

# Mason County Housing Authority Policies and Procedures

Mason County Housing Authority was established in 1972 in accordance with WA State Housing policy act as per RCW 43.185b.009. Supply adequate and affordable supply of housing for all economic segments of the population, including the destitute. Assist very low-income and special needs households who cannot obtain affordable safe and adequate housing in the private sector.

“Affordable housing” means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household’s monthly income.

## **POWERS OF AUTHORITY**

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the housing authority. RCW 35.82.070

## **APPOINTMENT OF COMMISSIONERS**

Each Housing Authority is governed by the Board of five Commissioners appointed by the chief executive of the political jurisdiction within which the authority is established. Each commissioner of the Housing Authority serves a five- year term and may be reappointed. The term of each commissioner expires in a different year to ensure continuity.

Commissioners’ responsibilities are the governance of the authority, the oversight responsibilities, fiduciary obligations, and financial viability. Commissioners are charged with ensuring fairness in the administration of Housing Authority policies, attracting adequate resources, balancing the demands of conflicting community groups, and winning public support. Moreover, as they conduct the business of overseeing local public housing operations, commissioners must be aware of and follow federal, state, and local laws and housing regulations to the letter. The leadership and service of an involved and committed board of commissioners are essential for meeting the housing needs of low-income citizens.

Commissioners should:

- Believe in the ability to transform communities and the people who live in them for the better.
- Understand that it is evolving and ever-changing industry, subject to federal legislation, and community acceptance. Commissioners then should keep abreast of the significant legislative and programmatic changes that occur in the field.

- Know that they are responsible for the proper administration of the Housing Authority and that, with the assistance and cooperation of the Executive Director, they must ensure that the authority operates strictly within the parameters of the law.
- Be familiar with the financial transactions, contracts and administrative procedures practiced by the Housing Authority and should work to assure that such activities are instituted and conducted to the highest possible standards.

New Commissioners should make a point of becoming familiar with any legal agreements between the authority and the Department of Housing and Urban Development, USDA Rural Development, city or county. Commissioners should understand any federal regulations governing authority activities and be familiar with HUD and Rural Development notices and guidebooks.

## BOARD OF COMMISSIONER MEETINGS

### **Duties of Commissioners**

- Set policies for the Housing Authority regarding its course of action.
- Pass resolutions that give the Housing Authority the directions from the board.
- Determine how policy is implemented by reviewing reports submitted at meetings by management staff.
- Receive information as to the status of current programs and upcoming issues that are important to the Housing Authority.
- Review financial information.

### **Preparation for the Meeting**

- Several days before the meeting, the Commissioners should be provided with copies of the agenda and all resolutions or other materials to be discussed at the meeting.
- Commissioners should review all materials received prior to the meeting.

### **During the Meeting**

- Adhere to the established meeting procedures.
- Limit action on any new topic not on the agenda for discussion, unless it is of an emergency nature.
- Keep the meeting focused and stay on time. The actual meeting should not last more than 2 to 3 hours.
- Ask questions about topics being voted on.
- Suggest issues or topics to be placed on the agenda for the next meeting.
- Robert's Rule of Order should prevail.

### **Follow-up to the Meeting**

- Minutes are written up and sent to the Commissioners prior to the next meeting.
- If possible, any actions dictated by the Board will be implemented by the Executive Director prior to the next meeting.

### **Suggested Agenda Items**

1. Roll call.
2. Approval of minutes of Previous Meeting
3. Approval of Financial Statements and Bills
4. Communications
5. Reports of Committees
6. Report of Executive Director
7. Unfinished (Old business)
8. New Business and/or public comment

### **Conflict of interest for commissioners, employees, and appointees.**

No commissioner, employee, or appointed to any decision-making body for the housing authority shall act in an official capacity in any manner in which such commissioner, employee, or appointee to any decision-making body of the housing authority has a direct or indirect financial or personal involvement. RCW 35.82.50

### **REMOVAL OF COMMISSIONERS**

The commissioner may be removed from the office for inefficiency or neglect of duty or misconduct in the office. Removal is done by the appointing official. The commissioner must be given a copy of the charges at least ten days prior to the removal hearing and be given an opportunity to be heard in person or by council. In the event of a commissioner's removal, a record of proceedings, together with the charges and findings, shall be filed in the office of the city /county clerk. RCW 35.82.060

## **FUNCTIONS OF HOUSING AUTHORITY**

A Public Housing Authority is a largely autonomous public corporation established to provide housing assistance primarily to low-income households. Washington State statute grants to the Housing Authority all the public powers necessary or convenient to carry out the purposes and provisions of the Housing Authority Law with the exception of the power to levy taxes.

