority is in a larger area than Iowa City

Iowa City's population of about 68,000 is a fraction of the urban area of 103,000 and Johnson County at 109,000. Similarly Iowa City accounts for about 68% of voucher use. (1, pg. 6) Many area residents find housing is less expensive in Coralville, North Liberty, Tiffin, and the smaller towns outside of Iowa City. Use of vouchers in all surrounding areas should be encouraged as should the building of affordable housing in those areas.

Some landlords own property in Iowa City and another municipality and could end up with different rules for different buildings.

7. Penalizing landlords

Courts have held that landlords may be able to prove a business necessity for not accepting Section 8 by showing that administrative costs of participating are too high. There may be some reluctance on the part of landlords who would fear damages beyond the security damage deposit and the lack of time or resources to pursue judgments. Indeed in the Iowa City Public Housing program, costs every year to maintain and repair units can be \$3200-\$3700 per unit per year including units that are not turning over. (1, pg. 7) This would represent about one third of rents collected. Private landlords may also be paying one fourth to one third of rents as property tax and would not make money with those kinds of maintenance costs.

It is not unusual for landlords to raise rates yearly as needed to cover costs and tenants choose to renew a lease or not as desired. It could be possible that Fair Market Rent could be exceeded disqualifying a Section 8 tenant from renewing. We note that Fair Market Rent decreased between 2014 and 2015.

All 1 bedroom, 2 bedroom etc. units are not equal in size, age, amenities, finishes, or locations. (This is similar to different brands of hotels.) Fair Market Rent cannot adjust for these differences. Older, less fancy units will always be closer to meeting Fair Market Rent. Mandating Section 8 participation will not lower the cost of doing business. Note that since Fair Market Rate is an average, some landlords who accept Section 8 may be getting paid more than a unit is worth.

- Doctors are not mandated to accept Medicare or Medicaid patients.
- Should landlords be mandated to participate in a voluntary federal program?

If a Housing Choice Voucher participant's employment is terminated they have the option to seek new employment to regain the lost income but if a Housing Choice Voucher participant is terminated from the

FILED
2016 JAN 13 PM 4:26
CITY CLERK
IOWA CITY, IOWA

Housing Choice Voucher program they don't have that option. There is a waiting period before they can reapply to participate in the program again. In many cases when the tenant's voucher is terminated they are unable to, or choose not to, pay rent. This unpaid rent is not covered by the Housing Choice Voucher program. Despite what some people believe, the payment of rent from the Housing Choice Voucher program is not guaranteed.

No current protected class requires a separate contract. The Housing Choice Voucher program requires landlords to agree to and sign a separate Housing Assistance Payments Contract (HAP Contract). Landlords who currently participate in the program sign this contract because they choose to. They know some of the terms in the HAP Contract may alter the original lease agreement signed by the landlord and tenant. If the Housing Choice Voucher program is deemed a protected source of income, the requirement to sign the HAP Contract should be eliminated.

8. Overview of problem

The concern about considering Section 8 as a protected class was first raised in a report attempting to analyze impediments to fair housing in Iowa City. (The city strongly objected to this report because it seemed to focus instead on impediments to affordable housing, which was seen as a different topic.) Fair Housing complaints are handled by the Human Rights Commission. Last year there were 52 complaints and 4 were related to housing. It is not known how many (if any) of the 4 had to do with Section 8 voucher use.

In City Steps 2016-2020 we read in several places "It should be noted that non-white groups have very small sample sizes and are therefore more prone to error. For each cost burden level, white households represent more than 82-88% of the jurisdiction as a whole, significantly influencing the overall trend". (4, pg. 39, 43, 45) With very small sample sizes, policy should be made cautiously while noting trends.

There are large numbers of the Iowa City population who are cost burdened in housing and are low income. Looking at a map of Iowa City of LMI (low and moderate income) concentrations, it appears that half of the acreage of town is included in that designation. (4, pg. 87) Indeed, older and less expensive housing exists in those areas. The rest of the town is already developed, leaving only the fringes and surrounding communities as possible places for more affordable housing.

Making Section 8 a protected class does not address the problems of increasing affordable housing or achieving public transportation to less expensive areas. Making Section 8 a protected class would infringe on landlord rights, may have unintended consequences, and could even be illegal.

Iowa City may have many issues to work on but Section 8 utilization of vouchers is not one of them.

FILED
2016 JAN 13 PM 1:26
CITY CLERK
IOWA CITY, IOWA

References:

1. Housing Authority Annual Report 2015, April 7, 2015 <http://www.icgov.org/site/CMSv2/file/housing/AnnualReportFY15scanning.pdf>
2. Iowa City Housing Authority 5-Year Plan 2015-2019, April 2015
<http://www.icgov.org/site/CMSv2/file/housing/IA022FY2015-2020v1.pdf>
3. Update to the 2007 Affordable Housing Market Analysis for the Iowa City Urbanized Area January 2015
<http://mpojc.org/docs/file/administration/FINALAffordableHousingUpdate-02022015.pdf>
4. City Steps 2016-2020 May 15, 2015
<http://www.icgov.org/site/CMSv2/file/planning/commDev/citySteps/CitySteps2016-202051514.pdf>
5. Iowa City Consolidated Annual Performance and Evaluation Report for FY14, September 2014
<http://www.icgov.org/site/CMSv2/file/planning/commDev/FY14CAPERFINAL.pdf>
6. <http://www.huduser.org/portal/publications/pubasst/sec8success.html>
7. <http://www.fhco.ore>
8. <http://mdrealtor.org/HousingPrograms/Fairflousing.aspx>

FILED
2016 JAN 13 PM 1:26
CITY CLERK
IOWA CITY, IOWA



6

CITY OF IOWA CITY MEMORANDUM

Date: January 15, 2016

To: Geoff Fruin, Assistant City Manager

From: Human Rights Coordinator/Equity Director Stefanie Bowers
Housing Authority Administrator Steve J. Rackis

Stefanie Bowers
Steve J. Rackis

Re: Council Agenda Item #6 - Staff Recommendation on including Housing Choice Voucher and other rental subsidies in the definition of Public Assistance Source of Income under the Human Rights Ordinance.

A memo from Human Rights Coordinator/Equity Director Stefanie Bowers and Housing Administrator Steve J. Rackis was included in the Agenda Packet of January 19, 2016, and responded to correspondence dated July 21, 2015 from the Greater Iowa City Area Apartment Association. However, the July correspondence was replaced by the Greater Iowa City Area Apartment Association on January 13, 2016 and included in your packet. The correspondence dated July 21, 2015 is attached to this memo. Staff is requesting for this item to be deferred to February 2 due to scheduling conflicts.



CITY OF IOWA CITY MEMORANDUM

Date: January 13, 2016

To: Geoff Fruin, Assistant City Manager

From: Human Rights Coordinator/Equity Director Stefanie Bowers *Stefanie Bowers*
Housing Authority Administrator Steve J. Rackis *Steve J. Rackis*

Re: Staff Recommendation on including Housing Choice Voucher and other rental subsidies in the definition of Public Assistance Source of Income under the Human Rights Ordinance.

Introduction:

On February 17, 2015, the Human Rights Commission made a recommendation to the City Council to include Housing Choice Voucher (Section 8) in the definition of Public Assistance Source of Income under the City's fair housing laws.¹ Including Housing Choice Voucher (HCV) or other rental subsidies in the definition would make it unlawful to refuse to rent or lease a rental housing unit to a person based only on their use of a HCV or rent subsidy. It would also prohibit directly or indirectly advertising, or in any other manner indicating or publicizing that a person is not welcome or not solicited because of use of a HCV or other rental subsidy.

Background:

The Housing Choice Voucher Program is funded by the U.S. Department of Housing and Urban Development (HUD) to increase affordable housing choices for low-income persons/families. It allows holders of a HCV to rent (lease) affordable privately owned rental units. The Iowa City Housing Authority administers the program and the Veteran's Affairs Supportive Housing Vouchers (VASH) for Johnson County, Iowa County and Washington County (North of Highway 92).

Under the Housing Choice Voucher Program, a person generally pays 30% of their adjusted monthly income for their portion of the rent. Monthly incomes are adjusted if specific deductions apply. Minimum rent is \$50 at the initial lease-up and a participant is not allowed to pay more than 40% of their monthly adjusted income towards their rent. An inspection of the housing unit is required prior to the Iowa City Housing Authority rental assistance payment. There is no cost to the landlord for the inspection.

Over the last year the Housing Choice Voucher Program has paid approximately \$6.5 million in housing assistance payments to landlords in Johnson County. The vouchers in use, as of December 15, 2015, in Iowa City (851) represented 4.8% of the total number of rental units in Iowa City (18,193). The total number of available HCV and VASH for the Iowa City Housing Authority is 1,292.

As part of the City of Iowa City 2014 Impediments to Fair Housing, a survey was conducted that found 31% or 63 individuals out of 210 HCV clients surveyed believed that HCV was the most common reason for discrimination in the area of housing in Johnson County.

¹ Public Assistance Source of Income currently excludes rent subsidies. See Human Rights Ordinance §2-1-1.

Over the last several months staff in the Human Rights Office and Neighborhood & Development Services Department (includes the Iowa City Housing Authority) evaluated this recommendation. Staff wanted to know whether the inclusion would adversely affect individuals who have lower incomes but are not participating in the program, or create any unforeseen consequences to affordable housing in Iowa City.

