

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information PHA Name: <u>Metropolitan Council Housing and Redevelopment Authority</u> PHA Code: <u>MN163</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>1/1/2017</u>												
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>0</u> Number of HCV units: <u>6,500</u>												
3.0	Submission Type <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only												
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)												
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program <table border="1"> <thead> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1:</td> <td></td> </tr> <tr> <td>PHA 2:</td> <td></td> </tr> <tr> <td>PHA 3:</td> <td></td> </tr> </tbody> </table>	PH	HCV	PHA 1:		PHA 2:		PHA 3:	
PH	HCV												
PHA 1:													
PHA 2:													
PHA 3:													
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.												
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: The Metro HRA's mission is to provide decent, safe and affordable housing opportunities; to encourage housing choice throughout the region including areas of high opportunity; to foster family stability and promote self-sufficiency for people with low wealth.												
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. N/A Annual Plan												

PHA Plan Update

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

The Housing Choice Voucher Administrative Plan has been updated to include regulation changes and clarifications. The Section 8 Administrative Plan 2016 is Attachment A to the PHA Plan.

1. Eligibility, Selection and Admissions Policies
See Attachment A, HCV Administrative Plan, Chapters 3, 4, 5
See Attachment B, Summary of Changes to PHA Plan
2. Financial Resources
See Attachment C, 2017 Proposed Operating Budget
3. Rent Determinations
See Attachment A, HCV Administrative Plan, Chapters 6
See Attachment B, Summary of Changes to PHA Plan
4. Operations and Maintenance
The Metropolitan Council owns 150 Project Based Vouchers housing units. A professional property management company, Kingwood Management, continues to provide management and maintenance services for the units. The Council continues to provide asset management and oversight to ensure the units are well-maintained.
5. Grievance Procedures
See Attachment A, HCV Administrative Plan, Chapter 16.III, Informal Reviews and Hearings.
Policies remain unchanged
6. Designated Housing for Elderly and Disabled Persons
N/A HCV only agency
7. Community Service and Self Sufficiency
N/A HCV only agency
8. Safety and Crime Prevention
N/A HCV only agency
9. Pets
N/A HCV only agency
10. Civil Rights Certification
See Attachment D
11. Fiscal Year Audit
See Attachment E
12. Asset Management
N/A HCV only agency
13. Violence Against Women Act (VAWA)
See Attachments H1 & H2
Policies remain unchanged.

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.

**Main administrative office of the PHA: Metropolitan Council Housing and Redevelopment Authority
390 Robert Street North
St. Paul, MN 55101**

PHA website: <http://www.metrocouncil.org/housing/publications-resources-NEW.aspx>

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. Include statements related to these programs as applicable.

HOPE VI or Mixed Finance Modernization or Development: The HRA is not involved with nor has plans to apply for these programs at this time.
Demolition/Disposition: The HRA does not have any plans or changes to plans regarding the demolition or disposition of public housing units at this time.

Conversion of Public Housing: The HRA completed a conversion of its 150 scattered site public housing units in 2009.

Homeownership: The HRA does not administer a HCV Homeownership program.

Project-Based Vouchers: The Metropolitan Council authorized a Project Based Voucher (PBV) program using up to 20% of its Housing Choice Voucher budget authority. The HRA currently has a total of 33 projects, totaling 665 units in 24 cities in the twin cities metropolitan region.

8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable. N/A HCV only agency</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing. N/A HCV only agency</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. N/A HCV only agency</p>
8.3	<p>Capital Fund Financing Program (CFFP). <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. N/A HCV only agency</p>
9.0	<p>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. The HRA is a High Performer and will complete this section only for the Annual Plan submitted with the 5- Year Plan.</p>
9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. The HRA is a High Performer and will complete this section only for the Annual Plan submitted with the 5- Year Plan.</p>
10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year Plan. The HRA is a High Performer and will complete this section only for the Annual Plan submitted with the 5- Year Plan.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification” The HRA is a High Performer and will complete this section only for the Annual Plan submitted with the 5- Year Plan.</p>
11.0	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only) (c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only) (d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only) (e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only) (i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only) N/A</p>

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

Metropolitan Council Housing and Redevelopment Authority, MN163

2017 Public Housing Agency Plan

Attachments Table of Contents

Attachment A	HCV Administrative Plan
Attachment B	Summary of Changes
Attachment C	2016 Proposed Operating Budget
Attachment D	HUD 50077-CR - Civil Rights Certification (not attached until final approval)
Attachment E	Fiscal Year Audit
Attachment F	Resident Advisory Board (RAB) Comments
Attachment G	Form HUD 50077, Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan (not attached until final approval)
Attachment H1/H2	VAWA Certifications
Attachment I	Challenged Elements
Attachment J	HUD 50077 - PHA Certifications of Compliance with PHA Plans (not attached until final approval)

Attachment A

**Administrative Plan for the
Housing Choice Voucher Program**

Is located on the PHA Website:

<http://metro council.org/Housing/Publications-Resources-NEW.aspx>

PHA Plan Update

a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission. The draft Housing Choice Voucher Administrative Plan outlining all changes is Attachment A to the PHA Plan.

PHA Plan Element No. 1. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures

Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

3-I.I. ABSENT FAMILY MEMBERS

The current policy allows a family member to be absent from the assisted unit for up to 180 days. The change proposed is to provide clarification of the reporting requirements that any absence exceeding 30 consecutive must be reported.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 AND 5.218, NOTICE PIH 2012-10]

The HUD Streamlining Rule (SFR) Federal Register was issued on March 8, 2016. The final rule specifies that if a child-under-six was added to the family in the six-month period prior to the household's date of admission (or, the date of voucher issuance for the HCV program), then documentation verifying the child's social security information need only be supplied within 90 days of the date of admission (or, for the HCV program, the effective date of the Housing Assistance Payment (HAP) contract). One additional 90-day extension may be added, if the applicant's failure to meet the first timeline was outside his or her control.

3-III.B. MANDATORY DENIAL OF ASSISTANCE

The HRA is adding language to clarify that any substantial evidence or record of conviction of household members related to the use of illegal drugs or the abuse of alcohol will be considered in determining program eligibility.

The HRA removed language for denial for production or manufacturing of methamphetamine in any location to solely in assisted housing as the regulation is written.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

Criminal Activity [24 CFR 982.553]

The HRA is revising the policy to clarify that denial of assistance is only for convictions for violent or drug related activity. The HRA also added language that when determining eligibility for assistance, factors will be taken into consideration.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

The HRA is revising its policy to include denial of admission to the Housing Choice Voucher program for any member that has been terminated from the Housing Choice Voucher program for cause in the last three years.

5-II.E VOUCHER TERM, EXTENSIONS AND SUSPENSIONS

Expiration of Voucher Term

The HRA is revising the policy to provide clear language that a family's voucher will expire if the paperwork for leasing (Request for Tenancy Approval) is not submitted by the deadline of the voucher term.

PHA Plan Element No. 3. Rent Determinations

A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.

Chapter 6, INCOME AND SUBSIDY DETERMINATIONS**6-I.D. EARNED INCOME****Resident Service Stipend**

The HRA is providing clarification in policy to reduce confusion in policy interpretation regarding Resident Service Stipend. If a resident receives a Resident Service Stipend in excess of \$200, the entire stipend is counted as annual income.

6-I.E. Earned Income Disallowance for Persons with Disabilities [24 CFR 5.617; Streamlining Final Rule (SFR) Federal Register 3/8/16]

This change is to become compliant with the HUD Streamlining Rule. The final rule reduced the length of time a participant is eligible for Earned Income Disregard to a consecutive 24-month period. At the twelve month date, the disregard may change from 100 percent to 50 percent of earned income. For families participating prior implementation date of May 2016, the previous requirements will continue to apply.

