Chapter 1

1-I. A OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The City of Des Moines, Iowa, Municipal Housing Agency (DMMHA) receives its operating subsidy for the public housing program from the Department of Housing and Urban Development (HUD). The DMMHA is not a federal department or agency. The DMMHA is a public housing authority which is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The DMMHA enters into an Annual Contributions Contract with HUD to administer the public housing program. The DMMHA must ensure compliance with federal laws, regulations and notices and must establish policies and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the DMMHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a brief explanation of the creation of DMMHA, its mission statement, and contains DMMHA’s commitment to ethics and service.

Part II: The Public Housing Program. This part contains information about public housing operation, the history of the DMMHA public housing program, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy Plan (ACOP). This part discusses the purpose of the ACOP plan and its revision requirements.

ALL REFERENCES TO THE PHA OR AGENCY IN THIS ADMISSIONS AND CONTINUED OCCUPANCY POLICY DOCUMENT REFER TO THE DMMHA.
PART I: THE PHA

1-I.B. CREATION OF DMMHA AND HOUSING BOARD INFORMATION

The Housing Agency was created by Articles of Incorporation in September of 1965. In 1973, by Ordinance Number 7241, the Housing Agency became a Municipal Housing Agency. On April 1, 1994, the City of Des Moines revested its authority as the Municipal Housing Agency.

The DMMHA has two housing boards in which policies are reviewed and approved: the Housing Services Board, whose members are appointed by the City of Des Moines’ City Council members, and also the Municipal Housing Governing Board.

The Municipal Housing Governing Board (MHGB) is the governing body of the DMMHA. MHGB responsibilities include but are not limited to the ratification or modification of all programs/projects initiated by the Housing Services Board; approval and acceptance of all state or federal grants or subsidies; the acquisition, mortgage, sale or conveyance of municipal housing agency real property; assuming debt, including issuance of bonds and the execution of any form of loan, promissory note or other debt related documents obligating the Agency. The MHGB retains final jurisdiction over all municipal housing projects.

The Housing Services Board initiates programs or projects, including grant applications, that further the policies and plans of the Municipal Housing Agency, including tenant conduct and relations; interacts with other governmental agencies with respect to application for and implementation of grants and other funding programs; reviews and comments on the DMMHA Director’s annual operating and capital budgets prior to their submission to the MHGB; buys, leases, sells or exchanges supplies, equipment and materials; and procures service or work to extend unencumbered funds that are available when such contracts or agreements exceed $25,000.

1-I.C. THE DMMHA’S COMMITMENT TO ETHICS AND SERVICE

DMMHA’S MISSION STATEMENT: To provide quality affordable housing opportunities within Des Moines and Polk County, and to facilitate, where possible, homeownership and self-sufficiency for its clients.

As a public service agency, the DMMHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, DMMHA’s standards include:

• Administer applicable federal, state and local laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.

• Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low- and low-income families.

• Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
• Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service needs.

• Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, sexual orientations, and with all types of disabilities, to participate in the public housing program and its services.

• Create positive public awareness and expand the level of family and community support in accomplishing the DMMHA’s mission.

• Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

• Administer an efficient, high-performing agency through continuous improvement of the DMMHA’s support systems and commitment to our staff and their development.

• Make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

1-I. D DMMHA’S CODE OF CONDUCT

The Des Moines Municipal Housing Agency (DMMHA) is committed to conducting its business ethically and in compliance with all federal, state, and local laws and regulations. The DMMHA will maintain and update as appropriate written guidance on employee and organizational responsibilities related to compliance. All staff of the DMMHA will comply with the Code of Business Conduct and Ethics of the City of Des Moines as well as those mandated under the Housing Choice Voucher Program.

A. Conflict of Interest

This includes compliance with the conflict of interest requirements of the Housing Choice Voucher Program under 24 CFR 982.161. The conflict of interest requirement prohibits DMMHA or any of its contractors or subcontractors from entering into any contract or arrangement in connection with the tenant based programs in which any of the following classes or persons have any interest, direct or indirect, during tenure or for one year thereafter:

(1) any present or former member or officer of the PHA (except a participant commissioner);

(2) any staff of the PHA, or any contractor or subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;

(3) any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; and,

(4) any member of the Congress of the United States.

Any members of the classes described in the above section must disclose their interest or prospective interest to DMMHA and the U.S. Department of Housing & Urban Development (HUD). DMMHA annually requests employees to complete an employee disclosure form as required by the Employee Conflict Policy, as stated below. The HUD field office may waive for good cause the conflict of interest prohibition under this section.
All DMMHA officers, staff, contractors, subcontractors or agents will comply with all requirements that prohibit the solicitation or acceptance of gifts or gratuities, in excess of a nominal value as required under Policy 1.12 of the City of Des Moines Administrative manual.

