

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Sitting/Acting as: Housing Authority Board

Policy Session Worksheet

Presentation Date: July 13, 2021 **Approx. Start Time:** 3:30 PM **Approx. Length:** 30 minutes

Presentation Title: Housing Authority 101

Department: Health, Housing & Human Services (H3S)
Housing Authority of Clackamas County (HACC)

Presenters: Jill Smith, Executive Director, Housing Authority of Clackamas County

Other Invitees: Rod Cook, Interim Director H3S

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff is providing the Housing Authority Board with a high level overview of the mission and purpose of a Housing Authority as established by the State of Oregon. This overview will include a review of Housing Authority By-laws.

This presentation is informational only, no action is being requested of the Housing Authority Board.

EXECUTIVE SUMMARY:

The United States Housing Act of 1937 opened the door for the era of public housing programs. Following the passage of this Act, states were required to pass legislation that would permit local governments to create Housing Authorities. A Resolution was unanimously approved on May 4, 1938 in the County Court of Clackamas County, Oregon determined that Clackamas County, in pursuance of the Housing Authorities Law of the State of Oregon, was in need of a Housing Authority due to the following conditions:

1. Unsanitary and unsafe inhabited dwelling accommodations within the County
2. A shortage of safe and sanitary dwelling accommodations available to persons of low income at rental rates that they can afford

A Public Housing Authority is a separate public corporation with separate powers. The local government is responsible for establishing it and for appointing a commissioner(s) to the authority, however, it does not have other direct powers over the authority. In some cases, Housing Authorities contract with the local governments to provide various support services. The purpose of these contracts is to allow the authority to focus on the primary mission of creating and maintaining affordable housing. A Public Housing Authority is a largely autonomous public corporation established to provide housing assistance primarily to low-income households.

The mission of a Public Housing Authority is achieved through various programs and funding streams, most of the programs below have a mixture of Federal, State and local funding.

- Housing Choice Voucher/Rent Assistance programs in partnership with the private market
- Development of Affordable Housing (through partnership and as a developer)
- Administration and management of Public Housing
- Ownership and management of Affordable Housing
- Provision of Resident Services and Family Self Sufficiency programs
- Administration of locally funded programs (rent assistance/services)

Today, the mission of a Public Housing Authority is not easily achieved. The affordable housing crisis is very real in our community. Public Housing Authorities were initially developed as a stepping stone in hopes that families would have time to stabilize, obtain education, training and employment, leaving the subsidy for another family. Housing Authority programs in Clackamas County have evolved, we are now serving much larger numbers of senior disabled people as well as those exiting homelessness.

42% of those currently served by Housing Authority Programs are seniors and/or disabled and unfortunately these populations are less likely to transition off of assistance so the opportunity for work able families is limited at best as many households currently being served are likely to remain on assistance for the remainder of their lives.

HACC opened the waiting list from June 15, 2020 to June 18, 2020. In those few days, we received a total of 13,578 applications of which only 1200 applications were accepted. At the current placement rates it would take approximately 2-3 years to serve those on the waitlists.

Powers of a Housing Authority ORS 456.120

- Finance, develop, own, operate or manage a mixed income housing project that meets the following requirements:
 - No fewer than 20 percent of the units in the project shall be rented to households with incomes of 50 percent or less of area median income;
 - No fewer than 40 percent of the units in the project shall be rented to households with incomes of 60 percent or less of area median income; or
 - The minimum requirements imposed by any federal tax law that is applicable to the project.]
- To lease or rent any housing, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations of the Housing Authorities Law, to establish and revise the rents or charges therefor.
- Purchase, buy on contract, exchange, lease, lease back, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein and to give its mortgage or trust deed covering any real property or security agreement covering any personal property or any interest in either.
- Sell, mortgage, lease, rent, exchange, transfer, assign, pledge or otherwise dispose of any real or personal property or any interest therein.
- Enter in a partnership agreement with or loan money to an individual, partnership, corporation or other association to finance, plan, undertake, construct, acquire, manage or operate a housing project.