HRA UNIT BUDGET SUMMARY 2017

FUND	222	223	224	225	227	228	230	232	233	234	238	271	272	CURRENT YEAR ADOPTED	2016	237	2016	2017	2016	
Organization	23150	24070	25010	25020	24090	25005	24080	24040	24050	23005	25040	25050	25060	HRA	BUDGET	26020	BUDGET	TOTAL HRA	BUDGET	
Account	Description	HUD Voucher Program	RAAC	S+C 3	S+C 4	MHFA Bridges Program #1	S+C 1	MHFA RAFS \$250	Ramsey County GLD Program	MHFA HAP3	HRA Misc Fund	S+C 5	S+C 2	S+C 6	HRA	HRA	Family Affordable Housing Prog	Family Affordable Housing Prog	YEAR ADOPTED	
4500	Taxes-Current	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Property Tax Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
4732	MHFA-Admin	-	27,702	-	-	135,926	-	-	-	-	-	-	-	-	163,628	144,647	-	-	163,628	144,647
4733	State Appropriations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4735	HACA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4736	MN State Rev-HRA Admin	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	State Revenue	-	27,702	-	-	135,926	-	-	-	-	-	-	-	-	163,628	144,647	-	-	163,628	144,647
4700	Federal Grant Revenue	-	-	62,663	157,096	-	18,931	-	-	-	-	-	-	37,884	-	-	-	-	-	-
4701	US Dept of Hud-Admin	4,650,000	-	-	-	-	-	-	-	-	-	-	-	-	276,574	258,108	-	-	276,574	258,108
4702	US Dept of Hud-Subsidy	-	-	-	-	-	-	-	-	-	-	-	-	-	4,650,000	4,200,000	-	-	4,650,000	4,200,000
4705	FTA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4706	US Dept of Interior	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Federal Revenue	4,650,000	-	62,663	157,096	-	18,931	-	-	-	-	-	-	37,884	4,926,574	4,458,108	-	-	4,926,574	4,458,108
4600	Charge Backs-MAC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4761	Local/Other Housing Admin	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4762	Other Local Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Local Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4400	Investment Earnings	-	-	-	-	-	-	-	-	-	50,000	-	-	-	50,000	100,000	-	-	50,000	100,000
4900	FAHP Dwelling Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,800,000	1,800,000	1,800,000	1,800,000
4904	Other Revenue-Miscellaneous	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000	50,000	50,000	50,000
4902	Portability Admin Fee	-	-	-	-	-	-	-	-	-	250,000	-	-	-	250,000	250,000	-	-	250,000	250,000
4913	Subsidy Revenue Recap	-	-	-	-	-	-	-	-	-	15,000	-	-	-	15,000	15,000	-	-	15,000	15,000
	Total Other Revenue	-	-	-	-	-	-	-	-	-	265,000	-	-	-	265,000	1,850,000	1,850,000	2,115,000	2,115,000	
	TOTAL REVENUES	4,650,000	27,702	62,663	157,096	135,926	18,931	-	-	37,884	315,000	-	-	-	5,405,202	4,967,755	1,850,000	1,850,000	7,255,202	6,817,755
5000	Regular Pay	-	-	-	-	-	-	-	-	-	3,666,898	-	-	-	3,666,898	3,536,912	-	160,183	3,666,898	3,697,095
5005	Members Per Diem	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5180	Post Retirement Health Care	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Adjustment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Total Payroll	-	-	-	-	-	-	-	-	-	3,666,898	-	-	-	3,666,898	3,536,912	-	160,183	3,666,898	3,697,095
5201	Accounting/Auditing External	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,000	-	-	-	8,000
5202	Computer Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5204	Consultant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5205	Duplicating	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5212	Legal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5213	Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5214	Contracted Services/Other	-	-	-	-	-	-	-	-	-	153,000	-	-	-	153,000	147,000	110,000	120,000	263,000	267,000
5219	Temporary Help	-	-	-	-	-	-	-	-	-	15,000	-	-	-	15,000	15,000	-	-	15,000	15,000
5224	Management Company Fee	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	170,000	170,000	170,000	170,000
8102	Water	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75,000	75,000	75,000	75,000	
8103	Electricity	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8,000	8,000	8,000	8,000	
8104	Gas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7,000	5,000	7,000	5,000	
8201	Labor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8202	Materials	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8203	Contract Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8204	Garbage and Trash Removal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	55,000	50,000	55,000	50,000	
8205	Application Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8301	Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8303	Association Dues	-	-	-	-	-	-	-	-	-	-	-	-	-	-	165,000	165,000	165,000	165,000	
8304	Property Taxes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75,000	70,000	75,000	70,000	
8305	Pilot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8307	General Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8401	NonRoutine Maintenance Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000	250,000	250,000	250,000	
	Total Contracted Services	-	-	-	-	-	-	-	-	-	168,000	-	-	-	168,000	170,000	1,290,000	1,263,000	1,458,000	1,433,000
5515	Rent	-	-	-	-	-	-	-	-	-	189,528	-	-	-	189,528	183,745	-	-	189,528	183,745
5505	Telephone/Communications	-	-	-	-	-	-	-	-	-	10,000	-	-	-	10,000	10,000	-	-	10,000	10,000
	Rent & Utilities	-	-	-	-	-	-	-	-	-	199,528	-	-	-	199,528	193,745	-	-	199,528	193,745
5217	Services-Internal	-	-	-	-	-	-	-	-	-	30,000	-	-	-	30,000	40,000	-	-	30,000	40,000
5218	Printing External	-	-	-	-	-	-	-	-	-	5,000	-	-	-	5,000	5,000	-	-	5,000	5,000
	Total Printing	-	-	-	-	-	-	-	-	-	35,000	-	-	-	35,000	45,000	-	-	35,000	45,000
5400	Non-Local (non-educ)	-	-	-	-	-	-	-	-	-	15,000	-	-	-	15,000	10,000	-	-	15,000	10,000
5401	Local (non-educ)	-	-	-	-	-	-	-	-	-	35,000	-	-	-	35,000	45,000	-	-	35,000	45,000
5411	Professional Development	-	-	-	-	-	-	-	-	-	5,000	-	-	-	5,000	5,000	-	-	5,000	5,000
	Total Travel	-	-	-	-	-	-	-	-	-	55,000	-	-	-	55,000	60,000	-	-	55,000	60,000
5300	Office Supplies	-	-	-	-	-	-	-	-	-	30,000	-	-	-	30,000	35,000	-	-	30,000	35,000
5302	Computer Software	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5307	Small Office Equipment	-	-	-	-	-	-	-	-	-	10,000	-	-	-	10,000	15,000	-	-	10,000	15,000
	Material & Supplies	-	-	-	-	-	-	-	-	-	40,000	-	-	-	40,000	50,000	-	-	40,000	50,000
5715	User Charges For Assets	-	-	-	-	-	-	-	-	-	26,840	-	-	-	26,840	40,280	-	-	26,840	40,280
5620	HRA Local Admin Reimb	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5621	Portability Admin Fee	-	-	-	-	-	-	-	-	-	330,000	-	-	-	330,000	330,000	-	-	330,000	330,000
5622	Sec 8 Late Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5623	Inspection Cont Pyrms	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5634	Small Home Improvements FHAP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000	25,000	25,000	25,000	
5635	Home Improvements>5,000 FHAP	-	-	-	-	-</														

HRA UNIT BUDGET SUMMARY 2017

FUND	222	223	224	225	227	228	230	232	233	234	238	271	272	CURRENT YEAR ADOPTED	2016	237	2016	2017	2016	
Organization	23150	24070	25010	25020	24090	25005	24080	24040	24050	23005	25040	25050	25060	HRA	BUDGET	26020	BUDGET	TOTAL HRA	BUDGET	
Account	Description	HUD Voucher Program	RAAC	S+C 3	S+C 4	MHFA Bridges Program #1	S+C 1	MHFA RAFS \$250	Ramsey County GLD Program	MHFA HAP3	HRA Misc Fund	S+C 5	S+C 2	S+C 6	HRA	HRA	Family Affordable Housing Prog	Family Affordable Housing Prog	YEAR ADOPTED	
5954	Permit Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5964	FAHP-Resident Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5956	Legal Notices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5971	Taxes and Assessments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Total Other	-	-	-	-	-	-	-	-	-	417,000	-	-	-	417,000	428,000	125,000	125,000	542,000	553,000
5250	Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	95,000	100,000	95,000	100,000
5700	Capital Outlays>\$1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	TOTAL EXPENSE	-	-	-	-	-	-	-	-	-	4,608,266	-	-	-	4,608,266	4,523,937	1,510,000	1,648,183	6,118,266	6,172,120
	Surplus (Deficit)	4,650,000	27,702	62,663	157,096	135,926	18,931	-	-	37,884	(4,293,266)	-	-	-	796,936	443,818	340,000	201,817	1,136,936	645,635
5900	Allocations - Direct	-	-	-	-	-	-	-	-	-	1,041,592	-	-	-	1,041,592	1,167,000	-	-	1,041,592	1,167,000
5901	Allocations - Residual	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	TOTAL	4,650,000	27,702	62,663	157,096	135,926	18,931	-	-	37,884	(5,334,858)	-	-	-	(244,656)	(723,182)	340,000	201,817	95,344	(521,365)
4702	US Dept of HUD-Subsidy	53,000,000	-	775,000	1,925,000	-	235,000	-	-	-	-	-	-	-	55,935,000	53,280,000	-	-	55,935,000	53,280,000
4731	MHFA-Subsidy	-	260,000	-	-	1,900,000	-	-	-	550,000	-	-	-	-	2,710,000	1,575,000	-	-	2,710,000	1,575,000
4737	MN State Rev-HRA Subsidy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4760	Local/Other Subsidy Payments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	PASS THRU REVENUE	53,000,000	260,000	775,000	1,925,000	1,900,000	235,000	-	-	550,000	-	-	-	-	58,645,000	54,855,000	-	-	58,645,000	54,855,000
5601	Housing Assist Pmts/Subsidy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	52,780,000	-	-	-	56,000,000
5822	MHFA Loan/Grant Payments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,075,000	-	-	-	2,075,000
	PASS THRU EXPENSE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	54,855,000	-	-	-	54,855,000
	TOTAL PASS THRU	53,000,000	260,000	775,000	1,925,000	1,900,000	235,000	-	-	550,000	-	-	-	-	58,645,000	-	-	-	58,645,000	-
4850	Transfer From Other Funds	-	-	-	-	-	-	-	-	-	200,000	-	-	-	200,000	-	-	-	200,000	-
5922	Transfers to Other Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	TOTAL	57,650,000	287,702	837,663	2,082,096	2,035,926	253,931	-	-	587,884	(5,334,858)	-	-	-	58,400,344	(723,182)	340,000	201,817	58,740,344	(521,365)

Civil Rights Certification
(Qualified PHAs)

 U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB Approval No. 2577-0226
 Expires 02/29/2016

Civil Rights Certification
Annual Certification and Board Resolution

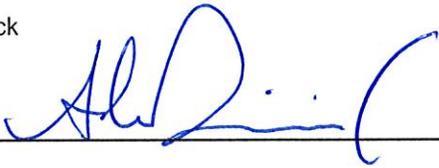
Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

 Metropolitan Council HRA
 PHA Name

 MN 163
 PHA Number/HA Code

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

Name of Authorized Official Adam Duinick Signature 	Title Metropolitan Council Chair Date 9/29/16
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ATTACHMENT TO
Civil Rights Certification

The Metropolitan Council is a named respondent in a housing discrimination complaint that was filed with HUD's Midwest Region Office, Region V, Office of Fair Housing and Equal Opportunity in late 2014 (Title VI Case No. 05-15-0003-6; Section 109 Case No. 05-15-0003-9). The Metropolitan Council denies all claims asserted against it in the complaint.



Adam Duminck, Chair
Metropolitan Council

9/29/16

Date

Attachment E
2017 PHA PLAN

Metropolitan Council
Comprehensive Annual Financial Report

Fiscal Year Ended December 31, 2014

<http://www.metrocouncil.org/Publications-Resources-NEW.aspx>

Click on:
Budgets and Finance
2014 Comprehensive Annual Finance Report (CAFR)

**RAB meeting Brooklyn Center
Meeting Notes
July 19, 2016**

The Metro HRA Resident Advisory Board conducted its meeting at the Brooklyn Center CEAP office on July 19, 2016.

The meeting was led by HRA Assistant Manager, Jennifer Keogh.

Jennifer provided an overview of the Housing Choice Voucher (HCV) program and the Family Affordable Housing Program (FAHP).