On May 26, staff met with the Greater Iowa City Area Apartment Association at their monthly meeting to discuss and received questions from them on the recommendation. On July 21, the Greater Iowa City Area Apartment Association stated they are not in support of the recommendation to include HCV in the definition of Public Assistance Source of Income via correspondence sent to the City Manager.

Feedback from Landlords:

The Greater Iowa City Area Apartment Association in its correspondence of July provides 8 reasons for "why participation in the federally funded Housing Choice Voucher Program should remain voluntary." The 8 reasons are italicized and a brief staff response follows each reason. A copy of the correspondence is attached to this memo.

1. Our Housing Authority already does a really good job.

A high utilization rate is helpful but it does not take into account whether applicants who use HCV are able to obtain rental units that would fit within their financial means throughout Iowa City. Currently 408 landlords participate in the Housing Choice Voucher Program and HCV/VASH utilization is 101.3%. Staff support for the inclusion of HCV in the definition of Public Assistance Source of Income is based on the fact that a person regardless of HCV status should be able to apply and be accepted for housing if they can afford the unit and meet the landlord's criteria. Those who hold a HCV are not being considered for affordable rental units because there are some landlords who refuse to consider them as applicants for their housing units. A high utilization rate does not prove that persons are able to rent housing units of their choice or in an area of their choice.

2. Section 8 is a voluntary federal program.

The Housing Choice Voucher is a voluntary federal program. However, the practice of landlords refusing to consider persons/families solely on the basis that they would use a HCV to offset their rent costs has already made all low-income families without assistance a "more favored group" than persons/families receiving assistance from a HCV. There is an assumption that persons who receive rental subsidies are not cost burdened. The inclusion of HCV in the definition of Public Assistance Source of Income levels the field for all low-income families because landlords would be required to treat all applicants equally.

3. If Section 8 is a protected class, then students (or occupation) could also be a protected class.

The purpose of including HCV in the definition of Public Assistance Source of Income is to create more housing opportunities for those who use a HCV. In general when "students" are a protected characteristic it is usually to counteract the policies and practices of landlords who prefer not to rent to students based on arbitrary beliefs that students will bother other residents and damage property as opposed to their socio-economic status.

4. *Disparate Impact.*

The U.S. Census Bureau, 2009-2013 5-Year American Community Survey reports that the racial and ethnic demographics of Iowa City is as follows. These percentages are compared to the Iowa City Housing Authority head of household racial and ethnic demographics for HCV participants for calendar year 2015.

U.S. Census Bureau, 2009-2013

White = 57, 207 (82.5%)
Black/African American = 3, 825 (5.5%)
American Indian and Alaska Native = 257 (.37%)
Asian = 4,913 (7.0%)
Native Hawaiian and Pacific Islander = 164 (.23%)
Hispanic/Latino = 3,627 (5.2%)

HCV Participants as of November 24, 2015

White = 724 (56.8%)
Black/African American = 509 (39.9%)
American Indian and Alaska Native = 7 (.5%)
Asian = 14 (1.1%)
Native Hawaiian and Pacific Islander = 5 (.4%)
Hispanic = 48 (3.8%)

Under the Fair Housing Act "Disparate Impact" is a legal doctrine that states that "a policy may be considered discriminatory if it has a disproportionate adverse impact against any group based on race, national origin, color, religion, sex, familial status, or disability when there is no legitimate, non-discriminatory business need for the policy."² There is no indication that including HCV in the definition of Public Assistance Source of Income would cause disparate impacts on persons based on race, national origin, color, religion, sex, familial status or disability.

5. *Constitutional issues are not settled; there is no agreement about Section 8 being a lawful source of income.*

The current definition of Public Assistance Source of Income is defined in the Human Rights Ordinance as "income and support derived from any tax supported federal, state or local funds." The recommendation if approved would add HCV and other rental subsidies to the list of other named bases for support.

Across the country 12 states, 9 counties and 18 cities include rent subsidies in their fair housing laws and have done so without any challenge from HUD. Marion is the only city in Iowa that currently provides protection; the Iowa Civil Rights Act (state) and the Fair Housing Act (federal) do not.³ Even though neither the appellate courts in Iowa nor the federal appellate court for Iowa have ruled on this issue, a strong case can be made that there is no preemption and/or that there is no conflict between a local ordinance that makes landlord participation mandatory and the federal law that makes it voluntary.

6. *The Housing Authority is in a larger area than Iowa City.*

Iowa City's fair housing laws currently offer greater protection than exists at the state or federal level and so landlords with properties in other areas are already working with different fair housing laws. Including HCV in the definition of Public Assistance Source of Income does not create an administrative burden to landlords with properties outside of Iowa City.⁴ Landlords should be using the same application process for accepting/rejecting potential tenants regardless of where the property exists.

² National Fair Housing Alliance Disparate Impact, <http://www.nationalfairhousing.org/PublicPolicy/DisparateImpact/tabid/4264/Default.aspx>.

³ See *Landlord Discrimination Against Section 8 Vouchers Outlawed* by David Mark Simpson Santa Monica Daily Press, May 7, 2015.

⁴ The Iowa City Housing Authority's jurisdiction is Johnson County, Iowa County, and Washington County (North of Highway 92). Most persons who hold a HCV reside in Johnson County and this percentage "mirrors where the general population resides in Johnson County."

7. Penalizing Landlords.

The Housing Assistance Payments (HAP) Contract is a regulatory requirement.⁵

8. Overview of Problem.

Every resident or potential resident to this community should be allowed the opportunity to apply for and reside in a housing unit of their choice. Across the country 12 states, 9 counties and 18 cities include rent subsidies in their fair housing laws and have done so without any challenge from HUD. Even though neither the appellate courts in Iowa nor the federal appellate court for Iowa have ruled on this issue, a strong case can be made that there is no preemption and/or that there is no conflict between a local ordinance that makes landlord participation mandatory and the federal law that makes it voluntary.

Recommendation:

It is staff's recommendation that the City Council amend the Human Rights Ordinance to include "HCV and similar rent subsidy programs" in the definition of Public Assistance Source of Income. If a person who uses a HCV applies to rent a housing unit but does not meet the landlord's selection criteria required for all applicants, the application can be denied for those reasons. But if the person meets the selection criteria required for all applicants a landlord cannot refuse to rent to that person. To refuse to rent (lease) to a person because the person will use a rental subsidy is not a practice that supports the values of this community and is contrary to our commitment to fair housing.

⁵ The main regulation for this program is 24 Code of Federal Regulations Part 982.451 – 982.456.

Greater Iowa City Area Apartment Association

P.O.Box 1765
Iowa City, IA 52244
www.gicaa.org

2015 - 2016 Board:

President –
Chris Villhauer

Vice-President –
Tony Vespa

Secretary –
Michelle Lamkins

Treasurer –
Mark Rugeberg

David Kacena

Jim Houghton

Blaine Thomas

Celeste Holloway

July 21, 2015

City of Iowa City
Tom Markus, City Manager
410 E. Washington Street
Iowa City, IA 52240

Dear Mr. Markus,

This correspondence is concerning a recommendation to the City Council to include Housing Choice Voucher (Section 8) in the definition of Public Assistance Source of Income. The Greater Iowa City Apartment Association is a local non-profit organization whose membership includes owners of rental property, managers of rental units, or those associated with either.

Many of our members currently participate in the Housing Choice Voucher program and have a great working relationship with Housing Administrator, Steven Rackis and his staff. We have enjoyed having Mr. Rackis as a guest speaker at our meetings many times.

The Greater Iowa City Apartment Association helps to promote Fair Housing education in order to achieve equal housing opportunities for all. The attached information explains why the choice to participate in this federally funded program should remain voluntary by both tenants and landlords.

The Greater Iowa City Apartment Association would like to work with the Iowa City Housing Authority, the Human Rights Commission, and any other group or commission that you, or the City Council, feel would be beneficial in working towards the housing goals of the City of Iowa City.

If you have any questions please let me know. Thank you for your time.

Sincerely,



Chris Villhauer
President
Greater Iowa City Apartment Association
apartmentassoc@gmail.com
www.gicaa.org

Reasons why participation in the federally funded Housing Choice Voucher program should remain voluntary

1. Our Housing Authority already does a really good job

In 2014 the Housing Authority had a 98% utilization rate of vouchers and 97% utilization of public housing. (1, pg. 4) In fact, the Iowa City Housing Authority has had an average of 97% for the last 11 years while managing more vouchers than the Cedar Rapids Housing Authority. (1272 vs 1265) The Housing Authority achieved a "high performance status" in 2014. (1, pg. 4) According to the waiting lists, there are thousands of people who want to have a voucher. (1, pg.10-11) We allow a generous 120 days to secure a unit and give some extensions.

In the only study done by HUD of Section 8 success rates done after 2001, the average national success rate was 69%. (6) In a very tight market the average success rate of utilizing a voucher was 61%. Iowa City could be considered a very tight market.

Only 12% of voucher holders in our service area have trouble renting a unit. (4, pg. 51) Reasons include:

- Bad credit history
- A criminal record
- Poor past landlord references or eviction
- Insufficient security deposit
- "No Smoking" and "No Pet" policies
- Applying for a unit that is no longer available or is considered unaffordable by Housing Authority rules

All of these reasons would still be cause for non-success in renting even if Section 8 was considered a protected class.

