

Appendix E: 2015-2020 Consolidated Plan Draft Public Comments and Agency Responses

The drafts of the 2015-2020 Consolidated Plan, 2015 Annual Action Plan, and the 2015-2020 Analysis of Impediments to Fair Housing were made available on July 13, 2015 for a 30 day public comment period ending August 12, 2015. Once the public comment period ended a record of the public hearing transcript was made available at the website below. These comments were considered and responses provided in Appendix E of this document.

After the release of the draft Consolidated Plan documents specifically the *2015-2020 Montana Consolidated Plan for Housing and Community Development*, *2015 Annual Action Plan*, and *the 2015-2020 Analysis of Impediments to Fair Housing* Commerce received public comments beginning July 13, 2015 for a 30 day public comment period ending August 12, 2015. All comments received were recorded in this appendix and responses provided before final submission to HUD. This appendix is available at the website below.

<http://housingcdd.mt.gov/CP/cpdocuments.mcp>

Summary of Comments Received on the 2015-2020 Consolidated Plan

American Cancer Society

Kristin Page Nei, MT Government Relations Director

American Lung Association (ALA –MT)

Ronni Flannery, Montana Healthy Air Director

Comment:

ALA –MT encourages Commerce to consider adopting a smoke-free requirement as a threshold for all new housing developments receiving grant funds, and provides information about the health risks associated with exposure to secondhand smoke.

Montana Department of Public Health and Human Services (MT-DPHHS)

Jessie Fernandes, MPH, CPH, Montana Asthma Control Program

Crystelle Fogel, MBA, MS, RD, Montana Cardiovascular Program

Sarah Brokaw, Montana Diabetes Program

Mandi Zanto, Montana Nutrition and Physical Activity Program

Heather Beck, Montana Arthritis Program

Comment

MT-DPHHS encourages Commerce to consider adopting a smoke-free requirement as a threshold for all new housing developments receiving grant funds, and provides information about the health and financial benefits of smoke-free housing and the health risks associated with exposure to secondhand smoke.

M+R Strategic Services

John Firehammer, Independent Consultant

Comment:

Mr. Firehammer encourages Commerce to consider the harmful health impact and financial risks of allowing smoking in the units and indoor common areas of projects – restricting smoking behavior in a way that is similar to the Montana Board of Housing’s Qualified Allocation Plan.

Agency Response:

Response to 1-3, above: Thank you for the comments. Restrictions regarding smoke-free housing are important to Commerce. Commerce will consider incorporation of these recommendations during the HOME and CDBG application and guidelines update.

North Central Independent Living Services (NCILS)

Shyla Patera, Specialist

Comment:

NCILS encourages Commerce to include policies that

- promote visitability, accessibility, and Universal Design throughout all programs funded with HUD funds;
- allow programs and financing to encourage Montanans with disabilities to become and remain homeowners;
- allow program which allow for affordable and accessible housing repairs to be made.

Agency Response:

Thank you for the comment. These policies are important to Commerce. Commerce will consider incorporation of these recommendations during the HOME and CDBG application and guidelines update.

NeighborWorks Montana & NeighborWorks Great Falls

Sheila Rice, Executive Director

Comment:

1. The plan must be actionable, that is, staff must have the authority to implement sections of the plan in a timely manner.

Agency Response:

Thank you for the comment. The 2015-2020 Consolidated Plan and 2015-2016 Annual Action Plan has established an updated Method of Distribution to create a “one-stop” approach for program processes and procedures. This will result in programmatic efficiencies and effective and consistent policies and procedures within and between these programs.

Comment:

2. The plan must have flexibility to extend contracts if the department cannot act in a timely manner to renew contracts, so the services to those in need of housing are served.

Agency Response:

Thank you for the comment. The 2015-2020 Consolidated Plan and 2015-2016 Annual Action Plan itself can establish no legal authority to extend contracts on behalf of Commerce or Public Health and Human Services. As stated in the agency response to comment #1, above, Commerce will create programmatic efficiencies concerning this comment.

