



Asheville Housing Authority
Regular Meeting of the Board of Commissioners
 May 27, 2021, 6:00 p.m.
 Central Office, 165 S. French Broad Ave., Asheville, NC 28801

The mission of the Asheville Housing Authority is to provide safe, quality, and affordable housing, to expand available resources, and to collaborate with the community to create opportunities for resident self-reliance and economic independence.

Our core values are Compassion, Equity, Fairness, Integrity, Openness, Patience and Respect.

Commissioners: Cassandra Wells, Chair
 Jennifer Pickering, Vice Chair
 Tilman Jackson, Member
 Gene Bell, Member
 Amy Kemp, Member

Agenda Topics

▪ **Call to Order**

Roll Call	<u>Present</u>	<u>Absent</u>
Cassandra Wells, Chair	_____	_____
Jennifer Pickering, Vice Chair	_____	_____
Tilman Jackson, Member	_____	_____
Gene Bell, Member	_____	_____
Amy Kemp, Member	_____	_____

▪ **Approval of the April 28, 2021 Meeting Minutes**

▪ **Bills and Communications**

▪ **Report of the Secretary**

- Asheville Housing Properties
- Asheville Housing Vouchers
- Family Self Sufficiency/Homeownership
- Financial Report
- Update on COVID-19 Response and PODS
- Edington Center/Residents Council

▪ **New Business**

1. Designation of Juneteenth (Emancipation Day) as a holiday for HACA employees to be celebrated on June 19th, or on the following Monday when that date falls on Friday, Saturday, or Sunday.

Motion _____ Second _____

2. Approval of Resolution No. 2021-1, authorizing an application the State of North Carolina for the Southside Community Stormwater Project, a stormwater restoration and beautification effort in the Erskine and Water Streets area.

Motion _____ Second _____

3. Approval of Resolution No. 2021-2, accepting MTW designation and authorizing the Executive Director to sign and submit to HUD the Moving to Work Amendment to Annual Contribution Contract(s).

Motion _____ Second _____

4. Recommendation to the Mayor of applicants for appointment to the Board of Commissioners.

Motion _____ Second _____

▪ **Unfinished Business**

▪ **Public Comment**

▪ **Adjournment**

Work Session

The Commissioners will hold a work session at **4:30 PM** in the Board Room at 165 S. French Broad Ave, Asheville, NC 28801. The work session is open to the public.

Topics: Interview applicants for the resident board position



Asheville Housing Authority
Commission Meeting Minutes
April 28, 2021

I. Work Session

The work session was held in the Asheville Housing Authority Board Room, as well as via Zoom virtual meeting starting at 5:08 pm. The following Commissioners were present: Chair Cassandra Wells, Vice Chair Jennifer Pickering, Member Tilman Jackson, Member Gene Bell, and Member Amy Kemp. Chair Cassandra Wells called the work session to order.

David Nash reviewed the process for recommending applicants to serve on the HACA Board of Commissioners. The board previously approved the process, and now the next step in the process is to review the applications that have been received for the resident seat on the board. David informed the board that Tilman's seat on the board is also up for re-election as he was replacing a former board member and serving out the remainder of their term. He would need to be reappointed to begin a new term. Tilman has reapplied and after discussion the Board members unanimously agreed to recommend him to the Mayor for reappointment. There have been several applications received for the resident seat on the board, including Shuvonda Harper, Reggie Robinson, Shonda Jackson, and Whitley English. Jennifer asked if there was a conflict with having Shuvonda on the resident council and board. David stated that there is an exception in the law related to employment of the resident Board member, so that would not be an issue if the Mayor selects her. The board members decided to interview the applicants for resident position during the board work session in May, giving each applicant approximately 10 minutes to talk with the Board. This will include any residents who apply before the City's May 3rd deadline. David agreed to draft interview questions for review by the Board in advance of that meeting.

David Nash provided an update on the development of Maple Crest at Lee Walker Heights and shared photos of the property and development. The board members requested a tour of the property to see the progress in person. They agreed to tour the property on Friday, May 7th at 10 am. Work Session ended at 5:51 pm.

II. Regular Meeting - Call to Order

Chair Cassandra Wells called the regular meeting of the Board of Commissioners to order at **6:02 pm on Wednesday, April 28, 2021** at the Central Office, 165 S. French Broad Ave., Asheville, NC 28801. The meeting was facilitated via a Zoom Meeting due to COVID-19. Teresa Jenkins conducted the roll call. The following Commissioners were present: Chair Cassandra Wells, Vice Chair Jennifer Pickering, Member Amy Kemp, and Member Gene Bell. The following members were absent: Member Tilman Jackson.

III. Approval of minutes from last meeting

Amy Kemp made a motion, seconded by Gene Bell, to approve the minutes. The Commissioners unanimously approved the minutes of March 24, 2021.

BOARD MEMBERS

VOTE

Ms. Cassandra Wells
Ms. Jennifer Pickering
Ms. Amy Kem
Mr. Gene Bell

Aye
Aye
Aye
Aye

IV. Bills and Communications

David Nash reported that all residential units in Southside, Hillcrest, Pisgah View, Deaverview, Klondyke now have access to the internet at no cost to the residents, based on a community-wide funding collaboration that included the Asheville City Schools, Buncombe County Schools, the City, County, and Skyrunner, Inc. The Asheville City Schools Foundation and the Buncombe County Schools Foundation have agreed to cover the bulk rate cost for the ongoing internet service, so there is no cost to the residents.