Failure to comply with 24 CFR 982.161 and/or Policy 1.12 of the City of Des Moines Administrative manual may result in disciplinary action up to and including termination. It also could result in referral for civil or criminal prosecution, and/or suit by the City to recover any losses or damages resulting from the violation.

In addition, disciplinary action may be applied to any officer, supervisor, or manager who directs or approves violations, or has knowledge of them, or reasonably should have had knowledge of them, and does not move promptly to correct them.

B. Employee Conflict Policy

In addition to the requirements of Section A above, DMMHA employees shall not have any involvement of any nature whatsoever, either direct or indirect, with any client file, Department contract, or maintenance repair that involves any member of their family or any relative (by blood or marriage). This includes but is not limited to:

- No work on the file or contract.
- No access to the file or contract documents.
- No discussion with any staff about the file or contract.
- No input into the administration or management of the file or contract.
- No maintenance repairs made to units that family or relatives live in.

If it is determined during the processing or administration of any file or contract or needed maintenance repair that a member of the employee’s family or a relative is involved, the employee shall immediately notify their supervisor and personally deliver the file and all other information to their supervisor or, in their absence, the DMMHA Assistant Director. Employees are required to fill out an annual statement disclosing the names of all persons related to them by blood or marriage, having any business with the DMMHA. Failure to disclose a relationship with a client or contractor may result in disciplinary action up to and including termination.
PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PUBLIC HOUSING PROGRAM

The intent of this section is to provide the public and staff an overview of the history and operation of public housing.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program. In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. HISTORY OF DMMHA’S PUBLIC HOUSING PROGRAM

The Department of Housing Services began developing public housing homes in 1971. Plans for an elderly apartment building were designed and by October 1973, the 200-unit multi-housing high rise, known as Royal View Manor readied itself for occupancy. Over the next several years, other elderly and physically accessible buildings rose to meet the needs of the low-income population in Des Moines. These buildings are known today as South View Manor and East View Manor.

From 1977-1979 the Department acquired single family homes and built duplexes and row house to further meet the needs of the Des Moines community. The Department, with City council approval, received contract authorization and funding from the Department of Housing and Urban Development (HUD) for five new major housing programs. Four of these resulted in the new construction of 250 homes scattered throughout the city. The fifth allowed for the acquisition of existing houses to be rehabilitated bringing them into conformance with federal and local housing codes. At the close of 1979, the Department owned and managed 300 units of elderly and physically accessible housing, and by the early 1980’s 306 family homes were completed.

During the 1980’s two new buildings known as Oak Park and Highland Park Plazas were constructed. These buildings provided 90 apartments for elderly and disabled individuals and/or families. The Department continued to acquire approval from HUD for an additional 168 homes, ranging from single family rehabilitated properties to newly constructed duplexes and row houses.
At the end of the 1980’s an additional 258 properties were available for lease creating a new total of 864 elderly and family dwellings.

In the 1990’s the Department received approval to build 60 new homes throughout the City of Des Moines. The Department also received approval to acquire 32 existing properties for rehabilitation and brought them into compliance with all existing federal and local housing codes.

The 1993 Drug Elimination Grant Program provided residents and staff with several drug elimination strategies. With assistance from the Des Moines Police Department, patrols were increased in and around owned housing high crime areas. The 1993 Drug Elimination Grant program also established a learning center offering assistance to residents of all ages and increased levels of self-esteem and confidence through education and skill development in computers and through job seeking training. The open house for the learning center was held on March 30, 1994, and in addition to computer training, offered role models and mentors.

Also in 1993 the Section 5(h) Affordable Homeownership Program began in collaboration with HOME INC, a non-profit organization, and Citizens for Community Improvement to provide homeownership counseling, down payment and closing cost assistance, and mortgage loan processing for residents. The agencies made mortgage loans to residents under 65 percent of median income and made homeownership a reality for many families. Early in 1995, the homeownership program was restructured to enable more residents to participate. In 2000 the program was opened to the general public to apply but preference is given to public housing residents, Section 8 program participants, individuals on the waiting list for either housing assistance programs, and other eligible low-moderate income families. There have been 81 properties sold over the years of the initial 142 homes.

In August 2003 the Department of Housing Services received approval to begin the disposition process of 394 scattered sites due to the lack of adequate resources to operate the aging units. The units were sold by negotiated bid to nonprofit agencies at an amount less than 25% of the fair market value or sold by sealed bid to the public. Units sold to nonprofit agencies must remain accessible to low income individuals for five years by restrictive covenant. A portion of the proceeds from the disposition of these units are used for physical improvements to the remaining public housing stock.

