



County of San Mateo

Inter-Departmental Correspondence

Department: GOVERNING BOARD

File #: 20-720

Board Meeting Date: 9/29/2020

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors (Acting as the Board of Commissioners for the Housing Authority of the County of San Mateo)

From: Raymond Hodges, Executive Director, Housing Authority

Subject: Moving to Work Agreement Amendment

RECOMMENDATION:

Acting as the Governing Board of Commissioners for the Housing Authority of the County of San Mateo, adopt a resolution authorizing the Executive Director or designee of the Housing Authority of the County of San Mateo to execute an amendment to Attachment C of the Housing Authority's Moving To Work Standard Agreement.

BACKGROUND:

From 2017 to 2018, the U.S. Department of Housing and Urban Development ("HUD") Office of Inspector General ("OIG") performed a review of an early Rental Assistance Demonstration (RAD) conversion at a Moving to Work ("MTW") agency. The OIG found that the Office of Public and Indian Housing ("PIH") had approved the MTW agency's MTW Annual Plan which included an activity to waive independent-entity inspections for Public Housing Authority ("PHA")-owned or managed Project-Based Voucher ("PBV") and Housing Choice Voucher ("HCV") properties. According to the OIG's September 28, 2018 report, the Standard MTW Agreement does not provide the authorizing citations to waive an independent entity inspection since Section 8(o)(11) of the 1937 Housing Act was not included. Therefore, the OIG asserted that the approval was not legally valid.

PIH believes that the language and intent of the Standard MTW Agreement, Attachment C, Sections D.1.f., D.5., D.7.a. and D.7.d, in particular, provide the necessary authority to waive the PBV and HCV independent-entity inspection regulations.

DISCUSSION:

To provide clarity and to resolve the OIG finding, PIH has agreed to offer an amendment of the Standard MTW Agreement to all 39 MTW agencies to clarify that the exemption from the independent-entity inspection requirements is allowable. The amendment will add express language authorizing exemption from the independent-entity inspection requirements and citations to Section 8(o)(11) of the 1937 Housing Act, as well as additional citations to the corresponding regulations at 24 CFR Part 982.352(b) and 983.103(f), to provide clearer waiver authority for agencies engaged in this activity

and for those who may choose to implement this activity in the future. Furthermore, the waiver authority makes clear that this authority is provided to all other independent-entity requirements for PHA-owned and managed properties, determining rent reasonableness and assisting the family to negotiate the rent to the owner (in this case, the PHA), subject to subsidy layering requirements.

In the spirit of transparency and partnership, PIH discussed the amendment with the Board of the MTW Collaborative before moving forward. Although this is not mandatory, PIH is requesting that agencies that choose to amend the agreement adhere to presenting the MTW Standard Agreement amendment to Attachment C for each agency to present to its Governing Board of Commissioners for adoption through a Resolution.

With this action, the Housing Authority of the County of San Mateo is proposing to execute an amendment to Attachment C of its MTW Standard Agreement that clarifies the exemption from the independent-entity inspection requirements be allowed.

County Counsel has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There is no net County cost associated with this action.