



100 West 13th Avenue, Eugene, OR 97401 • **PH** 541-682-3755 • **FAX** 541-682-3411

Homes. People. Partnerships. Good. www.homesforgood.org



HOMES FOR GOOD HOUSING AGENCY

BOARD OF COMMISSIONERS MEETING WEDNESDAY April 21st, 2021

TABLE OF CONTENTS

(CLICK ON EACH AGENDA ITEM TO NAVIGATE TO THAT SECTION)

- I. AGENDA
- II. EXECUTIVE DIRECTOR REPORT
- III. 3/17/21 MINUTES
- IV. ORDER 21-21-04-01H — In the Matter of Authorizing the Financing and Development of The Nel in Eugene, Oregon
- V. PRESENTATION — Quarter 1 Excellence Awards
- VI. WORK SESSION — Governance

Agenda

Homes for Good Housing Agency

BOARD OF COMMISSIONERS

Location of the meeting:

This meeting will be conducted via public video call and conference line (see details below).



Wednesday, April 21st, 2021 at 1:30pm

To prevent the spread of COVID-19 Homes for Good will be conducting the April 21st, 2021 meeting via a public video call with dial-in capacity. The public will be able to join the call, give public comment, and listen to the call:

Join Zoom Meeting

<https://us02web.zoom.us/j/86127659154>

Meeting ID: 861 2765 9154

One tap mobile

+12532158782,,86127659154# US (Tacoma)

+13462487799,,86127659154# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 861 2765 9154

PUBLIC COMMENTS – 20 Minutes

(Maximum time 20 minutes: Speakers will be taken in the order in which they sign up and will be limited to 3-minutes per public comments. If the number wishing to testify exceeds 10 speakers, then additional speakers may be allowed if the chair determines that time permits or may be taken at a later time.)

2. COMMISSIONERS' RESPONSE TO PUBLIC COMMENTS AND/OR OTHER ISSUES AND REMONSTRANCE (2 min. limit per commissioner)

3. ADJUSTMENTS TO THE AGENDA

4. COMMISSIONERS' BUSINESS

5. EMERGENCY BUSINESS

6. ADMINISTRATION

A. Executive Director Report (Estimated 10 minutes)

B. Approval of 3/17/21 Board Meeting Minutes

- C. **ORDER 21-21-04-01H** — In the Matter of Authorizing the Financing and Development of The Nel in Eugene, Oregon (Nora Cronin, Project Development Manager) (Estimated Time 15 Minutes)
- D. **PRESENTATION** — Quarter 1 Excellence Awards (Bailey McEuen, Human Resources Director) (Estimated 5 Minutes)
- E. **WORK SESSION** — Governance (Jacob Fox, Executive Director) (Estimated 30 Minutes)

7. OTHER BUSINESS

Adjourn.

UPCOMING AGENDA ITEMS

May 19th

- WS: EST + Strategic Equity Plan

June 23rd

- BO: Parkview Terrace Exterior Paint Contract
- WS: Rural Development Strategies
- BO: Annual Plan

July 21st

- BO: Cap Fund 5 Year Plan
- WS: Wait Lists + Intake Processes
- WS: Budget process
- Presentation: Q2 Awards

August 25th

- WS: Landlord Engagement
- BO: Appointed Commissioner Recruitment Process

September 29th

- BO: Lindeborg Bathroom Remodel Contract
- BO: Budget FY 2022

October 20th

- Presentation: Q3 Awards

December

- WS: Resident Services and FSS
- BO: Appointed Commissioner Confirmation

Homes for Good leadership has been actively participating in the Holiday Farm Fire Human Services and Housing Task Force that is facilitated by Matt McRea from Lane County. Steve Ochs has joined the Oregon Disaster Housing Task Force. The purpose of this task force is to aid local and tribal partners to provide both interim and permanent housing solutions by aligning and coordinating State agency programs, resources, tools and capabilities. For people with a Housing Choice Voucher who were displaced by the wildfire as of March 31st 4 out of 11 displaced households have found replacement housing. As of April 12th 49 units at the lodging facility formally known as the Red Lion are occupied by households displaced by the wildfire. A local preference for displaced persons of natural disasters has been created for project based rent subsidized units and non-rent subsidized units at Sarang and Hayden Bridge Landing and State disaster case managers have supported a significant number of displaced households in applying for this preference. Hazard mitigation on the Lazy Days Mobile Home Park is being completed and we have engaged a geo tech consultant to assess the steep slope that borders the north side of the property. We also have engaged with Tim Laue from the McKenzie Community Development Corporation to align our collective efforts.



In response to the Homes for Good Board's encouragement to create deeper community awareness about Homes for Good's Real Estate Development activities, particularly the development of Permanent Supportive Housing. In response to this encouragement we have scheduled two community townhalls to share the impact of our achievements. These town halls are structured to educate the participants in the town hall about our work and as importantly to hear from the participants about how Homes for Good's real estate development strategies can continue to be transformed in response to input from the broader community. These town halls will be on Zoom on April 29th at 12:00pm PT and 6:00pm PT.

The Homes for Good Equity Strategy Team (EST) has begun building the framework for our Strategic Equity Plan (SEP). In a recent EST meeting an EST member shared the Equity and Social Justice Strategic Plan that was developed by King County in Washington State. You can take a look at this plan [here](#). We have begun to merge the input of staff and the content developed by the CORE Team and Leadership Team into a format that is similar to the King County plan. Because a significant number of the EST team members didn't participate in the all staff education session or the joint meeting with the CORE Team and Leadership Team they will have input and ideas for additional content to add to the early work we are doing on the SEP. The EST will take the lead on organizing this input into our SEP framework and then the engagement with the Homes for Good board and all teams within our organization will begin. We are still working out the details on how the engagement will be structured and when this engagement will begin occurring.

MEET THE EQUITY STRATEGY TEAM



MARIA HUFFMAN
Painter

ALLIE GAY
Resident Services Specialist

TRAVIS BAKER
LProperty Manager

JOSH RAAB
Office Assistant

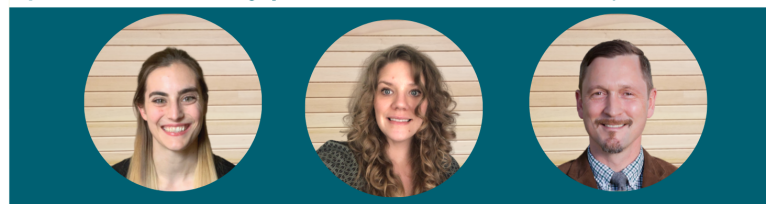


JOSÉ ZARATE
Resident Services Specialist

REBECCA MURPHY-LYONS
Housing Specialist

STEVE OCHS
Real Estate Development Director

MELANIE CHURCH
Property Management Analyst



JORDYN SHAW
Communications Administrative Specialist

BAILEY MCEUEN
Human Resources Director

JACOB FOX
Executive Director

The Patrician residents with support from CASA of Oregon have successfully executed a purchase and sale agreement with the owner. CASA of Oregon is working on the financing assumptions in coordination with the residents. The financial assumptions indicate that space rent increases will need to be implemented at the time of sale and the increase amount looks to be over \$150 per month per space. This will create deeper financial challenges for the residents of the park that are people with low incomes many of who also have high maintenance costs due to the age and condition of their mobile homes. Once the financial assumptions become solidified Homes for Good will work in partnership with Commissioner Berney, The Patrician residents and CASA of Oregon to advocate for additional State and Local resources that will facilitate the sale and hopefully prevent or diminish the space rent increases and preserve or increase the affordability of the space rents.



The Homes for Good Foundation is a non-profit created in 2011 to expand funding for resident services targeted at Homes for Good's housing and programs. Due to numerous priorities over the past three years we have focused our efforts on providing higher education or trade school scholarships to young adults that live in households served by Homes for Good. The Homes for Good Foundation To date we have awarded 6 of Scholarships for a total amount of \$8,250. We have recruited three new Board members for the Foundation that are also Homes for Good employees who want to learn about non-profit governance as part of their career development. When serving as a Homes for Good Foundation Board members these employees will be volunteering their time. The Homes for Good Board of Commissioners must appoint the Homes for Good Foundation Board members. In May we will be asking the Homes for Good Board to approve three new members to the Homes for Good Foundation Board.



On April 12th The Springfield Economic Development Agency (SEDA), whose governance board includes all City of Springfield City Council members and Commissioner Berney, were presented with development proposals from two private sector teams. Both proposals have a very ambitious vision and include intent to deliver affordable housing, office space, entertainment, retail and many other amenities. The proposals from these two teams differed in terms of the type of development, the scope and financial details. Because affordable housing will be required by SEDA to be part of the redevelopment of Glenwood and because Homes for Good owns land directly adjacent to the redevelopment area specified by SEDA we have been in discussions with both of the teams to explore how to increase the number of affordable housing units beyond what we would develop on the parcel of land that we own. As Commissioner Berney pointed out during the presentation whichever team is selected by the SEDA Board for exclusive negotiation related to this development will be partnering with Homes for Good to deliver affordable housing as part of the overall development efforts.

MINUTES

Homes for Good Housing Agency

BOARD OF COMMISSIONERS



Location of the meeting:

This meeting will be conducted via public video call and conference line (see details below).

Wednesday, March 17th, 2021 at 1:30pm

To prevent the spread of COVID-19 Homes for Good conducted the March 17th, 2021 meeting via a public video call with dial-in capacity. The public was able to join the call, give public comment, and listen to the call.

PUBLIC COMMENTS – 20 Minutes

(Maximum time 20 minutes: Speakers will be taken in the order in which they sign up and will be limited to 3-minutes per public comments. If the number wishing to testify exceeds 10 speakers, then additional speakers may be allowed if the chair determines that time permits or may be taken at a later time.)

Todd Boyle: [Typed in the chat box and read into record by Michelle Thurston]

"I guess I'll just request that HFG try to develop some units at around \$50,000 per unit, such as SMALL manufactured housing on public land. Especially if they're around a central kitchen/bath building(s).

Basically, I think we need housing for 1000s more people at the low incomes and their pace of construction, and costs over \$250,000 per unit, will simply never get there.

Is there a single document or chart, showing how many units HFG is operating, let's say, annually at the end of each of the past 10 years, and the total cost of the units added for that year? This would be four columns. YEAR, TOTAL UNITS AT YEAR END, NUMBER OF UNITS ADDED, and TOTAL COST."

2. COMMISSIONERS' RESPONSE TO PUBLIC COMMENTS AND/OR OTHER ISSUES AND REMONSTRANCE (2 min. limit per commissioner)

Joe Berney: I just want to say that I absolutely agree with the content and sentiment of Mr. Boyles statement. We need to do absolutely everything that we can, and as it relates to that, later when the Executive Director feels it is appropriate, perhaps he can give us a brief status update. I know he has had some discussions with some developers who have applied to the Springfield Economic Development Agency, and I know that two of them have low income and affordable housing in their concepts. And I know very well that one of them is talking about a total of 250 units, and has arranged for private dollars to subsidize low-income or working family housing to enter into lease-purchase options and subsidize their ability to actually own those units.