V. Report of the Secretary

a) Asheville Housing Properties

Noele Tackett reported the monthly Asheville Housing Properties occupancy report submitted with the board packet. She reported that they ended the month at 96% occupancy. There were 15 units that were on rehab/hold status, 58 units being prepared for leasing, 9 ready for leasing, and 68 move-ins. The total vacancy days were 3611 with an average turn around per unit of 53 days. The average turn-around days is slowly improving as we open back up to full operations from COVID protocols. Additionally, Noele projects that 8 of the rehab/hold units will be assigned by May. We are still experiencing some delays in appliance deliveries due to COVID. Maple Crest has moved in 13 new applicants from our waiting list and 10 returning residents. David Nash thanked all staff for their hard work and dedication in working to get units filled, and throughout the challenges of the pandemic year.

b) Asheville Housing Vouchers

Brandy Woodard reported the monthly Asheville Housing Vouchers report as submitted with the board packet. There is a total of 3262 vouchers, 2936 available to lease, 2899 leased, 37 available, and 127 assigned/looking. There were 14 mobility moves, 61 move-ins, 15 move-outs, 381 inspections, and 214 re-exams.

c) Family Self-Sufficiency

Karolina Hopkins reported the monthly Family Self-Sufficiency report as submitted with the board packet. She reported that they have 244 participants in the program and 157 escrow accounts. Three new FSS participants enrolled in March and 2 new escrow accounts were established. FSS had 5 participants graduate in March with \$54,733 disbursed in escrow. There are now 71 homeowners (1 new this month).

Karolina also introduced the new FSS staff members; Lia Albea and Thomas Priester. For the good news, she presented a slide show of the birthday celebration for FSS staff member Eric Robinson.

d) **Financial Report**

David Nash summarized the financial reports as submitted with the board report. He reported that year-to-date we are a little over budget. During March we had a third pay period and utility costs were higher than normal. There were also a few replacement reserve expenses charged to operations that need to be reclassified as replacement reserve. We have seen a decline in revenue due to vacancies. Central management was over budget due to relocation costs to move people back and Woodfin exterior renovation costs haven't moved to strategic reserve yet. The year-to-date is over a little, increased occupancy will get us caught up and the budget can be amended if necessary.

e) **Coronavirus Update & PODS**

Tara Irby reported on the Coronavirus response update. We will be fully operational next Monday, May 3rd, of course following the three W's and continuing to limit the number of people gathering indoors. We have 2 confirmed cases of COVID in Pisgah View. Asheville Terrace offered a vaccination clinic to their residents which was a great success. We are continuing to evaluate the resident desire and agency capacity for onsite clinics at other developments.

f) **Residents Council Report**

Shuvonda Harper reported that the Residents Council supported an Easter event at Erskine Park which was put together by Charlesetta Fletcher in collaboration with Chosen and other groups. They are working on trash removal in Southside, and there is a watershed project coming up, so on Saturday beginning at 10:30 am, the Residents Council in partnership with other groups will be working to clean up the properties. The resident council will begin recruiting for My Community Matters soon. This past Sunday, the Southside garden hosted a fish fry in honor of Chef Hanan Shabazz and about 30 people attended. Brunch is hosted in the Southside garden on the 4th Sunday of the month from 2 pm to 4 pm. On May 6th, Buncombe County will host a vaccine clinic at the Grant Center; not sure which vaccine will be administered. However, anyone interested should contact Shuvonda Harper.

g) **Edington Center Report**

Gene Bell reported that the board would be meeting to discuss the mission and vision for the Edington Center.

VI. New Business

- 1) **Review of Current Applicants for the Board of Commissioners (no formal action required).**

David Nash reported that the applicants were reviewed in the work session. The decision was made to invite the applicants to next month's work session to be interviewed by the members of the Board of Commissioners. David Nash offered draft the questions and circulate them to the board members for their input and approval. The board members decided that next month's work session would begin at 4:30 pm in order to allow enough time to conduct the interviews.

VII. Unfinished Business

None.

VIII. Public Comment

Roy Harris inquired about the mission of the Edington Center and what participation will residents and other community members have in that process. Chair Cassandra Wells shared that the Board of Commissioners would be meeting soon to work on the mission and vision for the Edington Center.

Paris Finley expressed concern regarding gun violence in the developments. David Nash shared that Housing Authority has a partnership and contract with the Asheville Police Department. They patrol our developments and handle some community policing. However, the police department is understaffed, which has impacted their policing efforts. There is also another collaborative community group that is focusing their efforts on working with the youth in Hillcrest and Klondyke to help with improving community conditions and decrease incidences of gun violence in these communities. Although these incidents usually involve non-residents, whenever Housing Authority residents are involved in violent acts they are evicted and banned from the properties. It was suggested that the Residents Council partner with the religious groups and organizations to help promote efforts to improve safety within the communities. The Housing Authority will continue to work with APD, religious organizations, and all other interested community groups to maximize the safety of our residents.

IX. Adjournment

There being no further business to come before the Board, the meeting adjourned at 7:22 pm. The next meeting will be held at 6:00 pm on May 27, 2021 at Asheville Housing Authority Central Office, 165 S. French Broad Avenue, Asheville, NC 28801.

