



Board Summary Report

Date: 3/8/19
To: Board of County Commissioners
Through: Don Klemme, Community Resources Department Director
From: Linda Haley
Subject: Arapahoe County Housing Authority Annual Meeting

Direction/Information:

The Board of County Commissioners (BOCC) meets annually as the Arapahoe County Housing Authority (ArCHA) Board to conduct required business and to receive reports on programs administered by ArCHA. The Agenda for the ArCHA Board meeting is included as Attachment 1.

Request and Recommendation

The BOCC, meeting as the ArCHA Board will be asked to consider the minutes from the 2018 ArCHA meeting, two agreements, and two signature authorities:

1. Approval of the Agenda for the annual meeting. (Attachment 1)
2. Approval of the minutes of the 2018 ArCHA Annual Meeting. (Attachment 2)
3. Update on the Section 8 Program.
4. Update on the Dominion Tax Deferral.
5. Update on the Windermere Long Term Recovery Process.
6. Approve updated agreement with the City and County of Denver for the Metro Mortgage Assistance Plus Program (formerly Metro Mayors Downpayment Assistance Program (Attachment 3)).
7. Update and approval of the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority. (Attachment 4).
8. Authorization for Don Klemme as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.
9. Authorization for Linda Haley, as Director of ArCHA, to sign appropriate administrative documents on behalf of the Housing Authority Board, such as the County's First Time Homebuyer Program covering administrative items such as the Release of Deeds and Trusts and Short Sales.

Background

An annual meeting of ArCHA is required under the by-laws of ArCHA. An agenda is proposed by staff and approved by ArCHA, along with the minutes from the previous annual meeting. Historically, the Secretary of ArCHA has been the Director of the Community Resources Department. At this meeting, ArCHA receives reports on ArCHA programs and provides direction to staff on ArCHA initiatives.

Links to Align Arapahoe

1. Quality of Life. Citizens' lives may be enhanced through the Housing Choice Voucher Program.
3. Fiscal Responsibility. The federal funds used for these programs are provided to the County on a formula basis. They increase the opportunities Arapahoe County has to serve low and moderate income citizens.

Discussion

ArCHA no longer contracts with South Metro Housing Options for the Housing Choice Vouchers (Section 8) due to the State of Colorado making a determination that in cases where counties were using sub-grantees to manage the program, the State would contract directly with the sub-grantee who is managing the program. South Metro Housing Options continues to manage the vouchers. There are currently 474 active, leased up vouchers, 20 people who are searching, and a wait list of 209..

In 2018 the BOCC agreed to provide Dominion Developers a property tax exemption for a Low Income Housing Tax Credit Senior Project in Centennial. The process for this is still underway as there have been a number of delays in moving this development forward.

The Long Term Recovery activities following the Windermere Fire are beginning to wrap up. There are currently 4 residents that staff are working with to secure housing. The remainder of the residents can be documented to be housed or do not respond to our attempts to contact them. It is important to note that since November 18, 2018 we have spent 557 staff hours working on re-housing and related needs of the 160 displaced residents. These hours represent almost 1 FTE (37 hours per week for 15 weeks). The cost for this staff time is \$29,554.65. We have also spent approximately \$30,000 from the Arapahoe County Foundation on needs such as security deposits, rent, moving expenses, and gift cards to assist with miscellaneous needs.

Additionally it is important to note that a plan needs to be considered for addressing future long term recovery needs. The Housing and Community Development staff with 3.25 FTE's cannot continue to be called upon to devote this level of staffing time to emergency needs without jeopardizing other grants and programs that we are managing.

Approval of the agreement between the City and County of Denver and Arapahoe County to participate in the Metro Mortgage Assistance Plus Program for down payment assistance for low and moderate income households.

We currently participate in this program. Denver has updated and made some changes to the program and is requesting that all participants sign new agreements. The current program allows assistance up to 5%, increased from 4% in the past. The loan is a no interest second loan that is forgivable after 36 months. There is no cost to Arapahoe County to participate. The program costs are covered by the value generated by the loans.

Since the inception of this program Arapahoe County has accounted for 427 program loans for a total of \$93,306,542 in originated mortgages and \$3,732,262 of actual downpayment assistance. HCDS staff supports approval of this agreement.

Approval of the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority and authorization for Don Klemme to sign the agreement on behalf of the Housing Authority Board.