Jacob Fox: Do you mind if we move, and then in my Executive Director Report I can give the board an update of these discussions?

Joe Berney: That is my exact request.

Jacob Fox: Chair Thurston, I would just like to acknowledge Todd's vision for some sort of cheaper Affordable Housing proto-type, or style, and I share in that vision. I do think that the work that we are doing in Blue River could be an opportunity for us to test out a different model that could be less expensive.

Joe Berney: I just want to flag something for this body, I just got a call from a woman working at CASA, so I don't have a lot of information to present at this time to the board, but it is about residents at The Patrician in Springfield, who are trying to purchase that development so that they will no longer have the anxiety of thinking they are going to be unhoused and not have a place to live. From my understanding there is a financial gap between what the residents are able to offer, and what the owner is willing to accept (and he has two other offers). So, I wanted to flag that for the Homes for Good Board, and ask that for the next Board meeting we can bring this to the board to see if there is anything we can do to help.

3. ADJUSTMENTS TO THE AGENDA

None

4. COMMISSIONERS' BUSINESS

Char Reavis had to leave the meeting at 2:25 for another meeting.

Joe Berney had to leave the meeting at 2:37.

5. EMERGENCY BUSINESS

None

6. ADMINISTRATION

A. Executive Director Report (Estimated 10 minutes)

Jacob Fox: One of the biggest positive disruptions has been taking over the operations of the hotel formerly known as The Red Lion. It has been a tremendous experience of human engagement and supporting people who have been displaced. Since it was such a fast acquisition, as expected there have been many unexpected challenges with the building that have come up including key card systems failing, so we have been working with Lane County to get all of those things figured out, and they have been amazing to work with. With a new building there are always quirks and surprises.

Laurie in response to IGAs, I included a list. There were actually two that I had forgotten to previously mention, because they are instances where we pay another jurisdiction to help us. These are to LCOG and Lane County for IT.

Jacob then talks about Steve Jole, the Energy Service Director's retirement, and introduces Esteban as the new Energy Services Director. Jacob reflects on Steve Joles work at Homes for Good and informs the Board of the transition plan that is in place to ensure a continuity of service.

Steve Jole: I have been in the Community Action Program industry for 20 years, and it has always been a pleasure, and a rewarding career. I did just follow Jacob on board at Homes for Good, and what he didn't tell me was there would be a title wave of growth. I really enjoyed it, I enjoyed the challenge, it has been exhilarating. The seven years has really gone by fast. I would also just like to say that with COVID we started these daily check ins, and it has been really great to get to know and work with this really passionate, productive, and professional group of directors we have here. To see the great change. But what I will say, is that I have been working with Esteban this last month in this role, was we knew he had a lot of talent, we have basically hired him twice.

Commissioners **Pat Farr, Joe Berney, Heather Buch, Michelle Thurston, and Char Reavis** express thanks for Steve Jole's service sharing some personal stories of their work with Steve, and welcome Esteban to the team.

Jacob Fox: I just want to give Esteban our respect and support. It was an extremely competitive recruitment. It had a lot of steps because finding the right person for the job was extremely important, to see how they fit and interacted with the members of the Leadership Team. We want to warmly welcome Esteban, he has been incredible to work with, positive and extremely intelligent. Esteban I just wanted to give you an opportunity to introduce yourself and say a few words about your background.

Esteban Montero Chacon: Hello! I am very passionate that is for sure. I know that I have a lot to learn, and some big shoes to fill, but so far it has been a blast working with him for the last few months. Seeing the way he is so creative, it is great to learn from. A little bit about myself, I love to work with people, I worked as a medical interpreter for about 12 and a half years or so. In that time I learned a lot about people and their difficulties, as well as through my wife who works in Humanitarian assistance with the USAID. We were stationed in Costa Rica, where I worked as a Community Liaison Officer, so for a while I was that link between the diplomats and the people with what we could do there, so we would do things like going and cleaning up parks, painting work, etc, to help the locals. That's when I decided I wanted to put all of my passions together: helping people, and helping from an energy conservation standpoint, so I went back to School at Lane Community College in the Energy Services Program, since we had already decided that we wanted to live in Lane County back in 2015 after visiting and falling in love with the people.

Joe Berney: I look forward to meeting you, and as a starting point for when we get to get together, I worked in El Salvador all around energy efficiency, and we interfaced with USAID and the US Embassy there.

Pat Farr: Esteban welcome, it is great that you have gotten a chance to work with Steve Jole, I hold him in very high regards.

Jacob Fox: Talks about the Glenwood development, and working with the Glenwood Development Group and the SEDA board, and potential projects that are going to be vetted by those boards.

Joe Berney: I just wanted this board to know, but I am totally stoked that we are moving forward. I know that atleast two of the entities are committed to low-income and affordable housing. The second thing I wanted to point out is the timeframe: the SEDA board is going to hear from all three proposers on April 12th, and it is attempted to be fast tracked. The board may indicate with proposal they are going with in another public meeting on April 26th. The bottom line is that one of the questions I want asked

from each of the proposers is how many housing units they are planning on building, and how many of those housing units are going to be designated for low-income or workforce family housing. I just wanted the board to know because housing is a big deal, and it isn't just our concern, but for the whole community. But if one of the two housing proposals are chosen, the executive director, and this board will participate significantly to expand the number of low-income units available.

Jacob Fox: Talks about the working connecting with the Lane County to talk about Community Benefits Agreements.

B. Approval of 2/10/21 Board Meeting Minutes

Motion: **Pat Farr**

Second: **Char Reavis**

The minutes are approved unanimously 7/0.

C. Approval of 2/24/21 Board Meeting Minutes

Motion: **Pat Farr**

Second: **Char Reavis**

The minutes are approved unanimously 7/0.

D. **ORDER 21-17-03-01H** — In the Matter of Updating the Rent Assistance Administrative Plan, Tenant Based Vouchers, Local Preferences (Beth Ochs, Rent Assistance Division Director) (Estimated Time 10 Minutes)

Beth Ochs: Effective the 1st of April this year we will receive an additional allocation of 75 mainstream vouchers, which will add to our current allocation of 76 to create a total allocation of 151 vouchers. From HUD, mainstream vouchers must serve non-elderly or disabled persons, and previous to this allocation, we had applied competitively for these mainstream vouchers, and in doing so we were given more points in our application in establishing local preferences with local partners to distribute those vouchers. So, we had a relationship with Laurel Hill and Sponsors to utilize those vouchers in the community. Our utilization for calendar year 2020 was 67% so for this new allocation of vouchers we went back to our partners to talk about full utilization. Once you have full utilization of your vouchers, whenever HUD runs another competitive process for allocations, you are more likely to get more vouchers and receive additional funding, and then you are not at risk of losing the funding. These additional vouchers were not done in a competitive manner, they were simply allocated to us by HUD. In doing so, HUD added that they could really be sued to serve anyone on our waitlist who meets the non-elderly or non-disabled status. So, in discussing it with Laurel Hill and Sponsors, we decided to keep their preference within the wait list, but open it up to either Mainstream or the regular Housing Choice Voucher, whatever is available when the referral is made, but then to open the Mainstream voucher to anyone who is on our waitlist.

Beth talks about the process for people to get on the General Section 8 wait list.

So, what we are proposing after April 1st, is that when we pull people from the General Waitlist, we vet whether they meet the non-elderly or non-disabled status, and if they do, they would be issued a

Mainstream Voucher, and if they don't they would be offered a regular Section 8 Voucher. On the public side, the vouchers are the same: they have the same rent standards, etc. So we are hoping by making these changes, we are able to have better utilization of these Mainstream vouchers, and better service to our General Waitlist, because attrition (turn back rate of vouchers), before COVID it was 13% and now it is down to 6%.

Motion: **Heather Buch**

Second: **Laurie Trieger**

This motion is passed unanimously 7/0.

E. ORDER 21-17-03-02H — In the Matter of Updating the Administrative Plan, Subsidy Standards (Beth Ochs, Rent Assistance Division Director) (Estimated Time 10 Minutes)

Beth Ochs: What we are proposing is the grandfathering of the Admissions and Continued Occupancy Plan (ACOP) subsidy standards into our Administrative Plan. When we started the RAD process, which is the conversion of Public Housing units, and the building of replacement housing—which in this case is Hayden Bridge Landing and Sarang. The subsidy standards in the ACOP- which governs Public Housing- was not the same as the Administrative Plan. When Wakan and I both became the Division Directors, we talked about aligning the subsidy standards which is how many people can be in each bedroom in a unit, and that alignment was made and the ACOP and the Admin plan were aligned. In that time, however, the Real Estate Development team moved forward with RAD and the replacement housing and used the old occupancy standards. So, if you had a 2-bedroom unit in Public Housing they built a 2-bedroom unit of replacement housing. In that, the resident who is relocating has a right to return to 2-bedroom unit. So, when we can across this juncture of all of these things intersecting, we hit a pause. So, to address this, we met with our HUD field office in Portland, who then connected with the HUD headquarters office in Washington D.C., and we received guidance to grandfather in the occupancy standards that were in place in the ACOP when the replacement housing was planned. So this provides a pathway for a family that was a 2-bedroom in Public housing, to retain their right to a 2-bedroom unit at either Sarang or Hayden Bridge Landing. This order will clarify in the Administrative Plan that those subsidy standards only apply to people who are moving from Public Housing into Sarang or Hayden Bridge Landing, and then upon turn-over of that unit when the family moves out, the occupancy standards of the Administrative Plan would take effect, and that is how the unit would be refilled.

Char Reavis: So, what I am looking at is the occupancy standards right now, but there is one in there about the different generations having a different room, and that was taken out, and I didn't realize that, and with Public housing I thought we were going to go with the Section 8 standards, which was that, and what I am seeing is that is being taken out in the new portion, and I wanted to understand what is happening there.

Beth Ochs: Are you looking at the part that says, "Persons of different generations will not be required to share a bedroom. Different generation is defined as a difference of 8 years or more." ?

Char Reavis: Yeah, and when you go down to the new one, it doesn't have that. I don't want to go back to everyone in a cracker box again, I just don't want to go backwards, I know that we don't have enough housing, but I don't want us to go backwards. So, I want to make sure that I understand the difference. Because it says, "As a result of this allowance, Homes for Good is requesting to update its

Administrative Plan Subsidy Standards policy to:" and in the new one it says, "All other household members will be based on two (2) persons per bedroom, without regard to gender or age."