This led to questions about section based vouchers versus portable vouchers. Jennifer and other advisory board members explained that the FAHP units are essentially the same as the HCV, except for the fact that the voucher subsidy is tied to the specific property. Regardless, the tenant would still pay 30 to 40 percent of his or her income to rent.

During the introduction of the meeting, questions also came forward about finding housing with a criminal record (for crimes that happened years prior); which continues to be a barrier for families when placing vouchers.

Jennifer then spent time with the board to review the proposed updates to the 2017 PHA Plan and Housing Choice Voucher Administrative Plan.

Section 3-I.L. Absent Family Members

All board members seemed to appreciate that the policy allows a participant to be absent from the home for up to 180 day (6 months) without losing any housing assistance. They also accepted the policy change that clarifies that the absence must be reported within 30 days of being absent from the home.

One member expressed deep appreciation for this policy due to a close family member of hers being ill. She was not aware that she could be away from her home for up to 180 days.

Section 3-II.C.

Everyone seemed to agree with HUD's decision to allow families to have more time to provide social security numbers.

Section 3-III. C. Other Permitted Reasons for Denial of Assistance

Criminal Activity:

This policy change seemed to be accepted by the board, but it led to a deeper discussion about properties denying HCV participants from housing.

Since criminal activity standards vary from HRAs around the Twin Cities, a member stated that she wishes the policies were consistent across each area.

Board members brought up that HCV has a stigma.

A member expressed their desire to see participants become active in their homes and advocate on behalf of the program.

This conversation steered to further discussions about HCV participants having issues with moving out due to other landlords not accepting their vouchers.

Previous Behavior in Assisted Housing

Board members thought that the three year time limit was fair.

One member said she thought the waiting period after termination of assistance was ten years but said three years was better.

5-II. E Voucher Term, Extensions and Suspensions

The board members seemed to agree with the HRA's revision of language that explains voucher expiration due to required paperwork not being submitted by the deadline of the voucher term.

This section led to more discussion about changing the way people think about the HCV Program.

One board member suggested doing a long orientation, talking about how to be a good renter, and spreading the orientation classes out across the participants' first couple of years.

Jennifer explained the Tenant Education Program that was created for Community Choice, which is a 4 part program.

A member brought up a program in another state that helps participants find jobs and provides housing, but it requires the participants to follow the program, or they would lose their assistance.

One member said the rental market has changed over the last couple of decades.

Jennifer explained that when the rental market changed, landlords utilized the HCV Program, but since the market is 1 to 2 percent vacancy rate, it is hard to get landlords to accept vouchers.

Board members asked if there was any way that HCV could help participants in the housing search.

One board member also brought up concerns with tenant occupancy limits in units.

6-I. D. Earned Income

Resident Service Stipend

The board members asked if the \$200.00 stipend was yearly or monthly.

Jennifer verified that the stipend is monthly, and that it had to be reported, but it would not impact the amount of assistance one would receive for the HCV Program.

6-I.E. Earned Income Disallowance for Persons with Disabilities

The members as a whole accepted the policy.

After discussion about the PHA Plan, the Board discussed general concerns and ideas and provided feedback about the new online system; Assistance Check.

The following is documentation of the conversation about general program/policy discussion:

All of the board members like the idea of having a person from the HRA connect with landlords on behalf of participants who have vouchers.

One board member said that property owners need to know this program, and coordinators can help advocate. She suggested coordinators bridging the gap between participants and property owners, making the coordinator be spokesperson

A member mentioned having resources available for people who are on the HCV Program. She further suggested having a committee meet and that is willing to put together a HCV book that provides information on who does accept HCV.

Members were asked to provide feedback on their use of Assistance Check

Good:

One member said that Assistance Check eliminates having to commute to downtown St. Paul. She said it is easier to communicate without having to leave a voicemail, and Assistance Check Provides a faster response time. Kelly said she is able to send documents to her coordinator easier, and her coordinator is more responsive to her.

Not so Good:

One board member said that it is difficult to open up documents from Assistance Check when using a phone. When viewing a document on a phone, you are not able to zoom in.

Members were asked to provide their thoughts on how the HRA should roll out Phase II (Using Assistance Check to conduct Annual Recertification) of Assistance Check.

Phase II

Board members suggested having options for participants, such as having a mail or fax option. They also suggested allowing participants to choose to use either Assistance Check or to come in for appointments.

Having tech support for participants was also suggested and having a computer lab.

Board members agreed that having a "How To" video would be beneficial.

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Tony Schertler, the Executive Director
Official's Name *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

Metropolitan Council HRA
PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of
Impediments (AI) to Fair Housing Choice of the

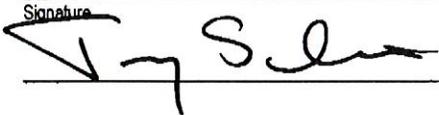
Dakota County Consortium (Ramsey)
Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State
Consolidated Plan and the AI.

The HRA administers assistance to many special
populations; including families with HIV/mental illness,
homeless & veterans. The HRA is actively working to
increase the housing stock for voucher holders, uses
project based vouchers in opportunity areas & began a mobility
counseling program to assist placement of vouchers in
non concentrated areas.

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

Name of Authorized Official Tony Schertler	Title Executive Director
Signature 	Date 8-29-16

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, David Hough, the County Administrator
Official's Name *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

Metropolitan Council HRA

PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of

Impediments (AI) to Fair Housing Choice of the

Hennepin County Consortium

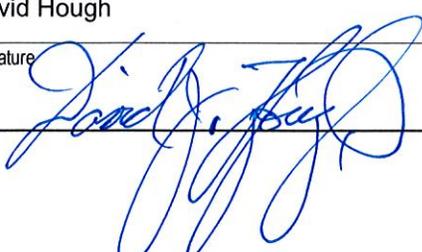
Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

The Metro HRA administers rent assistance to many special populations; including families with HIV/AIDS, mental illness, chronic homeless and veterans. The HRA is actively working to retain the affordable housing stock for voucher holders through landlord recruitment efforts and the use of project basing vouchers in areas of opportunity; working towards deconcentration. The HRA began a mobility counseling program and through it works to mitigate the impediments around voucher acceptance in areas of opportunity.

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

Name of Authorized Official	Title
David Hough	County Administrator
Signature	Date
	9/13/16

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development

Office of Public and Indian Housing

OMB No. 2577-0226

Expires 2/29/2016

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, _____, the _____
Official's Name *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of
Impediments (AI) to Fair Housing Choice of the

Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or
State Consolidated Plan and the AI. The plan meets the fair housing.

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

Name of Authorized Official	Title
Signature <i>Christine Schieber</i>	Date 08/23/2016

NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, sexual assault and stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for a Housing Choice Voucher (HCV), the HRA cannot deny you rental assistance solely because you or an individual affiliated with your household, like your spouse, parent sibling, or child or a lawful occupant in your household, is a victim of domestic violence, dating violence, sexual assault or stalking.

If you or an individual affiliated with your household, like your spouse, parent, sibling, or child or a lawful occupant in your household, is a victim of domestic violence, dating violence, sexual assault or stalking, you cannot be terminated from the HCV program or evicted based on acts or threats of violence committed against you or an individual affiliated with your household. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you or an individual affiliated with your household were the victim of the abuse.

Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the HRA or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault or stalking committed against you. The HRA and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. The HRA can terminate the abuser's HCV assistance while allowing you to continue to receive assistance. If the landlord or HRA chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

The HRA must permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The HRA may require that you be current on your rent or other obligations in the HCV program. The HRA may ask you to provide proof that you are moving because of incidences of domestic violence, dating violence, sexual assault or stalking.

Proving that You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The HRA and your landlord can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault or stalking. The HRA and your landlord must request proof in writing and give you at least 14 business days to provide this proof. The HRA and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form that is approved by HUD, provided by the HRA or your landlord.
- Provide a statement from a victim service provider, attorney, or a medical or mental health professional who has helped you address incidents of domestic violence, dating violence, sexual assault or stalking.
- Provide a federal, state, tribal, territorial, or local police, court, or administrative record, such as a protective order.

If you fail to provide one of these documents within the required time the HRA may terminate your assistance.

Confidentiality

The HRA and your landlord is required by law to restrict access to information provided regarding an individual's status as a survivor to only those employees who need such information to perform their job duties. The HRA and landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the HRA or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If providing the perpetrators name would put your safety at risk, you have the right to not disclose their name.

VAWA and Other Laws

VAWA does not limit the HRA or landlords duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, stalking or sexual assault.

For Additional Information

If you have any questions regarding VAWA, please contact your Coordinator at 651-602-1428.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-223-1111.

If you need help and advice about sexual assault, call 1-800-656-4673.

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with who the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

VAWA defines *sexual assault* as any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

Legal Services

Southern Minnesota Legal Services (Ramsey, Washington, Dakota and Scott/Carver Counties): intake # (651) 224-7301

Mid Minnesota Legal Services or Central Minnesota Legal Services (Hennepin County): intake # (612) 334-5970

Judicare of Anoka County (Anoka): intake # (763) 783-4970 or **Central Minnesota Legal Services** (Anoka): intake # (612) 746-3710

Hotline Numbers

If you are not safe because of domestic violence call: 1(800) 223-1111

If you are not safe because of sexual assault call: 1 (800) 656-4673

Battered Women's Shelters in the Twin Cities Metro Area

Shelter	City	Phone
Alexandra House	Blaine	(763) 780-2330
Asian Women United of MN/House of Peace Shelter	St. Paul and Minneapolis	(651) 646-2118
B. Robert Lewis House	Eagan	(651) 452-7288 (651) 405-9455 (TTY)
B. Robert Lewis House	Hastings	(651) 437-1291 (651) 437-2838 (TTY)
Casa de Esperanza	St. Paul	(651) 772-1611
Cornerstone Advocacy Services	Bloomington, Edina, Richfield, Eden Prairie	(952) 884-0330
Eagle's Nest Shelter/Women of Nations	St. Paul	(651) 251-1621
Home Free	Plymouth	(763) 559-9008
Sojourner Project	Hopkins	(952) 933-7433
Tubman Family Alliance	Hennepin, Ramsey, and Washington Counties	(612) 825-0000

Battered Women's Advocacy Programs in the Twin Cities Metro Area:		
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Program	City	Phone
African Women's Resource Center	St. Paul	(651) 646-5657
Aurora Center- University of Minnesota	Minneapolis	(612) 626-2929
Battered Women's Legal Advocacy Project	Minneapolis	(612) 343-9842
Communications Services for the Deaf (CSD) MN- Domestic Violence Program	St. Paul	(651) 487-8867 (TTY)
Domestic Abuse Project	Minneapolis	(612) 379-6363
Hennepin County Domestic Abuse Service Center	Minneapolis	(612) 348-5073
International Self-Reliance Agency for Women	Minneapolis	(612) 692-8840
Jewish Domestic Abuse Collaborative	St. Paul	(651) 698-0767
Minnesota Coalition Against Sexual Assault	St. Paul	(651) 209-9993
Minnesota Indian Women's Sexual Assault Coalition	St. Paul	(651) 646-4800
Minnesota Network on Abuse in Later Life	Roseville	(651) 636-5311
OutFront Minnesota	Minneapolis	(612) 822-0127, ext 101
Project P.E.A.C.E.	Brooklyn Center	(763) 533-0733
SEWA-AIFW (Asian Indian Family Wellness)	Fridley	(763) 234-3491
Southern Valley Alliance for Battered Women	Belle Plaine	(952) 873-4214
St. Paul Domestic Abuse Intervention Project	St. Paul	(651) 645-2824

NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, sexual assault, and stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your obligations under VAWA.