In 2013, the DMMHA started development for new construction of nine (9) single family homes utilizing funds from HUD’s Replacement Housing Factor (RFH) program. These unit developments were augmented from a $90,000 grant from the Polk County Housing Trust Fund.

Extensive disposition activities occurred in 2013 as well with two (2) specific projects worth noting: 1) sale of four (4) parcels to Habitat for Humanity at Fair Market Land Value for the demolition and redevelopment of four (4) new owner-occupied single-family homes; and 2) sale of six (6) duplexes to Iowa Homeless Youth Services for Fair Market Land Value for their Lighthouse program that provides supportive housing to parenting and pregnant young mothers ages 16 to 25.
1-II.C. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the DMMHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the DMMHA. The DMMHA must create written policies that are consistent with HUD regulations. Among these policies is this Plan, known as the DMMHA’s Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the Municipal Housing Governing Board.

The role of the DMMHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The DMMHA screens applicants for public housing and, if they are determined to be eligible for the program, the DMMHA makes an offer of a housing unit. If the applicant accepts the offer, the DMMHA and the applicant will enter into a written lease agreement. At this point, the applicant becomes a tenant in the public housing program.

The terms “tenant” and “resident” are used interchangeably in this policy. Additionally, this policy uses the term “family” or “families” for residents or applicants, depending on context.

Since the DMMHA owns the public housing development, the DMMHA is the landlord. The DMMHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and DMMHA policy.

1-II.D. PUBLIC HOUSING PARTNERSHIPS

To administer the public housing program, the DMMHA must enter into an Annual Contributions Contract (ACC) with HUD. The DMMHA also enters into a contractual relationship with each tenant through the public housing lease. These contracts define and describe the roles and responsibilities of each party.

The chart on the following page illustrates key aspects of these relationships.
The Public Housing Relationships

Congress Appropriates Funding

HUD Provides Funding To PHA

Program Regulations and ACC provides Operating Subsidy

PHA Administers Program

Lease specifies PHA and Family Obligations

Family (Tenant)
**HUD’s Roles and Responsibilities**

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement housing legislation passed by Congress
- Allocate operating subsidies to DMMHA
- Allocate capital funding to DMMHA
- Provide technical assistance to DMMHA on interpreting and applying program requirements
- Monitor DMMHA compliance with program requirements and DMMHA performance in program administration.

**DMMHA’s Roles and Responsibilities**

The DMMHA’s responsibilities originate in federal regulations and the ACC. The DMMHA owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

- Ensure compliance with all non-discrimination, equal opportunity, and fair housing laws, and ensure that the program is accessible to persons with disabilities.
- Establish local policies and procedures for operating the program
- Accept applications from interested applicant families and determine whether they are income eligible for the program
- Maintain waiting list and select families for admission
- Screen applicant families for suitability as renters
- Maintain housing units by making any necessary repairs in a timely manner
- Make unit offers to families (minimize vacancies without overcrowding)
- Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)
- Make sure the DMMHA has adequate financial resources to maintain its housing stock
- Perform regular reexaminations of family income and composition in accordance with HUD requirements. Collect rent due from the assisted family and comply with and enforce provisions of the lease
- Ensure that families comply with program rules
- Provide families with prompt and professional service
- Comply with, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the DMMHA’s ACOP, and other applicable federal, state and local laws.
Tenant’s Roles and Responsibilities

The tenant’s responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

- Comply with the terms of the lease and DMMHA rules
- Provide the DMMHA with complete and accurate information, determined by the DMMHA to be necessary for administration of the program
- Cooperate in attending all appointments scheduled by the DMMHA
- Allow the DMMHA to inspect the unit at reasonable times and after reasonable notice
- Take responsibility for care of the housing unit, including any violations of uniform physical condition standards caused by the family
- Not engage in drug-related or violent criminal activity
- Notify the DMMHA before moving or termination of the lease
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease
- Promptly notify the DMMHA of any changes in family composition
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.
- Take care of the housing unit and report maintenance problems to the DMMHA promptly

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.E. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 966: Lease and Grievance Procedures
PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is the DMMHA’s written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP is required by HUD and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in the DMMHA’s Agency Plan.

All issues related to public housing not addressed in this ACOP are governed by federal regulations, and other applicable laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. The DMMHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. UPDATING AND REVISING THE POLICY

The DMMHA will review and update the ACOP as needed to reflect changes in regulations, DMMHA operations, or when needed to ensure staff consistency in operation.

The DMMHA will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes will be reviewed and recommended to the Public Housing Advisory Board and changes must be approved by the Municipal Housing Governing Board. The pertinent sections will be included in the Agency Plan, and a copy provided to HUD.