When a voucher is returned unused, it is given to someone else on the waiting list resulting in our high utilization rate of 98-99%. Therefore, unlike other cities, there is no problem with Section 8 voucher holders obtaining a unit in the Iowa City area.

2. Section 8 is a voluntary Federal program

Many renters are just as impoverished but choose not to apply for a voucher. Voucher holders could be considered those who were the most motivated, or persistent, or those best assisted by social service agencies. To be eligible for Section 8 a household must be below 50% of area median income (AMI), however our Housing Authority ensures that 75% of new admissions have income less than 30% AMI. (2, pg. 15)

How many households could be eligible for Section 8 vouchers? About 30% of all households in Iowa City have income less than \$20k per year which is less than half median income (\$42k). (3, pg. 11). This is about 10,600 households. More than half are in the over 25 age group so are less likely to be students. All of these households could apply for Section 8 vouchers. In Iowa City the supply of rental units considered affordable to households making less than 30% AMI does not come close to accommodating all who need them. Affordable units and choice should be reserved for the vast majority who are competing for these units. Making Section 8 voucher holders a more favored group may be considered discriminatory against those who are eligible but choose not to apply.

Additionally, 42% of Iowa City households who are renters pay more than 50% of income for housing and are considered severely cost burdened. (3, pg. 22) This would include 27.7% of Whites, 31.4% of Blacks, 29.9% of Asians, and 36% of Hispanics. (4, pg. 45) By definition this would not include anyone on Section 8 who pays 30% of income for rent. Making Section 8 holders a more favored group may be considered discriminatory towards the severely cost burdened people who are not participating in the program.

3. If Section 8 is a protected class, then students (or occupation) could also be a protected class

We read in City Steps 2016-2020 that "Iowa City is committed to serve the needs of low and moderate income residents. Households with incomes less than 50% AMI, particularly those with incomes less than 30% AMI are particular priorities." (4, pg. 95)

Half of the population of Iowa City is under age 25, 34% are age 18-24 (3, pg. 4) and many are college students. The University is trying to entice more young people to come to Iowa City for the economic health of the city. The housing needs of impoverished students should not be discounted just because they are students. According to the City Steps document, non-related students do account for the most cost burdened and severely cost burdened population in the city. (4, pg. 27, 36) We should not assume that all students are supported by parents. Should students be a protected class in Iowa City? They are in Eugene, OR (7) and College Park, MD (8).

4. Disparate impact

Some say that disparate impact is the reason that the city should declare Section 8 to be a protected class. Others say that we should wait to see how the Supreme Court rules on this theory later this year. Prior court rulings regarding landlords have been mixed.

Interesting statistics in ICHA Participation rates by race of head of household (H01-1), individual and family:

- White: 59% of vouchers and public housing (1, pg. 8) with 79.7% population (6, pg. 38)
- Black: 38% of vouchers and public housing (1, pg. 8) with 5.6% population (6, pg. 38)
- "All other race": 3% of vouchers and public housing (1, pg. 8) with 5.3% Hispanic population (6, pg. 38) and 6.9% Asian population (6, pg. 38)

Blacks, Hispanics, and Asians are about equal in population and about equal in being severely cost burdened (4, pg. 42-46) but there is a large difference in use of Section 8 vouchers. (1, pg. 8) The waiting list shows an even more pronounced difference in participation rates. (1, pg. 11) To make Section 8 a protected class in Iowa City may be considered discriminatory against students and "all other races" - at least at this time.

5. Constitutional issues are not settled; there is no agreement about Section 8 being a lawful source of income

The 2010 State of Iowa civil rights ordinance does not include lawful source of income as a rationale for protective class status. The Iowa City Fair Housing Law does already include public source of income as a protected class, however Section 8 is not included. Section 8 has been held to not represent a source of income to the individual because it has no specific value and is a source of income to the landlord to whom it is directly paid. It is not reportable as income.

This issue is far from settled nationally. By 2014 there were 12 states, Washington D.C., and about 25 municipalities that included source of income as specifically protected but not all include housing vouchers. This list includes Iowa City. Wisconsin and California protect source of income but exclude housing vouchers.

Wisconsin courts ruled that it would be wrong to allow a state to make a voluntary federal program mandatory without the Congress clearly stating that that was its intent. A California appellate court upheld an owner's right to not participate in the Section 8 program finding that neither the tenant's voucher, nor the housing payments made under the program constitute "income" of the tenant. In debates about whether states and cities can make laws more restrictive than federal law, the Supremacy Clause of the U.S. Constitution has been cited as taking precedence. In looking at the beginning of Section 8_ it is seen that Congress viewed Section 8 as a voluntary federal program in which landlords would function as usual in the private marketplace.

Section 8 was enacted by Congress in 1974 with the goals of increasing the availability of affordable housing and maintaining landlord autonomy in the selection of tenants and management decisions. There is no direct requirement in the federal law or in HUD regulations that mandates landlord participation. In 1987 the Section 8 program was felt by some to not be working well and two new regulations were added. One regulation known as "take one, take all" stipulated that if a landlord took one Section 8 tenant they must not refuse others. The second regulation was known as "the endless lease" and denied landlords the possibility of ending a Section 8 lease for management reasons. Both of these regulations were repealed by Congress in 1996 because they made the situation worse for Section 8 tenants trying to get a rental unit.

- Is Section 8 a source of income to a tenant?
- Should local government enact legislation that conflicts with federal law?
- Is Section 8 helping to increase the availability of affordable housing or is it a flawed federal program? (The work of Howard Husock, expert on housing and urban policy, could be considered including his book America's Trillion Dollar Housing Mistake: The Failure of American Housing Policy.)

6. The Housing Authority is in a larger area than Iowa City

Iowa City's population of about 68,000 is a fraction of the urban area of 103,000 and Johnson County at 109,000. Similarly Iowa City accounts for about 68% of voucher use. (1, pg. 6) Many area residents find housing is less expensive in Coralville, North Liberty, Tiffin, and the smaller towns outside of Iowa City. Use of vouchers in all surrounding areas should be encouraged as should the building of affordable housing in those areas.

Some landlords own property in Iowa City and another municipality and could end up with different rules for different buildings.

7. Penalizing landlords

Courts have held that landlords may be able to prove a business necessity for not accepting Section 8 by showing that administrative costs of participating are too high. There may be some reluctance on the part of landlords who would fear damages beyond the security damage deposit and the lack of time or resources to pursue judgments. Indeed in the Iowa City Public Housing program, costs every year to maintain and repair units can be \$3200-\$3700 per unit per year including units that are not turning over. (1, pg. 7) This would represent about one third of rents collected. Private landlords may also be paying one fourth to one third of rents as property tax and would not make money with those kinds of maintenance costs.

It is not unusual for landlords to raise rates yearly as needed to cover costs and tenants choose to renew a lease or not as desired. It could be possible that Fair Market Rent could be exceeded disqualifying a Section 8 tenant from renewing. We note that Fair Market Rent decreased between 2014 and 2015.

All 1 bedroom, 2 bedroom etc. units are not equal in size, age, amenities, finishes, or locations. (This is similar to different brands of hotels.) Fair Market Rent cannot adjust for these differences. Older, less fancy units will always be closer to meeting Fair Market Rent. Mandating Section 8 participation will not lower the cost of doing business. Note that since Fair Market Rate is an average, some landlords who accept Section 8 may be getting paid more than a unit is worth.

- Doctors are not mandated to accept Medicare or Medicaid patients.
- Should landlords be mandated to participate in a voluntary federal program?

If a Housing Choice Voucher participant's employment is terminated they have the option to seek new employment to regain the lost income but if a Housing Choice Voucher participant is terminated from the

Housing Choice Voucher program they don't have that option. There is a waiting period before they can reapply to participate in the program again. In many cases when the tenant's voucher is terminated they are unable to, or choose not to, pay rent. This unpaid rent is not covered by the Housing Choice Voucher program. Despite what some people believe, the payment of rent from the Housing Choice Voucher program is not guaranteed.

No current protected class requires a separate contract. The Housing Choice Voucher program requires landlords to agree to and sign a separate Housing Assistance Payments Contract (HAP Contract). Landlords who currently participate in the program sign this contract because they choose to. They know some of the terms in the HAP Contract may alter the original lease agreement signed by the landlord and tenant. If the Housing Choice Voucher program is deemed a protected source of income, the requirement to sign the HAP Contract should be eliminated.

8. Overview of problem

The concern about considering Section 8 as a protected class was first raised in a report attempting to analyze impediments to fair housing in Iowa City. (The city strongly objected to this report because it seemed to focus instead on impediments to affordable housing, which was seen as a different topic.) Fair Housing complaints are handled by the Human Rights Commission. Last year there were 52 complaints and 4 were related to housing. It is not known how many (if any) of the 4 had to do with Section 8 voucher use.

In City Steps 2016-2020 we read in several places "It should be noted that non-white groups have very small sample sizes and are therefore more prone to error. For each cost burden level, white households represent more than 82-88% of the jurisdiction as a whole, significantly influencing the overall trend". (4, pg. 39, 43, 45) With very small sample sizes, policy should be made cautiously while noting trends.

There are large numbers of the Iowa City population who are cost burdened in housing and are low income. Looking at a map of Iowa City of LMI (low and moderate income) concentrations, it appears that half of the acreage of town is included in that designation. (4, pg. 87) Indeed, older and less expensive housing exists in those areas. The rest of the town is already developed, leaving only the fringes and surrounding communities as possible places for more affordable housing.

