MEMPHIS HOUSING AUTHORITY  
700 ADAMS AVENUE  
MEMPHIS, TN 38105

March 28, 2019

MEETING OF THE BOARD OF COMMISSIONERS  
MINUTES OF MEETING

I. The meeting of the Memphis Housing Authority Board of Commissioners was held March 28, 2019 at 9:00 a.m. in the Board Room. The meeting was called to order by Commissioner Jenkins at 9:02 a.m.

II. Attendees:

Commissioners:
- Michael Boyd
- Dr. Laura Harris
- Lisa Wheeler-Jenkins
- Ms. Mary W. Sharp

MHA Staff:
- Marcia E. Lewis, Chief Executive Officer
- Dexter Washington, Chief Operating Officer
- Vickie Aldridge  
- Tomecia Brown
- Mike Swindle
- Barbara L. Deans
- Cheiktha Dowers
- Carolyn Greene
- Ellen Eubanks
- Forestine Carroll
- Amy Jones
- Luretha Phillips
- Leon Shead
- Latonia Young
- David Walker
- Keisha Walker

Residents: None

Media Presentation: None

Visitors/ Special Guest(s): James Chatman and Roberta Graham; Quadel

III. AGENDA
The agenda was unanimously approved.

IV. APPROVAL OF THE PAST MEETING MINUTES (February 28, 209)
V. ELECTION OF OFFICERS: CEO Lewis called for a motion to elect a Chairperson. A motion was made by Commissioner Harris and seconded. CEO Lewis called for nominations. Commissioner Harris nominated Lisa Jenkins. There being no discussion, CEO Lewis called for the vote. The nomination passed and Commissioner Jenkins was elected Chairperson for one year.

CEO Lewis called for a motion to elect a Vice Chairperson. A motion was made by Commissioner Harris and seconded. CEO Lewis called for nominations. Commissioner Harris nominated Mary Sharp. There being no discussion, CEO Lewis called for the vote. The nomination passed and Commissioner Sharp was elected Vice Chairperson for one year.

VI. SPECIAL PRESENTATION(S): Clifton Larson, Allen LLP

VII. RESOLUTION AND BOARD ACTION
RESOLUTION APPROVING THE ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

WHEREAS, the Memphis Housing Authority is governed by the rules and regulations of the U.S. Department of Housing and Urban Development; and

WHEREAS, the Memphis Housing Authority operates a Housing Choice Voucher Program under the auspices of the U.S. Department of Housing and Urban Development; and

WHEREAS, the Housing Choice Voucher Program is governed by the policies and procedures set forth in the Housing Choice Voucher Administrative Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Memphis Housing Authority endorses and approves the attached Housing Choice Voucher Administrative Plan.

BE IT FURTHER RESOLVED that the attached Administrative Plan shall become effective for the fiscal year beginning July 1, 2019.
Ms. Commissioner Jenkins called for a motion to approve Resolution 4560. A motion was made by Commissioner Harris and seconded. Commissioner Jenkins called for discussion.

Commissioner Harris asked what specifically was added/new in the plan. Ms. Deans responded that we needed to clarify the criteria for the disapproval of an owner/agent, that in the past the language did not give clear direction as to how an owner/agent could be disqualified. Also the updated guidelines for HAP contract termination were in line with the changes in the program.

There being no further discussion, Commissioner Jenkins called for the vote. The motion passed; Resolution 4560 was approved.
Ms. Deans sought board approval for
RESOLUTION NO. 4561

APPROVING THE MEMPHIS HOUSING AUTHORITY PUBLIC HOUSING LEASE AGREEMENT

WHEREAS, the Memphis Housing Authority is governed by the rules and regulations of the Department of Housing and Urban Development; and

WHEREAS, the Memphis Housing Authority operates a Public Housing Program under the auspices of the Department of Housing and Urban Development; and

WHEREAS, the Memphis Housing Authority is required to have a lease agreement in compliance with the Federal Regulations 24 CFR 966.4; and

WHEREAS, the lease was attached to the Annual Plan for comments and the residents have been given 45 days to provide written comments and public meetings were held at different developments and at the central office to allow tenants to comment and all comments were duly considered.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the attached lease agreement which is incorporated herein.

