

April 3, 2025

BCC Agenda Date/Item: _____

Housing Authority Board of Commissioners
 Clackamas County

Approval of a Resolution to authorize the sale of scattered-site public housing properties and related use of brokerage services. Funding is through property sale proceeds. No County General Funds are involved.

Previous Board Action/Review	Public Housing Repositioning Plan Policy Session, March 9, 2022 Public Housing Repositioning Plan Update Policy Session, January 24, 2024 Approval of Resolution 1986 for the submission of Section 18 disposition application to HUD, May 9, 202, Agenda Item 20240509 I.C		
Performance Clackamas	This item aligns with the strategic priority to ensure safe, healthy, and secure communities by providing sustainable and affordable housing.		
Counsel Review	Allison Schwartzman, Foster Garvey PC	Procurement Review	Yes
Contact Person	Devin Ellin	Contact Phone	971-227-0472

EXECUTIVE SUMMARY: The Housing Authority of Clackamas County (HACC), a component unit within the Housing and Community Development Division of the Health, Housing and Human Services Department, respectfully requests approval of Resolution 1996 authorizing the Housing Authority to sell 145 scattered-site public housing units located across Clackamas County in accordance with the U.S. Department of Housing and Urban Development (HUD) Section 18 Disposition approvals and the Public Housing Repositioning Plan approved by the Board and to contract with a real estate brokerage firm and designate authorized officers to execute and deliver documents related to the sale and transfer of the scattered site properties.

As outlined in the Board-approved Public Housing Repositioning Plan, each home will be sold under one of three scenarios:

1. affordable home-ownership opportunities for existing residents and low-income households,
2. to community-based organizations to provide supportive and recovery-oriented services or
3. to the private market.

In December, HACC issued a competitive Request for Proposals (RFP) seeking Principal Real Estate Brokerage Services to assist with the disposition and sale of its scattered-site public housing portfolio. The Housing Authority received twenty-seven (27) responsive proposals. The evaluation committee reviewed and scored the proposals, and KJK Properties was selected. KJK Properties provided a competitive fee proposal, proposed a detailed disposition strategy, and has experience managing

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the sale of Housing Authority scattered site dispositions in the Portland metro region.

RECOMMENDATION: Staff respectfully recommend the Housing Authority Board approve Resolution 1996 and authorize Chair Roberts to sign on behalf of the Authority.

Respectfully submitted,

Mary Rumbaugh

Mary Rumbaugh
Director of Health Housing and Human Services

ATTACHMENTS: HACC- Resolution 1996

**BEFORE THE BOARD OF COMMISSIONERS
OF THE HOUSING AUTHORITY OF
CLACKAMAS COUNTY**

In the Matter of authorizing the transfer of certain property of the Housing Authority of Clackamas County in accordance with the Authority’s public housing repositioning program and United States Department of Housing and Urban Development Approvals; authorizing the Authority to contract for brokerage services relating to the sale of such property; approving the execution and delivery of documents; and determining related matters.

RESOLUTION NO. 1996

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BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF CLACKAMAS COUNTY as follows:

Section 1. Recitals and Findings. The Board of Commissioners (the “Board”) of the Housing Authority of Clackamas County (the “Authority”) finds and determines:

(a) Statutory Authorization. The Authority is a public body corporate and politic of the State of Oregon and a housing authority authorized by the Housing Authorities Law (ORS 456.005 to 456.235) to, among other things, to: (i) “[p]repare, carry out, acquire, lease and operate housing projects” (ORS 456.125(5)); (ii) “sell, mortgage, lease, rent, transfer, assign, pledge or otherwise dispose of any real property or any interest therein” (ORS 456.120(11)); (iii) “make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority” (ORS 456.120(4)); and (iv) “delegate to one or more of its agents or employees such powers or duties as it deems proper” (ORS 456.135).

(b) Scattered Site and Contiguous Public Housing Properties. The Authority currently owns 131 scattered site units (collectively, the “Scattered Site Portfolio”) located across Clackamas County. The Scattered Site Portfolio is currently operated under the public housing program authorized by Section 9 of the Housing Act of 1937, and administered by the United State Department of Housing and Urban Development (“HUD”). The Authority also currently owns and operates an additional 14 units of public housing located on scattered sites with four or more units (collectively, the “Contiguous Portfolio” and, together with the “Scattered Site Portfolio”, the “Portfolio”). Taking into account factors including the age, geographic dispersion, and the maintenance requirements of the Portfolio, the Authority previously determined that it is not sustainable to maintain and operate the Portfolio, and that it is in the best interest of the Authority and

its residents to proceed with disposition plans for both the Scattered Site Portfolio and the Contiguous Portfolio.

(c) Prior Board Action. The Board previously approved the Authority's Public Housing Repositioning Plan contemplating repositioning of the Authority's Section 9 Public Housing Program. In addition, pursuant to Resolution 1986 adopted by the Board on May 9, 2024, the Board approved the Authority's submittal of Section 18 disposition applications to HUD for public housing properties, including both the Scattered Site Portfolio and the Contiguous Portfolio.