Housing Authority Board of Commissioners

The Housing Authority By-laws outline the membership, terms, and responsibilities of the Housing Authority Board and the Executive Director.

Housing Authority Commissioners provide leadership, set policy, approve budgets, and earn support in the community for housing programs, the Commissions role is that of policy maker.

By-Laws (membership)

The Housing Authority Board may have up to seven (7) Commissioners. Five, (5) Commissioners shall be that of the governing body of Clackamas County, as elected by the citizens of Clackamas County, which is exercising the power of a housing authority under ORS 456.055 to 456.235. The first Commissioner must be a resident who received direct assistance from the Authority. The second appointed Commissioner must live within the jurisdiction of the Authority.

While optional, it is common practice to have an "at large" position filled by a person that can sit for two consecutive 4 year terms providing needed stability and professional expertise to Housing Authority business.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? N/A

What is the funding source? N/A

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?
 - Improved community safety and health
 - Efficient & effective services
 - Individuals and families in need are healthy and safe
- How does this item align with the County's Performance Clackamas goals?
 - Ensure safe, healthy and secure communities

LEGAL/POLICY REQUIREMENTS:

None

PUBLIC/GOVERNMENTAL PARTICIPATION:

None

OPTIONS:

RECOMMENDATION: N/A

ATTACHMENTS:

Housing Authority Bylaws
Income Limits – Housing Affordability Chart
PowerPoint Presentation

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____ 

For information on this issue or copies of attachments, please contact Jill Smith at 503-502-9278

February 20, 2020

Housing Authority Board of Commissioners
Clackamas County

Members of the Board:

Adoption of Revisions to the Housing Authority of Clackamas County's Bylaws

Purpose/Outcomes	Approval of Housing Authority of Clackamas County's Amended Bylaws
Dollar Amount and Fiscal Impact	No fiscal impact
Funding Source	N/A
Duration	February 20, 2020 until amended
Previous Board Action	The HACC Board Adopted amended bylaws at the September 20, 2018 meeting
Strategic Plan Alignment	1. Efficient & effective services 2. Build Public Trust through good government
County Counsel	Reviewed by counsel 1/2/20
Contact Person	Jill Smith, Executive Director, Housing Authority 503-742-5336
Contract No.	N/A

BACKGROUND:

The Housing Authority of Clackamas County (HACC), a Division of the Health, Housing and Human Services Department, requests approval of the HACC's 2018 Restated Bylaws (Bylaws).

HACC requested County Counsel review its bylaws and amend, to align HACC's Bylaws with State Code ORS 456, Housing Authorities Law.

Specific changes are as follows:

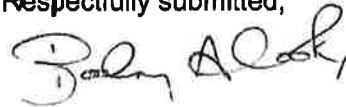
- Article II, Section 1, Commissioners was modified to allow for up to seven (7) Commissioners
 - The Authority may have up to seven (7), but no less than (5) Commissioners. Five (5) Commissioners shall be that of the governing body of Clackamas County, as elected by the citizens of Clackamas County. Two (2) Commissioners shall be appointed positions ("Appointed Resident Commissioners"). The first Appointed Resident Commissioner must be a resident who receives direct assistance from the Authority. The second Appointed Resident Commissioner must live within the jurisdiction of the Authority.
- Article II, Section 10, Commissioners Terms of Office clarifies the terms of each Resident Commissioners. Terms "shall run in four (4) year increments, not to exceed two consecutive terms."
- Article II, Section 7, Manner of Voting brings voting in line with current Board practice in accordance with ORS 192.650.

COPY

RECOMMENDATION:

Staff recommends that the Board approve and authorize the Chair to sign the revised Bylaws making them effective February 20, 2020.

Respectfully submitted,

 HHS Deputy / FOR

Richard Swift, Director
Health, Housing and Human Services

HOUSING AUTHORITY OF CLACKAMAS COUNTY
2020 RESTATED BYLAWS

ARTICLE I – THE AUTHORITY

Section I. Name of Authority. The Name of the Authority shall henceforward be: “Housing Authority of Clackamas County.”