The proposed agreement between Arapahoe County and ArCHA to lend County employees to ArCHA is Attachment 4. Increased staff involvement in these types of activities may result in the need to increase the ArCHA budget of \$30,000 in General Funds should a large event occur, although that will not be requested at this time. HCDS staff supports the approval of this agreement.

Authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.

HCDS staff recommends approval of this item to facilitate administrative items that are time sensitive.

Authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents on behalf of the Housing Authority Board, such as the County's First Time Homebuyer Program covering administrative items such as the Release of Deeds of Trust, Subordination Agreements, and Short Sales.

HCDS staff recommends approval of this item to facilitate administrative items that are time sensitive.

Alternatives

The BOCC may recommend alternatives to any of the recommendations listed above.

Fiscal Impact

Arapahoe County General Funds in the amount of \$30,000 annually are provided to ArCHA to support the activities, staff time, and training required to manage ArCHA programs. Long Term Recovery costs for the Windermere fire have been applied to a balance of funds available through Aid to Agencies and a balance of funds in our now non-existent Section 8 program. Any costs that are appropriate to be charged to HOME or CDBG are allocated to those programs.

Concurrence

HCDS staff supports the recommendations made above.

Attorney Comments

Reviewed By:

Linda Haley, Housing and Community Development Division Manager
Don Klemme, Community resources Department Director
Janet Kennedy, Finance Department Director
Tiffanie Bleau, Assistant County Attorney

AGENDA
ANNUAL MEETING
BOARD OF COUNTY COMMISSIONERS
March 26, 2019
WEST HEARING ROOM
5334 S. PRINCE ST.
LITTLETON, COLORADO 80166

Attachment #1

- I. Call to Order (Chairman Baker)
- II. Roll Call
- III. Review Agenda (Attachment 1)
- IV. Approval of the Minutes of the Annual Meeting of March 20, 2018 (Attachment 2)
- V. New Business
 - A. Section 8 Program Update
 - B. Dominion Tax Deferral Update
 - C. Long Term Recovery Activity Updates
 - D. Renewal of Agreements
 1. Approval of the updated agreement for the Denver Metro Mortgage Assistance Plus Program (attachment 3).
 2. Update and approval of the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority (Attachment 4).
 - E. Signature Authorizations
 1. Authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.
 2. Authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents, such as Release of Deeds and Trusts Subordination Agreements, and Short Sales on behalf of the Housing Authority Board.
- VI. Old Business- as may be announced
- VII. Adjournment

**ARAPAHOE COUNTY HOUSING AUTHORITY
MINUTES
ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS
ANNUAL ARAPAHOE COUNTY HOUSING AUTHORITY MEETING
TUESDAY MARCH 20, 2018
2:00 P.M. – WEST HEARING ROOM
5334 SOUTH PRINCE STREET
LITTLETON, COLORADO**

PRESENT

Jeff Baker, Commissioner
Bill Holen, Commissioner
Nancy Jackson, Commissioner
Nancy Sharpe, Commissioner
Kathleen Conti, Commissioner
Don Klemme, Director, Community Resources Department
Linda Haley, Division Manager, Housing and Community Development Services
Tiffany Bleau, Assistant County Attorney
Andrea Rasizer, Director, Communication Services
Diana Maes, Manager, BOCC Administration
Gail Stumpo, Clerk and Recorder
Becky McAvoy, Recording Secretary for the Arapahoe County Housing Authority

CALL TO ORDER

The meeting of the Arapahoe County Housing Authority (ArCHA) was called to order by the Chair of the Board of County Commissioners (BOCC), Commissioner Baker, at 2:09 p.m. Roll call was taken and Commissioner Baker, Commissioner Holen, Commissioner Jackson, and Commissioner Conti were present. Commissioner Sharpe was a late arrival at 2:30. Introductions were made by Don Klemme, Director of the Community Resources Department for staff: Liana Escott, Community Development Administrator; Jeremy Fink, Block Grant Manager; Benjamin Nichols, Housing Specialist, all of the Housing and Community Development (HCDS) Division, and Darcy Kennedy, Division Manager, Administrative Services.

CALL TO CONVENE

A motion to convene as the Arapahoe County Housing Authority (ArCHA) was made by Commissioner Holen and seconded by Commissioner Conti. The motion passed unanimously.

Don Klemme explained his role as Secretary of ArCHA and gave a brief summary of ArCHA. Don turned over the Agenda Review to Linda Haley.