Making Section 8 a protected class does not address the problems of increasing affordable housing or achieving public transportation to less expensive areas. Making Section 8 a protected class would infringe on landlord rights, may have unintended consequences, and could even be illegal.

Iowa City may have many issues to work on but Section 8 utilization of vouchers is not one of them.

References:

1. Housing Authority Annual Report 2015, April 7, 2015 <http://www.icgov.org/site/CMSv2/file/housing/AnnualReportFY15scanning.pdf>
2. Iowa City Housing Authority 5-Year Plan 2015-2019, April 2015
<http://www.icgov.org/site/CMSv2/file/housing/IA022FY2015-2020v1.pdf>
3. Update to the 2007 Affordable Housing Market Analysis for the Iowa City Urbanized Area January 2015
<http://mpojc.org/docs/file/administration/FINALAffordableHousingUpdate-02022015.pdf>
4. City Steps 2016-2020 May 15, 2015
<http://www.icgov.org/site/CMSv2/file/planning/commDev/citySteps/CitySteps2016-202051514.pdf>
5. Iowa City Consolidated Annual Performance and Evaluation Report for FY14, September 2014
<http://www.icgov.org/site/CMSv2/file/planning/commDev/FY14CAPERFINAL.pdf>
6. <http://www.huduser.org/portal/publications/pubasst/sec8success.html>
7. <http://www.fhco.ore>
8. <http://mdrealtor.org/HousingPrograms/Fairflousing.aspx>

#6

PLEASE INCLUDE
THIS INFORMATION
EVERY TIME THE
SECTION 8 DISCUSSION
IS ON THE CITY
COUNCIL AGENDA.

Greater Iowa City Area Apartment Assoc
P.O.Box 1765
Iowa City, IA. 52244
www.gicaa.org

THANK YOU

Regarding Section 8 source of income protected class:

In a November 17, 2015 memo from Stefanie Bowers to Tom Markus we read "Including participation in the HCV program to the definition of Public Assistance Source of Income simply requires those renting housing units to treat all applicants equally."

This is **Not True**.

1. Landlords participating with Section 8 are obligated to sign a HUD document, the HAP contract.

Section 8 is a Federal Program which is voluntary for tenants and landlords. There is no Federal or Iowa State law mandating that landlords participate.

The terms of the HAP contract are different than for other tenants, especially Part B,#4 which spells out all the possible reasons that the HAP contract and therefore the lease will terminate. In addition Part B, 7c2 states "The amount of the PHA housing assistance payment is subject to change during the HAP contract term in accordance with HUD requirements. The PHA must notify the family and the owner of any changes in the amount of the housing assistance payment."

All City Councilors should read the 12 page HAP contract to understand that it is neither simple, nor the same as for other tenants.

No other protected classes or source of income require such a contract in addition to the regular lease.

2. Landlords and property managers with properties inside and outside the Iowa City limits will present tenants with 2 sets of rules.

Currently 68% of vouchers are used in Iowa City and the rest are spread throughout Johnson County and parts of other counties.

Section 8 tenants are limited to units at Fair Market Rent. This is a complicated calculation by HUD set at 40% of 2 bedroom gross rents reported in the American Community Survey over a 5 year period ending 3 years before it applies and then making some mathematical adjustments. In 2014 the American Community Survey canvassed about 350 renters in Johnson County out of about 21,200 units. Only people reporting on 2 bedroom units will be counted in future Fair Market Rents. This is a tiny sample! Depending on who is surveyed each year, Fair Market Rate will rise or fall. (Indeed, the national association of directors of all the Public Housing Authorities write

2015
MAY 12 11:00 AM
CITY OF IOWA CITY

EXHIBIT A

FY16 Annual Action Plan Substantial Amendment #3 December 2015

The City of Iowa City proposes the addition of one new CDBG (Community Development Block Grant) funded project titled, "Neighborhood Recreation Improvements," for \$25,000 to enhance Highland Park located in a low- to moderate-income neighborhood. Additionally, the City proposes reducing the amount of CDBG funding from \$75,000 to \$50,000 for the existing project titled, "Streetscape Improvement, Tract 18.01 and 18.02." The combination of these two changes amounts to a reallocation of funding between projects and does not affect the overall total of federal funds. The proposed amendment is detailed on the following page.

The City Council will consider this recommendation on February 2, 2016 following a 30-day public comment period and the amendment will be submitted to the U.S. Department of Housing and Urban Development (HUD) following City Council approval.

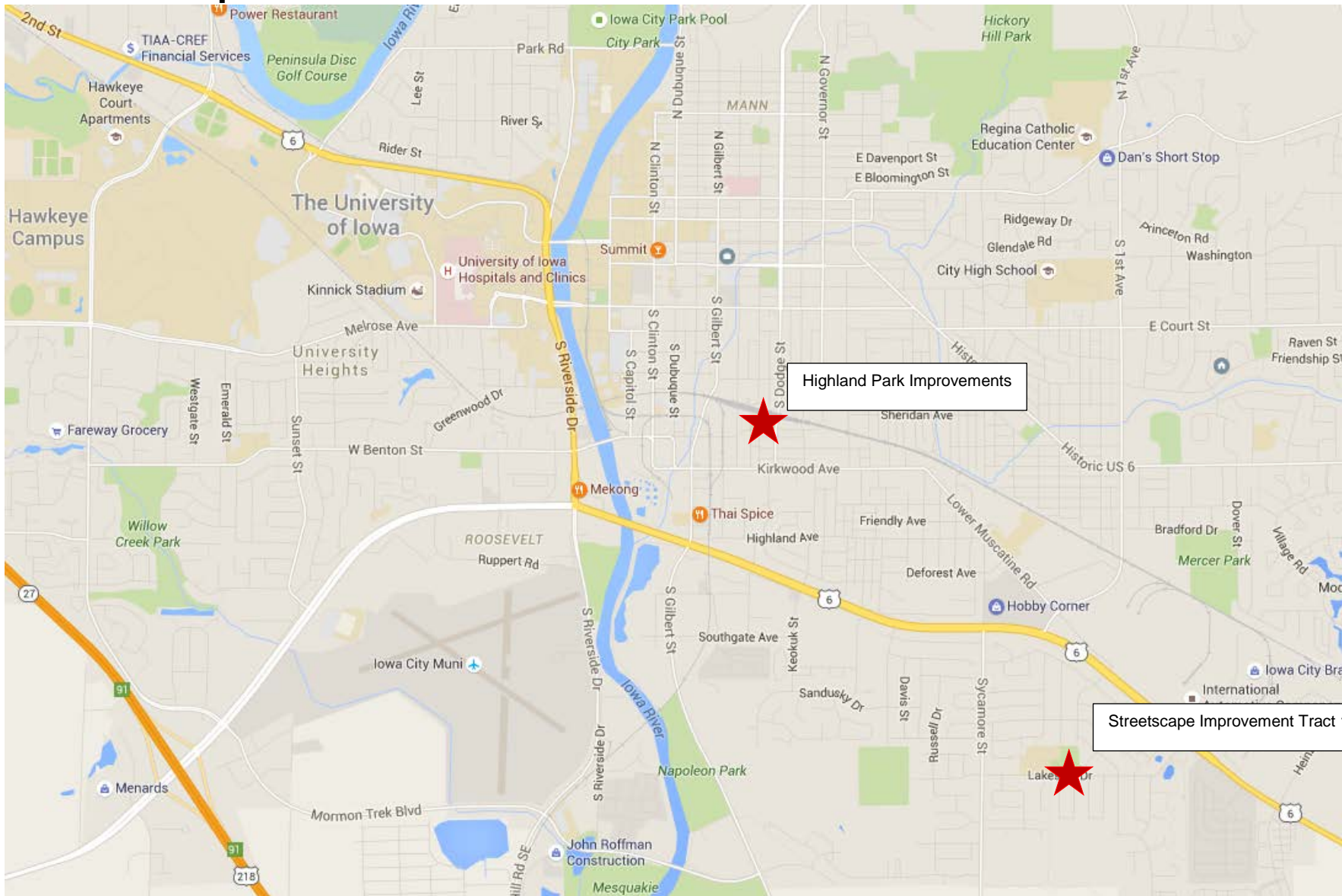
Jurisdiction: City of Iowa City, Iowa	Contact Person
Jurisdiction Web Address: http://www.icgov.org/actionplan	Tracy Hightshoe Neighborhood Services Coordinator 410 E. Washington Street Iowa City, IA 52240 319.356.5244 Tracy-Hightshoe@iowa-city.org

Proposed Amendment

Project Name	Streetscape Improvements - Tract 18
Target Area	
Goals Supported	Improve/maintain public infrastructure/amenities
Needs Addressed	Infrastructure Maintenance & Improvement
Funding	CDBG: \$50,000
Description	Construction of curb cuts truncated domes for increased accessibility, and other general streetscape improvement activities.
Target Date	10/15/2016
Estimate the number and type of families that will benefit from the proposed activities	1,936 persons in Census block group 1, Census tract 18.01
Location Description	Street intersections on Lakeside Drive between Whispering Prairie and Aniston.
Planned Activities	Streetscape and accessibility improvements

Project Name	Highland Park Improvements
Target Area	Lucas Farms Neighborhood
Goals Supported	Improve/maintain public infrastructure/amenities
Needs Addressed	Infrastructure Maintenance & Improvements
Funding	CDBG: \$25,000
Description	Playground equipment and landscaping enhancements
Target Date	10/15/2016
Estimate the number and type of families that will benefit from the proposed activities	1,359 persons in Census block group 3, Census tract 17
Location Description	Highland Park, 750 Highland Avenue
Planned Activities	Playground equipment and landscaping enhancements

Location Map



Publication Notice

Iowa City Press Citizen

January 22, 2016

PUBLIC MEETING NOTICE FY16 Annual Action Plan Amendment #3

The City Council will hold a public meeting, accept comments, and consider approval of Iowa City's FY16 Annual Action Plan Amendment #3 on February 2, 2016. The meeting will be held at City Hall, Emma Harvat Hall, 410 East Washington Street at 7:00 p.m.

