



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
April 25, 2023**

The Council of Park City, Utah, will hold a special joint meeting with the Summit County Council in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

8:45 a.m. - Light breakfast will be served.

JOINT CITY COUNCIL AND COUNTY COUNCIL MEETING - 9:00 a.m.

I. ROLL CALL

II. HOUSING DISCUSSION

Housing Authority Workshop Presentation by Daniel Nackerman, Salt Lake City Housing Authority Executive Director
[Housing Authority Presentation](#)

III. SCHEDULE NEXT JOINT MEETING

IV. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: April 25, 2023

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: HOUSING DISCUSSION

Subject:

Housing Authority Workshop Presentation by Daniel Nackerman, Salt Lake City Housing Authority Executive Director

Suggested Action:

Attachments:

[Housing Authority Presentation](#)



Housing Authority Workshop

Daniel Nackerman

April 25, 2023

**Joint Meeting between Summit County Council and Park
City Council**

Outline for Today

Introductions

Initial Thought: Start a Housing Authority?

Brief Background of Housing Authorities in U.S.

Reasons to Consider

HA Success Examples

Framework

Steps

Questions?



INTRODUCTIONS

Daniel Nackerman

6 Housing Authority Leadership Positions

Executive Director/CEO

- * HASLC
- * HACSB
- * MHA
- * RHA

Deputy Director

- * CCCHA

Department Director

- * OHA

CEO/President

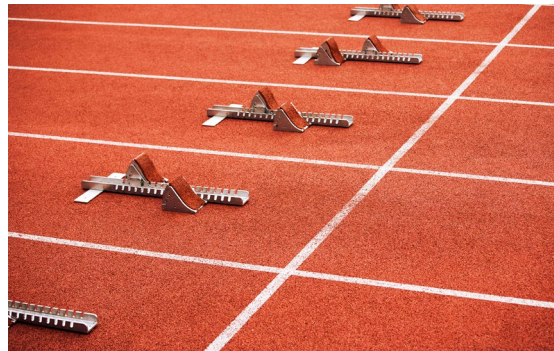
- * Dozens of 501(c) (3) and LLC's

Urban Planning and Real Estate Development

Successes in New Housing, Homeless Response, First-time Homebuyers, Financial Management, Innovation in Housing, Supportive Services, Self-help, Workforce Housing

START A HOUSING AUTHORITY?

- Most importantly: Adding resources
- Managers and developer partners of modern, life-changing communities
- Leading and developing quality public/private partnerships
- Response to growing shortages...
- Fills components of affordable housing strategies
- Bucks a trend though?



START A HOUSING AUTHORITY?

- 3,400 Housing Authorities in the U.S.
- Approximately 14 Housing Authorities in Utah to date
- Creating a Housing Authority is surprisingly simple and is guided in each state by similar laws
- Regional Housing Authorities are encouraged



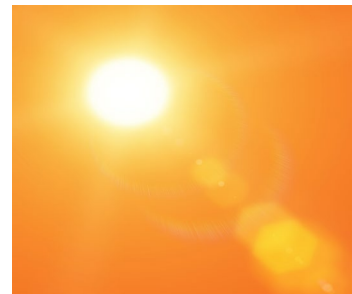
HOUSING AUTHORITIES IN UTAH

- **HOUSING AUTHORITIES ON THE WEB PER HUD**

- - Cedar City Housing Authority
- - Davis Community Housing Authority
- - Emery County Housing Authority
- - Housing Authority of Utah County
- - Salt Lake City Housing Authority
- - Housing Connect (Salt Lake County)
- - St. George Housing Authority
- - Tooele County Housing Authority
- - Weber County Housing Authority
- - West Valley City Housing Authority
- - Provo City Housing Authority

- **OTHER**

- Bear River Regional Housing Authority
- Logan City Housing Authority
- Housing Authority of Ogden City
- Grand County Housing Authority
- Housing Authority of Carbon County
- Roosevelt City Housing Authority
- Myton City Housing Authority
- Beaver City Housing Authority



CONSIDERATIONS

- Are Needs Starting to be Met?
- Advantages vs. Disadvantages?
- Regional - or More Local?
- Attracting the Poor?
- Waxing or Waning Resources?
- Types of Initiatives? (Development; Preservation; Voucher; Worker; Transitional; Home Ownership; Emergency; Corporate)
- Targeted Populations? (Workforce; 80%-120% AMI; 60%-80% AMI; Seniors; Veterans; Poor)
- Politics? (Board Formation; Site Locations; Developer Competition; Education...)
- Inherent Partner? (Land; Federal \$; Direct Allocation; Leadership Administration)



