

RESOLUTION 794

The following resolution was brought before the Board of Commissioners for consideration:

APPROVE 2023 PUBLIC HOUSING AUTHORITY (PHA) PLAN

WHEREAS, the U.S. Department of Housing and Urban Development requires the Housing Authority of Whatcom County to approve the PHA Plan; and

WHEREAS, it is necessary to update the Admissions and Continued Occupancy Policy to clarify and/or add language allowed by the U.S. Department of Housing and Urban Development (HUD) to comply with the Public Housing Program governed by 24 CFR 5; and

WHEREAS, the attached Exhibit A provides a summary of the proposed changes and additions to the Admissions and Continued Occupancy Policy; and

WHEREAS, it is necessary to update Capital Fund Program 5-Year Action Plan;

WHEREAS, a public hearing and resident advisory board meetings have been held for public comments and the comments have been considered; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of Whatcom County that the PHA Plan and required attachments and policies are hereby approved as stated on the certification attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to submit the approved PHA Plan to the U. S. Department of Housing and Urban Development.

DATED this 20th day of September 2022.

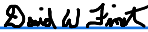
Commissioner Gockley moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Commissioner Szabo, and upon roll call, the "ayes" and "nays" were as follows:

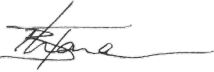
AYES

NAYS

- Commissioner Gockley
- Commissioner Finet
- Commissioner Szabo

The Chair thereupon declared the motion carried and the resolution adopted.

BY:   
David W Finet (Sep 20, 2022 18:40 PDT)  
\_\_\_\_\_  
Dave Finet, Chair

ATTEST:   
\_\_\_\_\_  
Brien Thane, Secretary/Treasurer

**EXHIBIT A**  
**BOARD OF COMMISSIONERS MEETING OF**  
**SUMMARY OF PROPOSED CHANGES**  
**2023 PUBLIC HOUSING AUTHORITY (PHA) PLAN**

**September 20, 2022**

The following elements of the PHA Plan have been revised as follows:

The Public Housing lease was updated to reflect the updated policies in the Admissions and Continued Occupancy Policy and ensure compliance with HUD regulations and applicable landlord tenant laws.

Admissions and Continued Occupancy Policy Plan – note the revisions noted below represent policy changes, significant revisions, or changes in practice only. Revisions to clarify/clean up language and update HUD sites and notice numbers have been completed but do not impact policy.

- Chapter 4, Applications
  - P. 13: Added local preference for applicants or participants displaced by an activity carried out by an agency of the United States or by a State or local government body or agency in connection with code enforcement or a public improvement or development program.
  - P. 13: Added an inappropriately housed local preference for current residents of BHA’s public housing or other approved subsidized housing programs.
- Chapter 9, Reexaminations
  - P.3: Revised BWCHA Policy to begin the annual reexamination process no sooner than 120 days in advance of the scheduled effective date.
- Chapter 13, Lease Terminations
  - P. 8: Added language stating “BWCHA will terminate a lease for drug-related criminal activity engaged in on the premises by a tenant’s guest or any other person under the tenant’s control.”
  - P. 11-17: Added language directly from the lease related to Mandatory Lease Provisions, Other Serious or Repeated Violations of Material Terms of the lease.
  - P.19: Added “Failure to permit access to a dwelling unit if BWCHA has reasonable cause to believe than an emergency exists, even without prior advanced notification to a tenant” to “Other Good Cause” reasons a lease may be terminated.
  - P.32: Revised “Timing of the Notice” section to mirror the lease.
- Chapter 14, Grievances
  - P. 9, 22, 26: Revised language to no longer charge tenants for evidence/lease materials related to a hearing. Requests for copies not related to a hearing will be charged at \$0.25 per page. Also revised document and audio tape request deadline from 2 business days prior to a hearing to 3 business days.
  - P. 13: Revised language no longer allowing regular grievance hearings when the termination is due to a covered person engaging in any drug-related criminal activity or criminal activity that threatens the health, safety, or right to peaceful enjoyment of other tenants or BWCHA employees. New procedures under expedited Grievance Procedure.
  - P. 17: Expedited Grievance Procedure to occur for any grievance concerning a termination of tenancy or eviction that involves any criminal or drug-related criminal activity that threatens

the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of BWCHA.

- P. 19: Updated Remote Hearings section related to discovery of documents for remote hearings, including expedited hearings, requiring discovery documents be provided at least 24-hours before the scheduled hearing.
- Chapter 16, Program Administration
  - P. 11: BWCHA Policy, revised policy to allow BWCHA the ability to revise, combine or reissue repayment agreements when a repayment agreement is already in place.
  - P. 22: Removed requirement for VAWA information to be included in annual reexamination documents.

**Civil Rights Certification**  
**(Qualified PHAs)**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB Approval No. 2577-0226  
Expires 3/31/2024

**Civil Rights Certification**

**Annual Certification and Board Resolution**

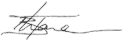

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning January 1, 2023 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.

Housing Authority of Whatcom County  
PHA Name

WA041  
PHA Number/HA Code

I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director: Brien Thane	Name of Board Chairperson: Dave Finet, Chair
	
Signature	Signature
Date 09/20/2022	Date 09/20/2022

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 *et seq.*, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.


# 2 Reso 794, Exhibit A and 50077-CR - 2023 PHA Plan

Final Audit Report

2022-09-21

Created:	2022-09-20
By:	Lindsay Burmeister (lindsay.burmeister@bellinghamhousing.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3y0pn1HdGceH1doqy49D0UMDLm5E9Rbz


## "2 Reso 794, Exhibit A and 50077-CR - 2023 PHA Plan" History

 Document created by Lindsay Burmeister (lindsay.burmeister@bellinghamhousing.org)

2022-09-20 - 8:47:02 PM GMT- IP address: 152.44.147.234

 Document emailed to davefinet@yahoo.com for signature

2022-09-20 - 8:47:44 PM GMT

 Email viewed by davefinet@yahoo.com

2022-09-21 - 1:39:05 AM GMT- IP address: 50.34.112.57

 Signer davefinet@yahoo.com entered name at signing as David W Finet


2022-09-21 - 1:40:12 AM GMT- IP address: 50.34.112.57

 Document e-signed by David W Finet (davefinet@yahoo.com)


Signature Date: 2022-09-21 - 1:40:13 AM GMT - Time Source: server- IP address: 50.34.112.57

 Document emailed to Brien Thane (brien.thane@bellinghamhousing.org) for signature

2022-09-21 - 1:40:15 AM GMT

 Email viewed by Brien Thane (brien.thane@bellinghamhousing.org)

2022-09-21 - 5:28:49 AM GMT- IP address: 152.44.147.234

 Document e-signed by Brien Thane (brien.thane@bellinghamhousing.org)

Signature Date: 2022-09-21 - 5:29:13 AM GMT - Time Source: server- IP address: 152.44.147.234

 Agreement completed.

2022-09-21 - 5:29:13 AM GMT