



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department Committee, Agency, Corporation, Quasi-Municipal Corporation or Sub-unit thereof.

Meeting:

Community Development Authority Board

Members:

R. Wilson, S. Napgezek, R. Wagner, D. Welles,
A. Witt, G. Gisselman, D. Korzilius

Location:

550 East Thomas Street, Wausau, WI

Date/Time:

12:00 pm, Tuesday, October 27, 2015

AGENDA ITEMS FOR CONSIDERATION (Note: All agenda items may be acted upon)

1. Call Meeting to Order
2. Approval of Minutes
3. 303-305 S 2nd Avenue – Status Update
4. 2102 N Second Street – Status Update
5. Consideration and Action on Resolution 15-005 – Grievance Procedure Revision
6. Consideration and Action on Resolution 15-006 - Admissions and Continued Occupancy Policy (ACOP) Revision
7. Consideration and Action on Resolution 15-007 – Administrative Plan Policy Revision
8. Operational Issues and Current Activities
 - Occupancy Update
 - Scattered Site Projects
 - Riverview Terrace RFP
 - Rental Assistance Demonstration (RAD) Update
9. Adjourn

Russell W. Wilson
Committee Chairperson

Questions regarding this agenda may be directed to the
Community Development Authority Office
at 715-261-6687

This Notice was posted at City Hall and faxed to the Wausau Daily Herald newsroom
on 10/21/2015 @ 11:00 am

COMMUNITY DEVELOPMENT AUTHORITY
MINUTES

9/22/15

MEMBERS PRESENT: Russell Wilson, Andy Witt, Gary Gisselman, Dorothy Korzilius, Romey Wagner, Sarah Napgezsek, David Welles

MEMBERS ABSENT:

OTHERS PRESENT: Ann Werth, Betty Noel, Kevin Fabel, Kelsey Scholz

(1) Call Meeting to Order

Meeting was called to order at 12:03 pm in the WCDA Boardroom at 550 E Thomas Street, Wausau, Wisconsin.

(2) Approval of Minutes

Wagner moved to approve the minutes from 08/25/2015. Witt seconded the motion. Motion was approved unanimously.

(3) 303-305 S. 2nd Avenue – Status Update

Fabel informed the Commissioners that a change order was submitted to the DNR to install ground water wells for additional monitoring. Steady progress and monitoring will continue.

(4) 2102 N 2nd Street – Status Update

Werth mentioned that the individual previously interested in renting the building for storage was no longer interested.

Fabel explained that the DNR sent their approval for excavation of the site, and in order to move forward, the board would need to approve funds for PECFA related expenses. The total cost would be \$74,334.70, with the full amount to be reimbursed after the work is completed. Welles moved to approve payment of \$74,334.70 for the excavation of the petroleum based contamination, Napgezsek seconded. Motion was approved with unanimous consent.

Fabel stated that the solvent based contamination that also needed excavation would not be reimbursed by PECFA, and would thus be an expense incurred by the CDA. The total cost to excavate (in conjunction with the petroleum based excavation) would be \$9,053.00. He noted there is a significant cost savings in doing the excavations at the same time. Welles moved to approve the funds to excavate the solvent based contamination for a cost of \$9,053.00, Witt seconded. Motion was approved with unanimous consent.

Fabel noted that the excavation would begin within the next week and would be completed in approximately two weeks.

(5) Consideration and Action on Resolution 15-004 – Annual PHA Plan for Fiscal Year 2016

Noel explained that HUD requires a PHA plan to be submitted annually, which included updates on PHA policies, projects, finances, and open Capital Fund grants. She noted that a Resident Advisory Board Meeting and Public Hearing were held to discuss and review the plan. The updated plan will be submitted to HUD by October 16, 2015, following Board approval. Welles Moved to approve Resolution 15-004, Napgezsek seconded the motion. A roll call vote was taken with unanimous consent. Resolution passes

(6) Operational Issues and Current Activities

- **Occupancy Overview** – Noel stated that Riverview Towers is on track with applications to fill recent vacancies. Riverview Terrace has new residents pending and 4 vacancies. The Scattered Sites have vacancies set for the end of the month, but have new residents approved for move in.
- **Housing Software Update** – Noel indicated that HDS would convert the current Yardi tenant data into the new software program prior to November 30th, when the WCDA contract with Yardi is terminated. Staff looks forward to a more user friendly and cost-effective software option.
- **Rental Assistance Demonstration (RAD) Application Update** – Werth stated that staff was still in the discovery phase and have discussed conversion options with other housing authorities. Most housing authorities in WI have declined the conversion. She noted that in October, staff would have a formal answer on whether a RAD conversion would be recommended.

(7) Adjourn

Wagner moved to adjourn. Witt seconded. Meeting adjourned.