ADOPTION OF AGENDA

The agenda was reviewed by all. A motion to accept the agenda as presented was made by Commissioner Holen and seconded by Commissioner Jackson. The motion passed unanimously.

APPROVAL OF MINUTES

A motion to approve the ArCHA minutes of March 21, 2017 was made by Commissioner Conti and seconded by Commissioner Holen. The motion passed unanimously.

NEW BUSINESS

Housing Choice Voucher Program Report (Formerly Section 8)

Linda gave a brief summary of the programs (Arapahoe County I and Arapahoe County II).

Arapahoe County I

Currently the number of vouchers stands at 66, with 14 port-ins and 1 port out. South Metro Housing Options manages these vouchers, maintains the wait list and provides stats for vouchers in this category. There was discussion on voucher use. Linda reviewed the household breakdown, explained wait list purges and average rental amounts.

Arapahoe County II

These vouchers are all "port-ins" or people who received vouchers from other communities/states and choose to live here. Average port-ins under this category are 200. In 2017 there were 219 port-in which includes existing and new people. Linda gave brief overview of this category breakdown, as well as reviewed income standards and re-certification of applicants. The state provides stats for this category. There was short discussion regarding HUD/VASH vouchers and Linda confirmed these are all managed by Aurora.

RENEWAL OF AGREEMENTS

Approval is being requested to extend the existing Contract with Littleton Housing Authority (DBA South Metro Housing Options) to continue administering the Section 8 Housing Choice Voucher Program.

A motion was made by Commissioner Jackson and seconded by Commissioner Holen that the existing Contract with Littleton Housing Authority (DBA South Metro Housing Options) will continue for administration of the Section 8 Housing Choice Voucher Program. The motion passed unanimously.

Approval is being requested to update and approve the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority.

A motion was made by Commissioner Holen and seconded by Commissioner Jackson to update and approve the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA for administration of programs as the Housing Authority be approved. This item will be set for Consent Agenda. The motion passed unanimously.

SIGNATURE AUTHORIZATIONS

Approval is being requested before the Housing Authority is authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.

A motion was made by Commissioner Holen and seconded by Commissioner Jackson to approve authorization for Don Klemme to sign regular business agreements and policies on behalf of the Housing Authority Board. The motion passed unanimously.

Approval is being requested for signature authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents, such as Release of Deeds and Trusts Subordination Agreements, and Short Sales, on behalf of the Housing Authority Board

A motion was made by Commissioner Baker and seconded by Commissioner Holen to approve authorization for Linda Haley to sign administrative documents on behalf of the Housing Authority Board, as the Director of ArCHA. The motion passed unanimously.

Linda reviewed the two agreements ArCHA current has with Funding Partners, which were two-year agreements and therefore no action needs to be taken at this time. Funding Partners manages the First

Time Home Buyer Program and the Rehab Portfolio, which South Metro Housing Options originally managed but no longer does so. Both of these contract agreements with Funding Partners will be up for review next year and at that time action will need to be taken. There was some discussion regarding these programs.

Commissioner Sharpe joined the meeting at this time, approximately 2:30 p.m.

OLD BUSINESS

No old business to discuss.

There being no further business to come before the Board of the Arapahoe County Housing Authority, Commissioner Sharpe moved to adjourn, seconded by Commissioner Holen. Motion passed unanimously and meeting was adjourned at 2:38 p.m.

Respectfully submitted,

Becky McAvoy,
Recording Secretary
Arapahoe County Housing Authority

DELEGATION AND PARTICIPATION AGREEMENT

This DELEGATION AND PARTICIPATION AGREEMENT, dated as of _____, 20__ (this "Delegation and Participation Agreement"), is by and between [Arapahoe Arapahoe County], a county and political subdivision duly organized and existing under the laws and Constitution of the State of Colorado ("[Arapahoe County]") and the CITY AND COUNTY OF DENVER, COLORADO, a legally and regularly created, established, organized and existing home rule charter city and political subdivision under the Constitution and statutes of the State of Colorado ("Denver");

R E C I T A L S:

WHEREAS, the State of Colorado (the "State") Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State's political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, Denver is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof and to promote the health, welfare, safety, convenience and prosperity of the people of Denver; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the "Program"); and

