



OFFICE OF CORPORATION COUNSEL

## Milwaukee County

KIMBERLY R. WALKER  
Corporation Counsel

MARK A. GRADY  
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
JEANEEN J. DEHRING  
ROY L. WILLIAMS  
COLLEEN A. FOLEY  
LEE R. JONES  
MOLLY J. ZILLIG  
ALAN M. POLAN  
JENNIFER K. RHODES  
JACOB A. MANIAN  
Principal Assistant  
Corporation Counsel

### Interoffice Communication

DATE: June 14, 2012

TO: Patricia Jursik, Chairwoman,  
Committee on Economic & Community Development

FROM: Colleen Foley

SUBJECT: File 12-400 – From the Director, Department of Health & Human Services,  
requesting approval of the updated Administrative Plan for the Housing Choice  
Voucher Program

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Issue: Does the Administrative Plan for the Housing Choice Voucher Program require that the County Board make policy decisions for its implementation?

Analysis:

HUD funds the Housing Choice Voucher Program and the Milwaukee County Housing Authority (MCHA) as the designated Public Housing Agency (PHA) administers the program on HUD's behalf. The Administrative Plan for the Housing Choice Voucher Program (the Plan) is essentially a HUD template to ensure compliance with federal, state and local fair housing laws and consistency in program operation. The Plan sets forth the program's rules and regulations and policy/operational decisions consistent with HUD directives. The Plan consists of 17 chapters, the first of which provides a program overview and contains this statement: "HUD expects PHAs to develop policies and procedures consistent with mandatory policies and to make clear the optional policies the PHA has adopted." See Plan at p. 1-15. The Plan contains many policy decisions, and as required, those are clearly set forth under the heading "MCHA Policy". Chapter 2 of the Plan describes federal, state, and local fair housing laws and that the PHA must comply with each. The remaining 15 chapters delineate legal requirements under Title 24 of the Code of Federal Regulations on various housing issues.

Officials of a PHA are known as a board of commissioners, and for Milwaukee County, that body is the County Board. The commissioners establish policies under which the PHA conducts business, ensuring that those policies are followed by PHA staff and that the PHA is successful in its mission. See Plan at p. 1-2. Formal actions of the PHA are taken through written resolutions adopted by the Board. The principal staff member of the PHA is the executive director. For Milwaukee County, that person is James Mathy, DHHS Housing Division



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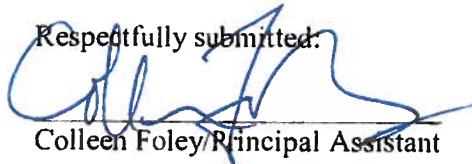
Administrator. Dena Hunt, Housing Choice Voucher Program Coordinator and a lawyer, is well versed in the program and handles daily procedure and operational decisions. In late 2011, MCHA ordered Nan McKay & Associates' "model plan" to update the Plan. Nan McKay is a national consulting firm with over 30 years of expertise in advising PHAs on public housing issues. In February of 2012, the MCHA entered into a one-time contract with Nan McKay to review and revise the Plan. Nan McKay's philosophy in reviewing Plans is adherence to HUD recommendations to provide clients with a "safe harbor". See Plan at p. 1-15. Dena Hunt of the MCHA worked closely with Nan McKay over a full week to ensure inclusion of administrative and policy/operational decisions particular to Milwaukee County's program. Attached to this memorandum is Ms. Hunt's explanation of how local practice dictated policy decisions.

Per HUD, the Plan *must* cover certain policies on issues ranging from applicant selection to denial of assistance and quality standard inspections. (See Plan at p. 1-13 involving chapters 2-5, 8, 10-13, and 15-16.) In its Plan, the MCHA adheres to and expands upon HUD policy to dovetail to MCHA's practices and mission. Given the Plan's sheer volume and the multitude of policy decisions involved, it is recommended that the committee direct any questions to those aforementioned chapters. Attached are highlighted chapter sections that may be of particular interest to the committee and assist in a question and answer session with MCHA staff.