Most of the funds awarded to Housing Authorities come from the Department of Housing and Urban Development and Rural Development, part of the Department of Agriculture.

### **Linkage to Local Government**

A Public Housing Authority is a separate public corporation with separate powers. The local government is responsible for establishing it and for appointing Commissioners to the authority. It does not have other direct powers over the Authority.

In some cases, Housing Authorities contract with the local government 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.

Housing owned by the Housing Authority is not subject to property taxes. However, many federal housing funding programs allow the payment of a Payment In Lieu Of Taxes or PIOLT to help off-set the cost of providing government services to the Housing Authority.

RCW 35.82.210

Housing Authorities may be required to provide the local government with an annual report of its activities. This can be accomplished by providing an audit if the Housing Authority does not do more formal reports.

### **When Vacancies Occur**

Vacancies on the board are never considered cause to delay program activities. Washington state statutes provide that a commissioner holds office until the successor is appointed and confirmed. The purpose of this stipulation is to ensure that the work of the Housing Authority will not be delayed by a vacancy on the board. On a five- member board, three Commissioners shall constitute a quorum for the purpose of conducting business.

A Commissioner should be chosen based on a demonstrated ability to represent the community and for their professional experiences. The commissioner must also be willing and able to devote the time and energy required to carry out the demands made on them.

## **THE BOARD & EXECUTIVE DIRECTOR**

The Secretary shall be the Executive Director of the Authority and, as such, shall have general supervision over the administration of its business affairs, subject to the directions of the Authority. He or she shall be charged with the management of the housing projects of the Authority. Mason County Housing Authority by-laws dictate exact job function.

## **DEFINING RESPONSIBILITIES**

The board hires an auditor to audit the financial records, but the ED seeks bids for the audit and makes recommendations to the Board. The ED will conduct a request for proposal (RFQ) for independent financial audit.

The board creates policies for effective financial management and ensures good internal controls are in place to prevent fraud, mismanagement, and discrimination. The board approves budgets, but the ED invests funds to ensure bills are paid and handles the day-to-day operations and expenditures. The board approves bids for major purchases, but the ED makes a recommendation then carries out the actual purchase.

The Board is responsible for writing the agency's long-range plan, but the ED makes recommendations and implements the plan once it is completed. This responsibility can be accomplished through the creation of the housing authorities' five year and annual plan.

The Board approves departmental budgets and general funding for staff salaries, but the ED decides the scope of each department's activities and recommends individual salaries and the amount of raises that the staff receives.

The board sets board personal policies, but the ED determines the level of staffing, rights job description, and hires, promotes, evaluates, or fire. It is not unusual for a staff person to take the concern or complaint directly to the Board or to Individual Board Member. However, when this occurs, it is the board members' responsibility to clearly remind the staff person of the chain of command. The Board Member should urge his staff person to take up the issue with the ED and to follow the internal grievance procedures as necessary.

**Chairperson, Vice-Chairperson, and Secretary duties are in the by-laws.**

## **The Washington Open Meeting Law**

The Washington Open Public Meetings Act (OPMA), codified in RCW 42.30 requires that all meetings of governing bodies of public agencies, including cities, counties, and special purpose districts be open to the public. Regular and special meetings, executive sessions, the types of

notice that must be given for meetings, the conduct of meetings, and the penalties and remedies for violations.

## What Is a "Meeting"

A "meeting" under the OPMA occurs when a quorum (majority) of a city council, board of county commissioners, or other governing body (including certain kinds of committees) gathers with the collective intent of transacting the governing body's business. In order to be valid, ordinances, resolutions, rules, regulations, orders, and directives must be adopted at meetings conducted in compliance with the OPMA.