The Annual Action Plan is a portion of Iowa City's Consolidated Plan (a.k.a. CITY STEPS). The Annual Action Plan includes information on the proposed use of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds for housing, jobs, and services for low-moderate income persons. The Annual Action Plan outlines proposed activities and their budgets.

If adopted, the FY2016 Action Plan Amendment #3 proposes the following changes in CDBG-funded projects:

1. Reduce the amount of funds for the existing FY16 project titled, "Streetscape Improvement, Tract 18.01 & 18.02," from \$75,000 to \$50,000
2. Create a new project titled, "Neighborhood Recreation Improvements," for \$25,000 to enhance Highland Park

Copies of the proposed amendment is available from the Neighborhood and Development Services Department, 410 East Washington Street; the Iowa City Public Library, 123 S. Linn Street; or on Iowa City's web site (www.icgov.org/actionplan). Additional information is available by calling 356-5230.

Comments may be submitted in writing to the Neighborhood and Development Services Department at the address above or by email to Kristopher-Ackerson@iowa-city.org. If you require special accommodations or language translation please contact Tracy Hightshoe at 356-5230 or 356-5493 TTY at least seven (7) days prior to the meeting.

Public Comments Received with Staff Response

The 30-day public comment period for the FY16 Annual Action Plan Amendment #3 starts December 31, 2015 and ends January 30, 2016. The City Council is holding a public meeting on February 2, 2016.

Comments Received:

None

Staff Response:

N/A

Prepared by: Kris Ackerson, Neighborhood Services, 410 E. Washington St., Iowa City, IA 52240 319.356.5230

RESOLUTION NO. _____

RESOLUTION ADOPTING IOWA CITY'S FY2016 ANNUAL ACTION PLAN AMENDMENT #3, WHICH IS A SUB-PART OF IOWA CITY'S 2016-2020 CONSOLIDATED PLAN (CITY STEPS), AUTHORIZING THE CITY MANAGER TO SUBMIT SAID PLAN AND ALL NECESSARY CERTIFICATIONS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the U.S. Department of Housing and Urban Development requires the City of Iowa City, Iowa, to prepare and submit an Annual Action Plan as part of the City's Consolidated Plan (CITY STEPS) to plan for the use of federal funds to assist lower income residents with housing, jobs and services; and

WHEREAS, the City proposes to amend the FY2016 Annual Action Plan by adding one new CDBG (Community Development Block Grant) funded project titled, "Neighborhood Recreation Improvements," for \$25,000 to enhance Highland Park located in a low- to moderate-income neighborhood; and

WHEREAS, the City proposes to amend the FY2016 Annual Action Plan by reducing the amount of CDBG funding from \$75,000 to \$50,000 for the existing project titled, "Streetscape Improvement, Tract 18.01 and 18.02;" and

WHEREAS, the combination of these two changes does not affect the overall total of federal funds apportioned by the City of Iowa City;

WHEREAS, according to CITY STEPS, said amendment is considered a substantial change to the FY2016 Annual Action Plan and requires City Council approval; and

WHEREAS, the City has disseminated information soliciting public input at the February 2, 2016 City Council meeting on the proposed Amendment #3; and

WHEREAS, the FY2016 Annual Action Plan Amendment #3 contains the allocation of CDBG funds attached hereto as Exhibit A; and

WHEREAS, adoption of the Amended FY2016 Annual Action Plan is required by the U.S. Department of Housing and Urban Development; and

WHEREAS, the City Council finds that the public interest will be served by the adoption of the Amended FY2016 Annual Action Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IOWA CITY, IOWA, THAT:

1. The City of Iowa City's Amendment #3 to the FY16 Annual Action Plan, copies of which are filed in the Neighborhood and Development Services Department and Iowa City Public Library, are hereby approved and adopted.
2. The City Manager of Iowa City is hereby authorized and directed to submit the applicable documentation for the City of Iowa City's Amended FY2016 Annual Action Plan to the U.S. Department of Housing and Urban Development to provide all the necessary certifications required by the U.S. Department of Housing and Urban Development in connection with said Plan.

Passed and approved this _____ day of _____, 2016.

Resolution No. _____
Page 2

MAYOR

Approved by

ATTEST: _____
CITY CLERK

City Attorney's Office



2016 NATIONAL COMMUNITY DEVELOPMENT WEEK PLANNING GUIDANCE

National Community Development Week: March 28 – April 2, 2016



**CDBG: 42 Years of Building Strong Communities
HOME: 25 Years of Providing Decent, Safe, Affordable Housing**

National CD Week: 30 Years of Showcasing CDBG National Community Development Week: March 28 – April 2, 2016

The 2016 National Community Development (CD) Week will be celebrated **March 28 – April 2, 2016**. It provides the opportunity for grantees to reach out to their Congressional Members, showcase projects and programs, and involve the local community, including other local government departments, sub-recipients, beneficiaries, citizens, and community groups in the week-long celebration. This guidebook is intended to help you with the planning and implementation of your National CD Week activities. Real life examples from the winners of the 2015 John Sasso Community Development Achievement Award are incorporated into this guidebook to show how communities from across the country plan and celebrate National CD Week.

WHY NATIONAL COMMUNITY DEVELOPMENT WEEK?

The National Community Development Association (NCDCA) created National Community Development Week in 1986 – 30 years ago – to bring national attention to CDBG at a time when the program was facing scrutiny by Congress. National Community Development Week provides the opportunity for you to promote awareness, education and advocacy of both CDBG and HOME. NCDCA is proud to lead the annual National Community Development Week campaign and work with its membership, the U.S. Conference of Mayors, and other national partners to educate Congressional Members, the media, and the local citizenry on the impact and merits of CDBG and HOME in local communities nationwide – and the need for more funding. It is intentionally held during the height of the Congressional appropriations season to allow a concerted grassroots focus on increasing funding for CDBG and HOME. With continued pressures to reduce federal funding, it is imperative that your Congressional Member hear from you during National Community Development Week. We need every grantee to participate.

Please join us in the 2016 National CD Week campaign. Please contact Vicki Watson, NCDCA Executive Director, at vicki@ncdaonline.org with any questions regarding National Community Development Week.

NATIONAL COMMUNITY DEVELOPMENT WEEK ACTION ITEMS

Organize the Working Group and Establish a Timeline

The first step to a successful National Community Development (CD) Week campaign is organizing a working group to plan and implement the CD Week activities. A lead staff person should be appointed to shepherd the process and assignments given to working group members to accomplish the CD Week activities. Involve other departments and groups who receive CDBG and HOME funds. The working group must meet regularly to ensure the CD Week activities are planned and implemented on time. The working group should establish a timeline and assignments early on in the process. In addition to the events, staff need to be assigned to gather the data for the CDBG and HOME fact sheets, and develop the press release and the proclamation (examples are attached).

Examples from the Field

Palm Springs, CA and Albany, GA

The City of Palm Springs' Community and Economic Development Department worked with its CDBG Citizens' Advisory Council (CAC) to commemorate National Community Development Week. Likewise,

the City of Albany (GA) Department of Community and Economic Development worked with its Community Development Council Members and other partners to collaborate and plan for the commemoration of National CD Week.

Arlington, TX

The City of Arlington, TX established a National Community Development Week planning committee which consisted of various stakeholders. The planning committee met regularly and focused on the following activities: (1) gathered data and facts on CDBG and HOME dollars within the City of Arlington; (2) developed press releases and formal invitations to the Open House; (3) created fliers and infographics on CDBG and HOME accomplishments; (4) participated in the United Way of Arlington “Report to the Community” which focused on identifying the needs of Arlington residents; (5) organized a ribbon cutting event showcasing grant dollars at work and beneficiaries of those grant programs; and (6) attended a Fair Housing Symposium by the City of Dallas. The committee obtained the support of the Mayor and City Council which recognized the month of April as National Community Development Month, instead of one week.

Decide Upon the CD Week Activities

Public support and involvement from your Congressional Members, community groups, media, business and community leaders, and program beneficiaries is vital. Focus your efforts on the following activities.

National CD Week Suggested Activities

Issue a Press Release and Proclamation

Issue a press release announcing March 28 – April 2, 2016 as National Community Development Week. Follow-up with passage of a National Community Development Week proclamation by your local elected body. Send the press release to local media outlets and the proclamation to your Congressional Delegation. These activities require minimal effort and can be undertaken by every grantee. A sample press release and proclamation are attached.

Meet with Your Congressional Delegation or Provide an Educational Video and Other Materials

Meeting with your Congressional Members or their staff is one of the most effective ways of advocating for CDBG and HOME because it affords Congressional Members the opportunity to hear first-hand how the funds are being used in their District. If you are unable to meet with your Congressional Members, send a letter, video, or fact sheet outlining the accomplishments of your CDBG and HOME programs. A sample fact sheet is located at the back of this guidebook.