Cassandra Wells, Chair

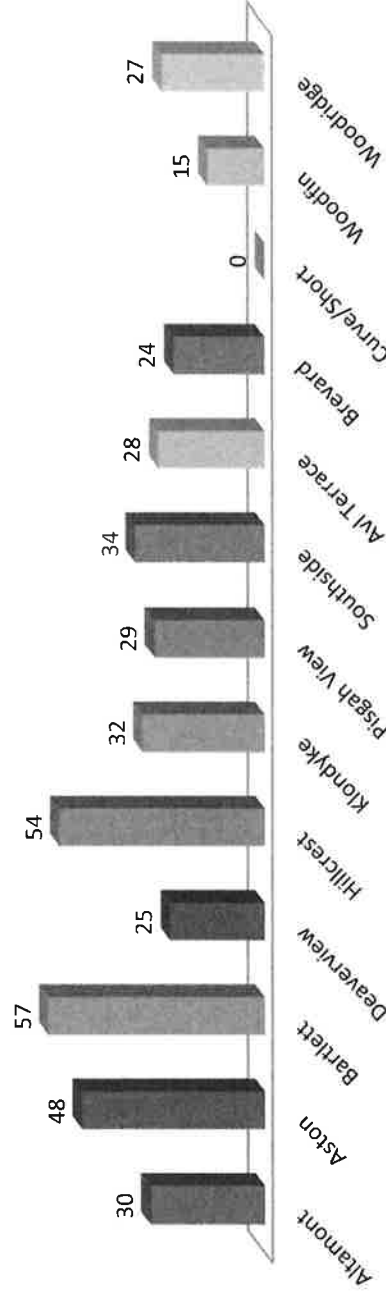
ATTEST:

David Nash, Secretary

Asheville Housing & Related Properties - Occupancy April 2021

Property	Units	Occupied	Occ Rate	Rehab/ Hold	Make Ready	Ready	Moved In	Vacant Days	Average
RAD PBV	Alkamt	55	43	78%	8	4	2	59	30
	Aston	161	154	96%		7	7	339	48
	Bartlett	114	112	98%		2	3	172	57
	Deaverview	160	152	95%	6	2	1	25	25
	Hillcrest	227	216	95%	1	10	4	216	54
	Klondyke	182	173	95%		9	6	191	32
	Pisgah View	256	251	98%		5	4	116	29
	Southside	274	262	96%		12	4	136	34
	Avl Terrace	248	235	95%		11	2	165	28
	Brevard	163	162	99%		1	3	72	24
Other	Curve/Short	2	2	100%			0	0	0
	Woodfin	19	17	89%		1	1	15	15
	Woodridge	160	158	99%		2	1	27	27
	Total	2021	1937	96%	15	66	3	42	1533

Average Days to Lease Up

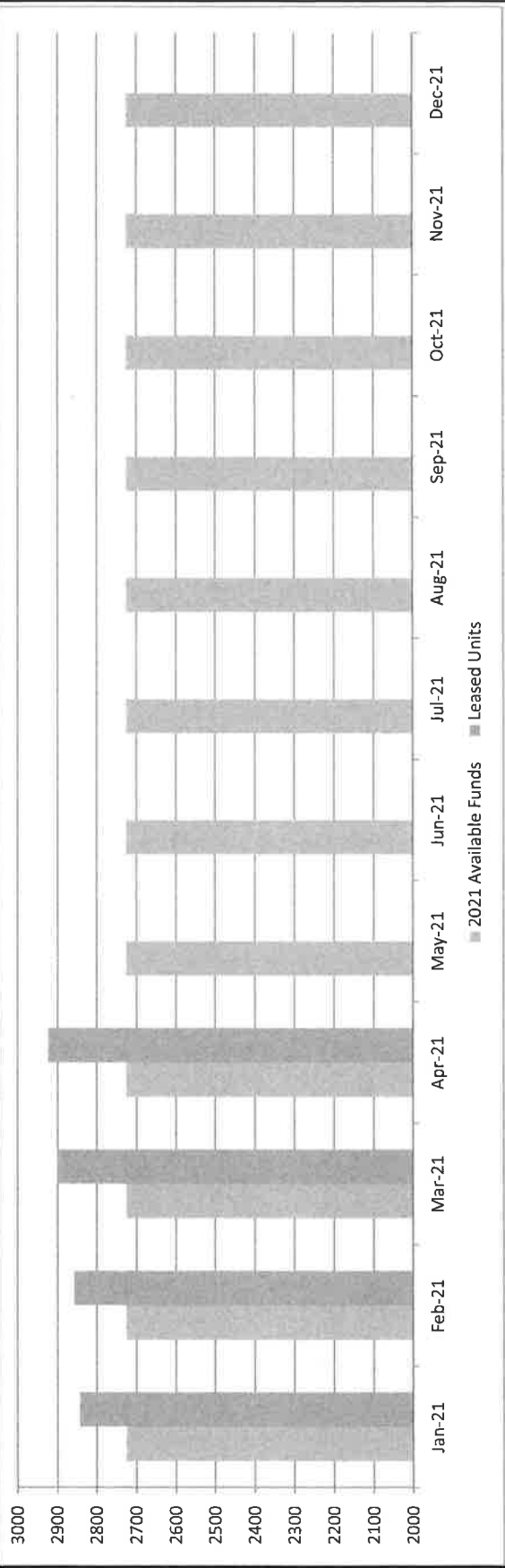


Asheville Housing Vouchers - April 2021

Voucher Program	Lease-Up				Monthly Processes						
	Total Vouchers	Available to Lease	Leased	Occupancy Rate	Available	Assigned/Looking	Mobility Moves	Moved In	Moved Out	Inspect	Re-Exam
Project Based - RAD	1525	1481	1367	92.3%	114		0	45	8	183	114
Project Based - LH	20	20	20	100.0%	0		0	0	0	0	4
Tenant Based - VASH	341	341	315	92.4%	26	14	0	4	5	15	29
Tenant Based - NED	75	75	77	102.7%	-2	5	0	0	3	5	3
Tenant Based - Mainstream	37	37	28	75.7%	9	7	0	1	0	3	4
Tenant Based - Other	1369	919	1117	121.5%	-198	109	14	2	2	112	83
Total HCVP	3367	2726	2924	107.2%	-51	135	14	52	18	318	237