WHEREAS, Denver has invited [Arapahoe County] to participate in the Program; and

WHEREAS, [Arapahoe County] has the full legal authority to participate in the Program pursuant to [the general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended; Title 30, Article 11, Colorado Revised Statutes, as amended; and the Resolution adopted by [ARAPAHOE COUNTY] Board of County Commissioners authorizing [ARAPAHOE COUNTY]'s participation in the Program] pursuant to this Delegation and Participation Agreement (collectively the "Act"); and

WHEREAS, [Arapahoe County] desires to delegate to Denver the authority of [Arapahoe County] to take action and exercise power under the Act on behalf of [Arapahoe County] with respect to the Program within [Arapahoe County's]'s unincorporated boundaries;

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, [Arapahoe County] and Denver hereby agree as follows:

Section 1. [ARAPAHOE COUNTY] hereby delegates to Denver the authority of [Arapahoe County] to take action and exercise power under the Act on behalf of [Arapahoe County] with respect to the Program within [Arapahoe County]'s unincorporated boundaries.

Section 2. Denver hereby accepts the delegation of authority from [ARAPAHOE COUNTY] pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation and Participation Agreement in connection with the use of such delegation. Denver agrees to make the Program available to [ARAPAHOE COUNTY] for the origination of home mortgages within [ARAPAHOE COUNTY]'s unincorporated boundaries.

Section 3. In the event that the Program is discontinued by Denver, this Delegation and Participation Agreement, and all duties, obligations and rights of Denver and [ARAPAHOE COUNTY] hereunder, shall terminate. If the Program is terminated, [ARAPAHOE COUNTY] agrees to hold Denver harmless for any costs or any other liabilities incurred by [ARAPAHOE COUNTY] with respect to the adoption and approval of this Delegation and Participation Agreement or any other [ARAPAHOE COUNTY] actions related thereto.

Section 4. [ARAPAHOE COUNTY]'s participation in the Program pursuant to this Delegation and Participation Agreement shall not be construed as creating or constituting a general obligation or multiple fiscal year direct or indirect indebtedness or other financial obligation whatsoever of [ARAPAHOE COUNTY] nor a mandatory payment obligation of [ARAPAHOE COUNTY] in any fiscal year during which this Delegation and Participation Agreement shall be in effect.

[Signatures on the following pages]

IN WITNESS WHEREOF, [Arapahoe County] and Denver have caused this Delegation and Participation Agreement to be executed and be effective as of _____, 20__.

[COUNTY]

[SEAL]

By _____
Name _____
Title _____

Attest:

By _____
Name _____
Title _____

CITY AND COUNTY OF DENVER,
COLORADO

By _____
Chief Financial Officer

[Signature Page to Delegation and Participation Agreement]

2019-__

A RESOLUTION

AUTHORIZING AND APPROVING [COUNTY]'S PARTICIPATION IN THE METRO MORTGAGE ASSISTANCE PLUS PROGRAM, AND AUTHORIZING THE EXECUTION OF THE DELEGATION AND PARTICIPATION AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the State of Colorado (the "State") Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State's political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, the City and County of Denver, Colorado ("Denver") is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate-income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the "Program"); and

WHEREAS, Denver has invited Arapahoe County (the "County") to participate in the Program; and

WHEREAS, the County has the full legal authority to participate in the Program pursuant to its general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended, and Title 30, Article 11, Colorado Revised Statutes, as amended (collectively, the "Act"); and

WHEREAS, the County desires to delegate to Denver the authority of the County to take action and exercise power under the Act on behalf of the County with respect to the Program within the County's boundaries;

NOW, THEREFORE, BE IT RESOLVED BY THE [BOARD OF COUNTY COMMISSIONERS] OF THE [COUNTY]:

Section 1. In order to benefit the residents of the County, the [Board of County Commissioners] authorizes and approves its participation in the Program in connection with the financing of mortgage loans for low- and moderate- income families or persons intended for use as the sole place of residence by the owners or intended occupants thereof, and the County delegates to Denver the authority of the County to take action and exercise power under the Act on behalf of the County with respect to the Program.

Section 2. The [Arapahoe County Housing Authority____] of the County is hereby authorized and directed to execute and deliver and the [Arapahoe County Housing Authority_____] is hereby authorized and directed to attest and deliver the Delegation and Participation Agreement attached hereto as Appendix A and such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the County’s participation in the Program.

Section 3. Nothing contained in this Resolution or the Assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the County within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. This Resolution shall be in full force and effect upon its passage and approval.

