

SANTA FE COUNTY

Housing Authority Board Resolution No. 2010-17

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

WHEREAS, the Code of Federal Regulations, Section 990.145, allows housing authorities to receive operating subsidy for 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, 2010 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;

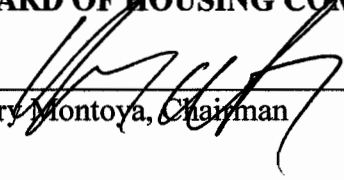
NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Housing Authority Board of Commissioners hereby approves and adopts this Resolution approving the continued use of a public housing unit as a community center for resident services and a waiver of the Performance Funding System.


SFC CLERK RECORDS/01/2010

APPROVED, ADOPTED AND PASSED, this 30th day of November, 2010.



BOARD OF HOUSING COMMISSIONERS

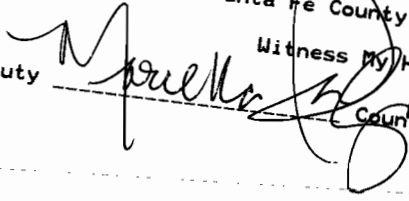

Harry Montoya, Chairman


Valerie Espinoza, County Clerk

APPROVED AS TO FORM:


Steve Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss HOUSING RESOLUTION
PAGES: 12
I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of December, 2010 at 02:03:28 PM
And Was Duly Recorded as Instrument # 1618583
Of The Records Of Santa Fe County
Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 01/21/10



U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
NEW MEXICO STATE OFFICE
625 Silver Avenue, S. W., Suite 100
Albuquerque, New Mexico 87102-3185

OFFICE OF PUBLIC HOUSING

DIRECT DIAL 505-346-7303
FACSIMILE 505-346-6604

JAN 16 2009

Dodi Salazar
Executive Director
Santa Fe County Housing Authority
52 Camino de Jacobo
Santa Fe, NM 87507-3504

Dear Ms. Salazar:


SUBJECT: Santa Fe County Housing Authority's Request for a Public Housing Unit to Continue as a Community Center and Approval of the Performance Funding System Waiver

This is in response to your request for approval of the updated Plan to remove one unit from the current rent roll to be used in support of Economic Development and Self-Sufficiency (EDSS) activities and continuance of the Performance Funding System (PFS) waiver for Unit #57. Based on our review of the Plan transmitted with your recent letter, we find that it meets the requirements set forth in the 24 CFR 990.145.

Your request for a Performance Funding System (PFS) waiver of 24 CFR 990.145, revised April 1, 2006, for the period January 1, 2009, through December 31, 2010, is approved. The HA must assure compliance with the terms and conditions of its Annual Contributions Contract (ACC) with the Department and that the requirements under PFS are met. As required by 24 CFR 903.7(1), you are to include in the Fiscal Year Beginning July 1, 2009, PHA Plan a statement of the PHA's community service and self-sufficiency programs.

The eligibility for the approved unit must be reflected on form HUD-52723, Calculation of Performance Funding System, Section 2. During the period approved by the waiver, the HA must submit a certification with the PFS calculation stating that the unit is still being used for the purpose for which it was approved. The HA is also required to maintain specific documentation of the covered unit, such as a listing of the unit and street address. If the community center should move from the originally approved Public Housing unit, please inform our office of the change so we can update the Public Housing Information Center (PIC) Unit sub-module with the unit and address change.

If you have any questions, please feel free to contact Dolly Clark, Program Analyst, at dolly.a.clark@hud.gov or at (505) 346-7355.

Sincerely,

Floyd R. Durán
Program Center Coordinator

SFC CLERK RECORDED/01/2009

**SANTA FE COUNTY
HOUSING AUTHORITY**

Housing Authority Board Resolution No. 2008-17

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

WHEREAS, the Code of Federal Regulations, Section 990.145 allows housing authorities to receive operating subsidy for 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 was initially approved for three years by the Department of Housing and Urban Development in November 2005 to terminate in November 2008;

WHEREAS, the unit is being utilized by the residents residing at 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 the 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 continual use of a public housing unit as a community center for resident services and a Waiver of the Performance Funding System.