Beth Ochs: Yes, so that would be correct, the subsidy standards in the Administrative Plan do not assign bedroom sizes based on a generational difference. So, the allocation of bedrooms under the administrative plan is Head of Household and Spouse, or significant other, would be one bedroom. Head of Household and Other Adult, that would be two-bedrooms, so if we had me and my mom on a Section 8 voucher together, then we would get two bedrooms, but if it was me and my husband on Section 8 we would get one-bedroom. Beyond the head of household and co-head, then essentially every two persons beyond that would get a bedroom regardless of age and gender.

Char Reavis: Ok, that makes more sense, I wasn't reading it that way.

Char Reavis: The one with gender and age removed, is that the old one or the new one?

Beth Ochs: That would be the new one. So, under HUD you have a "Head of Household" and then you have a "Co-head" and those two are always seen as the same thing. They have the same rights to the voucher. Most often a co-head is a spouse or a significant other. The other common composition you have will be a "Head of Household" and an "Other Adult." The "Other Adult" does not have the same rights to the voucher that the "Co-head" does. But the Other Adult is usually someone in the household who is not essentially viewed as an equal, and often that is the add-on of another adult either an adult child, or an adult parent. So, in those instances, those folks would get two-bedrooms, but it is because of the way a relationship is defined. However, let's say a head of household wanted to add her mother as a co-head and was like "no I want my mother to have equal rights to this voucher, and if we have a disagreement, we both should have an equal say in who gets the voucher", if you choose to add your mother as a co-head, then you would only get one bedroom because that is the way the allocation is broken out. But, when you are making that composition and having those conversations with your Housing Specialist, they are going to guide you into the differences, and say "Ok, if you're going to add your mom, here are the pros and cons of going this route, and here's the pros and cons of going that route, which route do you want to go?" But once you've added your mom, and now you're going to add your two adult cousins, those two adult cousins are only going to go into one bedroom, because after to co-head, and the one other adult are established, it is two per bedroom regardless of gender or age.

Char Reavis: Ok, I am good with this now, I just didn't understand it. I am good with it now.

Pat Farr: Thank you Char for asking that question, I think a number of us were informed by that answer, thank you Beth.

Laurie Trieger: I will just chime in like Commissioner Farr, it was helpful and informative, and it also just brings up, as someone who has worked in legislature and it is problematic to have the government dictating family composition and relationships within families and households, so we are under that constraint, but hopefully someday people will just be able to tell us for themselves who they are in relationship to who else they live with, and it won't be defined by a governmental agency.

Motion: **Heather Buch**

Second: **Joe Berney**

This motion is approved unanimously 7/0

F. WORK SESSION — Employee Performance Evaluation Reboot (Bailey McEuen, Human Resources Director) (Estimated 30 Minutes)

Bailey McEuen: Goes through Presentation talking about the updates in the performance management and the employee review process that has taken place over the past year in the Agency. She talks about the new focus on team and agency goals worked into individual reviews and individual goal setting. She also talks about employee work rewards like working out of class opportunities and special projects, and what rewards look like within a union environment. Bailey talks about the process of designing the performance management system from data through a survey by supervisory staff, and the four main questions that came out of this to create the performance review.

Jacob Fox: Mentions the great improvement to the employee review process that has taken place with Bailey's leadership. He also talks about the connection of the overall performance management system and the process that the Board will approve in the next board order regarding the executive director performance review.

Pat Farr: Talks about his experience of performance reviews and performance management in his past career in private industry and expresses interest in the type of rewards that Homes for Good is offering to incentivize employees working at a higher level. The most intriguing one being special projects.

Bailey McEuen: Talks about the drive to do good work in the community that employees at Homes for Good have, and their reason for getting into the work. Rewarding with things like special projects allow employees to do more good work, and tap into their reason for wanting to work at the Agency.

Laurie Trieger: This is really a great process, and people usually leave jobs because of people— usually a communication breakdown somewhere or feeling like they aren't able to communicate their needs, but this process has really built in a process of reciprocal and iterative communication. Time will really tell because turnover is one of the most expensive things in an agency so it will be really interesting to see what turn over and advancement from within rates look like.

And forecasting to the executive director performance evaluation which we will review next, the five star rating idea is always tricky for me. The goal is a lot of three, because three means meeting expectations, and we should really just be meeting expectations on a daily basis, and there should be these pops, and it's nice to have these fours and fives of "exceeds" and even "exceptional"s. But if everyone always thinks the goal is to always have all five stars, it doesn't really give us a good picture of what is really going on. So that's what I like about what you just presented, and it is a little more nuanced and it isn't just a rating system. And that really gets into some cultural things that we have going on, that you have to be the best, and five stars is always the best, which really isn't realistic or sustainable or true.

G. ORDER 21-17-03-03H — In the Matter of Adoption of Process, Format & Timeline for the Executive Director Performance Evaluation (Bailey McEuen, Human Resources Director) (Estimated 10 Minutes)

Bailey McEuen: So, in pairing with this, we also wanted to adopt a process for the executive director review process. Part of the reason is we have been looking a lot at continuity of operations, and when we are looking at processes like this we want to make sure we have a documented process so that if something happened to me or Ela, we would have a documented process of how to proceed.

Just as a discussion, Jacob's contract does mention that the merit increases are at the Board's discretion and references a performance review process that may be conducted.

Bailey talks about the 360 feedback survey that has been conducted in the past for the executive director review, and it being best practice for executive staff but not necessarily for all staff members across the agency. She talks about the goal setting tie in to the mission and how that is evaluated in the executive directors performance review as it is the other staff of the agency as they have just talked about.

Bailey talks about outreach to various Counties and Cities their process' for evaluating executive employees to get a sense for what other public agencies are doing.

Bailey then goes through the proposed timeline of the evaluation process, and doing a community outreach survey every other year, alternating with a smaller internal survey on off years.

Motion: **Heather Buch**

Second: **Laurie Trieger**

This motion passes 5/0 with commissioners **Joe Berney** and **Char Reavis** excused.

7. OTHER BUSINESS

Adjourn.



BOARD OF COMMISSIONERS AGENDA ITEM

BOARD MEETING DATE: 04/21/2021

AGENDA TITLE: In the Matter of Authorizing the Financing and Development of
The Nel in Eugene, Oregon

DEPARTMENT: Real Estate Development Division

CONTACT : Nora Cronin

EXT: 682-2521

PRESENTER: Nora Cronin

EXT: 682.2521

ESTIMATED TIME : 15

- ☒ **ORDER/RESOLUTION**
- ☐ **PUBLIC HEARING/ORDINANCE**
- ☐ **DISCUSSION OR PRESENTATION (NO ACTION)**
- ☐ **APPOINTMENTS**
- ☐ **REPORT**
- ☐ **PUBLIC COMMENT ANTICIPATED**

Approval Signature

EXECUTIVE DIRECTOR:

DATE: 4/13/21

LEGAL STAFF :

DATE:

MANAGEMENT STAFF:

DATE:



HOMES FOR GOOD MEMORANDUM

TO: Homes for Good Board of Commissioners

FROM: Nora Cronin, Project Developer

AGENDA ITEM TITLE: ORDER 21-21-04-01H// In the Matter of Authorizing the Financing and Development of The Nel in Eugene, Oregon

AGENDA DATE: April 21, 2021

I MOTION

It is moved that the Agency is authorized to negotiate, execute, and deliver, on behalf of the Agency, HFG Nel Limited Partnership and/or HFG Nel GP LLC, the necessary documents to develop and finance The Nel as provided below and in the Board Order and Exhibit A to the Board Order.

II ISSUE

The Homes for Good Board has authorized the development of The Nel, a 45-unit permanent supportive housing development located at 1100 Charnelton Street in downtown Eugene Oregon. It is now necessary to obtain Board authorization to develop and finance the project.

III DISCUSSION

A. Background/Analysis

Homes for Good has been collaborating with Lane County and City of Eugene to develop a strategy for addressing the TAC report recommendation of developing 350 new Permanent Supportive Housing (PSH) units in the next 3-5 years. On February 25, 2020, Homes for Good entered into an Option Agreement with a private seller to purchase 1100 Charnelton for the purpose of developing PSH on the property.

Homes for Good is developing 45 units of housing on the site. The plan is to demolish the existing structure and build a new four-story building consisting of 45 studio apartments, ground floor common use and supportive service areas, limited parking, secure bike storage, and a secure courtyard. The target population is for individuals experiencing chronic homelessness and referred from Lane County's Coordinated Entry Central Wait List.

Project Financing – Funds will come from a variety of sources: 9% Low-Income Housing Tax Credits (LIHTC), City of Eugene HOME Funds, SDC waivers, capital support from Pacific Health, and other private and public funds. Project-Based Vouchers have been awarded for rental subsidy for all units and Lane County will secure services funding. We are also working with Lane County to develop the supportive services program with Laurel Hill Center, the newly selected service provider for The Nel.

Over the past year, the Board authorized Homes for Good to apply to various entities for project funding. All the funding has been committed to the project. The next step is to close on the financing and begin construction. This Board Order would:

1. Authorize Sale of the Property to the Partnership
2. Approve Amended Partnership Agreement, Admission of Limited Partner; Execution of Related Agreements, including the Guaranty Obligations
3. Authorize Property Management Agreement
4. Authorize Construction Loan from the Bank
5. Authorize Execution of LIHTC Credit Reservation
6. Authorize HOME Loan from City of Eugene
7. Authorize Receipt of GHAP Funds by the Authority
8. Authorize Receipt of Pacific Source Funds by the Authority
9. Authorize Loan of GHAP Funds and Pacific Source Funds from the Authority to Partnership
10. Authorize HAP Contract and AHAP Contract
11. Authorize SDC Exemption
12. Authorize EWEB Energy Incentive
13. Authorize Development Services Agreement and Deferred Fee
14. Authorize Project Documents on behalf of Partnership
15. Authorize Assignment, Assumption, and Reimbursement Agreement between Authority and Partnership
16. Identify Authorized Representatives
17. General Resolutions Authorizing and Ratifying Other Actions

B. Recommendation

Approval of the proposed motion.

IV IMPLEMENTATION/FOLLOW-UP

Upon approval of the Order, the documents will be negotiated and executed as required.