Meetings do not have to be in person to be subject to the OPMA. Meetings can occur by telephone, email, or other [electronic media](#).

## Training Requirements

All members of governing bodies must complete OPMA training within **90 days** of taking the oath of office or assuming duties ([RCW 42.30.205](#)). A refresher OPMA training is also required **every four years**. For more information, see the Washington State Attorney General's webpage on [Open Government Training](#).

## Notice Requirements for Regular and Special Meetings

To ensure that agency deliberations and other actions are conducted and taken openly, agencies are required under the OPMA to provide sufficient public notice of meetings of their governing bodies.

## Agendas

Meeting agendas must be posted on most agency websites no later than 24 hours in advance of all regular and special meetings ([RCW 42.30.077](#) and [RCW 42.30.080](#)). The Chair of the Board shall draft the agenda and post it and send it out.

Members of a governing body may also meet in executive session during an open public meeting, but only for one of the reasons specified in and in accordance with the procedures identified in [RCW 42.30.110](#). For further information on executive sessions, see:

- [Executive Session Basics](#) – Provides a general overview of executive sessions as allowed by the Washington State Open Public Meetings Act (OPMA), including a procedural requirements checklist with practice tips, as well as an executive session script template.

- [Executive Session FAQs](#) – Browse answers to frequently asked questions regarding holding executive sessions as allowed by the Open Public Meetings Act (OPMA).
- 

## **Electronic Communications**

Electronic communications by members of a local government's governing body can implicate the OPMA.

## **POLICY MAKING AND/POLICIES**

### **Overview**

The Board of Commissioners of an authority, and cooperation with the executive director, is responsible for developing and adopting policy. Some policies establish procedures to be followed by their set goals and direction for future activity. Adoption of policy should be documented in the written amendments of board meetings. Policies guide the agency director and staff on how to carry out their responsibilities. Effective policies provide clear guidance without placing rigid restrictions on implementation of the policies.

A policy manual will be maintained where a consolidation of documents, by laws, polices and procedures, and applicable RCWS will be maintained to provide guidance for board members.

### **Admissions and Continued Occupancy-Authority-owned Housing**

- Marketing the program and property to all eligible persons.
- Determining applicant eligibility.
- Process and procedures for resident selection.
- Process for determining rent.
- Assessing eligibility for continued occupancy.
- Parameters for ongoing rent certification.
- Procedures for termination and eviction.
- Execution of the lease and related residence residency documentation.
- Affirmatively Further Fair Housing.

## **Grievance Procedures: Allowing For Due Process Challenges to Administrative Acts**

- A grievance policy is mandated under federal regulations. It establishes the procedure to be followed when the authority is taken an adverse action against an applicant, resident, or program participant. The grievance policy is to be conspicuously posted.

## **Rent Collection**

- When rents are due and where rent is paid.
- Permitted or preferred forms of payment.
- Processing for maintenance and miscellaneous charges that arise.
- Process and parameters authorizing and addressing any partial payments.
- Late payment charges and procedures in pursuit of delinquent payments.

## **Investment: Utilization of Revenues Not Currently Needed for Operations**

- Periodic review of revenue and pending expenses.

## **Community Space: Establish Criteria for Use of Common Areas**

- Set parameters for resident and public use of available space and facilities including price, if any, availability and reservation preference.

## **FISCAL AFFAIRS**

### **OVERVIEW**

**The Board of Commissioners is the legal recipient of all money awarded to the Housing Authority. This fiscal responsibility is reflected in the contracts, budget, audits, and other financial documents presented to them for authorization or rejection at virtually every meeting. It is the commissioner's responsibility to oversee a continuing judicious handling of funds through careful reading of financial reports and votes that guarantee sound fiscal policies. Any expenditures outside of approved budget must be approved by the Board.**

**It is the responsibility of the executive director to create budgets. Final approval is the board's responsibility. Commissioners deal with three kinds of budgets:**

1. **Operating budgets**, which maintain current programs.



