

**Department of Planning and Development
McHenry County Government Center - Administration Building**

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DIVISION STAFF REPORT

To: John Boyd, Chairman
Members, McHenry County Housing Commission

From: Community Development Division Staff

Date: July 15, 2011

I. Division Activity Summary:

During the month of July, the Division will award CDBG contracts for the Program Year 2011 grant. Staff will begin monitoring of the HOME program for all County recipients beginning in August.

HUD will be onsite to monitor the County's CDBG and NSP programs during the week of July 18th for compliance and progress. Additionally, HUD will work with Division staff to review the final proposal for closing outstanding HOME findings with one subrecipient.

II. Division Financial Report:

There is no current expenditure activity for the HOME Program. Please note the following:

HOME 2009: Habitat for Humanity – Construction activity has commenced on the Habitat for Humanity projects

HOME 2010: Habitat for Humanity – CHDO Reserve funds have been allocated by the McHenry County Board. Contracting in July 2011 pending HUD release of funds.

HOME 2010: McHenry County Housing Authority – Allocation was approved by County Board; staff is working with HUD technical assistance and Housing Authority to make changes to current Owner Occupied Rehabilitation Program components prior to contract obligation-anticipate contracting in July 2011

III. Applications:

There are no applications

IV. Special Projects:

None

IV. A. Request for Proposal for Analysis of Impediments-Agenda Item 8.1:

Action Requested:

Review the Draft Request for Proposal (RFP) for completion of an Analysis of Impediments (AI); approve the RFP for posting by Division staff.

Background:

The County currently is operating under an AI from 1997 that does not meet the needs of HUD programming. Previously the Division and Commission submitted to the HUD Office of Fair Housing an interim plan to address issues as presented in the previous AI, and a work plan towards the development of a new AI. The Legislative Committee worked with staff to draft an RFP.

Discussion:

Please review the RFP Draft document as attached to the July 19, 2011 general meeting agenda for the Commission. Staff developed the RFP to meet state and local RFP requirements and specific AI requirements as identified by HUD. The Legislative Committee will hold a special meeting to review submittals prior to the final recommendation to the Housing Commission for award.

IV. B. Fair Housing-Affirmative Marketing Plan-Agenda Item 8.2:

Action Requested:

Review the State's Attorney Office's response to the request for review of the Fair Housing Affirmative Marketing Plan documents as previously generated by the Commission.

Approve the documents for use with the County's HUD Programs.

Background:

The Commission previously developed and approved a series of documents as related to the fair housing affirmative marketing plan to be used in conjunction with the County's HUD programming and for compliance with grant requirements. These documents were forwarded to the State's Attorney Office (SAO) for review and comment.

Discussion:

The SAO issued a memorandum to the Division that contained no consideration of finding any fault with the documents, and suggested that the Commission review the documents and make any additional changes to definitions as desired prior to final release. Staff met with the SAO after receipt of their review for further clarification regarding the documents and the SAO did not have any additional recommendations.

The Division is requesting final approval of the documents so that they can be used at the time of release of the 2011 CDBG grant contracts, and in preparation for the upcoming HOME 2011 application round. It is the recommendation of Division staff to approve the documents; staff does not have additional revisions.

Action Required:

Make a motion of approval for each set of documents that may or may not include any revisions as per discussion.

IV. C. McHenry County Housing Authority Vouchers-Agenda Item 8.3:

Action Requested:

Discuss the potential of working with the McHenry County Housing Authority to produce a Request for Proposal (RFP) or some other document or process to aid in the usage of project based vouchers for affordable housing available through the Housing Authority

Background:

The McHenry County Housing Authority has project-based vouchers available to assist in the development of affordable housing units (new construction or acquisition-rehabilitation). The Housing Authority is interested in developing a more formalized process such as an RFP whereby interested developer-entities could apply for the vouchers. Commissioner Biel Claussen will lead a discussion during the general meeting.

V. Commissioner Information Series-Agenda Item 5:

July – Fair Housing

Staff will provide an overview of fair housing law as it applies to the County and County grant programs.

VI. Attachments/Appendices:

1. State's Attorney Office Review of Fair Housing-Affirmative Marketing documents-Response
2. RFP for AI – Please see separate document as linked to Agenda



LOUIS A. BIANCHI
State's Attorney

MEMORANDUM

TO: Karen Calendo, Community Development Specialist
FROM: Jamie M. Rein, Assistant State's Attorney *JMR*
DATE: June 13, 2011
RE: McHenry County Housing Commission Documents

I have reviewed the documents provided to our office for review under your memorandum dated April 5, 2011. Our review is sought for the purpose of bringing McHenry County into compliance with HUD regulations regarding Affirmative Fair Housing. The documents appear to be free from any material defects and appear to be legally sound however, due to the fact that I am not well versed in HUD regulations with regard to the Affirmative Fair Housing, I am not able to give you a better legal review of whether the substance of the documents is adequate for compliance with HUD.

Specifically, it is my understanding that the Commission has two questions regarding the McHenry County Affirmative Fair Housing Marketing Plan Policies. The questions and my responses follow:

- (1) Whether naming a statute by number causes the County to waive its rights if stated in that manner?

It is not clear in the documents provided which sections you are referring to with this question. Typically, naming a statute by number would not waive rights with regard to the law being cited.

- (2) Does the Policy "definitions" section have adequate content or should the list be expanded?

The Commission is likely in a better position to answer this question. However, in my opinion, the definitions appear to be thorough and legally descriptive. If the Commission feels that there are certain terms in the Policy that may need further description, they should be added at their discretion.

Should you have any further questions, or would like our office to review something further, please do not hesitate to contact me at extension 4075.

JMR

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