V ATTACHMENTS

None

IN THE BOARD OF COMMISSIONERS OF THE
HOMES FOR GOOD HOUSING AGENCY, OF LANE COUNTY OREGON

ORDER 21-21-04-01H

In the Matter of Authorizing the Financing and
Development of The Nel in Eugene, Oregon

WHEREAS, Housing Authority and Community Services Agency of Lane County doing business as Home for Good Housing Agency (the “**Authority**”) is a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes of the ORS 456.055 to 456.235 (the “Housing Authorities Law”);

WHEREAS, a purpose of the Authority under the Housing Authorities Law is to construct, acquire, manage and operate affordable housing for persons of lower income;

WHEREAS, the Authority is authorized by ORS 456.120 to form, finance, and have a nonstock interest in, and to manage or operate, partnerships, nonprofit corporations and limited liability companies in order to further the purposes of the Authority;

WHEREAS, the Authority, has rights under that certain Option Agreement dated as of February 25, 2020 (as amended, the “**Option Agreement**”) to purchase certain real property currently located at 1100 Charnelton Street in Eugene, Oregon (the “**Property**”);

WHEREAS, consistent with its purposes and powers, the Authority intends to cause an affiliate entity to acquire, develop, construct, and operate The Nel, a 45-unit permanent supportive housing project on the Property (the “**Project**”);

WHEREAS, pursuant to prior Order 21-10-02-02H, as supplemented, to further the project, the Authority formed HFG Nel Limited Partnership, an Oregon limited partnership, to be the owner of the Project (the “**Partnership**”) and HFG Nel GP LLC, an Oregon limited liability company, to be the general partner of the Partnership (the “**GP**”), in which the Authority is the manager and sole member of the GP and the initial limited partner of the Partnership;

WHEREAS, the Authority, pursuant to the above, assigned its rights under the Option Agreement to the Partnership;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to obtain a low-income housing tax credit (“**LIHTC**”) investment in the Partnership of approximately \$11,276,372 (which amount may change based on underwriting) (the “**LP Investment**”) from U.S. Bancorp Community Development Corporation, a Minnesota corporation,

and/or its successors or assigns ("**USBCDC**") and to admit USBCDC as limited partner of the Partnership;

WHEREAS, upon the admission of USBCDC as a limited partner of the Partnership, the Authority desires to withdraw as the initial limited partner of the Partnership;

WHEREAS, as part of the LP Investment, USBCDC requires that the current Agreement of Limited Partnership of the Partnership be amended and restated in its entirety to reflect the terms of the LP Investment (the "**Amended Partnership Agreement**");

WHEREAS, as part of the LP Investment, USBCDC requires that the Authority (in its individual capacity and as the manager of the GP) and the Partnership enter into various documents relating to the development and/or operation of the Project, including those documents that are exhibits to the Amended Partnership Agreement;

WHEREAS, as part of the LP Investment, USBCDC requires that the Authority, in its individual capacity, guaranty certain obligations of the Partnership, including, without limitation, completion of the Project, operating deficits, development fees and credit adjusters, all as set forth in and pursuant to the Amended Partnership Agreement and the form of Guaranty Agreement attached as Exhibit D to Amended Partnership Agreement (the "**Guaranty Obligations**");

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to take all actions reasonably necessary to facilitate the LP Investment in the Partnership by USBCDC by entering into all reasonably necessary agreements with USBCDC and the Partnership, on its own account and as general partner of the Partnership, to enter into all reasonably necessary agreements with USBCDC and the Partnership, and by taking such further actions as are reasonably necessary to facilitate the LP Investment in the Partnership by USBCDC;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project for the Partnership, the GP, and the Authority, as applicable, to enter into such documents (the "**USB Loan Documents**") to obtain a loan from U.S. Bank National Association, a national banking association (the "**Bank**"), in the approximate amount of \$10,991,466 and not to exceed \$12,000,000 for the purpose of constructing and developing the Project ("**Construction Loan**"), which, upon meeting certain conditions, shall convert to a permanent loan in the approximate amount of \$1,200,000 and not to exceed \$2,000,000 (the "**Permanent Loan**");

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to authorize the execution and delivery of certain documents pursuant to which the Project will be allocated \$1,300,000 of 9% low-income housing tax credits annually for a period of 10 years (the "**LIHTC Credits**"), to be issued by Oregon Housing and Community Services ("**OHCS**");

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project for the Partnership to obtain a HOME Investment Partnership Program loan from the City

of Eugene (the “**City**”) in the approximate amount of \$851,105 and not to exceed \$1,000,000 for the purpose of constructing and developing the Project (the “**HOME Loan**”);

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project, to enter into such agreements as are reasonably necessary for the Authority to obtain a grant in the approximate amount of \$400,000 of state General Housing Account Program grant funds (the “**GHAP Funds**”) from OHCS and, thereafter, to lend the proceeds of such grant to the Partnership (the “**GHAP Sponsor Loan**”) for a term and at an interest rate as shall be determined by an Authorized Representative;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project, to enter into such agreements as are reasonably necessary for the Authority to obtain a grant in the approximate amount of \$250,000 from PacificSource (the “**PS Funds**”) and, thereafter, to lend the proceeds of such grant to the Partnership (the “**PS Sponsor Loan**” and, together with the GHAP Sponsor Loan, the “**Sponsor Loan**”) for a term and at an interest rate as shall be determined by an Authorized Representative;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project, to enter into a Housing Assistance Payments Contract (the “**HAP Contract**”) and Agreement To Enter Into Housing Assistance Payments Contract (the “**AHAP Contract**”) covering all units in the Project;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to authorize the execution and delivery of certain documents pursuant to which the Project will be granted an exemption for City Systems Development Charges (“**SDC**”) in the approximate amount of \$140,750 and a SDC assistance through the City’s supplemental budget in the approximate amount of \$58,146 (collectively, the “**SDC Exemption**”);

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to authorize the execution and delivery of certain documents pursuant to which the Authority will be awarded the approximate amount of \$24,300 under the City of Eugene Water and Electric Board Energy Incentive Program (the “**EWEB Energy Incentive**”), and thereafter, to contribute the proceeds of such award as capital to the Partnership;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to cause the Authority to enter into a Development Services Agreement (the “**DSA**”) with the Partnership pursuant to which the Authority would be paid a developer fee, a portion of which would be deferred and paid from available Project cash flow;

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to engage the Authority as developer of the Project and to defer a portion of the Developer’s fee for the benefit of the Project in the approximate amount of \$375,000

(which amount may change based on underwriting) or such other amount as may be required by USB CDC or any other Project funder (“**Deferred Fee**”);

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project to authorize the execution and delivery of certain agreements for architectural, construction, and technical related services related to the Project (the “**Project Documents**”);

WHEREAS, the Authority, in its individual capacity and its capacity as the manager of the GP, has determined it to be in the best interests of the Authority, the GP, the Partnership, and the Project for the Authority to assign to the Partnership certain Project Documents the Authority entered into prior to the admission of USB CDC as the limited partner;

WHEREAS, the Board of Commissioners of the Authority desires to consent to these transactions, consent to the documents which will be executed, to grant authority to certain individuals to execute documents on behalf of the Authority in its own corporate capacity and as the general partner of the Partnership for the benefit of the Partnership, and to ratify certain actions pertaining to these transactions taken prior to the date of this resolution; and

WHEREAS, ORS 456.135 authorizes Housing Authority and/or the Partnership to delegate to one or more of its agents and employees such powers as it deems proper.

NOW, THEREFORE, THE AUTHORITY IN ITS OWN CAPACITY AND AS THE MANAGER OF THE GP ON BEHALF OF THE PARTNERSHIP, ADOPTS THE FOLLOWING RESOLUTIONS:

1. Authorize Sale of the Property to the Partnership.

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership, is authorized to negotiate, execute, and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, such documents as necessary to assign the Option Agreement to the Partnership, including the Assignment and Assumption of Option Agreement, and all documents as may be reasonably required in connection with the sale of the Property to the Partnership pursuant to the Option Agreement all on the terms and conditions approved by any Authorized Representative.

2. Approve Amended Partnership Agreement, Admission of Limited Partner; Execution of Related Agreements, including the Guaranty Obligations.

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership, is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, a letter of intent relating to an anticipated Amended Partnership Agreement of the Partnership among the GP (as general partner), the Authority (as withdrawing limited partner), and USB CDC (as the sole limited partner), in the form approved by any Authorized Representative.

BE IT FURTHER RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership, is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, the Syndication Documents listed on the attached Exhibit A (whether bearing the name listed or names to similar effect) and such other documents as reasonably may be required in connection with the closing

of the LP Investment by USBCDC, all in the form approved by any single Authorized Representative.

3. Authorize Property Management Agreement.

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership, is authorized to negotiate, execute and deliver on behalf of the Partnership, as the case may be, a Property Management Agreement in the form approved by any Authorized Representative.

4. Authorize Construction Loan from the Bank.

BE IT RESOLVED that the Construction Loan and Permanent Loan are approved and the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership, is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, the USB Loan Documents listed on the attached Exhibit A (whether bearing the name listed or names to similar effect) and such other documents as reasonably may be required in connection with the conversion of the Construction Loan to a Permanent Loan, all in the form approved by any single Authorized Representative.

5. Authorize Execution of LIHTC Credit Reservation.

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized to negotiate, execute, and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, a LIHTC Reservation and Extended Use Agreement, and any other documents as may be reasonably required pertaining to the LIHTC Credits anticipated to be awarded in respect of the Project, all in the form approved by any single Authorized Representative.

6. Authorize HOME Loan from City of Eugene.

BE IT RESOLVED that the HOME Loan is approved and the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, the HOME Loan Documents listed on the attached Exhibit A (whether bearing the name listed or names to similar effect) and such other documents as reasonably may be required in connection with the closing of the HOME Loan, all in the form approved by any single Authorized Representative.

7. Authorize Receipt of GHAP Funds by the Authority.

BE IT RESOLVED, that the GHAP Funds are approved, and the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, the GHAP Funds Documents listed on the attached Exhibit A (whether bearing the name listed or names to similar effect) and such other documents as are reasonably required to evidence and obtain a grant of the GHAP Funds.

8. Authorize Receipt of PS Funds by the Authority.

BE IT RESOLVED, that the PS Funds are approved and the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized to

negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, a grant agreement and such other documents as are reasonably required to evidence and obtain a grant of the PS Funds.

9. Authorize Loan of GHAP Funds and PS Funds from the Authority to Partnership.

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership, as the case may be, Sponsor Loan Documents listed on the attached Exhibit A (whether bearing the name listed or names to similar effect), and such other documents as required to evidence and secure one or more sponsor loans of the GHAP Funds and the PS Funds to the Partnership all in the form approved by any Authorized Representative.

10. Authorize HAP Contract and AHAP Contract

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized to negotiate, execute and deliver on behalf of the Authority, GP and/or the Partnership as the case may be, the documents necessary to close on the HAP Contract and AHAP Contract, and any other documents necessary to secure the Project-Based Section 8 subsidy on the Project, all in the form approved by any single Authorized Representative (such approval to be conclusively demonstrated by the signature of any single Authorized Representative on such document).

11. Authorize SDC Exemption

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized, on behalf of the Authority, GP and/or the Partnership, as the case may be, to take such steps as are necessary to obtain the SDC Exemption and to execute all documents necessary to obtain the SDC Exemption, including but not limited to an SDC Waiver Regulatory Agreement and such other documents as are reasonably required to evidence and obtain the SDC Exemption.