BE IT FURTHER RESOLVED that the attached Lease Agreement shall go into effect immediately.
Changes to the lease are as follows:

1. Article IV. Security Deposit

MHA must collect a security deposit from the applicant at the time of the initial lease execution. The security deposit will be the greater of:

   A) One month’s total tenant payment, or
   B) $100

In the past we allowed $10 installments for 10 months.

2. XIII. Collection Agency – added that language

If your account is placed with a Collection Agency, a collection-fee of up to 33.3% may be added to your account and shall become a part of the Total Amount Due. You will be responsible for all reasonable collection fees including collection fees, reasonable attorney fees and court cost.

You agree, that for us to service your account or to collect any amounts you may owe, we and our collection agencies may contact you by telephone at any telephone number associated with your account, including wireless telephone numbers, which could result in charges to you. We and our collection agencies may also contact you by sending text messages or emails, using any email address you provide to use. Methods of contact may include using pre-recorded/artificial voice messages and/or use of an automatic dialing device, as applicable.

3. Article XXIII – Miscellaneous Provisions - added the following language

6. MHA’s execution of any repayment agreement, annual re-examination, certification or required lease renewal is executed with reservation of MHA’s right to proceed with termination of your lease and is not a waiver of MHA’s Termination of your lease and the right to proceed with this legal action.

7. MHA’s acceptance of any payments of rent and other charges is an acceptance with reservations of MHA’s rights to proceed with the termination of your lease and is not a waiver of MHA’s termination of your lease and the right to proceed with its legal action.
Added an insurance addendum

INSURANCE SUBROGATION AGREEMENT

Resident expressly agrees and understands that Resident is not an intended beneficiary and is not a co-insured under Memphis Housing Authority’s property casualty insurance policy, fire insurance policy, or any other insurance policy insuring Memphis Housing Authority. Resident further expressly agrees and understands that Memphis Housing Authority or its insurance carrier is not precluded from asserting subrogation rights against the Resident for any losses or damages caused by the Resident’s negligence, recklessness or wrongful acts or omissions. By signing this agreement, Resident acknowledges that he or she may be liable to Memphis Housing Authority or its insurance carrier, via subrogation, for any damages resulting from the Resident’s negligence, recklessness, or otherwise wrongful act or omission.

Any and all insurance policies and insurance agreements under which Memphis Housing Authority is a beneficiary or an insured are for the sole and exclusive benefit of Memphis Housing Authority. Resident is not an intended beneficiary of, or a co-insured under, any of Memphis Housing Authority’s insurance policies, and nothing in this agreement shall be construed to imply otherwise. Nothing in this agreement shall be construed as precluding Memphis Housing Authority or its insurance carrier from asserting its subrogation rights and pursuing a recovery from the Resident and any liability insurance carrier providing coverage to the Resident.
Ms. Commissioner Jenkins called for a motion to approve Resolution 4561. A motion was made by Commissioner Sharp and seconded. Commissioner Jenkins called for discussion.

Commissioner Harris asked why was the fee so high. Ms. Dean responded that there is a standard fee and that our current contract is 20% but is can go up as high as the 33%. Commissioner Jenkins asked do we report the collections to credit agencies; response is yes we do.

There being no further discussion, Commissioner Jenkins called for the vote. The motion passed; Resolution 4551 was approved.
Mr. Swindle sought board approval for
RESOLUTION NO. 4562

APPROVING THE MEMPHIS HOUSING AUTHORITY ADMISSIONS AND CONTINUED OCCUPANCY POLICY

WHEREAS, the Memphis Housing Authority is governed by the rules and regulations of the Department of Housing and Urban Development; and

WHEREAS, the Memphis Housing Authority operates a Public Housing Program under the auspices of the Department of Housing and Urban Development; and

WHEREAS, the Memphis Housing Authority is governed via the policies and procedures set forth in its Admissions and Continued Occupancy Policy (ACOP); and

WHEREAS, the ACOP was attached to the Annual Plan for comments and the residents have been given 45 days to provide written comments and public meetings were held at different developments and at the central office to allow tenants to comment and all comments were duly considered; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Memphis Housing Authority endorses and approves the Statement of Policies Governing Admissions and Continued Occupancy of HUD-Aided Low-Income Housing Developments in the ACOP and hereby approves the attached ACOP which is incorporated herein.