APPROVED, ADOPTED AND PASSED, this 9th day of December, 2008.

BOARD OF HOUSING COMMISSIONERS

[Handwritten Signature]

Paul Campos, Chairman

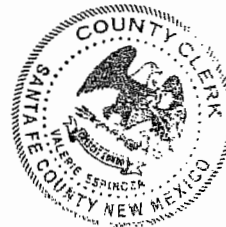
ATTEST:

[Handwritten Signature: Valerie Espinoza]
Valerie Espinoza, County Clerk



APPROVED AS TO FORM:

[Handwritten Signature]
Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

HOUSING RESOLUTION
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of December, 2008 at 11:05:18 AM
And Was Duly Recorded as Instrument # 1546251
Of The Records Of Santa Fe County

[Handwritten Signature]
Deputy _____
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

(b)(1) The determination of whether a public housing unit satisfies the requirements of § 990.140, § 990.145, or § 990.150 for any unit month shall be based on the unit's status as of either the first or last day of the month, as determined by the PHA.

(2) HUD reserves the right to determine the status of any and all public housing units based on information in its information systems.

(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

[Code of Federal Regulations]
[Title 24, Volume 4]
[Revised as of April 1, 2001]
From the U.S. Government Printing Office via GPO Access
[CITE: 24CFR990.108]

[Page 686-688]

TITLE 24--HOUSING AND URBAN DEVELOPMENT

CHAPTER IX--OFFICE OF ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 990--THE PUBLIC HOUSING OPERATING FUND PROGRAM--Table of Contents

Subpart A--The Operating Fund Formula

Sec. 990.108 Other costs.

(a) Cost of independent audits. (1) Eligibility to receive operating subsidy for independent audits is considered separately from the Operating Fund Formula. However, the PHA shall not request, nor will HUD approve, an operating subsidy for the cost of an independent audit if the audit has already been funded by subsidy in a prior year.

(2) A PHA that is required by the Single Audit Act (31 U.S.C. 7501-7507) (see 24 CFR part 85) to conduct a regular independent audit may receive operating subsidy to cover the cost of the audit. The actual cost of an independent audit, applicable to the operations of PHA-owned rental housing, is not included in the Allowable Expense Level, but it is allowed in full in computing the amount of operating subsidy under Sec. 990.104, above.

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(3) A PHA that is exempt from the audit requirements under the Single Audit Act (24 CFR part 85) may receive operating subsidy to offset the actual cost of an independent audit chargeable to operations (after the End of the Initial Operating Period) if the PHA chooses to have an audit.

(b)(1) Costs attributable to units that are approved for deprogramming and vacant may be eligible for inclusion, but must be limited to the minimum services and protection necessary to protect and preserve the units until the units are deprogrammed. Costs attributable to units temporarily unavailable for occupancy because the units are utilized for PHA-related activities are not eligible for inclusion. In determining operating subsidy calculations under the Operating Fund Formula, these units shall not be included in the calculation of Unit Months Available. Units approved for deprogramming shall be listed by the PHA, and supporting documentation regarding direct costs attributable to such units shall be included as a part of the Operating Fund Formula calculation in which the PHA requests operating subsidy for these units. If the PHA requires assistance in this matter, the PHA should contact the HUD Field Office.

Units approved for nondwelling use to promote economic self-sufficiency services and anti-drug activities are eligible for operating subsidy under the conditions provided in this paragraph (b)(2), and the costs attributable to these units are to be included in the operating budget. If a unit satisfies the conditions stated in paragraphs (b)(2)(i) through (v) of this section, it will be eligible for subsidy at the rate of the AEL for the number of months the unit is devoted to such use. Approval will be given for a period of no more than 3 years. HUD may renew the approval to allow payments after that period only if the PHA can demonstrate that no other sources for paying the non-utility operating costs of the unit are available. The conditions the unit must satisfy are:

(1) The unit must be used for either economic self-sufficiency activities directly related to maximizing the number of employed residents or for anti-drug programs directly related to ridding the development of illegal drugs and drug-related crime. The activities must be directed toward and for the benefit of residents of the development. The PHA must demonstrate that space for the service or program is not available elsewhere in the locality and that the space used is safe and suitable for its intended use or that the resources are committed to make the space safe and suitable.