Respectfully Submitted,

Russell Wilson
Chairperson

RESOLUTION NUMBER 15-005

GRIEVANCE PROCEDURE

WHEREAS, The Wausau Community Development Authority (WCDA) currently has a Grievance Procedure Policy which was adopted by the Board of Commissioners in 2002; and

WHEREAS, The WCDA's current Grievance Procedure requires revisions to better serve the needs of the WCDA, remain in accordance with applicable federal regulations (24 CFR 966.50 et seq.) and provide a clear forum and procedure for tenants to seek a just, effective and efficient settlement of any eligible grievance; and

WHEREAS, the WCDA is required to have the Board of Commissioners approve any revisions to its Grievance Procedure.

NOW THEREFORE, BE IT RESOLVED, The WCDA Commission hereby adopts Resolution 15-005 approving the Grievance Procedure revision, effective January 1, 2016, as presented.

AYES _____ NAYS _____

Approved Date _____

Community Development Authority
Of the City of Wausau

Russell W. Wilson
Chairperson

Ann M. Werth
Secretary / Executive Director

GRIEVANCE PROCEDURES

1. Purpose

This Grievance Procedure is to assure that any Wausau Community Development Authority (WCDA) Tenant has the opportunity for a hearing if that Tenant disputes, within a reasonable time, any WCDA action or failure to act, which involves that Tenant's lease with the WCDA or any WCDA regulations which adversely affect that individual Tenant's rights, duties, welfare, or status.

2. Applicability

In accordance with applicable Federal regulations (24 CFR § 966.50 et seq.) this Grievance Procedure shall be applicable to all individual Grievances as defined below, between the Tenant and WCDA with the following exceptions:

- a. A termination of tenancy or eviction that involves:
 - i. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the WCDA, or
 - ii. Any violent drug-related criminal activity on or off such premises; or
 - iii. Any criminal activity that resulted in felony conviction of a household member.Such terminations or evictions shall proceed as provided under Wisconsin Statutes.
- b. The Grievance Procedure shall not be applicable to disputes between Tenants not involving the WCDA or to class grievances. The Grievance Procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of Tenants and the WCDA.

3. Definitions

- a. **Grievance** – any dispute which a Tenant may have with respect to WCDA action or failure to act in accordance with the individual Tenant's lease or WCDA regulations which adversely affect the individual Tenant's rights, duties, welfare or status.
- b. **Complainant** – any Tenant whose Grievance is presented to the WCDA or at the project management office in accordance with this Grievance Procedure.
- c. **Good Cause** – an unavoidable conflict which seriously affects the health, safety or welfare of the family.
- d. **Tenant** – the adult person (or persons) (other than a live-in aide):
 - i. Who resides in the unit, and who executed the lease with the WCDA as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - ii. Who resides in the unit, and who is the remaining head of household of the Tenant family residing in the dwelling unit.

4. Informal Settlement of a Grievance

Any Tenant who wishes to grieve an action or inaction of the WCDA to which this Grievance Policy applies shall present his or her Grievance either orally or in writing, to the WCDA office within ten (10) business days of the grievable event. Such notice must be personally delivered to the WCDA. Within ten (10) business days of receipt of the request, the WCDA will arrange a meeting with the Tenant at a mutually agreeable time and place so the Grievance may be discussed informally and settled without a hearing. The WCDA will confirm such meeting in writing to the Tenant. If a Tenant fails to attend the scheduled meeting without prior notice, the WCDA will reschedule the appointment only if the Tenant can show Good Cause for failing to appear, or as may be required as a reasonable accommodation for a person with disabilities.

A summary of the informal settlement shall be prepared and a copy provided to the Complainant within ten (10) business days of the meeting. The summary shall set forth the names of the participants, date of the meeting, nature of the proposed resolution or disposition of the complaint and the reasons for the proposed resolution or disposition. The summary shall also set forth the procedures under which the Complainant may obtain a hearing if he or she is not satisfied.

5. Procedures to Obtain a Hearing

- a. All Grievances shall be presented for informal settlement pursuant to section 4 as a condition precedent to a Grievance hearing. If the Complainant can show Good Cause to the hearing officer why he or she failed to proceed according to the requirements, the informal settlement may be waived by the hearing officer.
- b. If the Complainant is not satisfied with the results of the informal settlement, he or she shall submit, within five (5) business days after the receipt of the summary of the informal settlement, a written request for a hearing. This request shall be personally delivered to the WCDA office in writing, and shall specify the reasons for the Grievance and the action or relief sought.
- c. Once a written request for a hearing has been presented by the Complainant as outlined above, a hearing officer will be selected. The WCDA Grievance hearing will be conducted by a single hearing officer, who is an impartial person appointed by the WCDA, other than the person who made or approved the WCDA action under review, or a subordinate of such person. The hearing officer will be the WCDA Board Chair, WCDA Vice Chair, or other person jointly selected and agreed to by the WCDA and the Complainant.
- d. If the Complainant does not request a hearing, the WCDA's disposition of the Grievance under the informal settlement process will become final. However, failure to request a hearing will not constitute a waiver by the Complainant of the right to contest the WCDA's action in disposing of the complaint in an appropriate judicial proceeding.