Examples from the Field

Hollywood, FL

Vice-Mayor, Kevin Biederman, met with some of the area’s federal representatives to advocate for more CDBG and HOME funds, including Congressman Mario Diaz-Balart (R-FL), Chair of the House Subcommittee on Transportation, HUD Appropriations. The Vice-Mayor distributed an advocacy video, created as part of the City’s National Community Development Week activities, to various other elected representatives.

Albany, GA

The City sent letters to local, state, and federal elected officials and community agencies to seek support for CDBG and HOME. The City also created a CDBG and HOME advocacy video which showcased projects and beneficiaries around the following themes: homelessness prevention, access to healthcare, inspiration, collaboration, generosity, education, community, access to affordable housing, and business empowerment.

Develop a Tour of Local Projects or Focus on a Project Ground Breaking or Kick-Off Event

Develop a tour of local CDBG and HOME projects for Congressional Members, their staff, local elected officials, civic leaders, the media, and others. Select projects that positively showcase CDBG and HOME. Develop a written project description, including financing, to hand out during the tour. Make sure participants meet program beneficiaries on the tour.

Examples from the Field

Clarksville, TN

The City of Clarksville Office of Housing and Community Development organized a tour of CDBG-funded programs and projects that provide assistance to the homeless. Each sub-recipient was given thirty minutes to highlight their facility and discuss programs and services, how CDBG funds support their program, and how CDBG funds are leveraged. The following sub-recipients participated in the tour: Clarksville-Montgomery County Community Action Agency (Old Firehouse Day Shelter), United Methodist Urban Ministries (Grace Assistance and Safe House), Lighthouse Mission Ministries (Safe Harbor of Clarksville), and Manna Café.

Palm Springs, CA

The Palm Springs' CDBG Citizens Advisory Council (representing three City Commissions – Human Rights, Parks and Recreation and Planning as well as the Senior, HIV/AIDS and Targeted Income Qualified Areas/Populations) conducted a CD Week Tour of three prominently funded CDBG Sub-recipients' facilities: (1) Mizell Senior Center (Senior and Frail Elderly), Desert AIDS Project (Persons Living with HIV/AIDS), and the City's James O. Jesse Desert Highland Unity Community Center (Minorities and Youth). The tour packet included a schedule, list of participants with affiliations, NCEA CD Week News Release, tour route map, CDBG Sub-recipients' cumulative award history (totaling \$3.9 million) and current Program Year Summary. CDBG Sub-recipient leadership personally met the group on arrival and conducted a hands-on tour of their facilities as well as pointing-out the particulars of how CDBG funds impact their agency and beneficiary clients. Senator Feinstein's Office announced the CD Week Tour through a news release which ran in the local electronic and print media outlets.

Miami, FL

The City's signature National Community Development Week event was the groundbreaking of Stirrup Plaza II, a new affordable housing project for the elderly under construction in one of Miami's most expensive areas – Miami's Coconut Grove neighborhood. More than 50 City and County officials and local residents attended the groundbreaking ceremony. Upon completion in September 2016, Stirrup Plaza II will feature a total of 68 one-bedroom units. Fifteen units will serve residents at 50% of AMI and below. The remainder of the units will serve residents at 60% of AMI and below. The event attracted media attention with more than four placements in local publications, in both English and Spanish.

Osceola County, FL

The County conducted a tour of projects that addressed community housing needs, community health needs and community educational needs. The ten (10) selected projects for the tour collectively received \$3,381,758 in grant funding, leveraging \$34,563,500 in private investment. The invitation list included members of the Affordable Housing Advisory Committee; the CDBG Advisory Task Force; municipal partners from the cities of Orlando, Kissimmee and St. Cloud; local government partners from Orange County and Seminole County; Congressmen Grayson's office; Osceola County Health Department; Osceola County School District; Osceola County elected officials and management staff, non-profit agency partners, private sector partners and faith-based partners. A save-the-date was sent out two weeks prior to mailing invitations. The selected stops included two recently completed community health clinics, three affordable housing apartment complexes, three owner-occupied housing rehabilitation projects, a community center and an Osceola County School District technical education/adult learning center campus.

Quincy, MA

The highlight of the National Community Development Week was the Germantown Neighborhood Center Music Clubhouse Ribbon Cutting. The Honorable Mayor Thomas P. Koch joined Cedric Kam, Acting Deputy Director & Economic Development Specialist for Region I from HUD; Julia Frederick, Regional Director for U.S. Senator Elizabeth Warren (D-MA); State Senator John F. Keenan; State Representative Tackey Chan; Ward One Councillor Margaret Laforest; Phil Lussier, Chair of the Executive Board from the South Shore YMCA; David Bickel, Associate Executive Director from Music & Youth Initiative; and Joseph Salah of The Salah Family Foundation along with members of the City's Department of Planning and Community Development, staff and families of the Germantown Neighborhood Center / South Shore YMCA to celebrate the opening of the Music Clubhouse.

La Crosse, WI

The City's celebration of National Community Development Week kicked off in a neighborhood revitalization area where the Mayor, State Senators, Congressional Members, members of the neighborhood associations, council members, and the CEO of the neighborhood Gundersen Hospital all joined together during the kick off ceremony, donning hard hats and helping to demolish blighted buildings. The kick-off event was covered by WEAU and WQOW, the local television stations, and through print media. Afterwards, participants toured four homes completed by the City, Western Technical College, Couleecap, and Habit for Humanity.

Involve Program Partners

Examples from the Field

Arlington, TX

The United Way of Arlington hosted a "Report to the Community" which provided an overview of research focused on identifying the needs of Arlington residents as they age. The audience included key stakeholders, public service agencies, non-profits, local and state government officials, Congressional representatives, school district board members, and many others. United Way Arlington is supported, in part, with CDBG funds. United Way Arlington assists the City in identifying priority community needs and coordinating plans and programs to improve lives in Arlington. The report on aging will be used to guide the use of future grant funding in meeting the needs of older Arlington residents.

La Crosse, WI

The City hosted a small business mixer to highlight how CDBG helps create jobs in the community. The event was co-sponsored by numerous economic development organizations. Five small business owners discussed how the City's CDBG Small Business Revolving Loan helped them expand their business and offered tips to audience members.

Hollywood, FL

Various public service agencies such as Hope South Florida (housing and economic development assistance for the homeless or formerly homeless), Hispanic Unity (job training and placement), Russell Life Skills and Reading Foundation (youth education), the Boys & Girls Club (youth education) and other organization representatives attended the regular City Commission Meeting to accept the proclamation that the Mayor and City Commission issued to support the programs associated with CDBG and HOME to publicly advocate for future funding.

Arlington, TX

An Open House event showcased a single-family home that was rebuilt and sold to a single mother and reservist with the United States Air Force. U.S. Air Force veteran Dina Kaswatuka realized her dream of homeownership when she received her keys to a new home. The Tarrant County Housing Partnership (TCHP) worked with the Citi Military Veterans Network, City of Arlington HOME funds, Home Depot, Keller Williams Realty and Don Sneed Construction Inc. (DSCI) to acquire land and rehabilitate a vacant and foreclosed house in a low-income target area in East Arlington. The general contractor, DSCI, discounted labor rates in order to lower the construction costs, making the home more affordable. Dina is currently working two jobs while raising her own 8 year old daughter along with 3 of her siblings. Prior to purchasing this home, the family lived in a small one-bedroom apartment. They are excited to settle into a new home, with 4 bedrooms, a yard, accessible kitchen and plenty of space.

Richland County, SC

The Richland County Community Development Department (RCCD) held a Press Conference in conjunction with a project tour of a newly constructed duplex. This particular project was made possible by a partnership with a local CHDO, Benedict-Allen CDC. RCCD and Benedict-Allen CDC began work in the Ridgewood Community in 2005. The duplex is a very special project because it is the very last project to be completed in this revitalization area, and it was the very first structure of its kind in this particular neighborhood.

Recognize Employees and Partners Organizations

Examples from the Field

Quincy, MA

The City held a CD Week Awards ceremony to recognize employees and partner organizations for their contribution to the field of housing and community development and for providing a better quality of life for low- and moderate-income people.

St. Louis, MO

The City hosted a Resources Fair for organizations/departments receiving CDBG and/or HOME funds to

highlight their services for low- and moderate-income persons. The City also recognized organizations and individuals for their outstanding work at a reception. The awards included: Housing Development Project of the Year, Housing Developer of the Year, Community Advocate of the Year, Youth Program of the Year, Executive Director of the Year, and Neighborhood Improvement Program of the Year.

Undertake a Service Project

Examples from the Field

St. Louis, MO

City staff completed a service project at Wohl Recreation Center. With the assistance of Home Depot, the City was able to transform the library and multipurpose room. Save-the-date emails and postcards were mailed to over 200 stakeholders. The City utilized Facebook to publicize activities and events. Posters and event flyers were also posted in City buildings and local recreation centers. With the assistance of the Mayor's Communication's Director, the City issued a press release for the event. Formal letters were mailed to elected officials, HUD, and sponsors.

Shreveport, LA

The Mayor, members of the City Council, program partners, and citizens participated in a one-day community fair that provided information on job training, educational opportunities, employment, and other important services. The Community Development Department prepared and served food to the community participants.