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall identify the Authority in words and show the year of its organization.

Section 3. Office of Authority. The offices of the Authority shall be at such location in the County of Clackamas, State of Oregon, as the Authority may designate from time to time by Board action, and the Authority may hold its meetings at its offices or at such other places as it may designate by Board action.

ARTICLE II – COMMISSIONERS

Section 1. Commissioners. The Authority may have up to seven (7) Commissioners. Five (5) Commissioners shall be that of the governing body of Clackamas County, as elected by the citizens of Clackamas County, which is exercising the powers of a housing authority under ORS 456.055 to 456.235. The first appointed Commissioner must be a resident who receives direct assistance from the Authority. The second appointed Commissioner must live within the jurisdiction of the Authority.

Section 2. Chair. The Chair shall preside at all meetings of the Authority. Except as otherwise authorized by Board action, the Chair shall sign all contracts, deeds and other instruments made by the Authority. At each meeting the Chair shall submit those recommendations and information that s/he considers proper concerning the business, affairs and policies of the Authority.

Section 3. Vice-Chair. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair, and in case of the resignation or death of the Chair, the Vice-Chair shall perform those duties imposed on the Chair until the County selects a new Chair.

Section 4. Secretary (Executive Director). The Executive Director shall be the chief administrative officer of the Authority.

The Executive Director shall be responsible for all aspects of the management of the Authority and for carrying out policies established by the Commissioners. S/he shall be responsible for the employment and termination of all Authority personnel and for implementing its personnel policies. S/he shall provide leadership in working with the staff toward accomplishing the goals of the Authority. S/he shall have the primary responsibility for developing new programs that will lead to better service to residents and the capability to house a greater share of those in the community who are in need of publicly assisted and affordable housing. S/he shall have the responsibility of coordinating the Authority's efforts with the plans and programs of other local, regional, state and federal agencies, as well as the public or private agencies or organizations that may be of assistance to the Authority or that the Authority may assist.

The Executive Director shall also be responsible for keeping correct records of the meetings of the Commissioners; supervise the preservation of all records of the Authority; and be responsible for all funds of the Authority.

Section 5. Additional Duties. The officers of the Authority shall perform such other duties and functions as may be required by federal and state law, the Commissioners, the By-laws, or the rules and regulations of the Authority.

Section 6. Election or Appointment. The Chair shall be the Board of County Commissioners Chair and shall hold office for four years or until they are re-elected or their successors are elected and qualified under state law. The Vice-Chair shall be selected at the first Commissioners meeting in January from among the Commissioners of the Authority, and shall hold office for one year or until they are re-elected or their successors are elected and qualified under state law.

The Executive Director shall be appointed by the Commissioners. Any person appointed to fill the office of Executive Director, or any vacancy therein, shall serve such term as the Commissioners may prescribe. No Commissioner of the Authority shall be eligible to this office except as a temporary appointee.

Section 7. Vacancies. Should the offices of Chair or Vice-Chair become vacant, the Commissioners of the Authority shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office. When the office of Executive Director becomes vacant, the Commissioners shall appoint a successor.

Section 8. Additional Personnel. The Authority may employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Housing Authorities Law of Oregon and all other applicable laws of the State of Oregon. The selection and compensation of such personnel (including the Executive Director) shall be determined by the Authority subject to the requirements of state and federal law.

Section 9. The Commissioners of the Authority. The Board of Clackamas County Commissioners shall constitute the core Commissioners of the Authority. So long as applicable law requires it, additional Commissioners shall be appointed by the core Commissioners. The appointed Commissioners shall be known as the appointed Resident Commissioners.