6. Grievances Involving Rental Payments

Before a hearing is scheduled in any Grievance involving the amount of rent which the WCDA claims is due, the Complainant shall pay an escrow deposit to the WCDA in an amount equal to the amount of rent the WCDA states is due and payable as of the first of the month preceding the month in which the act or failure to act took place. The Complainant shall thereafter, deposit the same amount monthly in escrow with the WCDA, until the complaint is resolved by decision of the hearing officer. These requirements shall be waived by the WCDA where required by 24 CFR §5.630 (financial hardship exemption from minimum rent requirements) or 24 CFR §5.615 (effect of welfare benefits reduction in calculation of family income). Unless waived by the WCDA, the failure to make such escrow payments shall result in termination of the Grievance Procedure. Failure to make the escrow payments shall not constitute a waiver of any right the Complainant may have to contest the WCDA's disposition of the Grievance in any appropriate judicial proceeding.

7. Scheduling the Hearing

Within ten (10) business days of satisfying the conditions of sections 5 and 6, the hearing officer shall schedule a hearing at a time and place reasonably convenient to the parties. Written notification specifying the date and time, place, and procedures governing the hearing shall be delivered to the Complainant and the WCDA.

The Tenant may request to reschedule a hearing for Good Cause, or as may be required as a reasonable accommodation for a person with disabilities. Requests to reschedule a hearing must be made orally or in writing at least twenty four (24) hours prior to the hearing date. At its discretion, the WCDA may request documentation of the Good Cause prior to rescheduling the hearing.

8. Procedures Governing the Hearing

- a. The hearing will be held before the hearing officer. The Complainant shall have the right to be represented by counsel or another person chosen as his or her representative and shall be provided a fair hearing. The Complainant's counsel or other representative will have the opportunity to make statements on the Complainant's behalf.
- b. The Complainant has the right to examine and copy, at his or her own expense, before the hearing, all WCDA documents, records, and regulations which are directly relevant to the hearing. Any documents not made available for examination after request by the Complainant may not be used by the WCDA at the hearing.
- c. The Complainant has the right to a private hearing unless Complainant requests a public hearing.
- d. The Complainant has the right to present evidence and arguments in support of his or her complaint, to challenge evidence relied upon by the WCDA and to confront and cross-examine all witnesses upon whose testimony or information the WCDA relies.
- e. The decision of the hearing officer shall be based solely upon facts presented at the hearing.
- f. The hearing officer may make a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.
- g. If the Complainant or the WCDA fails to appear for the scheduled hearing, the hearing officer may determine to postpone the hearing for no more than five (5) business days, or may make a determination that the party not appearing has waived his, her or its right to a hearing. Both the Complainant and the WCDA shall be notified of the determination by the hearing officer. A determination that the Complainant has waived his or her right to a hearing shall not constitute a waiver of any right that the Complainant may have to contest the disposition in an appropriate judicial proceeding.
- h. At the hearing, the Complainant must first make a showing of an entitlement to the relief being sought, and thereafter, the WCDA must sustain the burden of justifying the WCDA action or failure to act against which the complaint is directed.
- i. The hearing shall be conducted informally by the hearing officer. Oral or written evidence pertinent to the facts and issues raised by the Complainant may be received as evidence without regard to admissibility under the rules of evidence which apply to judicial proceedings. The hearing officer shall require all parties to conduct themselves in an orderly manner. Failure to comply with the directions of the hearing officer to obtain order may result in the disorderly party being excluded from the hearing or in a decision unfavorable to that disorderly party and the granting or denial of the relief sought as appropriate.

Either the WCDA or the Complainant may arrange in advance and at the expense of the party making the arrangement, for a transcript of the proceedings, and any interested party shall have an opportunity to purchase a copy of that transcript.

9. Decision of the Hearing Officer

- a. The hearing officer shall prepare a written decision and the reasons for the decision within ten (10) business days after the hearing. One copy of the decision shall be sent to the Complainant and one copy to the WCDA. The WCDA shall retain a copy in the Tenant's file and shall retain another copy, with names and identifying references deleted, in a separate file for inspection by a prospective Complainant or his or her representative or a future hearing officer.
- b. The decision of the hearing officer shall be binding on the WCDA which shall take all actions, or refrain from any actions necessary to carry out the decision unless the WCDA Board of Commissioners determines within a reasonable time, and notifies the Complainant of its determination that:
 - i. The Grievance did not constitute a Grievance as defined in this procedure; or
 - ii. The decision of the hearing officer is contrary to Federal, state, or local law, HUD regulations, or requirements of the annual contributions contract between HUD and the WCDA.
- c. A decision in favor of the WCDA or one which denies the relief requested by the Complainant in whole or in part does not constitute a waiver of any rights the Complainant may have to a subsequent trial or judicial review in court.