Comment:

3. The non-competitive programs in HOME and CDBG should be continued in order to maximize the delivery of services throughout the large state of Montana and to impact more areas in a timelier manner.

Agency Response:

Thank you for the comment. As discussed in the 2015-2020 Consolidated Plan and 2015-2016 Annual Action Plan, Commerce intends on continuing with these programs.

Anders Lewendal Construction, Inc.
Anders Lewendal, Owner

Comment:

[Mr. Lewendal] requests discussion about the costs of land, materials, building codes, planning rules and regulations, impact fees, financing barriers, and other issues to bringing project to market.

Agency Response:

Thank you for the comment. Although the comment did not provide specific information, a discussion about the costs of land, materials, labor, building codes, city planning rules and regulations, impact fees, and financing barriers has been added to the Analysis of Impediments to Fair Housing Choice and the Consolidated Plan.

Montana Continuum of Care Coalition
Bob Buzzas, Executive Director

Comment:

1. [Mr. Buzzas] expresses appreciation for close working relationships with State Agencies and the efforts to solicit public input. [Mr. Buzzas] urges the State to continue to emphasize meeting homeless needs in the state.

Agency Response:

Thank you for the comment. The 2015-2020 Consolidated Plan discusses homeless needs and strategies to meeting those needs in detail. The State will continue to work to emphasize these needs as established in the plan.

Comment:

2. [Mr. Buzzas] urges the department to work with state-wide HRDCs to preserve affordable housing units that are susceptible to becoming market-rate units.

Agency Response:

Thank you for the comment. The 2015-2020 Consolidated Plan goals and objectives include partnering and promoting relationships that maintain and retain existing affordable housing through increased coordination and collaboration with all interested parties

HomeWord
Andrea Davis, Executive Director

Comment:

1. The length of time for review and decision impacts other funders decisions and the timing and success of an affordable housing project. We encourage a standard review process that is predictable.

Agency Response:

Thank you for the comment. The 2015-2020 Consolidated Plan and 2015-2016 Annual Action Plan has established an updated Method of Distribution to create a “one-stop” approach for program processes and procedures. This will result in programmatic efficiencies and effective and consistent policies and procedures within and between these programs.

Comment:

2. HomeWord urges the State to reconsider its interpretation of rules and regulations around “low-bid” procurement, allowing alternative such as construction manager at-risk, negotiated bids, etc.

Agency Response:

Thank you for the comment. Commerce has reviewed the applicable state and federal laws and regulations, and has determined that the procurement discussed in the comment will not be utilized at this time.

Summary of Comments Received on the 2015-2020 Analysis of Impediments

Montana Fair Housing (MFH) Pam Bean, Director

Comment:

1. MFH encourages Commerce to proof carefully.

Agency Response:

Thank you for the comment. The final version of the Analysis of Impediments has corrected grammatical and formatting issues.

Comment:

2. MFH participated in significant ways in the following fair housing cases: US vs. Tamarack, et. al.; MFH vs. Jim and Julie Betty; and MFH vs. Jaclyn Katz and ARESM.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to include the additional information about significant ways in which MFH has promoted compliance by participating in the legal process to bring awareness to the issue of discriminatory housing practices.

Comment:

3. MFH received a Fair Housing award of \$205,838 for each year: 2015, 2016, & 2017.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to include the additional information.

Comment:

4. MFH has a new physical and mailing address: 501 E. Front St, Ste. 504, Butte MT 59701.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to include the additional information.

Comment

5. MFH contends that the State fails to understand HUD's intent to correct systemic actions that perpetuate discrimination and that the State's policies and practices also perpetuate discrimination.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana establishes goals and objectives intended to correct barriers to fair housing choice. One of the State's goals is to increase coordination and collaboration with all interested parties. With this goal in mind, the State encourages communication that will provide greater detail as to specific State policies, goals, or objectives that are a concern in order for these to be discussed in the future.

Comment

6. MFH works with State departments, providing training to further Fair Housing, but contends that actions on the part of state agencies have conflicted with MFH events; the Board of Realty Regulation refuses to approve credits for the MFH annual conference; and State agencies will not reimburse travel costs for MFH presentations at State events.