Protections for Victims

You cannot refuse to rent to an applicant solely because he or she or an individual affiliated with his/her household, like his/her spouse, parent, sibling, or child or a lawful occupant in his/her household, is a victim of domestic violence, dating violence, sexual assault, or stalking.

You cannot evict a tenant because he or she or an individual affiliated with his/her household, like his/her spouse, parent, sibling, or child or a lawful occupant in his/her household, is a victim of domestic violence, dating violence, sexual assault, or stalking based on acts or threats of violence committed against him/her or an individual affiliated with his/her household. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

Moves to Protect Safety

You may not prevent, deny or restrict the tenant’s right to move, even during a lease term, to protect the health and/or safety of someone who has been a survivor of domestic violence, dating violence, sexual assault or stalking. You may not require a voucher participant covered by VAWA to pay any amount or forfeit any security deposit funds under state law as a condition of his or her move for health and/or safety. You may ask the tenant for certification that he or she is protected by the VAWA.”

Permissible Evictions

You can evict a victim of domestic violence, dating violence, sexual assault, or stalking if you can demonstrate that there is an *actual and imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than you hold tenants who are not victims.

Removing the Abuser from the Household

You may bifurcate (split) the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If a tenant asserts VAWA’s protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim’s statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify by providing any one of the following three documents:

- Certification form approved by HUD
- A statement from a victim service provider, attorney, or a medical or mental health professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault, or stalking
- A federal, state, tribal, territorial, or local police, court, or administrative record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

Confidentiality

You are required by law to restrict access to information provided regarding an individual’s status as a survivor to only those employees who need such information to perform their job duties. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.

- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

If providing the perpetrator's name would put the tenant's safety at risk, the tenant has the right to not disclose.

VAWA and Other Laws

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

Additional Information

- If you have any questions regarding VAWA, please contact 651-602-1428.
- For help and advice escaping an abusive relationship, call 1-800-223-1111. For help and advice about sexual assault, call 1-800-656-4673."
- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/notices/pih/06pihnotices.cfm>.
- For a discussion of VAWA's housing provisions, see the preamble to the final VAWA rule, which is available at <http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>.

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as "any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent".

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

MID-MINNESOTA LEGAL AID
MINNEAPOLIS OFFICE
Dorinda L. Wider ▪ (612) 746-3762 ▪ dlwider@mylegalaid.org

August 25, 2016

BY U.S. MAIL and BY E-MAIL: data.center@metc.state.mn.us
and terri.smith@metc.state.mn.us
and jennifer.keogh@metc.state.mn.us

Terri Smith, HRA Manager
Jennifer Keogh, HRA Assistant Manager
Metropolitan Council HRA
390 North Robert St
St. Paul, MN 55101

**RE: Metropolitan Council HRA FY2017 Annual Plan and
Metropolitan Council HRA 2016 Administrative Plan for the Section 8
Housing Choice Voucher Program**

Dear Ms. Smith and Ms. Keogh:

Mid-Minnesota Legal Aid of Minneapolis assists over 5,000 low-income residents of Hennepin County annually. Many of our clients apply to and participate in Metropolitan Council Housing and Redevelopment Authority (Metro) housing programs. Metro's housing programs are valuable resources in our community. As such, we are writing to you on behalf of our clients about Metro's FY2017 Annual Plan and 2016 Administrative Plan for the Section 8 Housing Choice Voucher Program (Admin Plan).

We encourage Metro to make the following changes to its Plans and related policies and documents to both enhance its current policies to better serve applicants, participants and owners; as well as to comply with applicable laws.

In some instances, we have noted policies that do not comply with applicable law. This letter provides notice to Metro should the particular policy, practice or procedure remain uncorrected and an applicant or participant seek our assistance with the resulting harm, we will not provide further notice to Metro of the offending policy, practice or procedure. We will advise our client of her administrative or judicial remedies and assist her as appropriate since Metro has had prior notice of the issue and opportunity to change course.

If our comments raise any questions, please do not hesitate to contact us for clarification.

Terri Smith, HRA Manager

August 25, 2016

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DRAFT FY 2017 ANNUAL PLAN

6.0-4.

Does Kingwood Management manage and maintain Metro's 150 units of Project-Based Voucher units pursuant to Chapter 17 of the Administrative Plan? If not, what policies must Kingwood Management apply to those 150 units on behalf Metro? How may the public access those policies?

HRA Response: The Metropolitan Council contracts with Kingwood Management to provide Property Management services. There is information posted about the Family Affordable Housing Program on the Metro HRA website, Metro HRA Programs. We may consider adding more detail on FAHP policies in the future as other changes are made to the website.

Attachment B

Attachment to 2017 Annual PHA Plan

Summary of Changes

Attachment B listing a summary of changes in the Admin Plan is not complete. The Admin Plan Draft 2016, available by link in Attachment A to the FY2017 Annual Plan, begins with the Summary of Changes to the 2016 Administrative Plan that also includes reference to changes to sections 6-I.B., 7-I.D., 7-I.E., 12-I.E., 12-II.A., 12-II.F. and Chapter 15. Attachment B to the FY2017 Annual Plan should list all of the changes Metro HRA has listed in the summary that precedes the 2016 Draft Admin Plan.

HRA Response: The Summary of Changes focused on material changes to the Administrative Plan as required to report for purposes of the PHA Plan. The Summary of Changes for the entire Administrative Plan, can be found online at: <http://www.metrocouncil.org/Housing/Publications-Resources-NEW.aspx>. This includes all Administrative Plan changed components.

Attachment H1

Notice To Housing Choice Voucher Applicants And Tenants Regarding Protections Under The Violence Against Women Act (VAWA)

“Protections for Victims” Paragraphs:

To conform to the law, revise the first sentence to include the full coverage of VAWA: “... the HRA cannot deny you rental assistance solely because you or an individual affiliated with your household, like your spouse, parent, sibling, or child or a lawful occupant in your household, is a victim of ...” 42 U.S.C. § 14043e-11(a)(1)(A)-(B) (2013). It appears that there is a typo in the sentence and some words were omitted.

To conform to the law, revise the first sentence of the second paragraph in this section to read: “If you or an individual affiliated with your household, like your spouse, parent, sibling, or child or a lawful occupant in your household, is a victim of domestic...committed against you or an individual affiliated with your household.” 42 U.S.C. § 14043e-11(a)(1)(A)-(B) (2013). The final part of the sentence providing VAWA protections to the individual affiliated with the household is missing.

Terri Smith, HRA Manager

August 25, 2016

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[HRA Response:](#) Revised as suggested.

“Confidentiality” Paragraphs:

The survivor protected by VAWA cannot be required to name the perpetrator of the prohibited violence, assault or stalking if the survivor believes not disclosing the name is essential for his/her safety. This section should be revised to include this point so applicants and participants given this Notice know they have the legal right to preserve their safety by not disclosing the perpetrator’s name. 42 U.S.C. § 14043e-11(c)(3)(A) (2015).

[HRA Response:](#) The confidentiality paragraph does not include a requirement to disclose the perpetrator name.

“Definitions” Paragraphs:

Delete from Bullet 4 “...receiving grant monies.” This phrase is confusing to the applicants and participants who are the intended audience of this Notice.

[HRA Response:](#) Revised as suggested.

Attachment H2

Notice To Housing Choice Voucher Owners And Managers Regarding The Violence Against Women Act (VAWA)

“Confidentiality” Paragraphs:

Metro cannot require the survivor protected by VAWA to name the perpetrator of the prohibited violence, assault or stalking if the survivor believes not disclosing the name is essential for her safety. This section should be revised to include this point so owners and managers know that they have no right to demand this information from participants who have the legal right under VAWA to preserve their safety by not disclosing the perpetrator’s name. 42 U.S.C. § 14043e-11(c)(3)(A) (2015).

[HRA Response:](#) The confidentiality paragraph does not include a requirement to disclose the perpetrator name.

“Definitions” Paragraphs:

Delete from Bullet 4 “...receiving grant monies.” This phrase is confusing to the owners and managers who are the intended audience of this Notice.

The definition of sexual assault contains the citation to VAWA that is the source of the definition. The legal citation is not provided for the other definitions in this section so it should be removed here as well to avoid an owner or manager from incorrectly concluding that the sexual assault definition comes from the law but the other definitions do not.

[HRA Response:](#) Revised as suggested.

DRAFT FY2016 ADMINISTRATIVE PLAN FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

3-I.B.

Correct the citation in Bullet 2 to: Minn. Stat. § 524.5-211 (2016).

[HRA Response:](#) Revised as suggested.

3-I.C.

Bullet 3 is incorrect as written. It lists factors Metro will consider in situations of family break up. Item (3) refers to the interests of any family member who is the victim of domestic violence, dating violence, or stalking. A participant's status as survivor of violence, assault or stalking pursuant to VAWA is not simply a factor to be considered in family breakup situations. Metro is required by 24 C.F.R. § 982.315 (2) (2015) to ensure that in family breakups resulting from conduct prohibited by 24 C.F.R. § 5, Subpart L (2015) "the victim retains assistance." Violence is not a factor for consideration but rather a fact that requires that Metro ensure that the victim retains the Voucher assistance.