(iii) The PHA must demonstrate satisfactorily that other funding is not available to pay for the non-utility operating costs. All rental income generated as a result of the activity must be reported as income in the operating subsidy calculation.

(iv) Operating subsidy may be approved for only one site (involving one or more contiguous units) per public housing development for economic self-sufficiency services or anti-drug programs, and the number of units involved should be the minimum necessary to support the service or program. Operating subsidy for any additional sites per development can only be approved by HUD Headquarters.

(v) The PHA must submit a certification with its Operating Fund Formula Calculation that the units are being used for the purpose for which they were approved and that any rental income generated as a result of the activity is reported as income in the operating subsidy calculation. The PHA must maintain specific documentation of the units covered. Such documentation should include a listing of the units, the street addresses, and project/management control numbers.

(3) Long-term vacant units that are not included in the calculation of Unit Months Available are eligible for operating subsidy in the Requested Budget Year at the rate of 20% of the AEL. Allowable utility costs for long term vacant units will continue to be funded in accordance with Sec. 990.107.

(c) Costs attributable to changes in Federal law or regulation. In the event that HUD determines that enactment of a Federal law or revision in HUD or other Federal regulation has caused or will cause a significant increase in expenditures of a continuing nature above the Allowable Expense Level and

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Utilities Expense Level, HUD may in HUD's sole discretion decide to prescribe a procedure under which the PHA may apply for or may receive an increase in operating subsidy.

(d)(1) Costs resulting from combination of two or more units. When a PHA redesigns or rehabilitates a project and combines two or more units into one larger unit and the combination of units results in a unit that houses at least the same number of people as were previously served, the AEL for the requested year shall be multiplied by the number of unit months not included in the requested year's unit months available as a result of these combinations that have occurred since the Base Year. The number of people served in a unit will be based on the formula $(2 \times \text{No. of Bedrooms}) - 1$, which yields the average number of people that would be served. An efficiency unit will be counted as a one bedroom unit for purposes of this calculation.

(2) An exception to paragraph (d)(1) of this section is made when a PHA combines two efficiency units into a one-bedroom unit. In these cases, the AEL for the requested year shall be multiplied by the number of unit months not included in the requested year's unit months available as a result of these combinations that have occurred since the Base Year.

(e) Funding for resident participation activities.--(1) Funding amount. Each PHA shall include in the operating subsidy eligibility calculation, \$25 per occupied unit per year for resident participation activities, including (but not limited to) those described in part 964 of this title. For purposes of this section, a unit may be occupied by a public housing resident, a PHA employee, or a police officer. If, in any

SFC CLERK RECORDED 12/01/2018

fiscal year, appropriations are not sufficient to meet all funding requirements under this part, then the \$25 will be subject to pro-ration.

(2) Use of vacant rental units. If there is no community or rental space available for providing resident participation activities, HUD may approve, at the request of the PHA, the use of one or more vacant rental units for resident participation purposes. A unit that satisfies the following conditions will be eligible for operating subsidy at the rate of the AEL for the number of months the unit is devoted to such use:

(i) The PHA must demonstrate that safe and suitable space for the resident participation activities is not otherwise readily available;

(ii) One or more contiguous units may be used for resident participation activities. However, the units must be located on a single site per public housing development. Further, the number of units involved must be the minimum necessary to support the resident participation activities;

(iii) The PHA must submit a certification with its Operating Fund Formula calculation that the units are being used for the purpose for which they were approved and that any rental income generated as a result of the activity is reported as income in the operating subsidy calculation; and

(iv) The PHA must maintain specific documentation of the units covered. Such documentation must include a listing of the units, the street addresses, and project/management control numbers.