(d) HUD Approval. The Authority has applied, and received approval from HUD dated September 25, 2024 (the "Scattered Site HUD Disposition Approval"), for the disposition of the Scattered Site Portfolio. HUD's disposition approval for the Scattered Site Portfolio contemplates that (i) 22 units will be transferred via negotiated sale at or below fair market value to selected qualified community partners for redevelopment as affordable housing; (ii) 67 units will be transferred via negotiated sale at or below fair market value to income-qualified families; and (iii) 42 units will be transferred to the highest qualified bidder. The Authority expects to receive separate approval from HUD for the disposition of the Contiguous Portfolio (the "Contiguous HUD Disposition Approval"). The Scattered Site Disposition Approval and the Contiguous HUD Approval, as they may be amended, are referred to herein collectively as the "HUD Disposition Approvals." As a condition to these dispositions, HUD will require that certain properties be subject to ongoing use restrictions.

(e) Brokerage Services. The Authority previously solicited proposals for real estate brokerage services in connection with the sale of the Portfolio and expects to enter into one or more contracts for services with one or more selected firms.

Section 2. Approval of Sales of Portfolio Properties. The Authority is authorized to transfer the Portfolio property in accordance with applicable HUD Disposition Approvals. The Authority's Executive Director, Deputy Director, and Director of Housing Development and their respective designees (each, an "Authorized Officer" and, collectively, the "Authorized Officers"), and each of them acting alone are granted the discretionary authority on behalf the Authority to:

(a) solicit proposals for the purchase of portions of the property constituting the Portfolio (the "Portfolio Property");

(b) to cause the Portfolio Property, or portions thereof, to be sold in multiple transactions (subject to the limitations set forth in this resolution and in the HUD Disposition Approvals) and, in connection with each sale transaction, to: (i) identify and select the purchaser(s), (ii) determine the timing of such sale, (iii) determine the purchase price for such sale, and (iii) determine the other terms of sale; and

(c) to negotiate and execute on behalf of the Authority any and all documents required or advisable in connection with any the foregoing in such forms as any

Authorized Officer may approve (with the understanding that an Authorized Officer's signature on any such document shall be construed as the Authority's approval thereof).

Section 3. Approval of Brokerage Services Contracts. The Authorized Officers, and each of them acting alone, are granted the discretionary authority on behalf the Authority to negotiate and execute on behalf of the Authority any and all documents required or advisable in order to contract for brokerage services for the sale of all or any portion of the Portfolio Property (with the understanding that an Authorized Officer's signature on any such document shall be construed as the Authority's approval thereof).

Section 4. Supplemental Authorization. The Authorized Officers, and each of them acting alone, are authorized on behalf of the Authority to: (a) determine that any document authorized by this resolution is, at the time such document otherwise would be executed, no longer necessary or desirable and, based on such determination, cause the Authority not to execute or deliver such document; (b) execute and deliver and, if applicable, file (or cause to be delivered and/or filed) any government forms, affidavits, certificates, letters, documents, agreements and instruments that such officer determines to be necessary or advisable to give effect to this resolution and to consummate the transactions contemplated herein and/or further the transfer of the Portfolio Property and compliance with terms of the HUD Disposition Approvals; (c) cause the Authority to expend such funds as are necessary to pay for all costs relating to the actions authorized by this resolution; and (d) notwithstanding any other Authority resolution, rule, policy, or procedure, to create, accept, execute, send, use, and rely upon such tangible medium, manual, facsimile, or electronic documents, records and signatures under any security procedure or platform, as in such Authorized Officer's judgment may be necessary or desirable to give effect to this resolution and to consummate the transactions contemplated herein. The adoption of this resolution does not constitute a guarantee or commitment that the transactions contemplated by this resolution will be consummated as described herein. The Authorized Officers are granted the discretionary authority to determine whether, when, and (subject to the terms of this resolution) on what terms to proceed with the transactions described herein and shall have the right to determine not to proceed with any portion of the transactions contemplated hereby for any reason including, if, in their judgment, the available terms are unacceptable to the Authority.

Section 5. Acting Officers Authorized. Any action authorized or directed by this resolution to be taken by the Executive Director of the Authority, may in the Executive Director's absence be taken by the Deputy Director of the Authority or the Housing Development Director of the Authority or any other employee of the Authority that has been designated by the Executive Director or the Board to act in the Executive Director's absence.

Section 6. Ratification and Confirmation. Any actions of the Authority or its officers prior to the date hereof and consistent with the terms of this resolution are ratified and confirmed.

Section 7. Severability. If any provision in this resolution is declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provision of this resolution and shall in no way affect the validity of the other provisions of this resolution.

Section 8. Effective Date. This resolution shall be in full force and effect from and after its adoption and approval.

Dated this _____ DAY OF APRIL, 2025.

BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY OF CLACKAMAS COUNTY

Chair

Secretary