Adopted this ___ day of [____], 2019.

[COUNTY]

[]

[SEAL]

ATTEST:

[]

**AGREEMENT BETWEEN
ARAPAHOE COUNTY
AND ARAPAHOE COUNTY HOUSING AUTHORITY**

This Agreement is made this 1st day of April 2019, between the BOARD OF COUNTY COMMISSIONERS, COUNTY OF ARAPAHOE, STATE OF COLORADO and the ARAPAHOE COUNTY HOUSING AUTHORITY, a Colorado body corporate and politic (“Authority”). The Authority was established in 1991 to address low and moderate income housing needs and to develop and support affordable housing in Arapahoe County. To provide support for these activities, and for the mutual benefit of both parties, the Authority and County first entered into the following Agreement on September 26, 1995 and hereby take joint action to renew said Agreement, TO-WIT:

I. COUNTY HOUSING PROGRAMS ADMINISTERED BY THE AUTHORITY

In addition to programs and projects that the Authority chooses to develop on its own, the Authority and County agree that the Authority shall administer the following County programs. In administering these programs the Authority is herein delegated and conveyed the maximum authority and rights permitted by the various programs and grants. Where funds shall be granted or conveyed to the Authority from or through Arapahoe County, the Authority shall have the commensurate authority and responsibility for those funds. Authority expenses for administering these programs and projects shall be borne by the grants and by the County and the Authority to detail the responsibilities and rights of the Authority in administering particular funds or programs.

- a) Housing programs that may be initiated to develop or support affordable housing in the County as agreed to from time to time by the parties with a written memorandum.
- b) Metro Mortgage Assistance Plus Program.
- c) Developer requested tax property tax exemptions that may further the development of affordable housing.
- d) Long Term Recovery and homelessness initiatives that cannot be allocated to existing grant funds.

II. AUTHORITY MANAGEMENT

The Authority is managed by the County's Division Manager of the Housing and Community Development Services Division, Community Resources Department, and the staff of that Division, and that Division Manager shall report to the County's Director of the Community Resources Department. This staff of County employees is loaned to the Authority by the County. These loaned County employees are listed below. Accompanying their titles is approximately the percentage of time that the particular loaned employee is to devote to the Authority's matters with the remaining time being devoted to other County duties. All employees complete a time allocation form to provide documentation of the time charged to ArCHA. All County employees shall be paid by the County, which may be reimbursed by the Authority in a manner commensurate with the percentage of time the employees devote to the Authority's matters. All County employees shall report to the County's Division Manager of Housing and Community Development Services, who shall in turn report to the Director of Community Resources, who shall in turn report to the Authority Board of Commissioners.

1. Director of Community Resources Department (2%)
2. Division Manager of Housing and Community Development Services Division (20%)
3. Community Development Administrator 1 (10%)
4. Community Development Administrator 2 (10%)
5. Housing Specialist (10 %)
6. Grants Fiscal Specialist of Administrative Services Division of Community Resources Department (5%)
7. Community Resources Administrative staff (18% of the \$30,000 in the County General Fund allocated to ArCHA).

The Director of the Community Resources Department shall be the Recording Secretary to the Housing Authority Board.

III. SERVICES PROVIDED BY COUNTY

The County shall perform for the Authority payroll, accounting, and all other administrative services and functions that are normally performed for County departments. These services shall be performed for the same cost (if any) charged to other County departments or grant-funded programs. In a like manner the County shall provide office space to the Authority.

IV. CERTAIN COUNTY PROCEDURES AND POLICIES

The Authority shall from time to time adopt its own procedures and policies, but where it does not, the Authority may adopt the policies and procedures of the County.

V. OTHER ASSISTANCE

From time to time the County may provide whatever other assistance to the Authority that the County and the Authority decide upon.

This Agreement may be amended at any time and placed with the written agreement of both parties. Either party may elect to cancel or terminate this Agreement with sixty (60) days written notice to the other party. This Agreement shall otherwise terminate on March 31st of each year unless it is renewed by the Authority and the County.

ATTEST:

Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
COUNTY OF ARAPAHOE
STATE OF COLORADO

BY _____
Chairman

ATTEST:

Secretary to the Board

DON KLEMME, BY
PERMISSION OF THE
ARAPAHOE COUNTY HOUSING
AUTHORITY BOARD OF
COUNTY COMMISSIONERS
Resolution # 180098