12. Authorize EWEB Energy Incentive

BE IT RESOLVED, that the Authority, in its own capacity, as manager of the GP and as manager of the GP on behalf of the Partnership is authorized, on behalf of the Authority, GP and/or the Partnership, as the case may be, to take such steps as are necessary to obtain the EWEB Energy Incentive and to execute all documents necessary and reasonably required to evidence and obtain the Eugene Energy Incentive all in the form approved by any single Authorized Representative.

13. Authorize Development Services Agreement and Deferred Fee

BE IT RESOLVED, the Authority is approved as the developer of the Project and the Authority and the Partnership are authorized to negotiate, execute, and deliver the DSA between the Authority and the Partnership and take such steps as are necessary to engage the Authority as a developer of the Property and to defer the Deferred Fee all on terms approved by any single Authorized Representative.

14. Authorize Project Documents on behalf of Partnership.

BE IT RESOLVED that the Authority as sponsor, developer, property manager and guarantor is authorized, empowered and directed to negotiate, enter into, execute, deliver and perform its obligations under any Project Documents respecting the acquisition, design, construction, financing and development of the Project all in the form approved by any single Authorized Representative.

15. Authorize Assignment, Assumption, and Reimbursement Agreement between Authority and Partnership.

BE IT RESOLVED, that the Authority is authorized to enter into such agreements as may be necessary to assign to the Partnership the Project Documents (and obtain reimbursement from the Partnership therefor), including without limitation, an Assignment, Assumption, and Reimbursement Agreement, and the Partnership is authorized to assume the Project Documents that the Authority may have acquired for purposes of the Project, all in the form approved by any single Authorized Representative.

16. Authorized Representatives.

BE IT RESOLVED that the following identified persons shall be the Authorized Representatives as that term is used in these Resolutions and are each individually authorized, empowered and directed to perform the actions authorized herein on behalf of the Authority whether acting on behalf of the Authority or the Partnership.

Jacob Fox, Executive Director or his assignee or successor
Jeffery Bridgens, Finance Director or his assignee or successor
Elżbieta Kubok, Communications Director or her assignee or successor

In addition to the Authorized Representatives named above, the following named individual(s) shall have authority to execute draw requests, monthly progress reports and miscellaneous forms associated with grants, and loans:

Steven Ochs, Real Estate Development Director or his successor
Nora Cronin, Project Development Manager or her successor

17. General Resolutions Authorizing and Ratifying Other Actions

BE IT RESOLVED, that any Authorized Representative is authorized to negotiate, execute, and deliver on behalf of the Authority, the Partnership, and the GP, as the case may be, such other agreements, certificates, and documents, and to take or authorize to be taken all such other actions any Authorized Representative shall deem necessary or desirable to carry out the transactions contemplated by the foregoing resolutions (in each instance, such determination to be conclusively demonstrated by the signature of any Authorized Representative on such document); and

BE IT FURTHER RESOLVED, that to the extent any action, agreement, document, or certification has heretofore been taken, executed, delivered, or performed by an Authorized Representative named in these Resolutions on behalf of the Authority, acting in its own behalf or on behalf of the GP or the Partnership, and in furtherance of the Project, the same is hereby ratified and affirmed.

Done and dated this _____ day of _____, 2021.

BOARD OF COMMISSIONERS

Chairperson

Exhibit A

USBCDC Syndication Documents

1. Amended and Restated Agreement of Limited Partnership of Partnership
2. Guaranty Agreement
3. Joint Marketing Agreement
4. Partnership Management Agreement
5. Development Services Agreement
6. Such other documents as required in connection with the closing of the LP Investment by USBCDC

USB Loan Documents

1. Construction and Convertible Term Loan Agreement
2. Construction Loan Promissory Note
3. Convertible Term Loan Promissory Note
4. Trust Deed, Assignment of Leases And Rents, Security Agreement and Fixture Filing
5. Completion Guaranty Agreement
6. Payment Guaranty Agreement
7. Recourse Carveout Guaranty Agreement
8. Environmental Indemnification Agreement
9. Assignment of Partnership Interests, Capital Contributions, and Credits
10. Assignment of Development Services Agreement and Developer Fee Subordination Agreement
11. Assignment of Property Manager Agreement
12. Assignment of Rental Subsidy Agreements
13. Consent to Assignment of Construction Contract and Sworn Construction Cost Statement
14. Consent to Assignment of Architect's Contract Architect's/Engineer's Agreement and Certificate
15. Priority and Subordination Agreement
16. Such other documents as are required in connection with the Construction Loan and Permanent Loan.

Home Loan Documents

1. HOME Loan Agreement
2. HOME Promissory Note
3. HOME Regulatory Agreement
4. HOME Trust Deed
5. Such other documents as are required in connection with the HOME Loan.

GHAP Funds Documents

1. General Housing Account Program Grant Agreement and Declaration of Restrictive Covenants
2. General Housing Account Program Assignment and Assumption Agreement and Declaration of Restrictive Covenants
3. Such other documents as are required in connection with the GHAP Funds.

Sponsor Loan Documents

1. Sponsor Loan Promissory Note(s)
2. Sponsor Loan Deed of Trust(s)
3. Sponsor Loan Agreement(s)

Miscellaneous Documents

1. HAP Contract
2. AHAP Contract
3. Memorandum of Understanding for Permanent Supportive Housing Services
4. Property Management Agreement
5. Intergovernmental Agreement – Services Funding for The Nel Housing First Project
6. Declaration of Easements and Covenants
7. Priority and Subordination Agreement



BOARD OF COMMISSIONERS AGENDA ITEM

BOARD MEETING DATE: 04/21/2021

AGENDA TITLE: Quarter 1 Excellence Awards

DEPARTMENT: Human Resources

CONTACT : Bailey McEuen

EXT:

PRESENTER: Bailey McEuen

EXT:

ESTIMATED TIME : 5 Minutes

- ☐ ORDER/RESOLUTION
- ☐ PUBLIC HEARING/ORDINANCE
- ☒ DISCUSSION OR PRESENTATION (NO ACTION)
- ☐ APPOINTMENTS
- ☐ REPORT
- ☐ PUBLIC COMMENT ANTICIPATED

Approval Signature

EXECUTIVE DIRECTOR:

DATE: 4/13/21

LEGAL STAFF :

DATE:

MANAGEMENT STAFF:

DATE:



BOARD OF COMMISSIONERS AGENDA ITEM

BOARD MEETING DATE: 04/21/2021

AGENDA TITLE: Governance

DEPARTMENT: Executive

CONTACT : Jacob Fox

EXT:

PRESENTER: Jacob Fox

EXT:

ESTIMATED TIME : 30Minutes

- ☐ ORDER/RESOLUTION
- ☐ PUBLIC HEARING/ORDINANCE
- ☒ DISCUSSION OR PRESENTATION (NO ACTION)
- ☐ APPOINTMENTS
- ☐ REPORT
- ☐ PUBLIC COMMENT ANTICIPATED

Approval Signature

EXECUTIVE DIRECTOR:

DATE: 4/13/21

LEGAL STAFF :

DATE:

MANAGEMENT STAFF:

DATE:



Governance Structure Work Session

Current Structure

Homes for Good Board of Commissioners

Composition

- 5 Elected Lane County Commissioners
- 2 Resident Commissioners

Participation

- Prior to 2015, board met on as needed basis
- 2015 to 2019 monthly meetings with work sessions as needed
- 2020 to current monthly meetings with monthly work sessions
- 1-3 hours of time monthly commitment to review board packet and community engagement specific to Homes for Good

Current Structure

Regulatory/Statutory Requirements

HUD Regulations related to Governance

- Requirement to have one resident/participant introduced in 1998 by the Quality Housing and Work Responsibility Act passed by Congress

Oregon Revised Statutes 456.055 – 456.235 - Oregon Housing Authority Law

- 4-year terms
- Structure Options
 - Elected body itself plus up to 2 appointed Commissioners. 1 of the appointed Commissioners must be resident/participant.
 - All appointed board: 5, 7 or 9 members
 - Hybrid with fewer Elected Commissioners and additional Appointed Commissioners: 5, 7 or 9 members

Considerations

Comparison to other Housing Authorities

Appointment Process

- Comparison Appointing Jurisdictions for PHA Boards with non-elected official board use an application & appointment process
 - Recruiting and application process is commonly jointly staffed between PHA and Appointing Jurisdiction

Representation

- Common expertise on PHA boards:
 - Real estate development, racial and social justice, asset management, social services, finance and public/nonprofit management experience

Considerations

Why Consider a Governance Restructure

- Homes for Good total budget has increased significantly, and business lines have grown more complex
- Homes for Good will likely be a recipient of new increments of large allocations of federal, state and local funding
- Racial and social justice commitments are compelling systematic changes to organizational functions including governance structures
- Community is more aware of Homes for Good due to our growth and accomplishments and expectations for our continued growth and impact is high
- Public confusion created by having the full Lane County Board of Commissioners sitting as 5 of the 7 board members for Homes for Good Board, which is a separate governmental entity.

Considerations

Governance Needs

Increased Capacity needed from Board Members

- 5-10 hours per month total commitment
- Sub-committees – Audit/Finance, Real Estate Development and ?
- Availability for deeper community engagement in direct support of Homes for Good mission

Additional Expertise that would deepen our connection to the community

- Real Estate Development and Asset Management
- Racial and Social Justice
- Public Finance/Audit and Real Estate Development Finance
- Public and/or Nonprofit Management
- Resident/Supportive Services

Possible Structure Apportionment

- **Recommend 7 members for initial new Governance Structure**
- **Recommend 2 Lane County Commissioners**
- **Balance Urban and Rural Representation**
- **Recommend 2-3 Program Participants**

Possible Structure Timeline for Change

Implementation

- May and June 2021 Legal Consultation/Coordination between Homes for Good Legal Counsel and Lane County Legal Counsel
- July and August 2021 draft Lane Code Revisions and Resolution authorizing new governance model
- September 2021 Lane County Board of Commissioners Approval of Lane Code Revisions and Resolution authorizing new governance model

Recruitment

- September 2021 recruitment committee created
- October 2021 recruitment begins
- November 2021 recruitment closes
- December 2021 recruitment committee recommends slate of new commissioners
- January 2022 Lane County Board of Commissioners appoints new commissioners
- January 2022 Homes for Good Board of Commissioners elect Chair and Vice-Chair

Discussion Questions

- **As you reflect on your service on the Homes for Good Board of Commissioner what is your perspective on a possible governance structure change?**
- **What questions do you have about the legal and legislative process associated with a governance change?**
- **What next steps does the Homes for Good Board Members envision to move the process forward?**



Thank You!

Homes. **People.** Partnerships. Good.