SFC CLERK RECORDED/01/2019

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Roman Abeyta
County Manager

Santa Fe County Housing Authority

Dodi Salazar
Executive Director

December 9, 2008

Mr. Floyd R. Duran
Program Center Coordinator
U.S. Department of HUD
625 Silver Ave. S.W. Suite 100
Albuquerque, New Mexico 87102

SUBJECT: Request to Continue the Use of a Public Housing Unit as a
Community Center and Waiver of the Performance Funding
System

Dear Mr. Duran,

In August, 2005, the Housing Authority submitted a request to remove a public housing unit (#57 Camino de Jacobo, Santa Fe, New Mexico) from the Performance Funding System for Economic Development Self-Sufficiency (EDSS) activities. The request was approved by your office in November, 2005. This initial approval was for three years which is now expiring. The Housing Authority is requesting an extension to continue the use of a public housing unit as a community center and waiver of the Performance Funding System for an additional three years in accordance with the Code of Federal Regulations, Section 990.145.

There are currently 68 units in the Camino de Jacobo Housing Neighborhood. There is a very small community center that is fully utilized by the Santa Fe Boys and Girls Club who provide a satellite program throughout the year for resident youth. The community center has three functional rooms; a playroom, an arts and crafts room and a computer lab. There is no additional space for meetings or to set up an office. In addition, the Housing Authority's Administrative Offices are located on-site, but again, there is no available space that can be utilized for meetings or an additional office. It is crucial that we have space to provide programs and activities to the residents in this community. If the Housing Authority's request is not granted, the current programs and activities being provided in this neighborhood will no longer exist.

Unit #57 Camino de Jacobo (unit/community center) is currently being utilized for numerous activities that benefit the residents at the Camino de Jacobo Housing Neighborhood. Following is a list of training activities and presentations that have occurred in the unit/community center in the last year. The training primarily focuses on economic self-sufficiency and building self-esteem.

- Effective Work Search Skills (April, 2008)
- Financial Fitness (June 5, 19, 2008)
- Consumer Credit Counseling Services (June 9, 2008)
- "I Can" Nutrition Series (July 24, 31 – August 7, 14, 21, 28, 2008)
- Preventing Identity Theft (September 18, 2008)
- Mediation and Diversity – Resolving Conflict (October 16, 23, 2008)
- Stress Relief (November 18, 2008)

The unit/community center is also used for various community meetings including the Family Self-Sufficiency Program Advisory Committee who meet quarterly.

The Housing Authority also works with Faith at Work and the Food Depot to provide commodities to Housing Authority residents and utilizes the unit to distribute the food on a weekly basis. On an average, 38 of the 68 residents who reside on Camino de Jacobo participate in the commodities program weekly.

This year the Camino de Jacobo residents also started a community garden behind the community center. Fruits and vegetables were planted and cared for by the residents in the community. County Extension Office staff became involved in the project by coming on site to demonstrate different ways to prepare meals using both what was grown in the garden and food distributed through the commodities program.

The Camino de Jacobo Resident Council also utilizes this unit to conduct their monthly meetings and for neighborhood activities. In the last year, this has included the following:

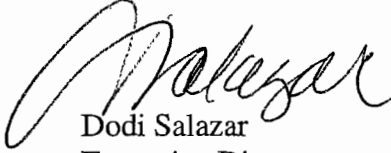
- Valentines Day party for the youth
- Easter egg coloring party for the youth that precedes the community Easter egg hunt
- Neighborhood 4th of July barbeque
- Distribution of school supplies for resident youth
- Halloween party for resident youth
- Neighborhood Thanksgiving pot-luck
- Neighborhood Christmas party
- Neighborhood clean-up day (twice a year)

The plan for the next three years is to continue all of the above-mentioned activities. The Housing Authority is also planning to use the facility to implement activities for the senior citizens in the community.

It is estimated that approximately 85 percent of the residents who live at the Camino de Jacobo Housing Neighborhood receive a benefit from the programs and/or activities that are provided. The unit has been utilized for non-dwelling use. At this time, there are no anticipated non-utility operating costs related to this unit. Rental income, should there be any in the future, will be reported as income in the operating subsidy calculation.

The Housing Authority will continue to provide exceptional programs and opportunities for the residents in its housing neighborhoods. Approval of this request is instrumental in achieving this goal. If you have any questions or need additional information, you may reach me at 992-3058.

Sincerely,

A handwritten signature in black ink, appearing to read "Dodi Salazar", written in a cursive style.

Dodi Salazar
Executive Director