2. **Developmental budgets**, which make future programs possible; and
3. **Modernization budgets**, which include the rehabilitation of existing housing.

## **The Annual Audit**

Public Housing Authorities are required by the Single Audit Act of 1984 to conduct an annual audit using the services of an independent public accountant (IPA). It is the Board's responsibility to hire the IPA. The Audit Act provides guidance. Board will review audit once complete.

## **Financial Information for Sound management**

**Commissioners must receive a regular flow of information from the executive director in order to make informed decisions. To ensure a regular and consistent flow, boards and executive directors commissioners.**

## **LEGAL MATTERS**

### **OVERVIEW**

The United States Housing Act of 1937, states are required to pass legislation that would permit local governments to create Housing Authorities. The ensuing State Law mandated:

- The status of the Housing Authority as a legal entity.
- The area of jurisdiction- county, city, Etc.
- The legal powers and restrictions.
- The types of activity the Housing Authority are permitted to gauge in.
- The number of Commissioners and whether they are what they're appointed or elected.

## **The Quality Housing and Work Responsibility Act of 1998**

Congress passed the quality housing and work responsibility act in 1998. This act requires Housing Authorities to prepare annual and five-year plans that outline the agency's operation, goals, objectives and finance. In addition, it requires de- concentration of low- income residents, safety and security procedures, background checks on prospective tenants, and files to be maintained on public housing residents. It also specifies a targeting of resources to the Authority's clients for a mix of financial development options.

## **Public Officials Liability Insurance**

Many housing authorities offer the protection provided by Public Officials Liability Insurance, also known as directors' and officers' insurance. This type of insurance protects commissioners, officers, and staff against claims based on wrongful acts committed or alleged to you have been committed in the course of their duties.

## **Commissioner's Liability**

Housing Authority Commissioners and staff are subject to potential liability suits in several areas. These include, but are not limited to:

- Breach of contract.
- Torts- intentional or negligent wrongful acts.
- Constitutional or civil rights violations.
- Acts and in excess of authority.
- Discrimination against any of the protected classes .

## **Davis-Bacon Act**

And act passed in 1931, and subsequently amended, requiring that all laborers and mechanics employed in certain programs of federal financial assistance involving construction activities be paid wage rates no less than those prevailing on similar construction in the locality as determined by the secretary of Labor. The threshold is limited to \$2000 period all contracts over this amount must adhere to prevailing wage.

## **Davis-Bacon Wage Rates**

These are federal wages rates set up by the Department of Labor. The contract of Sale or Construction Contract must contain the applicable Davis-Bacon rates.

## **Non-Profit**

"Nonprofit organizations" means any public or private nonprofit organization that: (a) is organized under federal, state, or local laws; (b) has no part of its net earnings insuring to the benefit of any member, founder, contributor, or individual; and (c ) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-

income, low- income, or moderate- income households and special need populations. RCW 35.82.08

### **Rentals and tenant selection**

RCW 35.82.090

### **Aid from Federal Government**

RCW 35.82.200

### **Previously incarcerated individuals. Rental polices that are not unduly burdensome encouraged.**

RCW 35.82.340

## **FAIR HOUSING**

It is a policy of that Housing Authority to fully comply with all federal, state, and local nondiscrimination laws; the Americans with Disabilities act; And the US Department of Housing and Urban Development regulations governing fair housing and equal opportunity.

No person shall, on the grounds of race, color, or origin, status, familial status, actual or perceived sexual orientation or gender identity or disability be excluded from participation in, or otherwise subjected discrimination under the Housing Authority's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to applicants/tenants of the Public Housing program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the applications and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Housing Authority's Office.

The Housing Authority will assist any Family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The Housing Authority will also assist them in completing the forms if requested and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

## **REASONABLE ACCOMODATIONS**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the housing authorities housing programs and related services. When some such accommodations are granted, they do not confer special treatment or advantage for the person

with the disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This section and the fair housing act clarifies how people can request accommodation and the guidelines the Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

Anyone requesting an application will also receive a request for reasonable accommodation form.