HOUSING AUTHORITIES LAW

456.055 Definitions for ORS 456.055 to 456.235. As used in the Housing Authorities Law, unless the context requires otherwise:

(1) “Affordable housing” means dwelling units that may be purchased or rented, with or without government assistance, by persons of eligible income.

(2) “Blighted area” means any area where housing, by reason of neglect and dilapidation, is detrimental to the safety or health of the occupants or of the neighborhood in which the housing is located.

(3) “Bonds” means any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to the Housing Authorities Law. The giving of a note secured by a mortgage or trust deed will not constitute a bond.

(4) “The city” means the particular city included within a particular housing authority.

(5) “Clerk” means the recorder of the city or the clerk of the county, as the case may be, or the officer of the city or the county, respectively, charged with the duties customarily imposed on such clerk.

(6) “County” means any county in the state. “The county” means a particular county or counties for which a particular housing authority is created.

(7) “Governing body” means, in the case of a city, the common council or other legislative body thereof, and, in the case of a county, the county court, commission or other legislative body thereof.

(8) “Housing” means housing of all kinds, including but not limited to single-family dwellings, multifamily dwellings, emergency shelters, dwelling accommodations, living accommodations, manufactured dwelling parks, residential units, housing projects or other dwellings.

(9) “Housing unit” or “unit” means a single-family dwelling, a single apartment or other single dwelling.

(10) “Mixed income housing” means a housing project that houses tenants with a mixture of income levels, including those not of lower income, for the purpose of reducing the rents for tenants whose incomes are no greater than 60 percent of the area median income.

(11) “Obligee of the authority” or “obligee” includes any bondholder or trustee for any bondholder, or lessor demising to the authority property used in connection with a housing project, or any assignee of such lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(12) “Persons of eligible income” means individuals or families who meet the applicable income limits of local, state or federally funded programs or developments.

(13) “Private market” means those rental housing units owned and operated by nongovernment entities and without government subsidies.

(14) “Person of lower income” or “family of lower income” means a person or a family, residing in this state, whose income is not greater than 80 percent of the area median income, adjusted for family size, as determined by the Housing and Community Services Department using United States Department of Housing and Urban Development information.

(15) “Real property” includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of

judgment, mortgage or otherwise and the indebtedness secured by such liens. [Amended by 1971 c.471 §1; 1973 c.672 §1; 1987 c.821 §1; 1989 c.874 §1; 1995 c.445 §2; 2007 c.606 §5]

456.060 Definition of “area of operation”; intergovernmental agreements. (1) As used in the Housing Authorities Law, unless the context requires otherwise, “area of operation” includes:

(a) In the case of a housing authority of a city:

(A) The area within the city;

(B) If the city has adopted in its comprehensive land use plan an urban growth boundary recognized by the governing bodies of the counties in which it is situated, the area within that urban growth boundary; and

(C) Unless a county has an existing housing authority which is operating and substantially addressing the need for housing in the county for persons of lower income, the area within 10 miles from the territorial boundaries of the city, excepting any area which lies within the territorial or urban growth boundaries of some other city which has by ordinance prohibited such operation within the city or its urban growth boundaries because the city finds that:

(i) An existing public agency operating within the area is substantially addressing the need for housing in the city for persons of lower income; or

(ii) There is no need for housing in the city for persons of lower income.

(b) In the case of a housing authority of a county, the area within the county which lies:

(A) Outside the territorial boundaries of any city or, if a city has adopted in its comprehensive land use plan an urban growth boundary recognized by the governing bodies of the counties in which it is situated, that urban growth boundary; and

(B) Inside the territorial or urban growth boundaries of any city unless the city has by ordinance prohibited such operation within the city or its urban growth boundary because the city finds that:

(i) An existing public agency operating within the area is substantially addressing the need for housing in the city for persons of lower income; or

(ii) There is no need for housing in the city for persons of lower income.

(2) As used in this section, “need” means the condition described in ORS 456.085.

(3) Nothing in this section shall prevent units of local government from entering into intergovernmental agreements pursuant to ORS 190.003 to 190.130 for the purpose of:

(a) Establishing areas of operation which are different from the areas specified in this section, including agreements which utilize an urban growth boundary to allocate areas of operation between the housing authorities of a city and a county.

(b) Permitting a specific housing program or portion of a program to be operated in areas within the corporate limits of a city by an existing housing authority of a county or some other city. [Amended by 1973 c.672 §2; 1977 c.667 §1; 1995 c.445 §14; 2003 c.14 §287]

456.065 Definition of “housing project.” (1) As used in this section:

(a) “Community services” means services provided by public or private nonprofit organizations or service agencies that may include, but are not limited to, child care, early childhood education, health, human resources, information and referral services, basic life skills and adult literacy classes, support services designed to improve self-sufficiency and recreational programs.

(b) “Community services facilities” includes, but is not limited to, all buildings, grounds or other real or personal property necessary to provide a public benefit, appurtenances that are

necessary, convenient or desirable, streets, sewers, water service and other utilities, parks and gardens.

(2) As used in the Housing Authorities Law, unless the context requires otherwise, “housing project” means any work or undertaking:

(a) To provide decent, safe and sanitary urban or rural housing for persons or families of lower income. A work or undertaking described in this paragraph may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service and other utilities, parks, site preparation, gardening, administrative, community services, leased commercial facilities consistent with mixed residential and commercial communities, health, recreational, educational, welfare or other purposes authorized under ORS 456.055 to 456.235.

(b) To provide community services facilities for the benefit of the health, recreation, education, culture and welfare of the entire community, without regard to the economic status of the persons or families who may utilize the facilities.

(c) To demolish, clear or remove buildings from any blighted area. A work or an undertaking described in this paragraph may embrace the adaptation of the area to public purposes, including housing, parks, community services facilities or other recreational, educational, cultural or community purposes.

(d) To accomplish a combination of the projects described in paragraphs (a), (b) and (c) of this subsection, or accomplish the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection with those projects.

(e) To provide management, administration and contract services between the housing authority and owners of decent, safe and sanitary housing for the purpose of providing affordable housing to persons of eligible income. [Amended by 1973 c.672 §3; 1977 c.667 §2; 1989 c.874 §2; 1993 c.125 §1; 1995 c.79 §236; 1995 c.445 §3; 1997 c.406 §1; 2007 c.606 §6]

456.070 Declaration of necessity for establishment of housing authorities. It hereby is declared:

(1) That there exists in this state a need for an increase in affordable housing for persons or families of lower income.

(2) That it is a goal of this state to increase the availability of affordable housing for persons and families of lower income.

(3) That there is a necessity in the public interest for the Housing Authorities Law. [Amended by 1973 c.672 §4; 1995 c.445 §4]

456.075 Housing authorities created; declaration of need required before housing authority may function. In each city, as defined in ORS 456.055, and county there hereby is created a public body corporate and politic to be known as the “housing authority” of the city or county. However, the housing authority shall not transact any business or exercise its powers until or unless the governing body of the city or the county, by proper resolution, declares that there is need for an authority to function in such city or county. The governing body of the city or the county shall also elect to have the powers of a housing authority exercised in any one of the two ways provided in ORS 456.095 (1). [Amended by 1969 c.630 §2; 1975 c.322 §1]

456.080 Determination of need for housing authority. (1) The determination whether there is a need for a housing authority to function in a city or county may be made either by election as provided in this section or by the governing body of a city or county on its own motion. The governing body of the city or county shall order the election when a petition is filed as provided in this section.

(2) A petition under this section must state that there is a need for a housing authority to function.

(3) Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in **ORS 250.165** to **250.235**.

(b) In the case of a city, in ORS 250.265 to 250.346.

(4) Notwithstanding ORS 250.325, a city governing body shall submit the question to the electors without first considering its adoption or rejection.

(5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(6) An election under this section shall be conducted under ORS chapters 246 to 260, and:

(a) In the case of a city, must be held on a date specified in ORS 221.230.

(b) In the case of a county, must be held on a date specified in ORS 203.085.

(7) If the electors voting at the election favor the functioning of the housing authority, the governing body shall declare that there is need for such housing authority to function.

(8) The question of need shall not again be submitted at any election within one year immediately following the election at which the question was voted upon. [Amended by 1983 c.350 §275]

456.085 Adopting resolution declaring need for authority. The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, if it finds that there exists a need for additional safe, decent and sanitary affordable housing for persons or families of lower income. [Amended by 1973 c.672 §5; 1995 c.445 §5]

456.090 Sufficiency of resolution; copy as evidence. (1) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of authority, the authority is conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the governing body declaring the need for the authority. The resolution is deemed sufficient if it declares that there is a need for an authority and finds that the condition described in ORS 456.085 exists in the city or county, in substantially the terms used in that subsection, no further detail being necessary.

(2) A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding. [Amended by 1995 c.445 §15]

456.095 Appointment and qualification of commissioners of housing authorities. (1) When the governing body of a city or county adopts a resolution pursuant to ORS 456.085, the governing body may then elect to have the powers of a housing authority under ORS 456.055 to 456.235 exercised in any of the following ways:

(a) Appointing by resolution, a commission composed of five, seven or nine persons.

(b) Declaring, by resolution, that the governing body, itself, shall exercise the powers of a housing authority under ORS 456.055 to 456.235. A governing body that exercises the powers of a housing authority may appoint at least one but not more than two additional commissioners for the housing authority. An appointed commissioner has the same authority as other housing authority commissioners, but may not exercise any powers of the governing body. At least one appointed commissioner must be a resident who receives direct assistance from the housing authority. The second appointed commissioner, if any, at a minimum must live within the jurisdiction of the authority. An appointed commissioner serves a term of office equal in length to the terms of office for governing body members, but not more than four years. An appointed commissioner may be removed only for cause as described in ORS 456.110 or if the commissioner ceases to meet the requirements for being an appointed commissioner. In the event that a housing authority commission consisting of the governing body of a city and one or more appointed commissioners has an even number of members, the mayor must be included as a member of the commission for the housing authority. An act of a governing body exercising the powers of a housing authority is an act of the commission for the housing authority only and not of the governing body.

(2) When the governing bodies of two or more authorities join and cooperate with one another and create a regional authority to exercise all the powers conferred by the Housing Authorities Law, as authorized by ORS 456.140, the governing bodies of the cooperating cities and counties shall by resolution appoint a commission for the regional authority consisting of nine persons. The cooperating cities and counties shall each appoint an equal number of the nine commissioners. If nine divided by the number of joining or cooperating cities and counties produces a fraction, then the commissioners appointed by such cities and counties shall appoint one commissioner so that nine commissioners in all are appointed. The nine commissioners appointed by or on behalf of cities or counties may appoint at least one but not more than two additional commissioners for the housing authority. At least one additional commissioner must be a resident who receives direct assistance from the housing authority. The second additional commissioner, if any, at a minimum must live within the jurisdiction of the authority. The term of office for an additional commissioner is equal to the term of office for a commissioner appointed by or on behalf of cities or counties. An additional commissioner may be removed only for cause as described under ORS 456.110 or if the person ceases to meet the requirements for being an additional commissioner.