BRIEF BACKGROUND: HA'S

- Housing is primarily a private market enterprise in the United States. Most housing in this country is privately built and owned and most regulation of that process is done at the state and local level. However, the federal government has played a role for many years...helping correct issues of safety, poverty, etc.
- The Housing Act of 1937 (P.L. 75-412) attempted to balance some of these concerns in the way that it designed the low-rent public housing program. Under the terms of the act, public housing properties would be built and owned only by state-chartered and locally governed public housing authorities (PHAs).
- The Housing Act of 1949: Expansion and ties to Urban Renewal After being diverted to support the war effort, the low-rent public housing program was restarted at the end of the decade. That act created a federal policy goal of “a decent home and suitable living environment for every American family.” The act expanded the authorization for new public housing units, calling for the creation of 810,000 units by 1954 (not met...)

BRIEF BACKGROUND HA'S (cont.)

1960s: New forms of assistance and the end of legal discrimination Several new programs were developed to subsidize privately owned rental properties, as opposed to publicly owned properties, including the Section 236 rent supplement program serving low-income families and seniors; the Section 202 program serving the elderly; and the Section 221d(3) program serving families with incomes too high for public housing but too low to afford housing in the private market. Another program, the Section 23 leased housing program, was a new public housing program designed to utilize private market units. It permitted PHAs to lease private market units on behalf of public housing-eligible families. Also, by the late 1960s the Turnkey model of public housing began the number of public housing units increased significantly during the 1960s to over 800,000 units, an increase from about half a million units at the beginning of the decade. The 1970s and the rise of Section 8. (Early 1970s, construction programs were subject to growing criticism for taking too long to develop and being too expensive.)

BRIEF BACKGROUND HA'S (cont.)

The Housing and Community Development Act of **1974** created the Section 8 program. After the moratorium, the focus of federal housing assistance policy had shifted away from constructing new public housing units to new models using the existing and private housing market through the Section 8 program. Public housing averaged fewer than 37,000 reservations for new units of public housing per year between 1975 and 1979, compared to an average of more than 275,000 reservations for new Section 8 assisted units per year over the same period.

The 1980s: In withdrawing further from Public Housing the Omnibus Budget Reconciliation Act of 1981 made several significant changes to public housing. It raised tenant rent contributions toward rent (as established by the Brooke Amendment at 25% of family income) to 30% of family income. At the same time, the act more deeply targeted assistance to the poorest families.

- During the 1980s, concern continued to grow about the state of the existing public housing stock—both the physical soundness as well as the social health of public housing communities.

BRIEF BACKGROUND HA'S (cont.)

In 1989, Congress established a National Commission on Severely Distressed Public Housing. The commission was mandated to identify those public housing projects that were in a severe state of distress; assess the most promising strategies for improvement; and develop a national action plan.

In 1992, the commission issued its findings and recommendations on the state of the nation's public housing. It reported finding residents living in fear of crime, high unemployment and limited opportunities for employment, insufficient resources to address the needs of residents, disincentives to self-sufficiency, and housing that had deteriorated to the point that it was physically dangerous. The commission labeled 6% of the public housing stock as severely distressed; at the time, this equaled 86,000 units.

Shortly thereafter, the Housing and Community Development Act of 1992 created the Revitalization of Severely Distressed Public Housing program—commonly referred to as HOPE VI—which authorized HUD to make competitive grants to PHAs to undertake major redevelopment of distressed public housing. In 1995, the Clinton Administration proposed the “Reinvention Blueprint,” which called for most public housing developments to be converted to vouchers. While the Blueprint was not fully undertaken and HUD was not abolished, reform proposals did occur...

BRIEF BACKGROUND HA'S (cont.)

- 1998, the Quality Housing and Work Opportunity Reconciliation Act of 1998 (QHWRA; P.L. 105-276). QHWRA included provisions designed to promote local control, including the elimination of federal preferences. It gave PHAs the authority to convert their public housing properties to vouchers, and in some cases, required that conversion if it proved cost effective. Influenced by the welfare reform debates of the mid-1990s that were focused on promoting work. QHWRA established a requirement that non-elderly, non-disabled residents be working or participating in community service or self-sufficiency activities and created a disregard of newly earned income for some families. The act included authority for PHAs to leverage their public housing properties. **Importantly, the act prohibited PHAs from using any federal capital or operating funding to develop net new public housing units.** More than a decade after enactment of QHWRA, the number of public housing units nationally has declined steadily, as more units are torn down than are rebuilt.