Section 10. Commissioners' Terms of Office. The terms of office of the five (5) Commissioners of the Authority that are the governing body of Clackamas County exercising the powers of a housing authority shall correlate to their terms as Commissioners of Clackamas County. The first appointed Resident Commissioner's term shall run until January 2005, and subsequent terms shall run in four year increments. At the discretion of the core Commissioners, the appointed resident Commissioner may be re-appointed at the conclusion of a term. Subsequent appointed Resident Commissioners' terms shall run upon appointment, and subsequent terms shall run in four year increments, not to exceed two consecutive terms. At any time during a term, an appointed Resident Commissioner may be removed for cause as described in ORS 456.110, or if s/he ceases to meet the requirements for being an appointed Resident Commissioner, or if applicable law requiring appointed Resident Commissioners is repealed.

Section 11. Relationship between the Authority and Clackamas County. The core Commissioners of the Authority are empowered to sustain an administrative relationship between the Authority and Clackamas County for the purpose of maximizing the efficiency of Authority resources and facilitating County support for Authority goals and projects, when appropriate. At the discretion of the core Commissioners, a component of this relationship between the Authority and Clackamas County may be a requirement that the Executive Director act only with the direction and approval of a County manager designated to provide such supervision.

ARTICLE III – MEETINGS.

Section 1. Annual Meeting. The annual meeting of the Authority shall be held in March at the designated meeting place of the Authority.

Section 2. Regular Meetings. Monthly meetings shall be held with notice at the regular meeting place of the core Commissioners of the Authority on the third Thursday of each month, unless the same shall be a legal holiday. A regular monthly meeting may be cancelled with at least forty-eight hours notice to all Commissioners, if no agenda items have been scheduled for that regular monthly meeting.

Section 3. Special Meetings. The Chair of the Authority may, when it is deemed expedient, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting will be made at least three days prior to the date of such special meeting. At such special meeting no business shall be considered other than as designated in the call, but if all the Commissioners of the Authority are present at a special meeting, any and all business may be transacted at the special meeting. Special meetings shall occur on Thursdays at the regularly scheduled Board of Clackamas County Commissioners meeting, but with unanimous consent of all Commissioners of the Authority, a special meeting may be held at any time.

Section 4. Quorum. The powers of the Authority shall be vested in the Commissioners. A majority of the Commissioners shall constitute a quorum of the Authority for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Commissioners present. No action may be passed or approved by a vote of the Commissioners that results in a tie.

Section 5. Conduct of Meetings. Meetings of the Authority shall be conducted according to the latest revision of Robert's Rules of Order.

Section 6. Public Meetings Law and Public Records Law. The Authority shall comply in all respects with ORS Chapter 192 as those statutes may from time to time be amended.

Section 7. Manner of Voting. The voting on all questions coming before the Commissioners of the Authority shall be by voice vote, where each Commissioner clearly states their name and vote. The Authority shall comply with applicable law, including ORS 192.650, in the recordation of any Authority meeting and minutes kept as part of the same..

ARTICLE IV – AMENDMENTS

Amendments to By-Laws. The By-laws of the Authority shall be amended only with the approval of four Commissioners of the Authority at a regular or special meeting, but no such amendment shall be adopted unless at least seven days' written notice was previously given to all of the Commissioners of the Authority.

Adopted By: Housing Authority Board of Commissioners

Chair: Jim Bernard
Vice Chair: Sonya Fischer
Commissioner: Ken Humberston
Commissioner: Paul Savas
Commissioner: Martha Schrader
Resident Commissioner: Paul Reynolds

Effective: February 20, 2020

Signing on Behalf of the Board:

Chair

Date

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Effective: February 20, 2020

Signing on Behalf of the Board:



Chair
2-20-2020 I.I.

Date

The Department of Housing and Urban Development (HUD) sets income limits that determine eligibility for assisted housing programs. HUD develops income limits based on Median Family Income estimates and Fair Market Rent area definitions for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county.