(3) A commissioner of an authority may not be an officer or employee of any city or county for which the authority is created, unless the commissioner is a member of the governing body or one of the governing bodies.

(4) Persons appointed to the commission shall include a variety of occupations. At least one commissioner, but not more than two commissioners, appointed under subsection (1)(a) of this section must be a resident who receives direct assistance from the housing authority.

(5) A governing body shall adopt a resolution for the appointment or reappointment of a commissioner. A governing body resolution is conclusive evidence that the commissioner was properly appointed. [Amended by 1969 c.630 §3; 1971 c.592 §1; 1973 c.672 §6; 1975 c.335 §1; 2001 c.547 §3; 2007 c.606 §7; 2019 c.625 §69]

456.100 Terms and compensation of commissioners. (1) The commissioners of a five-member authority who are first appointed shall serve terms as follows:

- (a) One commissioner shall be appointed for a term of one year.
- (b) One commissioner shall be appointed for a term of two years.
- (c) One commissioner shall be appointed for a term of three years.
- (d) Two commissioners shall be appointed for terms of four years.

(2) The commissioners of a seven-member authority who are first appointed shall serve terms as follows:

- (a) One commissioner shall be appointed for a term of one year.
- (b) Two commissioners shall be appointed for terms of two years.
- (c) Two commissioners shall be appointed for terms of three years.
- (d) Two commissioners shall be appointed for terms of four years.

(3) The commissioners of a nine-member authority who are first appointed shall serve terms as follows:

- (a) Two commissioners shall be appointed for terms of one year.
- (b) Two commissioners shall be appointed for terms of two years.
- (c) Two commissioners shall be appointed for terms of three years.
- (d) Three commissioners shall be appointed for terms of four years.

(4) Thereafter, commissioners shall be appointed by resolution in the same manner as their original appointment for a term of office of four years except that all vacancies shall be filled for the unexpired term. A commissioner shall hold office until a successor has been appointed and qualified.

(5) A commissioner shall receive no compensation for services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of the duties of the commissioner. [Amended by 1973 c.672 §7; 2001 c.547 §4]

456.105 Organization; officers; quorum; employees; legal services. (1) A majority of the commissioners of an authority shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes.

(2) Except as otherwise provided in the Housing Authorities Law, action may be taken by the authority upon a vote of a majority of the commissioners present, a quorum being present, unless the bylaws of the authority require a larger number.

(3) The authority shall select a chairperson and vice chairperson from among its commissioners.

(4) An authority may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it requires. It shall determine their qualifications, duties and compensation.

(5) For such legal services as it requires, an authority may, if it is not a regional authority, call upon the chief law officer of the city or the county or it may employ its own counsel and legal staff. [Amended by 1973 c.672 §8]

456.110 Removal of commissioner. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority appointed pursuant to ORS 456.095 (1) or (2) may be removed by the mayor or, in the case of an authority for a county, by the governing body of the county or, in the case of a regional authority, by the appointing authority for the commissioner. This section does not allow the removal of a member of a governing body exercising power as a housing authority. A commissioner shall not be removed until after the commissioner has been given a copy of the charges at least 10 days prior to the hearing thereon and had an opportunity

to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk for each city and county in the authority. [Amended by 1969 c.630 §4; 1973 c.672 §9; 2001 c.547 §5]

456.115 Commissioners and employees may not have interest in project other than as tenant; disclosure of interest; duty to act as prudent person. (1) No commissioner or employee of an authority shall acquire any interest in any housing project or in any property included or planned to be included in any project, nor shall the commissioner or employee of an authority have an interest except as a tenant in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.

(2) For the purposes of subsection (1) of this section, the leasehold interest of a tenant appointed to the board or commission under ORS 456.095 shall not be considered an interest in a project, property or contract if the leasehold interest is granted on the same basis and is subject to the same terms and conditions as other leasehold interests of other tenants of the authority. A tenant-commissioner shall refrain from voting on any action that affects the individual interest of the tenant-commissioner as distinguished from the interests of tenants as a class.

(3) If any commissioner or employee of an authority owns or controls an interest in any property included or planned to be included in any housing project, the commissioner or employee immediately shall disclose the same in writing to the authority. Such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office.

(4) A commissioner shall discharge the commissioner's duties with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character. [Amended by 1975 c.335 §2; 1995 c.483 §1]

456.118 Prohibition against using term; enjoining violations. No person other than a housing authority created under ORS 456.055 to 456.235 may use the term "housing authority" or a variation of the term "housing authority" in the corporate or other business name or title of the person. Any housing authority may bring a civil suit to enjoin a violation of this section, regardless of whether the housing authority shows that the authority will suffer damage from the violation. [2007 c.606 §3]

456.120 Powers of housing authority as public corporation. A housing authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes of the Housing Authorities Law. These powers shall be vested in the commissioners of the authority and shall include the following in addition to others granted in the Housing Authorities Law:

- (1) To sue and be sued.
- (2) To have a seal and to alter the same at pleasure.
- (3) To have perpetual succession.
- (4) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority.

(5) To make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with the Housing Authorities Law, to carry into effect the powers and purposes of the authority.

(6) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof.

(7) Notwithstanding any laws to the contrary, to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government attaches to its financial aid of the project.

(8) To lease or rent any housing, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations of the Housing Authorities Law, to establish and revise the rents or charges therefor.

(9) To own, hold and improve real or personal property.

(10) To purchase, buy on contract, exchange, lease, lease back, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein and to give its mortgage or trust deed covering any real property or security agreement covering any personal property or any interest in either.

(11) To sell, mortgage, lease, rent, exchange, transfer, assign, pledge or otherwise dispose of any real or personal property or any interest therein.

(12) To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

(13) To procure insurance or guarantees from the federal government of the payment of any debts or parts thereof, whether or not incurred by said authority, secured by mortgages on any property included in any of its housing projects.

(14) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or any investment in which an Oregon city may legally invest surplus funds, and, in addition, to invest bond proceeds and amounts held in bond payment, reserve and proceeds accounts in investment agreements that:

(a) Produce a guaranteed rate of return;

(b) Are fully collateralized by direct obligations of, or obligations guaranteed by, the United States; and

(c) Require that the collateral be held by the authority, an agent of the authority or a third-party safekeeping agent.

(15) To purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(16) To exercise all or any part or combination of powers granted in the Housing Authorities Law.

(17) To borrow money pursuant to ORS 456.055 to 456.235 or as otherwise allowed and accept advances, loans or grants or any other form of financial assistance or any combination of these forms of assistance from the federal government, state, county or other public body, or from any sources, public or private, for the purpose of undertaking and carrying out housing projects.

(18) To enter in a partnership agreement with or loan money to an individual, partnership, corporation or other association to finance, plan, undertake, construct, acquire, manage or operate a housing project.

(19) To finance, develop, own, operate or manage a mixed income housing project that meets the following requirements:

(a) No fewer than 20 percent of the units in the project so financed shall be rented to households with incomes of 50 percent or less of area median income;

(b) No fewer than 40 percent of the units in the project so financed shall be rented to households with incomes of 60 percent or less of area median income; or

(c) The minimum requirements imposed by any federal tax law that is applicable to the project.

(20) To form, finance and have a nonstock interest in, and to manage or operate, partnerships, nonprofit corporations and limited liability companies in order to further the purposes of the housing authority. [Amended by 1987 c.821 §2; 1989 c.874 §3; 1991 c.600 §1; 1995 c.79 §237; 1995 c.445 §6; 1995 c.483 §2; 2007 c.606 §8]

456.122 Inapplicability of laws relating to other public bodies. Unless specifically provided, no law with respect to the acquisition, operation or disposition of property by other public bodies applies to a housing authority.

456.125 Research, planning, construction and operation of housing projects. Within its area of operation, a housing authority may:

(1) Investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions by either the housing authority or the private market.

(2) Determine where blighted areas exist or where there is a shortage of decent, safe and sanitary housing for persons or families of lower income.

(3) Make studies and recommendations relating to the problem of clearing, replanning and reconstructing blighted areas to provide affordable housing and the problem of providing housing for persons or families of lower income. An authority is encouraged to cooperate with the private market and the city, county or state or any of their political subdivisions in action taken in connection with identifying and solving such problems.

(4) Engage in research, studies and experimentation on the subject of housing.

(5) Prepare, carry out, acquire, lease and operate housing projects.

(6) Provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof. [Amended by 1973 c.672 §10; 1995 c.445 §7; 2007 c.606 §9]

456.128 Housing authority intellectual property. (1) As used in this section:

(a) “Housing authority” means a housing authority created under ORS 456.075. “Housing authority” includes a person exercising delegated powers and duties under ORS 456.135, a local government electing under ORS 456.095 to have the powers of a housing authority and a body to which powers and authority are transferred under ORS 456.233.

(b) “Intellectual property” and “person” have the meanings given those terms in ORS 456.562.

(2) Subject to any superior patent rights or copyrights, a housing authority may license, share or otherwise provide for the use by a person of intellectual property acquired or developed by the authority. Except as provided in this subsection, the housing authority may charge fees for licensing, sharing or otherwise providing for the use of the intellectual property. The housing authority may not charge a fee under this subsection to a federal, state or local government body.

(3) A housing authority may take actions that the authority deems necessary and appropriate to carry out this section, including but not limited to applying for patents or copyright registration to perfect or preserve the authority's rights in intellectual property. [2003 c.605 §2]

Note: 456.128 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 456 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

456.130 Investigations, hearings and recommendations of authority. Any authority, acting through one or more commissioners or other persons designated by the authority, may:

(1) Conduct examinations and investigations and hear testimony and take proof under oath at private or public hearings on any matter material for its information.

(2) Administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and issue commissions for the examination of witnesses who are outside the state or unable to attend before the authority or excused from attendance.

(3) Make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within the area of operation, its findings and recommendations with regard to any buildings or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

456.135 Delegation of powers or duties. An authority may delegate to one or more of its agents or employees such powers or duties as it deems proper.

456.140 Joinder or cooperation of authorities. Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred by the Housing Authorities Law for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of one or more of the authorities.

456.145 Eminent domain. (1) An authority may acquire, by the exercise of the power of eminent domain, any real property which it deems necessary for its purposes after adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided for in the laws of this state for the condemnation of lands or rights of way by public or quasi-public corporations for public use or for corporate purposes; or in the manner provided by law for the appropriation of real property, or rights therein or thereto, by private corporations; or in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

(2) Property already devoted to a public use may be acquired in like manner, but no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

456.150 Housing projects subject to local laws; consideration of other programs. (1) All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated.