BRIEF BACKGROUND — HA SIZE & NUMBER

• Categories of Size/ Number of PHAs Percentage of PHAs/ % of Units

• NYCHA	1	0%	17%
• 1250+ units	124	4%	38%
• 500-1249 units	225	7%	15%
• 250-499 units	423	14%	13%
• 50-249 units	1,541	50%	16%
• Less than 50 units	782	25%	2%
• Total	3,096*	100%	100%

Source: Based on data available from HUD at
<http://www.hud.gov/offices/pih/programs/hcv/ogddata/lowrent-s8->

*Several hundred additional HA's on paper only

BRIEF BACKGROUND HA'S (cont.)

- Part of the reason there are so many small PHAs is the way they were created by states; they were typically tied to a specific locality, such as a county or unit of local government. In recent years, there has been an increase in the number of smaller PHAs that have merged or formed consortia. In some cases, these mergers or consortia are designed to allow the agencies' programs— particularly the Section 8 voucher program—to be administered across a metropolitan region that crosses jurisdictional boundaries. In other cases, these mergers and consortia are meant to reduce administrative costs.
- Today's public housing and voucher program is meant to provide assistance to low-income families, so families must meet certain income standards in order to be eligible to live in public housing. In general, families must be low-income— having gross income at or below 80% of Area Median Income - at the time they apply to live in housing. "Income" is defined in federal statute as income from all sources from all members of the household, including imputed income from assets, with some exceptions. Further, in order to be eligible the family must be comprised of citizens and/or eligible noncitizens, even if a family has "mixed status" (including members who are not citizens and not eligible) wherein the subsidy is prorated.

BACKGROUND SUMMARY HA's NOW

- Local control from beginning - with federal assistance
- Trend away from “Public Housing” - towards subsidy programs, tax credit development, public/private partnerships, etc.
- Economic development of households and more effective life assistance is a trend
- Real estate development increasing
- Focused housing – workforce, homeless, seniors, veterans, victims, disabled is a trend...
- “Powers” utilized: Bonding, eminent domain (sometimes), vouchers as gap \$, etc.
- Most designed to help fill the top of 30-40% of income for total market-like rent (FMR based)

TYPICAL HA INITIATIVES AND PROGRAMS

- Housing Choice Voucher (Section 8)
- Public Housing (waning...)
- Real Estate Development (Partnering, financing or direct...)
- Rent Assistance to Many
- Fund Raising (HUD, State, Counties, Cities, Bonds, Tax Credits, other Federal Programs...)



VARIETY OF FEDERAL PROGRAMS AT HASLC

Housing Authority of Salt Lake City
Schedule of Expenditures of Federal Awards
For the Year Ended December 31, 2021

Federal Agency / Program Grant Title	CFDA Number	Federal Assistance ID Number	Current Year Expenditures
Department of Housing and Urban Development (HUD):			
Public Housing Assistance (Direct Award):			
Public and Indian Housing	14.850	UT06-P004-31	\$ 760,590
Public Housing Capital Fund (CFP)	14.872	UT06-P004-509	159,249
Total Public Housing Programs			<u>919,839</u>
Section-8 Project-Based Cluster (Direct Award):			
Moderate Rehabilitation	14.856	UT004MR002	866,079
Housing Voucher Center Cluster (Direct Award)			
Housing Choice Voucher Program	14.871	UT004V0	25,046,222
Other Programs (Direct Award):			
Supportive Housing for the Elderly	14.157		104,891
Shelter Plus Care	14.238	UT00931186	5,981
Housing Opportunities for Persons with Aids	14.241	100/710-953/8	136,410
Mainstream	14.879		256,728
Emergency Housing Vouchers	14.EHV		105,851
Other Programs (Non-Direct Award):			
Supportive Housing Program	14.235	UT008800007	68,082
Emergency Solutions Grant	14.231		<u>235,152</u>
Total Other Programs			<u>913,095</u>
Total HUD			<u>27,745,235</u>
U.S. Department of Treasury (Indirect Award):			
CARES Act - Public Housing Funds	21.019		-
CARES Act - HCV Funds	21.019		-
Total U.S. Department of Treasury			<u>-</u>
U.S. Department of Veterans Affairs (Direct Award):			
Homeless Provider Program	64.024	98008UT/0530UT	80,721
U.S. Department of Health and Human Services (Direct Award):			
Transitional Assistance to Needy Families	93.558		<u>425,124</u>
Total Federal Expenditures and Awards			<u>\$ 28,251,080</u>