The 2021 Median Income for a Family of Four in the Portland-Vancouver-Hillsboro MSA is: **\$96,900**

Median Income Percentages 2021 (effective 4/1/2021)

Household Size	30%	40%	45%	50%	55%	60%	65%	80%	100%	120%
1	\$20,300	\$27,080	\$30,465	\$33,850	\$37,235	\$40,620	\$44,005	\$54,150	\$67,830	\$81,396
2	\$23,200	\$30,960	\$34,830	\$38,700	\$42,570	\$46,440	\$50,310	\$61,900	\$77,520	\$93,024
3	\$26,100	\$34,840	\$39,195	\$43,550	\$47,905	\$52,260	\$56,615	\$69,650	\$87,210	\$104,652
4	\$29,000	\$38,680	\$43,515	\$48,350	\$53,185	\$58,020	\$62,855	\$77,350	\$96,900	\$116,280
5	\$31,350	\$41,800	\$47,025	\$52,250	\$57,475	\$62,700	\$67,925	\$83,550	\$104,652	\$125,582
6	\$35,580	\$44,880	\$50,490	\$56,100	\$61,710	\$67,320	\$72,930	\$89,750	\$112,404	\$134,885
7	\$40,120	\$48,000	\$54,000	\$60,000	\$66,000	\$72,000	\$78,000	\$95,950	\$120,156	\$144,187
8	\$44,660	\$51,080	\$57,465	\$63,850	\$70,235	\$76,620	\$83,005	\$102,150	\$127,908	\$153,490

Notes:

- (1) 2021 Income levels have increased based on HUD's calculations for the Portland-Vancouver-Hillsboro, OR-WA MSA. The income schedule above is to be used for projects that DO NOT qualify for the HERA and are not funded with CDBG or HOME.
- (2) Other 2021 MFI levels are based on the 4-Person Income Limit of \$96,900. The 1-Person family Income Limit is 70% of the 4-Person Income Limit, the 2-Person family Income Limit is 80% of the 4-Person Income Limit, the 3-Person family Income Limit is 90% of the 4-Person Income Limit. Each family size larger than four (4) is calculated by an 8% increase per HH member to the 4-Person Income Limit. (i.e., 5-Person = 108%; 6-Person = 116%; 7-Person = 124%; 8-Person = 132%, and so on).
- (3) The incomes limits listed above are based on income limits published by HUD effective April 1, 2021.

2021 Housing Affordability: Maximum Monthly Rent Including Utilities by Median Income With a Housing Burden of 30% (effective 4/1/2021)

# of Bedrooms	Household Size	30%	40%	45%	50%	55%	60%	65%	80%	100%	120%
0	1	\$507	\$677	\$761	\$846	\$930	\$1,015	\$1,100	\$1,353	\$1,695	\$2,034
1	1.5	\$543	\$725	\$816	\$906	\$997	\$1,088	\$1,178	\$1,450	\$1,816	\$2,180
2	3	\$652	\$871	\$979	\$1,088	\$1,197	\$1,306	\$1,415	\$1,741	\$2,180	\$2,616
3	4.5	\$754	\$1,006	\$1,131	\$1,257	\$1,383	\$1,509	\$1,634	\$2,011	\$2,519	\$3,023
4	6	\$889	\$1,122	\$1,262	\$1,402	\$1,542	\$1,683	\$1,823	\$2,243	\$2,810	\$3,372
5	7.5	\$1,059	\$1,238	\$1,393	\$1,548	\$1,702	\$1,857	\$2,012	\$2,476	\$3,100	\$3,720

Notes:

- (1) Portland-Vancouver-Hillsboro, OR-WA MSA = Clackamas, Clark, Columbia, Multnomah, Skamania, Washington & Yamhill Counties
- (2) Rents can be set below the median family income % threshold. For instance a residential unit may be restricted to households at or below 50% MFI, but have one-bedroom rents (and utilities expenses) that are below \$906/month.
- (3) The rent limits listed above are based on the income limits published by HUD effective on April 1, 2021. Utility allowances must continue to be deducted from rents to achieve the maximum tenant rents allowed. Please note that all definitions and explanations herein may be subject to change upon later IRS and/or HUD clarification.