Housing Choice Voucher - Annual Trends

Program	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Average
2021 Available Funds	2726	2726	2726	2726	2726	2726	2726	2726	2726	2726	2726	2726	2726
Leased Units	2844	2858	2899	2924									2881
%	104.3%	104.8%	106.3%	107.2%									105.7%
Wait List	766	709	782	709									742
HAP Reserve	314,711	101,521	75,756	162,037									163,506



Family Self-Sufficiency/Homeownership Report - April 2021

Family Self-Sufficiency Program	Central AVL	Southside	West AVL	North AVL	Tenant-Based	Total
Current FSS Participants	16	47	26	46	112	247
Established FSS Accounts	10	35	14	29	67	155
FSS Account Balances	\$33,617	\$190,284	\$51,688	\$141,513	\$382,754	\$799,855
Total Distributed since 01/2017						\$552,748
Graduates (Since 1/2017)						61
Results and Updates this Month:						
We have seven new participants for the month of April, and one new escrow account. We had 1 graduation in the month of April.						
Homeownership Program	Central AVL	Southside	West AVL	North AVL	Tenant-Based	Total
Current Homeownership Applicants	4	2	5	1	12	24
Completed Homebuyer Education	1	1	1	1	23	62
Completed All Prerequisites	0	2	1	1	14	18
Under Contract	0	0	1	1	4	6
New Homeowners (this month)	0	0	1	0	1	1
Total Current Homeowners						71
Results and Updates this Month:						

HACA Revenue/Expense Summary April 2021				
Property/Program	Current Month	Calendar Year to Date		
	Actual	Actual	Budget	Fav/(Unfav)
RAD Properties				
Operating Revenue				
Tenant Rent	305,077	1,155,290	1,151,740	3,550
RAD HAP Subsidy	829,279	3,248,564	3,361,120	(112,556)
Other Grants/Donations	110	3,957	0	3,957
Other Revenue	14,945	64,270	118,107	(53,836)
Vacancies	0	0	(135,383)	135,383
Total Operating Revenue	1,149,411	4,472,082	4,495,583	(23,502)
Administrative				
Salaries & Wages	49,419	224,389	230,567	6,178
Employee Benefits	14,941	72,916	83,400	10,484
Management Fee	102,488	398,343	405,393	7,051
Other Admin Expense	28,009	122,833	81,167	(41,667)
Total Administrative Expenses	194,857	818,481	800,527	(17,954)
Tenant Services				
Salaries & Wages	2,900	19,800	65,200	45,400
Employee Benefits	221	1,514	6,133	4,619
Resident Council	3,573	14,290	14,290	0
Other Expenses	5,435	6,103	3,100	(3,003)
Total Tenant Services Expenses	12,129	41,708	88,723	47,016
Maintenance				
Salaries & Wages	123,441	547,203	506,733	(40,470)
Employee Benefits	37,230	171,937	169,667	(2,271)
Supplies & Materials	66,000	274,848	319,033	44,185
Contracted Expenses	129,856	493,134	412,067	(81,067)
Total Maintenance Expenses	356,527	1,487,123	1,407,500	(79,623)
General Expenses				
Utilities	190,170	1,083,128	926,833	(156,295)
Protective Services	34,882	144,977	127,000	(17,977)
Insurance	37,874	155,323	158,667	3,343
Compensated Absences	0	0	71,900	71,900
Payments in Lieu of Taxes	5,750	23,000	29,100	6,100
Bad Debt	9,425	12,312	39,667	27,355
Other Expenses	4,488	26,879	5,333	(21,545)
Total General Expenses	282,590	1,445,619	1,358,500	(87,119)
Total Operating Expenses	846,102	3,792,930	3,655,250	(137,680)
Net Operating Revenue	303,309	679,152	840,333	(161,181)

HACA Revenue/Expense Summary April 2021				
Property/Program	Current Month	Calendar Year to Date		
	Actual	Actual	Budget	Fav/(Unfav)
RAD Properties Non-Operating Items				
Capital Outlay	0	0	0	0
Replacement Reserve Expenses	134,177	315,315	921,054	605,738
Replacement Reserve Deposits	139,876	562,780	559,510	(3,270)
Casualty Loss Expense	10,286	194,358	0	(194,358)
Proceeds from Insurer	(3,043)	(110,455)	0	110,455
Strategic Reserve	0	0	253,333	253,333
Other Transfers (In)/Out	0	160	0	(160)
Other (Revenue)/Expenses	7,242	83,903	0	(83,903)
Total Non-Operating Items	288,538	1,046,062	1,733,897	687,835
RAD Properties Net Revenue	14,771	(366,910)	(893,564)	849,017