See independent auditor's report

EXCERPTS STATE LAW

- 35A-8-402 Creation of housing authority authorized - Procedure - Registration as a limited purpose entity.
- (1) The governing body of each public body of the state, except the state itself, may create an
 - authority, corporate and politic, to be known as a "housing authority."
- ***(2) The governing body of a city or county shall give consideration to the need for an authority:***
 - ***(a) on its own motion; or***
 - ***(b) upon the filing of a petition signed by 25 electors of the city or county asserting that there is a need for an authority to function in the city or county and requesting that its governing body make a declaration to that effect.***
- ***(3) The governing body shall adopt a resolution declaring there is need for an authority and creating an authority in the city or county if it finds:***
 - (a) that unsanitary or unsafe inhabited dwelling accommodations exist in the city or county; or
 - (b) that there is a ***shortage*** of safe and sanitary dwelling accommodations in the city or county available to persons of medium and low income at rentals or prices they can afford.

EXCERPTS STAE LAW (cont.)

- (a) Each housing authority shall register and maintain the housing authority's registration as a *limited purpose entity*, in accordance with Section 67-1 a-15.
- 35A-8-404 Commissioners -- Appointment - Terms - Quorum ~ Meetings - Employment of other officers and employees authorized.
- (1) If a housing authority is authorized to transact business and exercise powers under this part,
 - *not less than five nor more than seven people shall be appointed as commissioners of the authority:*
 - *(a) in the case of a city, by the mayor, with the advice and consent of the city's governing body;*
 - *(b) in the case of a county, by the county's governing body.*

EXCERPTS STATE LAW (cont.)

- (7) The powers of each authority are vested in the commissioners.
- (a) A majority of the commissioners of an authority constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes notwithstanding the existence of any vacancies,
- (b) The authority may take action upon a vote of a majority of the commissioners present, unless the bylaws of the authority require a larger number.
- (9) Meetings of the commissioners of an authority may be held:
 - (a) anywhere within the area of operation of the authority; or
 - (b) within any area not described in Subsection (9)(a) in which the authority is authorized to undertake a project.
- (10) The commissioners of an authority shall elect a chair and vice chair from the commissioners.
- (11) An authority may employ an executive director, legal and technical experts, and other officers, agents, and employees, permanent and temporary, and shall determine their qualifications, duties, and compensation.

EXCERPTS STATE LAW (cont.)

- 35A-8-407 Powers of housing authority.
- (1) An authority has perpetual succession and all the powers necessary to carry out the purposes of this part.
- (2) An authority may:
 - (a) *sue and be sued*;
 - (b) have a seal and alter it;
 - (c) make and execute contracts and other instruments necessary to the exercise of its powers;
 - (d) make, amend, and repeal bylaws and rules;
 - (e) within its area of operation, prepare, carry out, and operate projects and provide for the acquisition, construction, reconstruction, rehabilitation, improvement, extension, alteration or repair of any project;
 - (iii) comply with any conditions attached to the financial aid of the project;
 - (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings, structures, or facilities embraced in a project;

EXCERPTS STATE LAW (cont.)

- 35A-8-411 Authorities may join or cooperate.
- (1) Two or more authorities may cooperate with one another or jointly exercise any or all of their powers for the purpose of financing, issuing bonds and other obligations and giving security for them, planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects located within the area of operation of any one or more of the authorities.
- (2) For this purpose, an authority may by resolution authorize a housing authority joining or cooperating with the authority to act on the authority's behalf.

EXCERPTS STATE LAW (cont.)

- 35A-8-413 Victims of major disaster.

(a) Notwithstanding the provisions of this or any other law relating to rentals, preferences, or eligibility for admission or occupancy of dwellings in housing projects during the period an authority determines that there is an acute need for housing to assure the availability of dwellings for victims of a major disaster, the authority may undertake the development and administration of housing projects for the federal government,

- (b) Dwellings in any housing project under the jurisdiction of the authority may be made available to victims of a major disaster.

- (2) ***An authority may contract with the federal government or a public body for advance payment or reimbursement*** for the furnishing of housing to victims of a major disaster, including the furnishing of housing free of charge to needy disaster victims during any period covered by a determination of acute need by the authority.

EXCERPTS STAE LAW (cont.)