(2) In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

456.153 Involvement in mixed income housing project. A housing authority may finance, develop, own, manage or operate a mixed income housing project if:

(1) The housing authority determines that a substantial number of persons of eligible income in the area served by the authority cannot obtain housing for 30 percent or less of their income.

(2) Based on the determination under subsection (1) of this section, the housing authority adopts a resolution declaring the need for additional housing for persons or families of lower income that can be addressed by the authority financing, developing, owning, managing or operating a mixed income housing project. [1995 c.445 §9; 2007 c.606 §10]

456.155 Policy regarding profit from projects; reserves. (1) It hereby is declared to be the policy of this state that:

(a) Each housing authority shall manage and operate its housing projects in an efficient and cost-effective manner so as to enable it to set the rents for housing units at the lowest possible rates consistent with providing decent, safe and sanitary housing and fulfilling the unmet need of affordable housing for persons or families of lower income.

(b) No housing authority shall construct or operate any such housing for profit, or as a source of revenue to a city or a county.

(2) Notwithstanding any provisions of this section to the contrary, a housing authority may establish and maintain reasonable reserves for the purpose of providing additional housing projects that the authority owns or manages and otherwise administering its programs pursuant to this chapter. [Amended by 1977 c.343 §1; 1989 c.874 §4; 1995 c.445 §10]

456.160 Limitations as to rentals. In the operation or management of housing projects, a housing authority shall at all times observe the following duties with respect to rentals and tenant selection:

(1) A housing authority may rent or lease the housing only to persons of eligible income, except:

(a) If the authority owns, operates or manages the housing and a substantial number of the housing units are required to be rented or leased to persons of eligible income; or

(b) If the authority acquires an existing housing unit that houses a tenant not of eligible income, the tenant may remain in the unit at the discretion of the authority, unless the tenant is determined ineligible for reasons other than income qualification.

(2) A housing authority may rent or lease the housing at rents no higher than will provide revenue sufficient to give financial stability to the housing authority. This limitation does not apply to housing units that are owned, operated or managed as described in subsection (1) of this section if the units are not occupied by families receiving assistance from an authority.

[Amended by 1973 c.672 §11; 1977 c.667 §3; 1987 c.821 §3; 1995 c.445 §11; 2007 c.606 §11]

456.165 Vested rights of creditors not affected by restrictions of ORS 456.155 and 456.160. ORS 456.155 and 456.160 do not limit the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or

cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings, free from all the restrictions imposed by those sections.

456.170 [Amended by 1973 c.672 §12; repealed by 2007 c.606 §13]

456.171 Independent audit of authority. At least once each year, a housing authority shall procure an independent audit of authority finances and activities for the preceding year, make the audit available for inspection by the public and provide a copy of the audit to each governing body that appoints the housing authority commissioners. [2007 c.606 §2]

456.175 Issuance of bonds; means for payment. An authority may issue bonds from time to time in its discretion upon the resolution adopted by a majority vote of the commissioners for any of its corporate purposes. An authority may also issue refunding and advance refunding bonds for the purpose of paying or retiring bonds previously issued by it. [Amended by 1989 c.874 §5]

456.180 Liability on bonds; debt limitation. (1) Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

(2) The bonds and other obligations of an authority shall not be a debt of the city, the county, the state or any political subdivision thereof, and the bonds and obligations shall so state on their face. Neither the city, the county, nor the state or any political subdivision thereof shall be liable thereon. Nor, in any event, shall such bonds or obligations be payable out of any funds or properties other than those of the authority.

(3) The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

456.185 Issuance of bonds. Bonds of an authority must be authorized by its resolution adopted by a vote of a majority of the commissioners, must be issued as prescribed in ORS chapter 287A and are not subject to the requirements of ORS 287A.150. [Amended by 1969 c.694 §13; 1973 c.672 §13; 1977 c.188 §5; 1981 c.94 §42; 1989 c.874 §8; 2001 c.215 §11; 2007 c.783 §193]

456.190 Presumption of validity of bond. In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide housing for persons or families of lower income is conclusively deemed to have been issued for a housing project of such character and said project is conclusively deemed to have been planned, located and constructed in accordance with the Housing Authorities Law. [Amended by 1973 c.672 §14; 1995 c.445 §12; 2007 c.783 §194]

456.195 [Repealed by 1989 c.874 §9]

456.197 [1969 c.694 §15; 1973 c.672 §15; repealed by 1989 c.874 §9]

456.200 Powers of authority in securing payment of bonds or lease obligations. In connection with the issuance of bonds or the incurring of obligations and in order to secure the payment of such bonds or obligations, an authority may:

(1) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or thereafter comes into existence.

(2) Mortgage its real or personal property, then owned or thereafter acquired.

(3) Covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property.

(4) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof.

(5) Covenant as to what other or additional debts or obligations may be incurred by it.

(6) Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

(7) Provide for the replacement of lost, destroyed or mutilated bonds.

(8) Covenant against extending the time for the payment of its bonds or interest thereon.

(9) Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.

(10) Covenant, subject to the limitations of the Housing Authorities Law, as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(11) Create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds.

(12) Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(13) Covenant as to the use, maintenance and replacement of its real and personal property, the insurance to be carried thereon and the use and disposition of insurance moneys.

(14) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(15) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(16) Vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(17) Vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee.

(18) Provide for the powers and duties of a trustee or trustees and to limit their liabilities.

(19) Provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(20) Exercise all or any part or combination of the powers granted in this section.

(21) Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

(22) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, tending to make the bonds more marketable although the covenants, acts or things are not enumerated in this section.

(23) Purchase letters of credit, bond insurance or any other credit enhancement device that would establish or increase marketability of its bonds.

(24) Pay its obligations with income, revenues or loan repayments of the housing project financed with the proceeds of such obligations, or with such proceeds together with a grant from the federal government or this state in aid of such project. [Amended by 1987 c.821 §5; 1989 c.874 §6; 1991 c.600 §2]

456.202 Short-term bond anticipation notes. (1) An authority shall have the power to borrow money for the purposes for which its bonds are to be issued in anticipation of the receipt of proceeds of the sale of such bonds and within the authorized maximum of such bond issue.

(2) Bond anticipation notes shall be issued for all moneys borrowed under the provisions of this section. Such notes may be issued for a period not exceeding one year and may be renewed from time to time for periods not exceeding one year, but each such note, including renewals, shall mature and be paid not later than five years after the date on which the original note was issued. Such notes shall be authorized by resolution of the authority, adopted by a majority of the commissioners, and shall be in such denomination or denominations, shall bear interest at such rate or rates, shall be in such form, and shall be executed in such manner, all as a majority of the commissioners shall prescribe. Such notes may be sold at public or private sale in the manner and at such price or prices or for such other consideration, including real or personal property, as the authority shall determine, provided that if such notes be renewal notes, they may be exchanged for notes then outstanding on such terms as the authority shall determine. [1977 c.342 §2]

456.205 Enforcing rights of obligee of an authority. An obligee of an authority, in addition to all other rights conferred on the obligee, subject only to any contractual restrictions binding upon the obligee, may:

(1) By mandamus or other action or proceeding for legal or equitable remedies, compel the authority and its commissioners, officers, agents or employees to perform each and every term, provision and covenant contained in any contract of the authority with or for the benefit of such obligee, and require the carrying out of all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by the Housing Authorities Law.

(2) By action or proceeding, enjoin any acts or things which may be unlawful, or the violation of any rights of the obligee. [Amended by 1979 c.284 §149]

456.210 Power of authority to confer additional rights upon obligee. An authority, by its resolution, trust indenture, mortgage, lease or other contract, may confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any housing project or any part thereof to be surrendered to an obligee.

(2) To obtain the appointment of a receiver of any housing project of the authority or any part thereof and of the rents and profits therefrom. If a receiver is appointed, the receiver may enter and take possession of the housing project or any part thereof and operate and maintain it and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom, and shall keep such moneys in separate accounts and apply them in accordance with the obligations of the authority as the court directs.

(3) To require the authority and its commissioners to account as if it and they were the trustees of an express trust.

456.215 Financial aid and cooperation of federal government. (1) An authority may:

(a) Borrow money or accept grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation.

(b) Take over or lease or manage any housing project or undertaking constructed or owned by the federal government.

(c) Comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable for the purposes of this subsection.

(2) It is the purpose and intent of the Housing Authorities Law to authorize every authority to do all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

456.220 Exemption of property from process or judgment lien. All real property of an authority is exempt from levy and sale by virtue of an execution. No execution or other judicial process shall issue against such property nor shall any judgment against an authority be a charge or lien upon its real property. However, this section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

456.225 [Amended by 1991 c.851 §1; 1995 c.445 §13; 1997 c.406 §2; renumbered 307.092 in 2003]

456.230 Bonds and income therefrom exempt from personal income taxes. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities. The bonds, together with interest thereon and income therefrom, are exempt from personal income taxes under ORS chapter 316. [Amended by 2007 c.783 §195]

456.233 Transfer of housing authority from governing body to separate board. If, pursuant to ORS 456.055 to 456.235, the governing body in a city or a county has declared, by resolution, that the governing body itself shall exercise the powers of a housing authority under ORS 456.055 to 456.235, the governing body may thereafter, by resolution, elect to transfer the powers and the authority to act as the housing authority to any other body which may be designated under ORS 456.055 to 456.235 to exercise such powers. The governing body of the city or county may, by resolution, transfer the powers and authority to act as the housing

authority to itself. All duties and obligations of the governing body as the housing authority of the municipality shall thereafter be assumed and performed by the body to which such powers and authority are transferred. [1969 c.630 §1; 1975 c.322 §2; 1979 c.621 §17; 2019 c.625 §70]

456.235 Dissolution of housing authorities. (1) A housing authority may be dissolved upon a majority vote of its commissioners at any regular or special meeting of the commission whereof all the members of the commission have been notified. Except with the consent of the obligees of the housing authority to dissolution, no authority having outstanding bonds or indebtedness shall be dissolved unless the assets of the authority are sufficient to pay such bonds and indebtedness. A copy of the order or resolution of dissolution shall be filed with the clerk of the city or the county, as the case may be.

(2) Upon dissolution of an authority, the property and assets thereof not required for the liquidation of indebtedness of the authority shall vest in or be paid over to the city or the county for which the authority was created or, where a regional authority is dissolved, be paid over to the cities and counties in the authority in proportion to the population within each cooperating city and county according to the most recent determination under ORS 190.510 to 190.610; provided, that if the housing project be located within an incorporated city, then such property and assets shall be paid over and delivered to such city, even though the authority may have been created by a county. Any moneys so received by the clerk shall be credited to the general fund of the city or the county, as the case may be.

(3) After voting for dissolution the authority shall be dissolved for all purposes, excepting, there shall be allowed a period of not to exceed three years after said vote for the liquidation of indebtedness and final settlement of its affairs. [1953 c.716 §2; 1973 c.672 §16]