Conclusion:

Under the circumstances, the County Board's ultimate role is to adopt a written resolution recommending the Plan if it is assured the Plan is representative of Milwaukee County public housing policy goals and that the MCHA staff are appropriately following procedure and accomplishing the program's mission.<sup>1</sup> Questioning MCHA staff about how daily operations impacted Plan content generally and Plan policy in particular can achieve that outcome. The Plan's volume and numerous policy decisions otherwise require that the Board set aside a substantial period of time to immerse itself in the complexities of the public housing program and question those same staff members on each or select policy decisions in the Plan.

Respectfully submitted:



Colleen Foley/Principal Assistant

<sup>1</sup> "The MCHA's mission is to provide safe, decent and sanitary housing conditions for very low-income families and to manage resources efficiently. The MCHA is to promote personal, economic and social upward mobility to provide families the opportunity to make the transition from subsidized to non-subsidized housing." See Plan at p. 1-2.



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### **Plan Chapter 3: Family Composition/Denial of Assistance**

3-1.B: MCHA expands upon HUD's definition and reflects local practice by including 2 or more individuals who are not related by blood, marriage, adoption, or other operation of law but can demonstrate that they have lived together previously, etc. Likewise, in 3-1.E, MCHA expands upon HUD definition of spouse as marriage partner to include "the partner in a 'common law' marriage as defined in state law.

3-1.C: MCHA incorporates a common sense approach to describing "family breakup" and determining eligibility dependent upon when and why that breakup occurs (i.e., wait list versus assistance recipient; breakups due to domestic violence or criminal activity).

3-1.M: MCHA addresses "live-in aides" in a manner consistent with MCHA's mission to ferret out fraud by excluding aides who engage in fraud, bribery, drug related or violent criminal activity. Additionally, 3-111.C sets forth MCHA policy on the time period for criminal activity (within the past 5 years), triggering events (drugs, violence) and impact on the community (health or safety of persons/property). Similarly, 3-111.E addresses MCHA policy for denial of assistance that includes the seriousness of the offense, the impact on other family members not involved, the family's recent history, etc.

### **Plan Chapter 4: Applications, Wait List & Tenant Selection**

4-1.A: MCHA application process for housing assistance is dependent upon time on wait list. Section 4-1.D addresses eligibility for placement on the wait list and 4-11.A, management of the wait list.

4-111.C: MCHA details its policy for selecting applicant families from the wait list. Local preferences must be consistent with the PHA plan and be based upon local housing needs and priorities that can be documented by generally accepted data sources.

### **Plan Chapter 5: Briefings and Voucher Issuance**

5-1.B: MCHA describes its policy for notification and attendance at briefings as well as penalties for non-attendance. This section also describes MCHA materials in the briefing packet (see p. 5-5) and MCHA policy for determination of family unit (voucher) size at 5-11.B.



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**Plan Chapter 8: Housing Quality Standards and Rent Reasonableness Determinations**

8-I.B: MCHA policy elaborates on HUD standards regarding the condition of the unit (i.e., walls, windows, doors, etc.). Under 8-1.C. MCHA defines "life-threatening conditions" requiring correction within 24 hours of notice to the PHA.

8-III.D: MCHA describes its policy for rent determinations.

**Plan Chapter 12: Termination of Assistance and Tenancy**

12-I.D: MCHA policy addresses what circumstances constitute serious or repeated violations of the lease when eviction occurs, but before a legal eviction order is issued. MCHA provides a broad description of serious and repeated violations of the lease, including, nonpayment of rent, disturbance of neighbors, property destruction, criminal activity, etc.

12-I.E: MCHA describes and expands upon mandatory HUD policies for assistance termination, including current use of illegal drugs, alcohol abuse, and a general failure to comply with the program. See also 12-II.C, D, and E for relevant factors in termination decision.

**Plan Chapter 13: Owners**

13-I.A: MCHA policy describes owner recruitment and retention to ensure sufficient number of owners representing all types and ranges of affordable housing with the PHA jurisdiction. Outreach includes: print, phone, in-person, and informational meeting communications about program.

13-I.D: MCHA policy details owner qualifications and addresses conflicts of interest (i.e., present or former member or employee of PHA, any public official of a governing body who exercises control over program, etc.).

13-II.F: MCHA policy addresses protection of tenants where owner property is foreclosed.

**Plan Chapter 16: Program Administration**

16-III.A: MCHA describes procedure for requesting informal reviews and hearings, including issues involved, manner of request, scheduling, and format.