HACA Other Properties				
Operating Revenue				
Tenant Income	25,560	102,841	89,000	13,841
Grant Income	55,012	554,151	0	554,151
Other Income	150,225	155,374	17,000	138,374
Total Revenue	230,797	812,365	106,000	706,365
Operating Expenses				
Administrative	1,728	13,200	9,700	(3,500)
Tenant Services	(0)	43,892	2,800	(41,092)
Utilities	2,602	19,468	16,833	(2,635)
Maintenance	8,585	37,495	28,267	(9,228)
COVID Related	0	17	0	(17)
Other Expenses	1,921	5,478	4,000	(1,478)
Subtotal Operating Expenses	14,836	119,549	61,600	(57,949)
Non-Operating Items				
Replacement Reserve Expenses	3,121	32,990	0	(32,990)
Replacement Reserve Deposits	686	2,770	2,743	(27)
Other Transfers (In)/Out	0	(160)	(143,333)	(143,173)
Capital Outlay	0	132,471	166,667	34,196
Other Non-Operating	0	0	0	0
HACA Other Properties Net Revenue	212,154	524,746	18,323	506,422

HACA Revenue/Expense Summary April 2021				
Property/Program	Current Month	Calendar Year to Date		
	Actual	Actual	Budget	Fav/(Unfav)
Housing Choice Voucher Program				
Operating Revenues				
Section 8 Admin. Fee Income	163,201	664,721	583,427	81,294
FSS Grant	0	11,599	42,797	(31,198)
Other Revenue	1,085	1,088	6,897	(5,809)
Total Revenue	164,286	677,408	633,120	44,288
Operating Expenses				
Administrative	115,611	498,548	492,503	(6,045)
Tenant Services - FSS	28,034	114,560	111,200	(3,360)
Maintenance	172	1,542	1,267	(275)
COVID Related	3,000	16,778	0	(16,778)
Other Expenses	2,878	11,746	21,000	9,254
Subtotal Operating Expenses	149,696	643,174	625,970	(17,204)
Fund Balance	0	0	0	0
HCVP Net Operating Revenue	14,589	34,234	7,150	27,084
Housing Assistance Payment Funds				
Revenue	2,116,642	7,885,171	7,076,333	808,838
Expense	2,028,277	7,990,368	7,076,333	914,035
Net HAP	88,365	(105,197)	0	(105,197)

COCC and Edington Center				
Operating Revenue				
RAD Property Management Fees	102,488	398,343	405,393	(7,051)
PH/HCVP/Other Mgmt/Bkbp Fees	78,481	312,844	310,903	1,940
Other Revenue	3,766	23,215	14,333	8,882
Total Revenue	184,735	734,402	730,630	3,772
Operating Expenses				
Administrative	144,782	588,115	609,033	20,919
Tenant Services	0	1,040	21,067	20,027
Utilities	6,552	29,579	23,867	(5,712)
Maintenance	21,727	74,643	38,367	(36,277)
COVID Related	0	1,909	0	(1,909)
Other Expenses	3,457	29,541	30,933	1,392
Subtotal Operating Expenses	176,518	724,827	723,267	(1,560)
Non-Operating Items				
Capital Outlay	0	738	0	(738)
Fund Balance	0	0	0	0
Loan to MCAH	0	0	0	0
Other Gains/Losses	0	0	0	0
COCC & Edington Net Revenue	8,217	8,837	7,363	1,473

Total Net Revenue Before Set Asid	338,097	95,709	(860,727)	1,278,799
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**Asheville Housing Authority
Board of Commissioners
Resolution No. 2021-1**

WHEREAS:

1. The Housing Authority of the City of Asheville (Asheville Housing) is a high performing Public Housing Agency (PHA) that has completed a full inventory conversion under the Rental Assistance Demonstration and administers more than 3,350 project-based and tenant-based vouchers under the Housing Choice Voucher Program.
2. Asheville Housing's mission is to provide safe, quality, and affordable housing, to expand available resources, and to collaborate with the community to create opportunities for resident self-reliance and economic independence.
3. The Board of Commissioners, in collaboration with RiverLink Inc, desires to sponsor the Southside Community Stormwater Project which will address stormwater runoff issues that negatively impact water quality and cause flooding, and which will benefit residents' quality of life at Erskine Street Apartments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Commissioners requests the State of North Carolina for a Water Resources Development Grant to provide financial assistance to the Housing Authority of the City of Asheville (Asheville Housing) for the Southside Community Stormwater Project in the amount of \$200,000 or 50% percent of project construction cost, whichever is the lesser amount;
2. Asheville Housing, in collaboration with RiverLink, assumes full obligation for securing matching funds and payment of the balance of project costs;
3. Asheville Housing will obtain all necessary State and Federal permits;
4. Asheville Housing will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
5. Asheville Housing will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
6. Asheville Housing will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.;
7. Asheville Housing will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
8. Asheville Housing will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;