BE IT FURTHER RESOLVED that the attached ACOP shall go into effect July 1, 2019.
Ms. Commissioner Jenkins called for a motion to approve Resolution 4562. A motion was made by Commissioner Sharp and seconded. Commissioner Jenkins called for discussion.

Commissioner Cowan asked why was the last policy added? Response in the last audit in looking at our financial governance we made the necessary adjustments, and that the rest of the changes were made because they were required.

There being no further discussion, Commissioner Jenkins called for the vote. The motion passed; Resolution 4552 was approved.
Mr. Swindle sought board approval for
RESOLUTION NO. 4563
RESOLUTION APPROVING MEMPHIS HOUSING AUTHORITY ANNUAL AND
FIVE-YEAR PLAN

WHEREAS, the Board of Commissioners has reviewed the Annual Plan and Five-Year Plan for
submission to the Department of Housing Development (HUD); and

WHEREAS, the Board of Commissioners makes the following certifications and agreements with
HUD about the submission of the Annual Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or
any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is
consistent with the applicable Consolidated Plan, which includes a certification that
requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the
PHA's jurisdiction and a description of the way the PHA Plan is consistent with the
applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital
Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual
Statement(s), since submission of its last approved Annual Plan. The Capital Fund
Program Annual Statement/Annual Statement/Performance and Evaluation Report must be
submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which
represents the residents assisted by the PHA, consulted with this Board or Boards in
developing the Plan, and considered the recommendations of the Board or Boards (24 CFR
903.13). The PHA has included in the Plan submission a copy of the recommendations
made by the Resident Advisory Board or Boards and a description of the way the Plan
addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing
available for public inspection at least 45 days before the hearing, published a notice that
a hearing would be held and conducted a hearing to discuss the Plan and invited public
comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil
Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973,
and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed
programs, identify any impediments to fair housing choice within those programs, address
those impediments in a reasonable fashion in view of the resources available and work with
local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further
fair housing that require the PHA's involvement and maintain records reflecting these
analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
   • The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PH Notice 2006-24);
   • The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   • Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   • The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
   • The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(l).

9. The PHA will comply with the prohibitions against discrimination based on age pursuant to the Age Discrimination Act of 1975.


11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).

14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.

15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.

16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.

17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.

18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).

19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
1. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.

2. The PHA provides assurance as part of this certification that:
   (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
   (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
   (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.

22. The PHA certifies that it follows all applicable Federal statutory and regulatory requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves, adopts and authorizes the submission of the Annual and Five-Year Plans and all attachments thereto for fiscal year beginning July 1, 2019 and that the Chairperson of the Board or Executive Director of the Memphis Housing Authority is hereby authorized and directed to execute and deliver to HUD any and all other documents, certificates, forms, instruments and agreements required for the submission of the Annual and Five-Year Plans.
Ms. Commissioner Jenkins called for a motion to approve Resolution 4563. A motion was made by Commissioner Boyd and seconded. Commissioner Jenkins called for discussion.

Commissioner Sharp asked for the definition of PHA; Public Housing Authority.

There being no further discussion, Commissioner Jenkins called for the vote. The motion passed; Resolution 4563 was approved.
VIII. SPECIAL PRESENTATION(S): None

IX. CHIEF EXECUTIVE OFFICER REPORT:
   • Written report.

X. DISCUSSION ITEMS: None

XI. ANNOUNCEMENT(S):
   • Next Board of Commissioners’ meeting is April 25, 2019 at 9:00 a.m.
   • Board Committee meetings are April 10, 2019.

XII. ADJOURNMENT:
   • Commissioner Jenkins adjourned the meeting at 10:41 a.m.

Lisa W. Jenkins, Board Chairperson

Marcia E. Lewis, Chief Executive Officer/Secretary