Richland County, SC

The last day of the National CD Week celebration, the staff at Richland County presented Sistercare Women's Shelter with donations and items that were collected during the week. Sistercare, a public services sub-recipient, is a shelter for women and children who are in need of a temporary home.

Garland, TX

Over 65 employees volunteered their time to successfully carry out two major events celebrating the week.

Affordable Housing for Veterans – Bank of America, Green Extreme Homes and the City of Garland share a mission of providing veterans in need of affordable housing with the opportunity to enjoy the benefits of homeownership. Bank of America generously donated a home to Green Extreme Homes so that it may be turned into an energy efficient affordable home for a veteran. Employees from Bank of America and the City of Garland also volunteered their time on April 10-11 to help with site preparation and clean-up of the property.

Lend a Hand to Grow Garland – City of Garland employees rolled up their sleeves to help with landscaping, clean-up, renovations and demolitions for 4 projects during the week. Several neighbors came to help and get information about the programs that are offered as a result of CDBG and HOME funding. Council members attended the event along with the Mayor.

Hollywood, FL

National Community Development Week was used as an opportunity to provide civic education to Hollywood's youth. A representative of the City's Community and Economic Development Department

visited an Advanced Placement U.S. Government and Economics class at Hollywood Hills High School to make a presentation regarding Community Development and the funding sources that support the City's efforts. The students were given materials to share with their classmates and parents to advocate for these much-needed funds. That same class of 35 took a field trip to Hollywood City Hall to observe several presentations and to attend the April 1, 2015 City Commission Meeting where the proclamation was issued to celebrate National Community Development Week.

Albany, GA

The City held a proclamation signing and participated in a "Community Give Back Day," which focused on collecting donated items for a local nonprofit organization, Open Arms Inc. WALB News 10 was on site for this event. The City held a CDBG Awards luncheon on April 10 to educate the community on the benefits of CDBG and HOME as well as to recognize the program partners.

Advertise Your CD Week Activities

Examples from the Field

Miami, FL

The City Commission issued an official proclamation declaring April 6-11, 2015 as National Community Development Week in the City of Miami and recognized the success of both the HOME and CDBG programs in Miami, FL. A general press release was also issued announcing National Community Development Week. The City used Twitter to alert over 200+ followers to National Community Development Week activities. The City also sent a blast e-mail to all of its public service agencies and developers reminding them of CD Week.

Jacksonville, FL

Letters of invitation to attend the CD Week activities were sent to legislators in Washington, DC as well as state and local elected officials. A press release announcing the week's events was sent to local television stations.

Quincy, MA

Planning and education for National CD Week included a pre-CD Week press release/media advisory; e-mail blast through the MailChimp; EventBrite invitations; an interview on AM Quincy; 14 speaking programs during CD Week; the hanging of public banners to announce CD Week; the use of a mobile display board; and post-CD Week media coverage. Through each outlet, the benefits of HUD CPD programs was discussed, and residents were encouraged to contact members of Congress to advocate for additional resources.

Shreveport, LA

The City of Shreveport promoted National Community Development Week through PSAs at local radio stations, the City's website, and through departmental newsletters. The City also posted "Celebrating CDBG Week, April 6-11" on a digital billboard on Interstate 20. The Mayor issued a proclamation containing information about the impact of CDBG and HOME on the community.

Hollywood, FL

The Public Affairs and Marketing staff sent press releases to area media. The South Florida Sun Times published an article on April 2, 2015 to promote the City's National Community Development Week. In

addition, a full page article, with photos, was published in the City's quarterly newsletter, New Horizons, and was mailed to every Hollywood resident to illustrate the importance of the City's federal and state funds.

Burlington, VT

The City distributed a press release and fact sheet to 125 contacts throughout Vermont, as well as to Vermont's federal delegation. The release noted the first-ever National Community Development Week Proclamation signed by Mayor Weinberger, as well as notable CDBG and HOME programming in the following areas: serving at-risk and underserved community members; supporting critical infrastructure and housing assistance; and promoting entrepreneurship and robust economic development. Additionally, a fact sheet was composed to highlight quick figures of funding, beneficiaries served, housing units developed, and services offered through FY13.

Focus on Activities that Involve the Media

Congressional Members read their local papers. They also want to hear how program dollars are being spent to improve their community, so the use of local media (print, television, and radio) is important to documenting your National Community Development Week activities and ensuring your Congressional Members and the community are made aware of your program activities. Creating a video in-house using YouTube is an economical and easy method of documenting your National CD Week activities and sharing it with local media and Congressional offices.

Examples from the Field

Burlington, VT

Building on the success of last year's National Community Development Week media blitz approach, the City again sought to raise awareness of National Community Development Week through numerous radio and television appearances, social media posts, PSAs, and a Mayoral proclamation.

The City began its celebration of National Community Development Week by airing four separate PSAs 69 times from April 6-11, 2015. PSAs were produced including one general announcement on the CDBG program and the number of beneficiaries assisted last year in Burlington; subsequent PSAs detailed economic programming, housing services, and serving our most vulnerable resident initiatives. A local WVMT radio show featured a 15-minute segment on National Community Development Week with a focus on the City's youth programs. The program hosted two CDBG grantees, the Sara Holbrook Community Center and the Burlington Police Department. The discussion centered on how CDBG is used to help the City's youth and included a focus on reaching new Americans and youth at risk. The program aired on three different segments including two weekend shows.

In addition to extensive radio coverage, National Community Development Week was featured live on regional broadcast station, CCTV Channel 17. The show broadcast on Monday, April 27, hosted by CDBG Administrator, Marcy Esbjerg, and featured Russ Elek, a CDBG Advisory Board Member. The broadcast aimed to educate the public about the fundamentals of CDBG and its funding stream nationally, state-wide, and locally in Burlington over the last six years, as well as the roles local citizens directly play in the review, selection and allocation process. The show featured proposed 2015 projects in early childhood, childcare, and youth programs, as well as individual stories on the HomeShare Vermont Affordable Housing Program, the Vermont Works for Women Fresh Food Program, and Mercy Connections'

Women's Small Business Program. This program aired multiple times and potentially reached as many as 16,000 households live and in re-runs.

Media Links:

[Office of Mayor Weinberger, National Community Development Week Proclamation](#)
[Community and Economic Development Office, City of Burlington - Facebook Page](#)
[Burlington CEDO Show: Community Development Block Grants](#)

Clarksville, TN

Please go to <http://youtu.be/rGor2SwgwM4> to view the outstanding video produced by the City showcasing the projects featured on the CD Week tour.

Richland County, SC

The following YouTube Video was created by the Richland County Public Information Office:
<https://www.youtube.com/watch?v=X5xblZz1hBE&feature=youtu.be&t=407>

The following is a Cola Daily News Article: <http://coladaily.com/2015/04/09/photo-gallery-ridgewood-barony-neighborhood-unveils-new-affordable-duplex-housing/>

La Crosse, WI

The week's events were covered heavily by local media.

<http://www.news8000.com/news/poage-park-undergoes-demolition-as-part-of-neighborhood-revitalization-effort/32348942>

<http://www.news8000.com/news/salvation-army-benefits-from-city-grant-program/32368796>

<http://www.news8000.com/news/Local-entrepreneurs-compete-for-funds-to-make-their-business-a-reality/32372374>

Quincy, MA

Community Development Department staff worked with local papers and QATV Radio to advertise its National CD Week events.

Patriot Ledger – March 23, 2015 article

<http://www.patriotledger.com/article/20150323/NEWS/150328780/0/SEARCH>

Patriot Ledger – March 26, 2015

<http://www.patriotledger.com/article/20150326/NEWS/150327254/0/SEARCH>

QATV Radio Interview – April 6, 2015

<http://www.qatv.org/audio/AMQuincy/community-development-week-activities-april-6-2015>

St. Louis, MO

National CD Week events were covered by the local press and radio.

<http://interact.stltoday.com/pr/local-news/PR040615043421017>

<http://news.stlpublicradio.org/post/st-louis-boasts-success-programs-funded-federal-community-development-grants>

Garland, TX

<http://www.garlandtx.gov/gov/lq/publicmedia/press.asp> - Garland City Press

<http://garlandtx.swagit.com/play/04132015-1393> - Video Link Page

<http://garlandtx.swagit.com/play/04072015-1182> - Proclamation

Other Innovative CD Week Activities

La Crosse, WI

The City launched “flight night,” an event where after a 10-week course, budding entrepreneurs pitched their business ideas to a live audience and competed for prizes. Flight night showcased how CDBG funds help support micro-enterprise entrepreneurship. The winner received \$25,000 in start-up funding from a state fund. Representatives for Senator Tammy Baldwin and Congressman Ron Kind were in attendance. Both events were covered by the local television stations.

Hollywood, FL

The City directed residents to the City’s newly created advocacy webpage that includes sample advocacy letters and direct contact information to federal and state elected representatives and newspapers for letters to the editor. Also, each CDBG sub-recipient was encouraged to promote this advocacy effort to their beneficiaries. The City’s Funding Advocacy page is available at

<http://www.hollywoodfl.org/index.asp?nid=193>

Richland County, SC

The County made the public aware of the CDBG projects in their community by providing signage at local projects. The signs had two main purposes: (1) to highlight the work that has been done in Richland County to enhance the lives of LMI persons; and (2) to showcase the many ways that CDBG dollars have been spent and the importance of federal dollars. The signs were strategically placed throughout Richland County at ten (10) different completed projects.