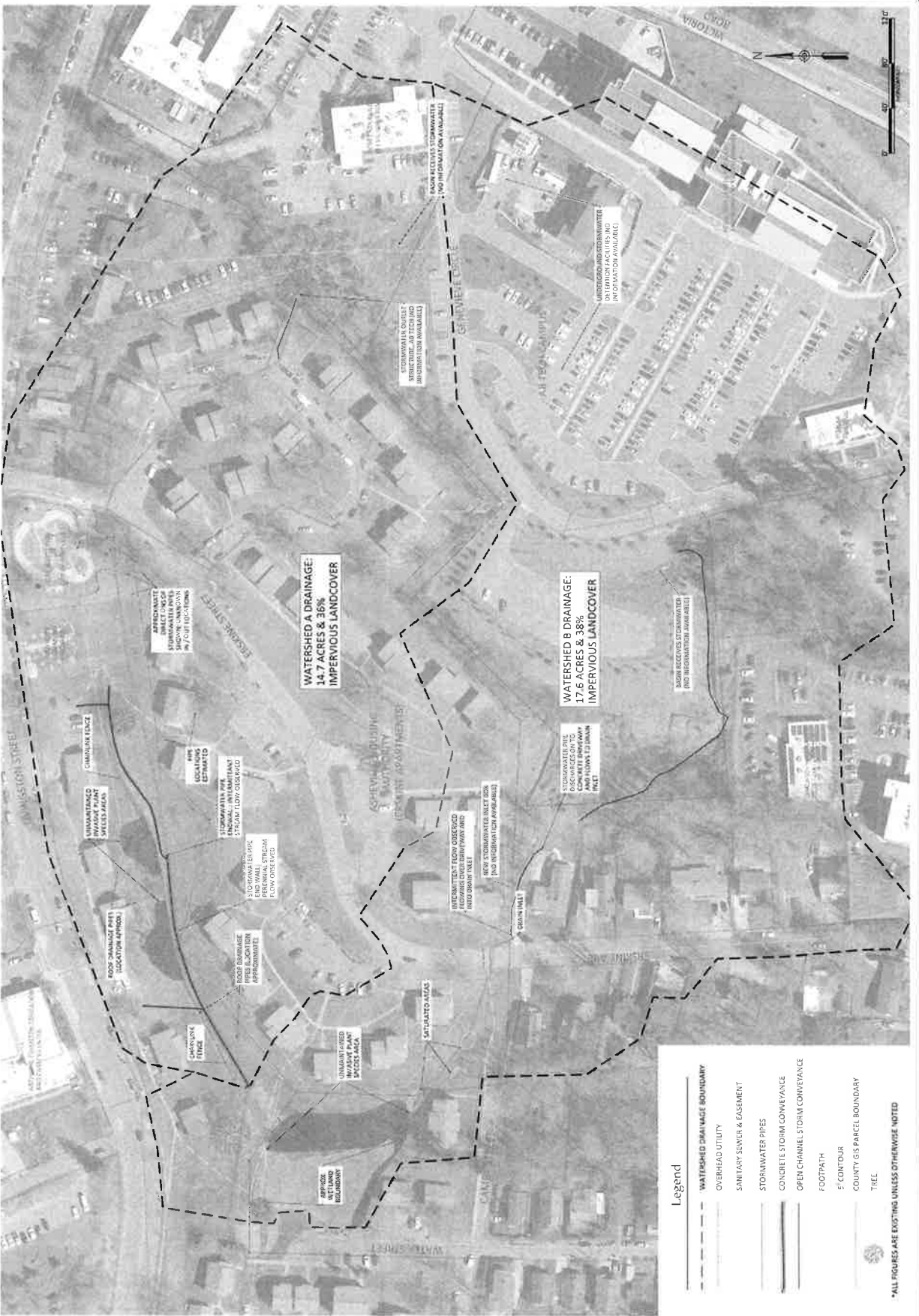
9. Asheville Housing accepts responsibility for the operation and maintenance of the completed project.
10. All of the foregoing commitments will be carried out in collaboration with, and with a commitment of technical support from, RiverLink Inc.

Adopted by the Board of Commissioners this 27th day of May 2021.

Chair, Board of Commissioners

Attest:

Secretary



Legend

- WATERSHED DRAINAGE BOUNDARY
- OVERHEAD UTILITY
- SANITARY SLOWER & EASEMENT
- STORMWATER PIPES
- CONCRETE STORM CONVEYANCE
- OPEN CHANNEL STORM CONVEYANCE
- FOOTPATH
- F' CONTOUR
- COUNTY GIS PARCEL BOUNDARY
- TREE

*ALL FIGURES ARE EXISTING UNLESS OTHERWISE NOTED

**Asheville Housing Authority
Board of Commissioners
Resolution No. 2021-2**

WHEREAS:

1. The Housing Authority of the City of Asheville (Asheville Housing) is a high performing Public Housing Agency (PHA) that has completed a full inventory conversion under the Rental Assistance Demonstration and administers more than 3,350 project-based and tenant-based vouchers under the Housing Choice Voucher Program.
2. Asheville Housing's mission is to provide safe, quality, and affordable housing, to expand available resources, and to collaborate with the community to create opportunities for resident self-reliance and economic independence.
3. On August 28, 2020, HUD's Office of Public and Indian Housing released a notice offering eligible PHAs the opportunity to apply for admission to the Moving to Work (MTW) Demonstration Expansion, as part of Cohort #2 – Rent Reform. Based on a letter of interest submitted in 2019, Asheville Housing was notified of its eligibility to apply.
4. Asheville Housing notified all project-based and tenant-based Housing Choice Voucher participants in writing of this opportunity and held four resident input sessions. We issued a draft application on October 30 and mailed it to all participants with notification of a November 30, 2020 public hearing. The public hearing was held on November 30, 2020 with participation in small groups and remotely by Zoom.
5. The response from most residents in the resident input sessions and public hearing was overwhelmingly in favor of moving forward with the stepped rent model for Cohort #2, for all of the reasons outlined in the application. Fundamentally, the income-based rent as currently structured is a significant barrier that deters many residents from taking meaningful employment, because it causes rent to increase dramatically at the same time that other important benefits are cut.
6. Some have expressed concerns about the impact on future participation in the Family Self-Sufficiency program by residents who could otherwise build up significant deferred savings in an FSS account. We understand that participants in the traditional Family Self-Sufficiency program at the time of implementation will be exempt from the rent reform study. In response to these resident concerns, however, we believe it will be essential to negotiate with HUD an MTW Self-Sufficiency program that ensures participants in the rent reform study, whether they are in the stepped rent or control groups, will have access to a meaningful deferred savings incentive account and other supportive services.
7. On January 8, 2021, Asheville Housing submitted its application, and on May 6, 2021, HUD notified Asheville Housing that our application was successful and that we are now invited to join a select nationwide group of PHAs as a member of the MTW Demonstration Program.