10. Eviction Actions

If a Tenant has requested a hearing in accordance with this procedure on a complaint involving a WCDA notice of lease termination other than a termination under section 2.a., and the hearing office upholds the WCDA's decision to terminate tenancy, the WCDA shall not bring eviction actions in a state court until it has served on the Tenant a notice to vacate. This notice to vacate shall not be issued prior to the mailing or delivery to the Complainant of the decision of the hearing officer. The notice to vacate shall be in writing and shall state that if the Tenant fails to vacate the unit within the period specified by the law, or the termination date stated in the notice, whichever is later, action will be brought against that Tenant and he or she may be required to pay court costs and attorney fees.

11. Reasonable Accommodation

The WCDA will provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible location, or attendants. If the Tenant is visually impaired, any notice to the Tenant, which is required under the Grievance procedure, shall be in an accessible format.

RESOLUTION NO 15-006

Admissions and Continued Occupancy Policy (ACOP) Revision Public Housing Program

WHEREAS, the Wausau Community Development Authority operates a Public Housing Program within the City of Wausau; and

WHEREAS, the Wausau Community Development Authority is required to have the Board of Commissioners approve any revision or change to the Admissions and Continued Occupancy Policy (ACOP), which is applicable to the operation of its Public Housing Program; and

WHEREAS, the Wausau Community Development Authority is further required to submit the most recent Board approved ACOP to the Department of Housing and Urban Development, Milwaukee Field Office, for retention in its files.

NOW THEREFORE, BE IT RESOLVED, the Commission of the Wausau Community Development Authority hereby approves the submission of its most recent version of the ACOP, to the Department of Housing and Urban Development.

AYES _____ NAYS _____

Approved Date _____

Community Development Authority
of the City of Wausau

Russell W. Wilson
Chairperson

Ann M. Werth
Secretary/Executive Director



Date: October 27, 2015

To: WCDA Commissioners

From: Betty Noel
Public Housing Manager, WCDA

RE: ACOP Revision Highlights
Public Housing Program

Chapter 9

PHA must check sex offender registry for all adults in the household at time of recertification

Chapter 14

PHA must provide an interpreter free of charge, if requested

PHA is not required to provide a grievance hearing for terminations or evictions as a result of drug related criminal activity or criminal activity that results in a felony conviction

Chapter 16

PHA must keep all records of fair housing complaints, and changes to the process and timeframe of responses to fair housing complaints

Nan McKay 6/1/15

RESOLUTION NO 15-007

Administrative Plan Revision Section 8 Housing Choice Voucher Program

WHEREAS, the Wausau Community Development Authority operates a Section 8 Housing Choice Voucher Program within the City of Wausau; and

WHEREAS, the Wausau Community Development Authority is required to have the Board of Commissioners approve any revision or change to the Administrative Plan, which is applicable to the operation of its Section 8 Housing Choice Voucher Program; and

WHEREAS, the Wausau Community Development Authority is further required to submit the Board approved Administrative Plan to the Department of Housing and Urban Development, Milwaukee Field Office, for retention in its files.

NOW THEREFORE, BE IT RESOLVED, the Commission of the Wausau Community Development Authority hereby approves the submission of its most recent version of the Administrative Plan, to the Department of Housing and Urban Development.

AYES _____ NAYS _____

Approved Date _____

Community Development Authority
of the City of Wausau

Russell W. Wilson
Chairperson

Ann M. Werth
Secretary/Executive Director



Date: October 27, 2015

To: WCDA Commissioners

From: Betty Noel
Public Housing Manager, WCDA

RE: Administrative Plan Revision Highlights
Section 8 HCV Program

Chapter 2

Added PHA requirements for receipt and storage of discrimination and Fair Housing complaints

Chapter 6

Changes in the application of Utility Allowances

Chapter 8

Change from annual inspection requirement to biennial inspections

Chapter 11

PHA must check sex offender registry for all adults in the household at time of recertification

Nan McKay 10/1/14

Occupancy Overview

October 27, 2015

Riverview Towers (149)

- 11 vacancies
- 93% Occupancy

Riverview Terrace (36)

- 3 vacancies
- 94% Occupancy

Scattered Sites (46)

- 2 vacancies
- 95% Occupancy