

COUNCIL ACTION FORM

SUBJECT: ACCEPTANCE OF 28-E AGREEMENT TO TRANSFER THE SECTION HOUSING CHOICE VOUCHER PROGRAM TO THE CENTRAL IOWA REGIONAL HOUSING AUTHORITY (CIRHA)

BACKGROUND:

At the March 1, 2011, Governing Board meeting of the Ames Housing Authority, the Board approved a motion authorizing staff to negotiate the transfer of the City's Section 8 Housing Choice Voucher Program to the Central Iowa Regional Housing Authority (CIRHA). CIRHA was selected as the Housing Authority to take over the Ames jurisdiction based on the following factors:

- They currently administer this same program in the balance of Story County.
- They have background policies that currently exceed Ames policies.
- They have "standard" or "high" performance ratings for Section 8 Management Assessment Program (SEMAP). SEMAP is a HUD-mandated, 15-indicator performance rating system for Housing Authorities administering a Section 8 Housing Program.
- They have a larger number of vouchers and support staff, so absorbing additional vouchers should enhance their financial stability.

Staff has had extensive discussions with the CIRHA Executive Director and has met with the CIRHA Executive Board. CIRHA is very interested in absorbing the vouchers and in administering the program within the Ames jurisdiction.

The first step is for City Council to approve the 28-E intergovernmental agreement (see attachment) that will allow CIRHA to become the Housing Authority in the Ames jurisdiction. This type of agreement is required to be executed to allow an entity outside of the Ames jurisdiction to operate a program within the corporate limits of Ames. In addition to the basic information that is required in a 28-E agreement, staff has discussed including the following additional provisions:

1. PARTICIPANT ELIGIBILITY STANDARDS: CIRHA agrees to maintain criminal background policies and procedures for its participants which are at least as stringent as those currently in effect for the City's program.
2. LOCAL MEETINGS: During the times that New Enrollments and Voucher Briefing Sessions are being taken, CIRHA agrees to hold an enrollment meeting at least one day per month in Ames and the City agrees to provide space for this purpose at no cost to CIRHA.
3. TRANSITIONAL PROVISIONS: This Agreement will be conditioned upon the execution by the parties of a separate Memorandum of Understanding which is needed to

confirm temporary provisions regarding the transfer of assets and other terms applicable only during the transitional period.

Item 3 of the Agreement, "Transitional Provisions," covers execution of a Memorandum of Understanding (MOU) that would outline in more detail how the parties would agree to transfer the day-to-day program administration and transfer of fund balances. The most important details would be the communication on how to make this a smooth and orderly process for the current program participants, property owners, and other interested human service agencies. Some of the major transfer considerations that City staff intends to negotiate with CIRHA include the following elements:

1. CIHRA would agree that applicants currently on the City of Ames Housing Authority waiting list residing in "Ames" will receive first priority for selection to fill current openings based on the Ames Housing Authority Administrative Plan for preferences for elderly, disabled, and families with dependent children until that list is exhausted.
2. CIHRA would agree to maintain the high standards of the Ames Housing Authority with the same intent and purpose as instructed by HUD and the Annual Contributions Contract.
3. City staff will host a meet and greet for all current participants, property owners/managers, and caseworkers to meet and get acquainted with the CIRHA staff policies and procedures.
4. Other transfer procedures will be in accordance with HUD Notice 2010-39 (HA) "Process of Public Housing Agencies Voluntary Transfer of Housing Choice Vouchers, Project-based Vouchers, and Project-Based Certificates."

As specified in the 28 E agreement, the MOU will be negotiated and approved by the directors the Ames Housing Authority, Vanessa Baker-Latimer, and the Central Iowa Regional Housing Authority, Marcy Conner.

The second step is to have the City Council approve a resolution agreeing to the transfer of the Vouchers to CIHRA. Once all documents are approved and signed, staff must provide HUD a 90- day notice (on or before April 1) requesting transfer of the program to CIRHA effective beginning July 1, 2011.

ALTERNATIVES:

1. The City Council can approve the 28-E agreement, and the Resolution to transfer the administration of the Section 8 Housing Choice Voucher Program to CIRHA.
2. The City Council can not approve the 28-E agreement, and the Resolution to transfer the administration of the Section 8 Housing Choice Voucher Program to CIRHA.
3. The City Council can refer the matter back to staff for other options for program administration.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative #1. This action will approve the 28-E agreement and the resolution to transfer the administration of the Section 8 Housing Choice Voucher Program to CIRHA as well as direct staff to send the 90-day notice to HUD for a July 1, 2011, Voucher transfer effective date. These actions are contingent upon approval by the CIRHA Board of the same 28-E agreement and resolution.