8. We believe is in the best interest of Asheville Housing residents and participants to accept this designation as a Moving to Work Agency.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS:

1. Accepts HUD's selection and designation of Asheville Housing as a Moving to Work Agency, under Cohort #2 of the MTW Expansion;
2. Authorizes the the Executive Director to execute and submit to HUD the Moving to Work Amendment to Annual Contribution Contract(s); and
3. Authorizes the Board Chair and Executive Director to take all other steps necessary to effectuate the intent of this resolution.

Approved, this 27th day of May, 2021.

Chair, Board of Commissioners

Attest:

Secretary



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

May 6, 2021

Mr. David Nash
Housing Authority of the City of Asheville
165 S. French Broad Avenue
Asheville, NC 28801

Dear Mr. Nash,

Congratulations! The U.S. Department of Housing and Urban Development (HUD) has completed its review of the applications received, and I am very pleased to inform you that the Housing Authority of the City of Asheville has been selected for admission to Cohort #2: *Rent Reform* to study Stepped Rent in the MTW Demonstration Program.

Selection for participation in this second cohort of the MTW Expansion provides a great opportunity for your agency to join this innovative demonstration program at an unprecedented time in our nation's history. Acceptance into Cohort #2 showcases the excellence of the work you have already been doing, in addition to your desire to be even more effective in supporting the low-income households in your community, and in uniquely responding to the needs of your local community. We are so glad that you have taken this step.

On August 28, 2020, the Office of Public and Indian Housing (PIH) issued PIH Notice 2020-21 to solicit applications for admission to the MTW Demonstration Program in accordance with Section 239 of the Fiscal Year 2016 Appropriations Act, Public Law 114-113 (2016 MTW Expansion Statute), signed by the President on December 18, 2015. Public Law 114-113 authorized HUD to expand the MTW Demonstration Program by an additional 100 agencies over seven years. The 2016 MTW Expansion Statute provides that PHAs selected as part of the MTW Expansion must be high performers, meet certain size and site selection requirements, and represent geographic diversity across the country.

PHAs in the MTW Demonstration Program have pioneered innovative policy interventions that have been proven to be so successful at the local level that they were subsequently rolled out to the rest of the PHAs in the United States. I am sure that you, too, will be a great addition to this group.

Marianne Nazzaro, MTW Program Director, will be in touch with you to advise you of the next steps for admission into the MTW Demonstration Program. Congratulations on your selection!

Sincerely,

A handwritten signature in black ink, appearing to read "Dominique Blom".

Dominique Blom
General Deputy Assistant Secretary
Office of Public and Indian Housing

MOVING TO WORK AMENDMENT TO ANNUAL CONTRIBUTIONS CONTRACT(S)

Section 1. This Moving to Work (MTW) Amendment to the Annual Contributions Contract(s) (MTW ACC Amendment) is entered into between the United States Department of Housing and Urban Development (“HUD”) and Housing Authority of the City of Asheville (the “Public Housing Agency, “PHA”).

Section 2. This MTW ACC Amendment is an amendment to any Annual Contributions Contract(s) (“ACC”) or Annual Contributions Terms and Conditions (“ACC”) in effect between the PHA and HUD for the Public Housing and Housing Choice Voucher programs.

Section 3. The ACC is amended in connection with the PHA’s designation as a participant in the expansion of the MTW demonstration pursuant to Section 239 of the Consolidated Appropriations Act, 2016, P.L. 114-113; 129 Stat. 2897 (2016 MTW Expansion Statute) and Section 204 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996, P.L. 104-134; 110 Stat. 1321-281 (1996 MTW statute). The PHA’s participation in the expansion of the MTW demonstration shall be governed by the MTW Operations Notice for the Expansion of the Moving to Work Demonstration as it is issued as it and may be amended in the future, or any successor notice issued by HUD, (“the MTW Operations Notice”).

Section 4. The term of this amendment shall be for 20 years from the beginning of the PHA’s first full fiscal year following execution by the PHA and HUD; or, until termination of this amendment, whichever is sooner.

Section 5. Requirements and Covenants

(A) As a participant in the MTW demonstration, the PHA must operate in accordance with the express terms and conditions set forth in the MTW Operations Notice. The MTW Operations Notice may be superseded or amended by HUD at any time during the twenty-year MTW term.

(B) The PHA will cooperate fully with HUD and its contractors for the duration of the HUD-sponsored evaluation of the cohort of the MTW Expansion for which the PHA was selected and shall comply with all aspects of its Cohort Study as outlined in the selection notice under which the PHA was designated.