- 35A-8-414 Property and funds of authority declared public property - Exemption from taxes
- (1) The property and funds of an authority are declared to be public property used for essential public, governmental, and charitable purposes.
- (2)
 - (a) Subject to Subsections (2)(b) and (c), the property and authority are exempt from all taxes and special assessments of a public body,
 - (b) This tax exemption does not apply to any portion of a project used for a profit-making enterprise,
 - (c) In taxing these portions appropriate allowance shall be made for any expenditure by an authority for utilities or other public services it provides to serve the property.
- ***(3) In lieu of taxes on its exempt property an authority may agree to make payments to a public body*** if the authority finds that making the payments is consistent with the maintenance of the low-rent character of housing projects and the achievement of the purposes of this part.

INSERT OF DEFINITIONS :)

- AMI: Area Median Income (Over \$99,800 in SC 2022 – 4 Person)
- Affordable (Several but 80% AMI and below is common HA standard)
- Cost Burdened (More than 30% for rent) (“Extremely” = 50%)
- Section 8/Housing Choice Vouchers (Subsidy for tenant based on income – pays gap above the 30-40% of income usually to private owners!)
- Voucher: Can make \$58,640 (1 Person) \$79,840 (4 persons)
- Poverty
 - National: \$12,140 single/\$25,100 4 persons. “Survival” SC = \$28,148/\$82,652

REASONS TO CONSIDER

- Leading and developing quality public/private partnerships
- Support businesses by providing stable, functioning employee households
- Reducing poverty for families and seniors as rent burdens ease (79% non-senior/non-elderly voucher holders work now or recently...)
- Stimulating additional units/homes through other developers
- Allowing expedited public funding to the HA for faster creation of new housing
- Improved quality of life for all citizens
- Attracting funds/resources on behalf of region
- Tangible arm of housing policy direction



REASONS TO CONSIDER (cont.)

Major, tangible impact as leaders !

(Shane Phillips Principles)

“Three S’s”

- Supply
 - Scarcity = Higher Costs
- Stability
 - Well-being, investment, impacts on education/crime/health, business workforce
- Subsidy
 - Temporarily or permanently struggling

REASONS TO CONSIDER (cont.)



DEVELOPMENT

- Adds to resources, especially federal
- Adds stimulus to partners
- Supports worker availability
- Preserves existing when possible
- Springboard to control and production

QUALITY OF LIFE

- Beyond basic sustenance for seniors, workers, young families
- Stronger base for employment, education, stability...
- Lifeline to Social Security
- Beginning of American Dream of ownership

HA EXAMPLES OF SUCCESS

Pamela's Place: 100-unit
Permanent Supportive

Capitol Homes: 94-units for
a mix of market rate,
workforce, low-income...

9th East Lofts: 92-units
family mixed income





HA EXAMPLES OF SUCCESS

9th East Lofts Interiors





EXAMPLES OF SUCCESS

94 Units Mixed Income

Capitol Homes



HA EXAMPLES OF SUCCESS

Pamela's Place 100 Units PSH



Community Space



HA EXAMPLES: Book Cliffs Lodge – 54 Units Mixed Income





FRAMEWORK of POSSIBLE NEXT STEPS?

Are the two Councils interested in progressing forward with further analysis on a regional housing authority (RHA)?

If yes, staff recommends:

- Task Force be formed made up of:
 - 1 representative from each Council
 - 1 staff representative from each jurisdiction
 - 3 local industry experts: Mountainlands, Habitat, Salt Lake County Housing Authority
- 

TASK FORCE/COMMITTEE PHASES?

Phase 1 – Analysis and Recommendation

- Analysis of the value of forming a RHA, the viable alternatives to forming a RHA, and a robust pros and cons list for both.
- Develop a recommendation to the Joint Councils.
- Present results of the analysis to the Joint Councils for additional direction.

Phase 2A – IF DIRECTED TO PURSUE RHA

- Develop a detailed work plan on what the RHA would look like
- Staffing needs
- Funding
- Budget
- Programs
- Members
- Board Make-up
- Timeline

Phase 2B – IF DIRECTED TO NOT PURSUE RHA

- Receive direction on next steps to one of the alternatives identified by the task force.

PROCESS

- 1) Task Force/Committee – See Suggested Framework Next Slide
- 2) Legal Advice (D.C. and Utah sources known)
- 3) Placement and Type of HA?
- 4) Strategy and Purpose: Initial funding, program emphasis, geography, etc.
- 5) HUD Interface
- 6) Community and Regional Outreach and Input
- 7) Steps Shown for State Law Formation
- 8) Initial Launches



THANKS, and REFERENCES

- Shane Phillips: The Affordable City
- Mary MaCarty: Report to Congress - Housing Authorities
- Steve Laurent: First Cousin and Local Expert

QUESTIONS?