[HRA Response:](#) The Metro HRA understands this and is committed to following the law.

3-I.F.

We previously advised Metro that the imposition of 50% standard when interpreting joint custody arrangements and the dependents involved in it in Bullet 1, does not reflect the reality of family law practice or family court documents in Minnesota surrounding joint custody, physical or legal. There is no legal requirement that Metro use this measurement. An agreement considered "joint physical custody" may show a child living with a custodial parent 45% of the time – less than the 50% standard that Metro wants to impose. Yet Metro persists in retention of this standard. Metro is required in other situations to read and follow a family court order, *see* 24 C.F.R. § 982.315 (c) (2015), so Metro's staff is capable of doing this. The same should be done in this situation. The policy in Bullet 1 should be that the court's order regarding where a dependent lives will be followed, without imposition of a 50% standard. This reliance on court documents is what Metro says in Bullet 2 it will do in situations in which conflicting information is received and should be the policy in Bullet 1 as well.

[HRA Response:](#) Thank you for your comments and suggestions.

3-I.J.

Metro's policy in Bullet 3 should be reliance on the court's order regarding where a dependent lives, without imposing the arbitrary 50% standard. *See* our comment *supra* at 3-I.F.

[HRA Response:](#) Thank you for your comments and suggestions.

3-I.M.

In Bullet 1 of the “Live In Aide” section, p. 3-9, Metro’s proposed policy requires that a family submit a new written reasonable accommodation request for a live-in aide each year at the time of its annual reexamination. There is no basis for imposing the burdensome request to make a new reasonable accommodation request each year other than the disability status of a family member. The disability status of a family member is no legal basis for imposing this requirement. HUD Notice “Over-Subsidization in the Housing Choice Voucher Program” PIH 2014-25 (October 16, 2014), p. 4, requires Metro to verify annually during the unit’s annual inspection that an additional bedroom is used for medical equipment. However, in the discussion of reasonable accommodation of live-in aides and approval of an additional bedroom for the live-in aide providing disability-related overnight care, *Ibid.*, p.3, there is no requirement that the family submit a new reasonable accommodation request for Metro review and approval annually. The verification during the annual inspection of the use of the additional bedroom for medical equipment is the only annual verification that Metro is authorized to carry out. Failure to remove this overreaching language in this section of the Draft Admin Plan will risk use of limited Metro resources to defend legal challenges to this policy choice.

HRA Response: This is an issue of whether the situation requiring a reasonable accommodation is temporary or permanent. The HRA will revise its policy to read “may be required to re-verify each year based on the permanency of the initial request.”

3-II.C.

The revision made regarding admitting a family and giving them 90 days to obtain a Social Security Number for a family member under 6 years of age is incomplete. In HUD Notice Streamlining Administrative Regulations for Programs Administered by Public Housing Agencies, PIH 2016-05 (April 7, 2016), p. 4, Metro is required to grant an additional 90 days if Metro determines the family has been unable to obtain the Social Security Number due to circumstances reasonably unforeseen and outside the family’s control.

HRA Response: The extension language is covered in Chapter 7-II.B, Verification of Social Security Numbers.

3-III.B

Metro must establish standards that may deny of admission of a drug criminal only if: (1) the applicant is currently engaging in the use of illegal drugs; (2) Metro has reasonable cause to believe the applicant’s illegal drug use or pattern of illegal drug use may threaten the health, safety or peaceful enjoyment of premises of other residents; or (3) the applicant was convicted of manufacture on premises of federally-assisted housing. 24 C.F.R. § 982.553 (a)(ii) (2015). In this section of the Draft Admin Plan, Bullet 2, p. 3-19, Metro exceeds its legal authority by imposing a blanket admission denial standard based on any conviction for manufacture of methamphetamine in any location. Metro’s proposed language fails to link the behavior resulting in the conviction to the factors permitted under the law. The blanket prohibition Metro proposes is not permitted under federal regulation and is not within the guidelines established by HUD. See Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, PIH 2015-19 (November 2, 2015), and Office of General Counsel Guidance on Application of Fair Housing Act Standards

Terri Smith, HRA Manager

August 25, 2016

Page 6

to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transaction, April 4, 2016. If Metro chooses to adopt this policy, it risks use of limited Metro resources to defend legal challenges to it.

HRA Response: The Metro HRA will revise this policy to include “on the premises of federally assisted housing”.

3-III.C. and 3-III.E.

The final paragraph of this section of the Draft Admin Plan states that Metro will consider the factors of section 3-III.E. in its case-by-case admissions determinations. Section 3-III.E. provides only one factor as a mitigating circumstance. Metro’s policy is to consider its removal of “the culpable family member” from the application with no visit, guest stay or future residency by that “culpable family member” in the future. This sole factor for consideration in the Draft Admin Plan is only one among the list of factors at 24 C.F.R. § 982.552 (2) (2015). We urge Metro to consider the factors in 24 C.F.R. § 982.552 (2)(i) and (iii) (2015) to draft a revised policy that will comply with its regulatory obligations and the Guidance provided by HUD on these issues. See Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, PIH 2015-19 (November 2, 2015), and Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transaction, April 4, 2016.

HRA Response: The Metro HRA practices this but will add more policy detail to include other consideration factors. In reviewing this section and in order to provide further clarification, a change was made to 3-III.C. to include “if any household member has been convicted or adjudicated of any of the following criminal activity within the past three years or there is evidence of current criminal activity . . . ” and “Evidence of such criminal activity includes, but is not limited to: credible evidence of current drug-related or violent criminal activity.”

3-III.E.

Metro’s proposed policy of requiring removal of the “culpable family member” from the application imposes a requirement on the family when admitted to provide evidence of that “culpable family member’s current address...”. The family may not be able to perform this requirement through no fault of its own. The policy should provide for good cause exception to this current address requirement if the family is unable to do it through due to unforeseen or unavoidable circumstances that are not caused by the family or compliance would impose a threat to the safety of a family member related to domestic violence.

HRA Response: The Metro HRA has been doing this in practice and will continue to do so. The HRA revised language to provide a list of circumstances.

3-III.F.

Revise the final paragraph that refers to violence situations, but probably through oversight, neglects to include “sexual assault”.

HRA Response: Revised as suggested.

3-III.G.

The Metro policy regarding “Perpetrator Documentation” continues to violate the provisions of VAWA by limiting an applicant’s contact with the applicant family member who is the perpetrator of domestic violence, dating violence, sexual assault or stalking. By requiring that the perpetrator be removed from the family’s application and a certification signed stating that the perpetrator will not visit or be a guest in the family’s home, Metro imposes a higher standard on a survivor covered

by VAWA than on other applicant families who are the victims of other crimes. This higher standard for those protected by VAWA violates 42 U.S.C. § 14043e-11 (b)(3)(C)(ii) (2013). When we pointed out this defect in the 2015 Draft, Metro’s response was to state that it “will continue to comply with VAWA law and regulation.” This misses the point -- that in fact the policy as written does not comply with VAWA.

Conditioning the victim’s application upon disclosure of the perpetrator’s identity in either an agreement that bans him/her from the victim’s home or in a certification of the perpetrator’s completion of rehabilitation or treatment signed by and provided by the victim to Metro are both illegal under VAWA 2013 and must be deleted. Metro’s proposed policy attempts to extract written agreements as conditions for application is in violation of VAWA 2013 that places disclosure of the perpetrator’s identity solely within the victim’s control. Only the victim may decide if it is safe to disclose the perpetrator’s identity. 42 U.S.C. § 14043e-11 (c)(3)(A)(iii) (2013).

Metro must revise the 2016 Draft Admin Plan to require every crime victim applicant provide similar documentation about the perpetrator of the crime or delete this provision. If Metro chooses to adopt this policy, it risks use of limited Metro resources to defend legal challenges to it.

HRA Response: This policy only applies when the perpetrator is a household member and that fact is known to the Metro HRA. As such, the Metro HRA already has perpetrator information and is not asking the participant to disclose any new information. Current policy includes exceptions that will allow the perpetrator to remain in the assisted unit.

4-II.E.

The requirement that a family on the waiting list update all changes to its application information on-line without providing for use of in person contact at Metro’s office and mail fails to meet Metro’s fair housing obligations. For every low-income person in Metro’s programs and service area with access to electronic communication there are countless others who: have phone service only part of a month; lack the ability to program the phone they do have to effectively handle the tasks Metro’s Plan proposes to require; have no home computer; have no money for transportation to public access to a computer; lack the skills to use electronic communications; are LEP so unable to effectively use electronic communication; and/or have a disability that impairs ability to communicate effectively and reliably electronically. Metro should offer each person on its waiting list and each participant household the opportunity to designate whether or not electronic communication is the most effective and reliable way to communicate with them. For those who cannot facilitate Metro’s desire to do as much on-line as possible, then the use of

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U.S. Mail and the telephone used by Metro up to this point must continue. Metro's response to our 2015 comments on this same point said that Metro "will work with families". The Admin Plan must state that the family has the option of communications other than electronic/on-line methods and tell the family how to exercise the option it chooses as best for its communication with Metro. Any other choice limiting communication in the Admin Plan will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA has been doing this in practice and will revise policy that reads: "The Metro HRA will consider other forms of communication under extenuating circumstances or as a reasonable accommodation for persons with disabilities".

4-II.F.

See, our comment *supra* re 4-II.E.

HRA Response: See Response under 4-II.E.

4-III.D.

See, our comment *supra* re 4-II.E.

HRA Response: See Response under 4-II.E.

4-III.E.

See, our comment *supra* re 3-II.C. and revise to add the additional 90-days provision here as well.

HRA Response: The extension language is covered in Chapter 7-II.B, Verification of Social Security Numbers.

4-III.F.

See, our comment *supra* re 4-II.E.

HRA Response: See Response under 4-II.E.

5-I.B.

See, our comment *supra* re 4-II.E. for revision of the "Notification" to families.

HRA Response: Thank you for your comments.

5-II.C.