Agency Response:

Thank you for the comment. The State of Montana considers MFH a strong partner in promoting Fair Housing and providing Fair Housing training and will consider these comments as opportunities arise and through the State's goal of increasing coordination and collaboration with all interested parties.

Comment:

7. The State, by encouraging the establishment of local fair Housing offices, may divert sources away from enforcement activities despite current threats to fair housing funds and in so doing, may create conflicts of interest and a limited ability to address systemic violations.

Agency Response:

Thank you for the comment. The State is unaware of any instances where it has encouraged the establishment of local fair housing offices. Additionally, the Analysis of Impediments to Fair Housing Choice in Montana Action 1.1 discussed working with fair housing organizations as part of the fair housing infrastructure. This Action item has been updated to clarify Action 1.1.

Comment

8. MFH contends that the State's method focuses almost solely on outreach and education, but should address and correct systemic violations to Affirmatively Further Fair Housing Policies and procedures should be evaluated.

Agency Response:

Thank you for the comment. The State's efforts to educate the public and housing stakeholders are an effort to prevent housing discrimination before it happens. Additionally, the Analysis of Impediments to Fair Housing Choice in Montana included an objective to establish qualitative and quantitative analysis. Without greater detail on the 'systemic violations', it is difficult to determine what policies and procedures are problematic. The State has also established goals and objectives intended to correct barriers to fair housing choice. One of the State's goals is to increase coordination and collaboration with all interested parties. With this goal in mind, the State encourages communication that will provide greater detail as to specific State policies, goals, or objectives that are a concern in order for these to be discussed in the future.

AWARE

Michael O'Neill, Program Officer

Comment:

1. A number of tables in the Analysis of Impediments online have data that is illegible.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to remedy this comment.

Comment

2. AWARE has reports of landlords putting the responsibility for disability accommodation on the tenant with the disabling condition. Is there a section in the AI on issue of reasonable accommodations and reasonable modifications for people with disabilities, particularly with therapeutic animals and support animals?

Agency Response:

Thank you for the comment. The failure by property owners and managers to provide reasonable accommodations is discussed throughout the Analysis of Impediments, and is identified as one of the primary impediments to Fair Housing choice. While a specific discussion on therapeutic animals or

support animals was not included as part of the Analysis of Impediments to Fair Housing Choice in Montana document, the State has established goals and objectives intended to correct barriers to fair housing choice through increased coordination and collaboration with all interested parties. With this goal in mind, the State encourages communication that will impact data and information as the goals and objectives are implemented in the future.

District XI Human Resource Council (Dist. XI HRC)
Jim Morton, Executive Director

Comment:

1. Did the State include any reference to disparate impact, such as the kinds of impact that some property managers have had on applicants using different pieces of information like credit scores, which then sometimes eliminates people of lower income status, persons with a disability, or minorities?

Agency Response:

Thank you for the comment. The potentially disparate impact to minorities and women from the use of a person's credit score as a measure of lending risk is discussed. The Analysis of Impediments to Fair Housing Choice in Montana included an objective to establish qualitative and quantitative analysis as well as increased coordination and collaboration with all interested parties. With these goals in mind, the State encourages communication that will impact the implementation of the goals and objectives established by the State.

Comment:

2. Dist. XI HRC requests the Department provide educational opportunities about disparate impact.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana included a goal to support and conduct fair Housing education and training opportunities. The State will consider these comments as opportunities arise and information specific to disparate impact becomes available.

North Central Independent Living Services (NCILS)
Shyla Patera, Specialist

Comment:

1. NCILS encourages Commerce to include policies that combat housing discrimination.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana included an objective to establish qualitative and quantitative analysis as well as increased coordination and collaboration with all interested parties. With these goals in mind, the State encourages communication that will impact the implementation of the goals and objectives established by the State.

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Anders Lewendal, Owner

Comment:

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Agency Response:

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and financing barriers has been added to the Analysis of Impediments to Fair Housing Choice and the Consolidated Plan.