(C) The PHA is only exempted from specific provisions of the Housing Act of 1937 (“the Act”) and its implementing regulations as specified in the MTW Operations Notice. Each such exemption also extends to subregulatory guidance to the extent that the subregulatory guidance implements the provisions of the Act or its implementing regulations exempted pursuant to the MTW Operations Notice. The PHA remains subject to all other applicable requirements including, but not limited to, those in Title 24 of the Code of Federal Regulations and Title 42 of the U.S. Code, Appropriations Acts,

Annual Contributions Contracts, notices of funding availability under which the PHA has received funds, and the applicable requirements listed in the MTW Operations Notice (collectively, “the Requirements”), as they may be amended or implemented in the future. Accordingly, if any Requirement, other than the provisions of the Act and its implementing regulatory requirements or subregulatory guidance exempted pursuant to this MTW ACC Amendment and the MTW Operations Notice, conflicts with any exemption or authorization granted by this MTW ACC Amendment, the MTW Agency remains subject to that Requirement.

Section 6. At least one year prior to expiration of this MTW ACC Amendment¹, the PHA shall submit a transition plan to HUD. It is the PHA’s responsibility to be able to end all MTW activities that it has implemented through its MTW Supplement to the PHA Plan upon expiration of this MTW ACC Amendment. The transition plan shall describe plans for phasing out such activities. The plan may also include any proposals of authorizations/features of the ACC Amendment and the MTW Operations Notice that the PHA wishes to continue beyond the expiration of the MTW ACC Amendment. The PHA shall specify the proposed duration and shall provide justification for extension of such authorization/features. HUD will review and respond to timely-submitted transition plans from the PHA in writing within 75-days or they are deemed approved. Only authorizations/features specifically approved for extension shall continue beyond the term of the MTW ACC Amendment. The extended features shall remain in effect only for the duration and in the manner specified in the approved transition plan and be subject to any necessary ACC Amendments as required by HUD.

Section 7. Termination and Default

(A) If the PHA violates or fails to comply with any requirement or provision of the ACC, including this amendment, HUD is authorized to take any corrective or remedial action described in this Section 7 for PHA default or any other right or remedy existing under applicable law, or available at equity. HUD will give the PHA written notice of any default, which shall identify with specificity the measures, which the PHA must take to cure the default and provide a specific time frame for the PHA to cure the default, taking into consideration the nature of the default. The PHA will have the opportunity to cure such default within the specified period after the date of said notice, or to demonstrate within 10 days after the date of said notice, by submitting substantial evidence satisfactory to HUD, that it is not in default. However, in cases involving clear and apparent fraud, serious criminal behavior, or emergency conditions that pose an imminent threat to life, health, or safety, if HUD, in its sole discretion, determines that immediate action is necessary it may institute the remedies under Section 7(B) of this MTW ACC Amendment without giving the PHA the opportunity to cure.

(B) If the PHA is in default of this MTW ACC Amendment and/or the

¹ Should the PHA receive an extension(s) of its MTW participation (e.g. by extension or replacement of its MTW ACC Amendment) the transition plan will be due one year prior to the end of the extension(s).

MTW Operations Notice and the default has not been cured, HUD may, undertake any one or all remedies available by law, including but not limited to the following:

- i. Require additional reporting by the PHA on the deficient areas and the steps being taken to address the deficiencies;
- ii. Require the PHA to prepare and follow a HUD-approved schedule of actions and/or a management plan for properly completing the activities approved under this MTW ACC Amendment;
- iii. Suspend the MTW waiver authorization for the affected activities;
- iv. Require reimbursement by the PHA to HUD for amounts used in violation of this MTW ACC Amendment;
- v. Terminate this MTW ACC Amendment and require the PHA to transition out of MTW;
- vi. Restrict a PHA's ability to use its MTW funding flexibly; and/or
- vii. Take any other corrective or remedial action legally available.

(C) The PHA may choose to terminate this MTW ACC Amendment at any time. Upon HUD's receipt of written notification from the PHA and a copy of a resolution approving termination from its governing board, termination will be effective. The PHA will then begin to transition out of MTW and will work with HUD to establish an orderly phase-out of MTW activities, consistent with Section 6 of this MTW ACC Amendment.

(D) Nothing contained in this ACC Amendment shall prohibit or limit HUD from the exercise of any other right or remedy existing under any ACC or available under applicable law. HUD's exercise or non-exercise of any right or remedy under this amendment shall not be construed as a waiver of HUD's right to exercise that or any other right or remedy at any time.

Section 8. Notwithstanding any provision set forth in this MTW ACC Amendment, any future law that conflicts with any provision of this ACC Amendment, as determined by HUD, shall not be deemed to be a breach of this ACC Amendment. Nor shall HUD's execution of any future law be deemed a breach of this ACC Amendment. Any future laws affecting the PHA's funding, even if that future law causes a decrease in the PHA's funding, shall not be deemed a breach of this ACC Amendment. No future law or HUD's execution thereof shall serve as a basis for a breach of contract claim in any court.

Section 9. If any clause, or portion of a clause, in this Agreement is considered invalid under the rule of law, it shall be regarded as stricken while the remainder of this Agreement shall continue to be in full effect.

In consideration of the foregoing covenants, the parties do hereby execute this MTW ACC
Amendment:

PHA

By: _____

Its: _____

Date: _____

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

By: _____

Its: _____

Date: _____