

SANTA FE COUNTY

Housing Authority Board Resolution No. 2013-14HB

A RESOLUTION APPROVING THE CONTINUED USE OF A PUBLIC HOUSING UNIT AS A COMMUNITY CENTER FOR RESIDENT SERVICES AND REQUESTING A WAIVER OF THE PERFORMANCE FUNDING SYSTEM

WHEREAS, the Code of Federal Regulations, Section 990.145, (Attachment A) allows housing authorities to receive operating subsidies for special use units approved and used for resident services, resident organization offices and related activities, such as self-sufficiency and anti-crime initiatives;

WHEREAS, in August 2005, the Housing Authority made a request to the Department of Housing and Urban Development to remove a public housing unit (#57 Camino de Jacobo, Santa Fe, New Mexico) to be used for resident services and related activities and a waiver from the Performance Funding System;

WHEREAS, the request to utilize the public housing unit as a community center and the waiver of the Performance Funding System through December 31, 2013 was approved by the Department of Housing and Urban Development;

WHEREAS, the unit is being utilized by the residents of the Camino de Jacobo Housing Neighborhood for resident council meetings, resident activities, training programs and the distribution of commodities for resident families;

WHEREAS, in order to continue the use of the public housing unit for resident services and a waiver of the Performance Funding System, the Housing Authority must submit a letter requesting an extension of the approval with a resolution approved by the Board of Housing Commissioners to the Department of Housing and Urban Development;

NOW THEREFORE BE IT RESOLVED, that the Santa Fe County Housing Authority Board of Commissioners hereby approves and adopts this Resolution approving the continued use of a public housing unit as a community center for resident services and requesting a waiver of the Performance Funding System.

SPC CLERK RECORDED 12/18/2013

APPROVED, ADOPTED AND PASSED this 26th day of November 2013.

ATTEST:

Santa Fe County Housing Authority Board of Commissioners

Kathy Holian

Kathy Holian, Chairperson

Geraldine Salazar

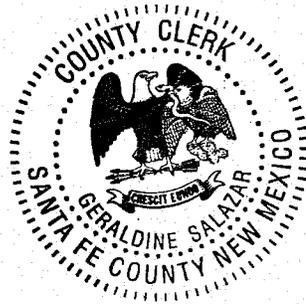
Geraldine Salazar, County Clerk

12-2-2013

APPROVED AS TO FORM:

Steve Ross

Steve Ross, County Attorney



REC CLERK RECORDED 12/02/2013

COUNTY OF SANTA FE) HOUSING RESOLUTION
STATE OF NEW MEXICO) ss PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of December, 2013 at 10:33:58 AM
And Was Duly Recorded as Instrument # 1724360
Of The Records Of Santa Fe County

Deputy *Marcella Salazar* Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

ATTACHMENT A

§ 990.140

24 CFR Ch. IX (4-1-13 Edition)

(c) The PHA shall maintain and, at HUD's request, shall make available to HUD, specific documentation of the status of all units, including, but not limited to, a listing of the units, street addresses or physical address, and project/management control numbers.

(d) Any unit months that do not meet the requirements of this subpart are not eligible for operating subsidy, and will not be subsidized by the Operating Fund.

§ 990.140 Occupied dwelling units.

A PHA is eligible to receive operating subsidy for public housing units for each unit month that those units are under an ACC and occupied by a public housing-eligible family under lease.

§ 990.145 Dwelling units with approved vacancies.

(a) A PHA is eligible to receive operating subsidy for vacant public housing units for each unit month the units are under an ACC and meet one of the following HUD-approved vacancies:

(1) *Units undergoing modernization.* Vacancies resulting from project modernization or unit modernization (such as work necessary to reoccupy vacant units) provided that one of the following conditions is met:

(i) The unit is undergoing modernization (i.e., the modernization contract has been awarded or force account work has started) and must be vacant to perform the work, and the construction is on schedule according to a HUD-approved PHA Annual Plan; or

(ii) The unit must be vacant to perform the work and the treatment of the vacant unit is included in a HUD-approved PHA Annual Plan, but the time period for placing the vacant unit under construction has not yet expired. The PHA shall place the vacant unit under construction within two federal fiscal years (FFYs) after the FFY in which the capital funds are approved.

(2) *Special use units.* Units approved and used for resident services, resident organization offices, and related activities, such as self-sufficiency and anti-crime initiatives.

(b) On a project-by-project basis, subject to prior HUD approval and for the time period agreed to by HUD, a PHA

shall receive operating subsidy for the units affected by the following events that are outside the control of the PHA:

(1) *Litigation.* Units that are vacant due to litigation, such as a court order or settlement agreement that is legally enforceable; units that are vacant in order to meet regulatory and statutory requirements to avoid potential litigation (as covered in a HUD-approved PHA Annual Plan); and units under voluntary compliance agreements with HUD or other voluntary compliance agreements acceptable to HUD (e.g., units that are being held vacant as part of a court-order, HUD-approved desegregation plan, or voluntary compliance agreement requiring modifications to the units to make them accessible pursuant to 24 CFR part 8).

(2) *Disasters.* Units that are vacant due to a federally declared, state-declared, or other declared disaster.

(3) *Casualty losses.* Damaged units that remain vacant due to delays in settling insurance claims.

(c) A PHA may appeal to HUD to receive operating subsidy for units that are vacant due to changing market conditions (see subpart G of this part—Appeals).

§ 990.150 Limited vacancies.

(a) *Operating subsidy for a limited number of vacancies.* HUD shall pay operating subsidy for a limited number of vacant units under an ACC if the annualized vacancy rate is less than or equal to:

(1) Three percent of the PHA's total unit inventory (not to exceed 100 percent of the unit months under an ACC) for the period July 1, 2004, to June 30, 2005, and

(2) Three percent of the total units on a project-by-project basis based on the definition of a project under subpart H of this part, beginning July 1, 2005.

(b) *Exception for PHAs with 100 or fewer units.* Notwithstanding paragraph (a) of this section, a PHA with 100 or fewer units will be paid operating subsidy for up to five vacant units not to exceed 100 percent of the unit months under an ACC. For example, a PHA with an inventory of 100 units and four vacancies during its fiscal year will be

RECEIVED RECORDED 12/12/2013