Burlington, VT

Each day of National Community Development Week, CDBG programs and photos were highlighted on the City’s Facebook page, demonstrating the broad spectrum of agencies, beneficiaries and communities integral to the Burlington CDBG story. CDBG-funded agencies submitted photos and narratives of their projects. Each post contained a website and social media link to learn more about the featured organization. The CDBG story cannot be told without incorporating the personalized stories of the many beneficiaries who are served through these critical federal funds. This year, the City continued to utilize collaborative social media to put a face to the program itself, telling beneficiaries’ stories on the City’s Facebook page, in every interview, and through agency-submitted stories and photos that

exemplified the purpose of CDBG.

How to Reach Your Member of Congress

You can obtain your Member's phone number and mailing address (both DC and the local district offices) at <http://www.house.gov> and <http://www.senate.gov> Not sure who your House Member is? Then go to <http://www.house.gov/representatives/find/>.

Introduce yourself and ask to speak with the Member's appointment secretary/scheduler. If the scheduler is unavailable, leave a message with your name and phone number requesting the event be placed on your Member's calendar. Keep making follow-up calls until you speak to the scheduler directly to confirm your Member's participation in your event.

SAMPLE DOCUMENTS

(Please feel free to modify the documents)

SAMPLE PROCLAMATION/RESOLUTION

Present this proclamation to your Congressional Members during the National CD Week tour of CDBG and HOME funded projects -- or mail it to them.

WHEREAS, the week of March 28 – April 2, 2016 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; and

WHEREAS, the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and affordable housing, a suitable living environment, and economic opportunities to low- and moderate-income people; and

WHEREAS, the HOME Program provides funding to local communities to create decent, safe, and affordable housing opportunities for low-income persons. Nationally, over one million units of affordable housing have been completed using HOME funds; and

WHEREAS, over the past five years, our community has received a total of \$ _____ in CDBG funds and \$ _____ in HOME funds; and

WHEREAS, the following activities have been funded (please list); and

NOW, THEREFORE BE IT RESOLVED, that the City/County of _____ designates the week of March 28 – April 2, 2016 as National Community Development Week in support of these two valuable programs that have made tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community.

BE IT FURTHER RESOLVED, that our community urges Congress and the Administration to recognize the outstanding work being done locally and nationally by CDBG and HOME by supporting increased funding for both programs in FY 2017.

SAMPLE PRESS RELEASE

City, USA
Date

For further information, contact
Jane Doe at (202) 777-CDBG

The City/County of _____ Celebrates National Community Development Week; March 26-April 2

Mayor/County Executive _____ and the City/County Council today issued a proclamation supporting the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program by recognizing National Community Development Week, March 26 – April 2, 2016. Spearheaded by the National Community Development Association, the week-long celebration brings together citizens, government officials, businesses, media, and non-profit organizations through events to showcase the impact of CDBG and HOME on our community. National CD Week also serves as a venue for educating the public about the programs.

This year marks the 42nd anniversary of the CDBG program. The CDBG program provides grants to over 1,200 local governments to create neighborhood approaches that improve the physical, economic and social conditions in communities. Every \$1.00 of CDBG leverages another \$4.07 in other funding; bringing additional vital resources to communities. The HOME program, now in its 25th year, provides grants to over 600 local participating jurisdictions to create safe, sanitary, and affordable housing in communities nationwide. Every \$1.00 of HOME leverages an additional \$4.16 in other funding.

Both programs are administered nationally by the U.S. Department of Housing and Urban Development.

CDBG and HOME have seen funding reductions in the past several years. In FY 2010, CDBG was funded nationally at \$3.990 billion and HOME was funded at \$1.825 billion. CDBG is now funded at \$3.0 billion nationally and HOME at \$950 million. These programs are needed more than ever to help our most vulnerable citizens and improve the overall condition of our neighborhoods.

The City/County will highlight both programs during National CD Week by conducting the following activities [Describe your CD Week activities].

SAMPLE FACT SHEET

Please complete this fact sheet and give it to your Congressional delegation and local press during National CD Week – or email it to them.

I. Executive Summary

Attach a brief executive summary that answers the following questions:

Why are CDBG and HOME important to my community?

Who do the programs serve in my community?

How is the program funding used in my community?

Why is more CDBG and HOME funding needed in my community?

II. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACCOMPLISHMENTS

FOR THE CITY/COUNTY _____

For every one dollar of CDBG funding another \$ _____ in private and public funding was leveraged.

CDBG assisted _____ persons in the past five years.

CDBG created or retained _____ jobs in the past five years.

CDBG funds in the amount of \$ _____ were spent on economic development activities (outline the types of activities and the beneficiaries assisted).

CDBG funds in the amount of \$ _____ were spent on public improvements (outline the types of activities and the beneficiaries assisted).

CDBG funds in the amount of \$ _____ were spent on public services (outline the types of services and the beneficiaries assisted)

CDBG funds in the amount of \$ _____ were provided for housing activities (outline the types of activities and the beneficiaries assisted).

III. HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM ACCOMPLISHMENTS

FOR THE CITY/COUNTY OF _____

For every one dollar of HOME funding another \$ _____ in private and public funding was leveraged.

HOME assisted _____ persons in the past five years.

HOME funds in the amount of \$ _____ were provide for housing activities, such as homebuyer assistance, rental assistance, and the production of affordable rental units.

A total of _____ units of affordable housing were created

_____ households received assistance in purchasing their first home

_____ rental units were constructed and/or rehabilitated

_____ homeowners received rehabilitation assistance

IV. The Impact of Funding Reductions

Describe how the funding cuts to CDBG and HOME have affected your program delivery, operations, and the beneficiaries served by the programs.

- Outline the actual cut to your CDBG and HOME allocations over the past few years
- Outline how the loss in funding has caused a delay in projects – or caused projects to be canceled completely and discuss the impact on your community (jobs lost, fewer beneficiaries assisted, etc.)

CD Week and Beyond: Meeting and Corresponding with Your Congressional Members Throughout the Year

Meeting with a member of Congress, or Congressional staff, is a very effective way to convey a message about a specific issue or legislative matter. With the continued focus on reducing the federal budget, it's important to meet with your Congressional Members to inform them of the importance of CDBG and HOME in your community.

Make an Appointment: Congressional Members are extremely busy and their calendars fill up quickly. When attempting to meet with a Member, contact their secretary/scheduler to make an appointment. You can obtain your Member's contact information at <http://www.house.gov> and <http://www.senate.gov>

Meet with Your Congressional Member in Their District Office

With budget constraints, it is impractical for most grantees to travel to Washington, DC to meet with their Congressional Members. Scheduling a meeting in their district office is just as effective. If possible, bring a sub-recipient or beneficiary to the meeting with you. Congressional Members like to hear directly from the organizations or people the programs serve.

A typical meeting should go as follows:

- I. **Introductions**
- II. **Acknowledge** your Member of Congress (and any staff that you have worked with), thank them for meeting with you, and thank them for any previous actions that have helped your community.
- III. **Present** your issues.
- IV. **Ask for** a commitment from your Member to support increased funding for CDBG and HOME.

Come Prepared and Make the Issues Real: Bring information and materials supporting CDBG and HOME. Bring copies of the CDBG and HOME Fact Sheet and other supplemental materials of importance. Members are required to take positions on many different issues. It is therefore helpful to share information and examples that demonstrate clearly the impact and benefits associated with CDBG and HOME. Be concise and forthright when discussing CDBG and HOME. Ask for your Member's support of both programs. If you have brought a sub-recipient or beneficiary to the meeting, let them tell the Congressional Member how the programs have helped them.

Be Responsive and Follow-Up: Be prepared to answer questions or provide additional information. Follow-up the meeting with a thank-you letter that outlines what was discussed in the meeting and reiterates any commitments made by your Member. Send along any additional information and materials requested.

Tips on Writing to a Congressional Member

Due to tightened security, a letter can take up to 3 weeks to reach your Member, so please ALSO FAX AND E-MAIL a copy of the letter to your Member. Their fax number and e-mail address can be found on their website.

Addressing Correspondence:

To a Senator...

The Honorable (Full Name)
United States Senate
Washington, DC 20510

Dear Senator (Last Name):

To a Representative...

The Honorable (Full Name)
House of Representatives
Washington, DC 20515

Dear Representative (Last Name):

The Roles of Congressional Staff

Each Member of Congress has staff to assist them during their term in office. To be most effective in communicating with your Member of Congress, it is helpful to know the titles and principal functions of key staff.

Administrative Assistant (AA) or Chief of Staff (CoS): The AA reports directly to the Member of Congress. This person usually has overall responsibility for evaluating the political outcomes of various legislative proposals and constituent requests. The AA is usually the person in charge of overall office operations, including the assignment of work and the supervision of key staff.

Legislative Director (LD), Legislative Assistant/Aide (LA) or Legislative Counsel (LC): The LD is usually the staff person who monitors the legislative schedule and makes recommendations regarding pros and

cons of particular issues. In some Congressional offices, there are several Legislative Assistants/Aides and responsibilities are assigned to staff with particular expertise in specific areas.

Appointment Secretary or Scheduler: The Appointment Secretary or Scheduler is responsible for controlling the Member's calendar. This includes arranging meetings for constituents, arranging speaking dates, and arranging visits to the district.