In Bullet 2 we suggest "health-related reasons" be replaced with "disability-related reasons". Also add a referral to Metro's reasonable accommodation process at Chapter 2, Part II to direct families to the process for making their requests.

HRA Response: The Metro HRA will revise its policy.

Bullet 3 misstates Metro's obligations regarding use of an additional bedroom for medical equipment. HUD Notice "Over-Subsidization in the Housing Choice Voucher Program" PIH 2014-25 (October 16, 2014), p. 4, requires Metro to verify annually during the unit's annual inspection that an additional bedroom is used for medical equipment. Any requirement for submission of an annual reasonable accommodation request is not supported by law or HUD instruction. *See supra* at 3-I.M. regarding the legal risks if this language is not revised.

HRA Response: The Metro HRA will revise its policy to clarify the use of an additional bedroom will be verified at annual reexamination time through the inspection process.

6-I.B.

The "Joint Custody of Dependents" is another instance of Metro imposing a 50% custody standard to determine where a child lives. The policy should state that Metro will rely on court documents designating where the child lives and not include the 50% standard for the same reasons described *supra* at 3-I.F.

The "Caretaker for a Child" section, point 3 regarding disposition of the Voucher when there has been a legal award of custody or guardianship, must be revised. The Voucher cannot be taken from the person to whom the Voucher was issued without due process through the family break-up procedure or the termination of assistance procedures in Metro's Admin Plan and relevant federal statutes and regulations. Revise this section to recognize the need for these procedures before the Voucher is transferred to a "caretaker". Taking away the Voucher without due process will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The current policy already states that the Caretakers for a Child section only applies if neither a parent nor a designated guardian remain in the assisted household.

6-I.E.

The "Lifetime Limitation" section referring to a 48-month period is no longer applicable and must be removed. *See*, HUD Guidance Streamlining Administrative Regulations for Programs Administered by Public Housing Agencies, PIH 2016-05 (April 7, 2016), p. 12.

HRA Response: The 48-month period still applies to any household that became EID eligible prior to the new rule.

6-I.K.

This section should specify that the spousal maintenance and child support *received* during the prior twelve (12) months are the amounts that will be used to establish the amount of spousal maintenance and child support to be included in annual income for rent calculation.

HRA Response: Made revisions as suggested.

7-II.D

The correct the citation in "Family Relationships" is: Minn. Stat. § 524.5-211 (2016).

HRA Response: Made revisions as suggested.

The “Absence of Adult Member” section requires documentation, such as a lease or a utility bill, to prove the current address of the permanently absent household member. This section must be revised to allow exemption for the participant family who cannot provide this documentation because the location of the permanently absent household member is unknown or any contact with the permanently absent member would endanger the health or safety of the participant family.

HRA Response: The Metro HRA is doing this in practice and will continue to do so.

7-III.D.

Metro must revise this section to conform to Minnesota law. There is no alimony in Minnesota. The correct term is spousal maintenance.

HRA Response: Made revisions as suggested.

7-III.K.

The financial assistance received by a student for mandatory fees and charges are excluded from income as a result of the Streamlining Regulation issued March 8, 2016. This section must be revised to comply with HUD Guidance Streamlining Administrative Regulations for Programs Administered by Public Housing Agencies, PIH 2016-05 (April 7, 2016), p.7.

HRA Response: The Draft Administrative Plan document does not contain a section 7-III.K. However, this issue is covered in section 6-I.L, Student Financial Assistance, where current policy reads: *Tuition . . . will include any other fees and charges required by the institution for enrollment.*

8-I.B.

In the “Additional Local Requirements” section Metro has included other items required to clarify the HUD standards for subsidized units. The listed requirements should also include the following requirements:

- The unit is free from all mold and mildew.
- In a single-meter building, the Owner, not the Family, is identified as the bill payer and the customer of record contracting with the utility provider for utility services, and that the Owner inform the utility services provider that it is a single-meter building. *See* Minn. Stat. § 504B.215, subd. 2 (2016). An Owner must show compliance with the statutory requirements for apportionment of utility service payments under *See* Minn. Stat. § 504B.215, subd. 2a (2016) before utility services can be billed in the Family’s name.
- Revise the “Infestation” section, p. 8-7, as follows to comply with Minn. Stat. § 504B.161, subd. 1 (2016):

The owner is responsible for treating vermin infestation even if caused by the family’s living habits. However, if such infestation is caused by the willful, malicious or irresponsible conduct of the family, it may be considered a lease

violation and the owner may file an eviction complaint. The PHA may terminate the family's assistance on that basis.

HRA Response: Although the Metro HRA does fail inspections for a black-like substance, the inspectors are unable to identify what the substance is. The Metro HRA is aware of the statute regarding single-meter buildings. Current policy complies with Minnesota law regarding infestation.

8-I.C.

Revise the list of life-threatening conditions requiring immediate corrective action and a shortened remediation time, p. 8-7, to include the following:

- Where documentation verifies household member(s) physical well-being is endangered due to the presence of mold/mildew
- Where documentation verifies household member(s) have blood lead levels at or above 5 micrograms/deciliter or the current blood lead reference level recommended by the Centers for Disease Control and Prevention.

HRA Response: The Metro HRA's goal is to preserve the household's occupancy except for in very dire circumstances as those listed in current policy. If there is black-like substance of unknown origin or lead paint in a home, it is not practical to test and remediate within 24 hours. Housing Assistance Payments are abated if fail items are not completed in a timely manner.

8-II.C.

The Metro policy about scheduling inspection appointments should be revised to include a good cause exception for a family that misses its inspection appointment(s) due to unforeseen or unavoidable circumstances that are not the fault of the family so should not result in termination of assistance.

This section should be revised to refer to Metro's Reasonable Accommodation obligation to a family who misses its inspection appointment(s) due to circumstances related to a disability and the process for a reasonable accommodation request outlined in Chapter 2.

HRA Response: The HRA is doing this in practice and will continue to do so. Any time the Metro HRA takes adverse action, policy exception considerations are outlined.

9-I.E.

Metro continues the policy and practice of approving lease for less than a year while denying a participant continued assistance if the shorter lease ends without any fault of the participant before a year has passed. We have previously outlined how this violates federal statute and regulation and choose not to use additional resources to repeat those points at this time. Failure to make these revisions necessary for this policy choice to comply with the law risks the use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA has a policy that permits shorter than 12-month lease terms. The Metro HRA also has a policy that limits moves to one in a 12-month period. In most cases, landlords request 12-month leases. Allowing participants to enter into a lease with less than a 12-month term provides

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opportunities for families to successfully lease up that may not otherwise be able due to their background or history. In the current environment of extremely low vacancy rates and decreased landlord participation, it is more important than ever that this flexibility continues to allow as many families as possible success with lease up. The Metro HRA will continue to consider policy exceptions as appropriate.

10-I.A.

Add “sexual assault” to Bullet 6.

HRA Response: Made revisions as suggested.

Regarding Bullet 2 *see* our comment *supra* at 9-I.E.

HRA Response: See above comments under 9-I.E. Added clarifying language to state, “even if a less than 12-month lease was signed”.

Add “sexual assault” to the first line on p. 10-3.

HRA Response: Made revisions as suggested.

10-I.B.

Add “sexual assault” to the third line of the paragraph on “Restriction on Elective Moves” on p.10-4.

HRA Response: Made revisions as suggested.

Revise Bullet 3 to clarify that any debt to Metro, another PHA or a landlord upon which Metro will base its adverse action of denial or termination of assistance is more than an alleged debt. The debt must be based on objective evidence, and a repayment agreement in which the family did not dispute the amount allegedly owed is executed or an enforceable court ordered judgment entered against the family. Metro must not base its adverse action on any debt barred by the applicable statute of limitations. Metro also must not base its adverse action on any debt discharged in bankruptcy. Denial or termination of assistance without due process is a violation of statute and regulation. Failure to make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA provides an opportunity for an informal hearing for any debt owed to the HRA. This is sufficient due process to establish the debt.

Bullet 4 must be revised to clarify that full payment of any debt to Metro upon which Metro conditions a family’s porting its Voucher out of Metro’s jurisdiction is more than an alleged debt. Metro’s denial of porting for a debt must be a debt based on objective evidence, and one for which a repayment agreement was executed in which the family did not dispute the amount allegedly owed or an enforceable court ordered judgment entered against the family. Metro must not base its adverse action on any debt barred by the applicable statute of limitations. Metro also must not base its adverse action on any debt discharged in bankruptcy. Denial of the family’s

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right to port Hits Voucher without due process is a violation of statute and regulation. Failure to make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA provides an opportunity for an informal hearing for any debt owed to the HRA. This is sufficient due process to establish the debt.

Revise Bullet 7 to add “sexual assault”.

HRA Response: Made revisions as suggested.

10-II.A.

This Part of the Admin Plan on portability references PIH 2012-42 which is outdated. Metro must revise its policies on portability to comply with Housing Choice Voucher (HCV) Family Moves with Continued Assistance, Family Briefing, and Voucher Term’s Suspension, PIH 2016-09 (June 6, 2016).

HRA Response: The Metro HRA will continue to comply with the new portability regulations. Due to the timing of HUD’s Final Rule, the HRA will make changes with the next Administrative Plan revision.

10-II.B.

In the “Applicant Families” section, revise Bullet 3 to add “sexual assault”.

HRA Response: Made revisions as suggested.

11-I.B.

In the “Notification” section on pg. 11-2, Bullet 2 states Metro’s proposed policy to provide annual reexamination notices electronically only. Revise this proposed language so that electronic notification is not the only method of every notice to participants. *See*, our comments at 4-II.E. *supra*.

HRA Response: Current policy states “one of the following ways: on-line, in person or through the mail”. This allows for flexibility in communication.

11-I.E.

The policy does not include what outcome will result if a delay in processing an annual recertification is due to Metro’s error. The policy revision must be one in which there is no financial penalty or harm to the family due to Metro’s action or failure to act.

HRA Response: The Metro HRA has been doing this in practice and will continue doing so.

11-II.B.

The correct statutory citation is:” Minn. Stat. § 524.5-211 (2016).

HRA Response: Made revisions as suggested.

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12-I.D.

The time to appeal referred to in Bullet 1 on p. 12-3 should be 15 days not 10. *See* Minn. Stat. § 504B.371, subd.2 (2016).