AGREEMENT OF THE CITY OF AMES, IOWA,
THE CITY OF AMES HOUSING GOVERNING BOARD,
AND CENTRAL IOWA REGIONAL HOUSING AUTHORITY
FOR ADMINISTRATION OF THE SECTION 8 HOUSING CHOICE VOUCHER
PROGRAM IN THE CITY OF AMES , IOWA

THIS AGREEMENT is made and entered into by the CITY OF AMES, IOWA (“City”), the City of Ames Housing Governing Board (“Board”) and the CENTRAL IOWA REGIONAL HOUSING AUTHORITY (“CIRHA”) pursuant to the provisions of Iowa Code Chapter 28E.

WHEREAS the City has established a municipal housing authority and exercised its powers pursuant to Iowa Code Section 403A.5, including the establishment of a governing board, and operation and administration of a Section 8 Housing Choice Voucher program within the City; and

WHEREAS the City has determined that the administration and operation of its Housing Choice Voucher program should be turned over to a larger agency; and

WHEREAS CIRHA is established and operates a regional housing authority in Story County outside the Ames corporate limits as well as in five other nearby counties, and said agency is willing and able to assume all functions of the City’s voucher program,

NOW THEREFORE the parties hereto mutually agree as follows:

1. **PURPOSE:** The purpose of this agreement is to authorize CIRHA to provide the Tenant-based Section 8 Housing Choice Voucher program within the jurisdiction of the City of Ames, Iowa, located in Story County, based on funding from the United States Department of Housing and Urban Development. CIRHA agrees to administer the program within the City of Ames in accordance with applicable federal regulatory requirements addressing such administrative procedures.
2. **FINANCING:** CIRHA shall be fully financed through the Department of Housing and Urban Development and the provision of services will require no funding or ongoing in kind support from the City of Ames other than those specifically provided for during the program transition.
3. **DURATION:** This agreement shall be in full force and effect until such time as it is amended or terminated by either party.
4. **TERMINATION:** Either party to this agreement may terminate this agreement by providing written notice of intent to terminate at least 30 days prior to the intended date of termination. Termination is completed by passage of a termination resolution and delivering by certified mail a copy of the

termination resolution to the other party. A copy of such resolution shall be attached hereto and made part of this agreement.

5. **LEGAL OR ADMINISTRATIVE ENTITY CREATED:** No new legal or administrative entity is created by this agreement.
6. **FILING AND RECORDING:** Pursuant to Iowa Code 28E.8, a copy of this agreement shall be filed with the Secretary of State and with the Story County Recorder .
7. **BOARD PARTICIPATION AND MEETINGS:** In consideration of CIRHA operating in the Ames jurisdiction, it is agreed that the City of Ames shall have membership on the CIRHA Board of Commissioners. CIRHA agrees to provide timely notice of its meetings to the public in compliance with the State Open Meetings law. It shall also provide separate timely notice to the CITY, including an agenda, in advance of all meetings. Minutes of all board meetings shall be provided to the CITY a minimum of five days prior to the next meeting, and these records shall be available for examination in compliance with the State Public Records law.
8. **PARTICIPANT ELIGIBILITY STANDARDS :** CIRHA agrees to maintain criminal background policies and procedures for its participants which are at least as stringent as those currently in effect for the City's program.
9. **LOCAL MEETINGS:** During the times that new enrollments and Voucher Briefing sessions are occurring, CIRHA agrees to hold an enrollment meeting at least one day per month in Ames and the City agrees to provide space for this purpose at no cost to CIRHA.
10. **DATA FOR CDBG COMPLIANCE:** CIRHA agrees to timely provide any statistical, financial, background, and other information regarding residents of Ames and/or Story County who are applicants and participants in the Section 8 Housing Choice Voucher Program that the CITY needs in order to complete reports and plans which are required as part of CITY's participation in Community Development Block Grant (CDBG) programs or any other local, state, federal or private programs.
11. **TRANSITIONAL PROVISIONS:** This Agreement shall be conditioned upon the execution by the parties of a separate Memorandum of Understanding which shall memorialize the temporary provisions regarding the transfer of assets, and other terms applicable only during the transitional period.
12. The undersigned hereby execute and enter into this agreement. Each signatory represents that he or she has been authorized in accordance with state law to sign and bind the agency represented

Dated this _____ day of March, 2011.

THE CITY OF AMES, IOWA

CENTRAL IOWA REGIONAL
HOUSING AUTHORITY

By: _____

By: _____

Ann H. Campbell, Mayor

Todd Kilzer, CIRHA Board Chair

ATTEST:

By: _____

By: _____

Diane R. Voss, City Clerk

Notary Public

THE CITY OF AMES HOUSING GOVERNING BOARD

By: _____

Ann H. Campbell, Mayor

ATTEST:

By: _____

Diane R. Voss, City Clerk