HRA Response: Made revisions as suggested.

In Bullet 2 on p. 12-3 Metro says it will consider the factors in 12-II.D. and 12-II.E. The mitigating factors of 12-II.D are inadequate, see our comment *infra*. 12-II.E. does not contain factors for Metro's consideration, but instead contains policies concerning VAWA protections which are mandatory for Metro application and not discretionary factors for consideration.

HRA Response: The Metro HRA has been doing this in practice but will add more policy detail to Section 12-II.D. to include other consideration factors.

Revise the policy regarding Social Security Numbers on p. 12-4 so it is clear that the family has 90 days to provide the Social Security Number for a child under 6 years of age and an *additional* 90 days to provide the number if the number is not available for the extenuating circumstances described in the policy. The policy proposed appears to afford families only one 90-day period to obtain the Social Security Number at issue.

HRA Response: The extension language is covered in Chapter 7-II.B, Verification of Social Security Numbers.

12-II.C.

The "Changes in Household Composition" section on p. 12-6 proposes conditioning continued assistance on the families' certification that the culpable family member has vacated and will never be on the premises again, as well as requiring proof of the former household member's current address. Revise this section to allow exemption for the participant family who cannot provide this documentation because the location of the culpable household member is unknown or any contact with that person would endanger the health or safety of the participant family. Failure to make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA has been doing this in practice and will continue to do so.

The "Repayment of Family Debts" section on p. 12-6 must include procedures to ensure that the alleged debt is based on objective evidence before the repayment agreement is executed. The family must be provided due process to dispute the amount allegedly owed and those procedures must be stated in the Admin Plan. The debt cannot be barred from collection by the applicable statute of limitations nor a debt that cannot be collected because it was previously discharged in bankruptcy. These limitations must be included in the Admin Plan. Failure to make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA provides an opportunity for an informal hearing for any debt owed to the HRA. This is sufficient due process to establish the debt.

12-II.D.

Metro proposes that it might offer a repayment agreement prior to termination of assistance. The policy is ambiguous. Will Metro offer a repayment agreement in lieu of termination or is it simply stating the timing for its offer of a repayment agreement and it will terminate assistance once the agreement is signed? The policy should state an executed agreement includes Metro's withdrawal of the notice of termination proposed for an alleged debt.

HRA Response: If appropriate, the Metro HRA offers repayment agreements as an alternative to termination. As long as participants remain compliant, they remain assisted.

12-II.E.

Add "Sexual Assault" to the title of this section.

HRA Response: Made revisions as suggested.

Add "sexual assault" to the first paragraph of the "VAWA Protections Against Termination" section.

HRA Response: Made revisions as suggested.

Add "sexual assault" to the first paragraph on p.12-10.

HRA Response: Made revisions as suggested.

Add "sexual assault" to the second paragraph on p. 12-10.

HRA Response: Made revisions as suggested.

Add "sexual assault" to the fifth paragraph on p. 12-10.

HRA Response: Made revisions as suggested.

12-II.F.

Revise "Terminating the Assistance of a Domestic Violence Perpetrator" section, p. 12-12, to include termination of assistance of the perpetrator of both physical violence and stalking. The term "physical violence" would include the VAWA prohibited activities of domestic violence, dating violence and sexual assault but the protection against stalking may not be included as "physical violence" but is still a basis for termination of the perpetrator.

Bullet 2 refers to Metro consideration of factors in 12-11.D, but there are no factors listed at that section. See our comments *supra* at 12-I.D. Metro should indicate, even if not in an exclusive list, what mitigating circumstances it will use in its determinations beyond those dictated by law like reasonable accommodation obligations or VAWA protection. Without revision the process appears to be one of *ad hoc* decisions. Failure to make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA has been doing this in practice but will add more policy detail to section 12-II.D. to include other consideration factors.

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The underlined language on p. 12-13 refers to both VAWA and reasonable accommodations. Revise the text further to include references to the VAWA and reasonable accommodation policies sections in the Admin Plan to facilitate a reader locating them.

HRA Response: All termination letters include VAWA and reasonable accommodation information including how to request exceptions.

12-III.B.

Delete references to PIH 2010-49 because the federal Protecting Tenants at Foreclosure Act is no longer law.

Replace the text with the protections provided by Minn. Stat. § 504B.285, subd. 1a (2016).

[HRA Response:](#) Removed the Notice reference.

EXHIBIT 12-1: Metro HRA HCV Statement of Responsibilities

The “Reporting Household Members” section at Bullet 3, p. 12-18, assumes that landlord approval is required for all additional household members and then proof of that approval must be given to Metro. This assumption is incorrect. A landlord does not have legal authority to approve or disapprove all additions to a tenant’s household. Minn. Stat. § 504B.315 limits a landlord’s authority to limit occupancy based on familial status. This protection cannot be waived orally or in writing. Metro cannot give a landlord authority that violates Minnesota law by inserting this requirement in its Statement of Responsibilities. Remove this Bullet because it attempts to require a participant to allow a landlord to exercise authority the law prohibits. Failure to make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

[HRA Response:](#) Thank you for your comments.

The “Moving” section, p. 12-19, at Bullet 2: *See* our comment *supra* at 9-I.E.

[HRA Response:](#) See comments under 9-I.E..

The “Moving” section, p. 12-19, at Bullet 6: *See* our comment *supra* at 10-I.B.

[HRA Response:](#) See comments under 10-1.B.

In “The HRA may deny permission...” section, p.12-19, at Bullet 3: *See* our comment *supra* at 10-I.B.

[HRA Response:](#) See comments under 10-1.B.

The “Side Payments” section, p. 12-19, at Bullet 4 should also specify that the payments for additional amenities approved by Metro must be pursuant to written agreements.

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[HRA Response:](#) Thank you for your comments.

The “Debts Owed” section, p. 12-19: *See* our comment *supra* at 10-I.B.

[HRA Response:](#) See comments under 10-1.B

The “When the above is complete...” section, p. 12-20, should also include information clearly stating the policy of tolling search time when a Request for Tenancy Approval (RTA) has been submitted so a participant understands how much the search time is spent.

[HRA Response:](#) Thank you for your comments.

Revise the “Rule Exceptions” section, p. 12-20, to read “...(VAWA) for survivors of domestic violence, dating violence, sexual assault and stalking, or as a reasonable...”. Just as it is helpful to know that reasonable accommodation applies to you if you are a person with a disability it is helpful to know the Violence Against Women Act (VAWA) applies to you if you are a person who has survived the enumerated types of violence covered by the Act.

[HRA Response:](#) Thank you for your comments.

Revise the “who will screen...” section, p. 12-20, to make it clear that Metro will not release any information covered by the confidentiality provisions of VAWA. The extreme risks and need for extraordinary safety that were the bases for these statutory protections and attention to confidentiality give participants covered by VAWA a heightened concern for protection of their personal information. Revision of this section in this way will reassure participants that Metro shares their concern about personal safety.

[HRA Response:](#) The Metro HRA is aware of the confidentiality provisions and will continue to comply. .

13-II.F.

Metro requires written notice from the Owner when there is a change in ownership in order to change the HAP payee under an existing HAP contract. Metro should also require written notice from the Owner to the Tenant participant so s/he knows to whom s/he must pay the Tenant Portion of the rent. Often we counsel tenants whose landlords have changed as the result of a property sales but who are not informed of the name and address of the new owners so that timely rent payments can be made. Tenants should not have to incur late fees or, in too many instances, be a party to eviction hearings before the identity of the new Owner is known so rent may be paid. If Metro does not want to generate a separate letter to the Tenant, then it could simply forward to the Tenant a copy of the written notice of ownership change Metro receives from the Owner.

[HRA Response:](#) Thank you for your comments.

Delete Bullet 4 on p.13-14. The Protecting Tenants at Foreclosure Act is no longer law. Replace the text with the protections provided by Minn. Stat. § 504B.285, subd. 1a (2016).

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HRA Response: Made revisions as suggested.

13-II.G.

Delete all content and references to the federal Protecting Tenants at Foreclosure Act which is no longer law. HUD guidance PIH 2010-49 is no longer effective. The content of this section should describe the protections of Minn. Stat. § 504B.285, subd. 1a (2016).

HRA Response: Removed reference to the PIH Notice no longer effective.

14-I.A.

The policy for resolving challenges to alleged debts received pursuant to HUD-52675 (Exp. 8-31-2016) by Metro are missing from this or any other part of the Admin Plan. Failure to correct this oversight and make these revisions will risk use of limited Metro resources to defend legal challenges to those policy choices.

HRA Response: The Metro HRA will add clarification in Chapter 16 under Owner or Family Debts that an informal hearing will be offered for all debts owed.

Chapter 15

Metro's summary notes that these additions to procedures for SROs, Group Homes, Shared Housing and Co-ops are not changes in practices but merely additions to policies. Does Metro anticipate adding any of these types of housing to its programs?

HRA Response: Yes, the Metro HRA will assist in this type of housing as a reasonable accommodation.

16-II.A.

We were unable to locate on-line the Voucher Payment Standard and the Utility Allowance Schedules referenced in Bullet 3 as being on-line. Since these important documents are neither on-line nor easily located on the website, these documents should be made easily available by putting a live link to them in the text or attaching them to the Admin Plan as appendices or exhibits.

HRA Response: Thank you for your suggestion. A link can now be found on the Tenant page at www.metrohra.org.

16-III.C.

Revise the listed contents of the Notice to the Family, on p.16-12, at Bullet 9 for VAWA protections to state: "Notice to the family of their right to protections under the Violence Against Women Act (VAWA) if the proposed termination is the related to an incident of domestic violence, dating violence, sexual assault or stalking." This formulation of VAWA rights with its additional clarifying information mirrors Metro's formulation of reasonable accommodation information in Bullet 10.

HRA Response: Made revisions as suggested.

On p.16-13 the link to the “Metropolitan Council Policy Procedure – Data Practices 4-1-1a.” is provided to tell a participant how they will be allowed to copy documents related to her Informal Hearing. A link to a website is not an effective way to tell a participant involved in an Informal Hearing how s/he will be able to copy Metro HRA documents that will be part of her hearing. We found that access to the information via the link was inconsistent based on the web browser used. The participant needs this vital information about access to evidence for her hearing in the most direct and transparent way. The information should be included in the text in this section about how a participant may review and copy documents from her Metro file prior to her hearing.

HRA Response: Language was added to provide the following clarification, “The family will be allowed to review their file upon request and make a reasonable number of copies free of charge. If a family requests a large number of copies from their file, this request will need to be made according to the Metropolitan Council Policy and Procedure – Data Practices, which can be requested in writing to the Metro HRA or found at (link).”

Revise the paragraph regarding a hearing officer request for additional information after the hearing but before her decision, on p.16-16, to include: (1) any additional information requested by and provided to the hearing officer must also be provided to all parties, and (2) the hearing officer must not make her final decision until all parties have had the opportunity to respond to the additional information. Gathering information outside the hearing that will be considered by the hearing officer without providing the information to both Metro and the participant violates the rights of the parties to hear and respond to all evidence that the hearing officer will consider before reaching her decision.

HRA Response: Made revisions as suggested.

16-III.D.

The cost for a copy of any documents by the family before the hearing is different here than the cost for the type of informal hearing on p. 16-13, without any rationale for the different treatment of the two types of families contesting adverse actions by Metro. Revisions are required for consistent treatment of families.

HRA Response: Language was changed for consistency.

16-IV.A.

Bullet 3 refers to use of the Minnesota Revenue Recapture process but there is nothing in the Admin Plan that describes the procedures that Metro will use when it invokes the Revenue Recapture Act to recoup debts. Add Metro’s Revenue Recapture procedures to the Admin Plan here, or in some other section of the Admin Plan with a reference to that section here.

HRA Response: Thank you for your comments.

16-IV.B.

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Revise Bullet 6 to include Metro's procedures for use of the Minnesota Revenue Recapture Act. *See supra* regarding 16-IV.A.

[HRA Response:](#) Thank you for your comments.

The reference to PIH 2010-19 in the paragraph on "Payment Thresholds" misstates the HUD Guidance. In PIH 2010-19 HUD mandates, not suggests, the limitation on the amount of the monthly payment that Metro may require. Although the paragraph appears to be text written by the vendor from whom Metro purchased the Admin Plan template, this misstatement cannot be ignored. A reader will assume that Metro is responsible for all text published in its Admin Plan so it has to be correct. The text must state: "The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income." PIH 2010-19, Paragraph 16 (May 17, 2010), extended in PIH 2013-23 (June 1, 2013).

HRA Response: Thank you for your comment. It is not possible in some cases to keep the repayment amount plus tenant rent below 40% of the adjusted income. Many families are paying more than 40% of their income in rent alone. In such cases, the Metro HRA would alternatively terminate a family's assistance if not able to enter into a repayment agreement due to this 40% rule, although this is not a good alternative for the family.

The reference to the CDA must be removed from the paragraph and the bulleted list that follows under the PHA Policy heading.

[HRA Response:](#) Made revisions as suggested.

16-VI.C.

Metro's policy regarding "Records Management" should state that disclosure of family information will be made in compliance with HUD-92006.

[HRA Response:](#) Thank you for your comments.

Metro has specific obligations regarding the retention and disclosure of chemical health records of applicants and participating families. This section should include an additional Bullet that includes Metro's obligations pursuant to the Confidentiality of Alcohol and Drug Abuse Patient Records statute and regulation, 42 U.S.C. 290ee-3 (2015); 42 CFR Part 2 (2015).

[HRA Response:](#) Thank you for your comments.

On p. 16-31 add "Sexual Assault" to the heading regarding VAWA documentation.

[HRA Response:](#) Made revisions as suggested.

16-VII.C.

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Metro HRA's stated policy in this section indicates that every health department in every jurisdiction in which it operates has told Metro that it does not want to receive the quarterly reports from Metro about lead poisoned children in its assisted housing as mandated by federal law at 24 C.F.R. § 35.1225 (f) (2015). This is an extraordinary statement about a number of public health departments choosing not to know when children living in rental housing subsidized by Metro in their jurisdictions are lead poisoned.

Apart from the troubling statement in its Admin Plan regarding public health deliberate inattention to lead poisoned children, the Metro policy fails to address Metro's legal obligation from public health departments in its jurisdiction quarterly reports of the names and addresses of children under 6 years of age with an identified environmental intervention blood lead level. 24 C.F.R. § 35.1225 (f) (2015). Even if every public health department in its jurisdiction does not want to hear from Metro as required by law, Metro is still obligated to gather the information from them about the children of its program participants and to act upon that information as required by 24 C.F.R. § 35 Subpart M (2015). Metro's policy in its Admin Plan in this section must correctly state Metro's legal obligations and its actions to comply with the law.

PHA Response: Thank you for your comments. Policy revised to include clarification regarding the Minnesota Department of Public Health and data privacy laws that prevent the sharing of name and address information.

16-IX.C.

It is Metro's policy as stated in Bullet 1 is to give VAWA notice to "all participants". Does this include only the head of household or does Metro mean that it will give VAWA notice to each adult member of the household? The dynamics of domestic violence often involve control of information by one person in the relationship. Therefore, we urge Metro to revise its policy so that notice of VAWA rights is given to each adult member of the household to avoid perpetuation of the manipulation and control inherent in domestic violence when information is in the hands of just one member of the family.

[HRA Response:](#) Thank you for your comment.

Exhibit 16-1

See our comment *supra* on Attachment H-1 to the Annual Plan.

[HRA Response:](#) See comments under H-1.

Exhibit 16-2

See our comments *supra* on Attachment H-2 to the Annual Plan.

[HRA Response:](#) See comments under H-2.

Chapter 17

The Annual Plan states that Metro has 33 projects of Project-Based Vouchers, but does not list them in the Annual Plan or in this Chapter of the Admin Plan. While this is not required

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information in the Annual Plan, there should be a list of the projects with locations in the Admin Plan in this Chapter.

HRA Response: Address information regarding assisted units is considered private data under Minn. Stat. § 13.462 and cannot be published in the Administrative Plan.

Glossary-4

There is a formatting error on this page at “Bifurcate” and “Budget authority”.

HRA Response: Made revisions as suggested.

Glossary-6

There is a formatting error on this page at “families”.

HRA Response: Made revisions as suggested.

Like some of the other terms in the Glossary, the legal citation would be useful in the definition of Fair Housing Act: 42 U.S.C. §§ 3601-3631 (2016).

HRA Response: Thank you for your comment.

Glossary-7

There is a typo in line 3 of the “Household” definition.

HRA Response: Made revisions as suggested.

Glossary-8

Delete “Immediate family member”, a term that was previously used in the Violence Against Women Act. The term was deleted from the law, and replaced in VAWA 2013 with “Affiliated individual”.

HRA Response: Thank you for your comment.

Glossary-9

There is a formatting error on this page at “Living/sleeping room”.

HRA Response: Made revisions as suggested.

Glossary-11

Add a definition of Pro-Rated Rent for mixed families here.

HRA Response: Thank you for your comment.

Community Choice Program

It is surprising and disappointing that there is absolutely no mention of Metro’s Community Choice Program in the Draft Admin Plan. Metro’s statements to media sources in April 2015

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and May 2016 indicate that the Community Choice Program is central to Metro's efforts to end economic and racial segregation and improve a 50% Voucher utilization rate in 2014. A family with a Metro Voucher, or community advocate working with a Metro Voucher family, would have no idea that the Community Choice Program existed after consulting the Admin Plan. A family who might be eligible for this important fair housing initiative by Metro needs to know what the Community Choice Program offers, how to ask for the services the Program provides to participating families and who to contact at Metro to receive the benefits promised. At the very least, the Admin Plan must include the information about the Community Choice Program that is found on the Metro HRA website. The Community Choice Program should also be referenced at all points in the Admin Plan where housing search, leasing, porting and fair housing topics are covered. The Community Choice Program is not prominently featured on the opening page of the Metro HRA website and should be so families can consider using it.

HRA Response: An Administrative Plan chapter will be added in a future revision. Information on Community Choice can be found at:

<http://www.metrocouncil.org/Housing/Services/Metro-HRA-Rental-Assistance/Community-Choice-program.aspx?source=child>

We hope that these comments will be used to revise the Metro HRA FY2016-2017 Annual Plan and FY2016-2017 Administrative Plan for the Section 8 Housing Choice Voucher Program before it is approved by the Metropolitan Council. If you have any questions regarding the points we have raised, please contact us.

Sincerely,

/s Dorinda L. Wider

Dorinda L. Wider
Attorney at Law
Mid-Minnesota Legal Aid

DLW:nh

cc: Erika Grant, MN HUD FHEO

1606-0434146 8-25-16 FINAL

Certifications of Compliance with PHA Plans and Related Regulations (Standard, Troubled, HCV-Only, and High Performer PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226 Expires 02/29/2016
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**PHA Certifications of Compliance with the PHA Plan and Related Regulations including
Required Civil Rights Certifications**

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

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).

13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

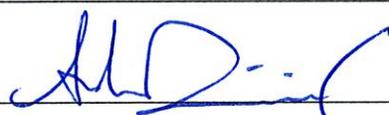
Metropolitan Council
PHA Name

MN 163
PHA Number/HA Code

Annual PHA Plan for Fiscal Year 2017

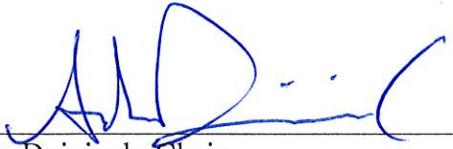
5-Year PHA Plan for Fiscal Years 20__ - 20__

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

Name of Authorized Official Adam Duinick	Title Metropolitan Council Chair
Signature 	Date 9/29/16

ATTACHMENT TO
PHA Certifications of Compliance
With PHA Plans and Related Regulations

The Metropolitan Council is a named respondent in a housing discrimination complaint that was filed with HUD's Midwest Region Office, Region V, Office of Fair Housing and Equal Opportunity in late 2014 (Title VI Case No. 05-15-0003-6; Section 109 Case No. 05-15-0003-9). The Metropolitan Council denies all claims asserted against it in the complaint.



Adam Duininck, Chair
Metropolitan Council

9/29/16

Date

