

Attachment B: Draft 2018-2019 Annual Action Plan Public Comments and Agency Responses

The draft of the 2018-2019 Annual Action Plan was made available on July 15, 2018 for a 30-day public comment period ending August 14, 2018. The State of Montana held a public hearing on the Draft 2018-2019 Annual Action Plan on August 8, 2018 and recorded a transcript of all comments received at the hearing. All comments received in writing and at the hearing were considered, and the State of Montana's responses to each comment are provided below.

Comments Received and Responses Thereto

**North Central Independent Living Services, Inc.
Shyla Patera, IL Specialist**

Comment #1:

I, Shyla Patera, wish to submit the following comments on the Annual Action Plan for the 2017 -2018 year on behalf of North Central Independent Living Services, Inc. We, at NCILS, wish to commend the Board of Housing for much of its work regarding HOME funds, CDBG funds, HOPWA Funds, ESG Funds and more to assist Montanans with disabilities and others in housing crisis to find more stability in their individual housing situations. However, we feel that more needs to be done regarding physical accessibility, visit ability, and universal design both in our rental and homebuyer housing stock. The Montana Board of Housing should undertake an assessment of not only its physical housing stock, but also the programs, policies, and partnerships it is forming to ensure that all are accessible and being utilized by those with disabilities that may need the programs most. Montana shelters and transitional housing facilities should be ADA accessible to all including those with mobility, sensory, and chemical disabilities. We also support expanding funding for 811 programs and mainstream housing vouchers that all Montanans with disabilities can and should be able to access in collaboration with DPHHS. We also would support more use of tenant based rental assistance in Montana.

NCILS encourages the state to explore every opportunity that may homeowner and renters stay in our communities We would hope that tenant based rental assistance becomes available in more programs than HOPWA. NCILS hopes that Montana will work with our Congressional delegation to ensure that HOME funds and polies that encourage homebuyer financing and construction as well as rent equity and fairness remain in place.

We applaud the undertaking of efforts to address coordinated entry for homelessness. However, as federal funds may become extremely narrow in scope over the next years, NCILS encourages innovative practices and policies to ensure that low income Montanans have access to rental housing. We also would ask that the Board of Housing, Montana Housing as well as the State of Montana advocate for those who wish to reintegrate into Montana communities that are coming out of institutional settings i.e. the Montana Developmental Center, Warm Springs, correctional, and other nursing home settings have appropriate DPHHS and housing supports available in order to facilitate successful community transitions and meet Montana's Olmstead priorities. To meet this goal, we are advocating for both state wide and local housing navigators to be hired on Montana Housing and local housing authority staff when possible. NCILS also encourages a housing bridge fund be implemented in Montana. DPHHS and Montana Housing need to follow the housing transition needs of Montanans with disabilities. NCILS understands that Montanans operates with the Continuum of Care, but we feel that more needs to be done to ensure that MFP and transitions are successful.

Rapid rehousing efforts and funding allocations should also explore creative ways that low income citizens can repair HUD eligibility through flexible repayment options and or volunteer efforts. We also need more community legal training on landlord tenant rights and responsibilities.

For homeowners, we support the MBOH home loan program, housing counseling, and Montana's use of ADA small noncompetitive funding for health and safety improvement home modifications for residential homes that are not newly constructed. Montana needs to support policies which support construction of newly visit able and universally designed constructed homes, but NCILS consumers who live in residential homes are asking our agency about funding for home modifications. NCILS hopes that Montana Housing and the Department of would investigate low income home loans or grants for housing repair.

NCILS hopes that Montana Housing will encourage more communities to utilize all of its funding source including housing trust funds to promote community access.

NCILS also supports the effort to report on Montana's Analysis of Fair Housing Impediments. this effort will enhance Montana's ability to address successes and gaps in our housing stock markets and services not only in entitlement communities but rural areas of Montana as well.

On the use of CDBG funds, we need to make our community infrastructure as accessible as possible. Montana communities should adopt ADA transition plans where possible.

As a agency often which serves non-motorized citizens and public transportation riders, NCILS particularly asks that the Montana communities and CBDG applicants focus on ADA curb cuts and ramps, accessible alleyways, as well as making our sidewalks contiguous. The State of Montana needs partnerships between the State MDT and Commerce regarding accessible way finding and signage, sidewalk pavement preservation and more. As a homeowner, I often struggle with rounded curbs when exiting a car or vehicle. I believe that we as a community really need sidewalk pavement preservation and contiguous sidewalks.

Thank you for allowing NCILS to submit comments on the 2018-2019 Annual Action Plan.

Response to Comment #1:

The Montana Department of Commerce's Community Development Division administers the HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), and Housing Trust Fund (HTF) programs. The Department of Public Health and Human Services administers the Emergency Solutions Grant (ESG) and Housing Opportunities for Persons With AIDS (HOPWA) programs and establishes guidelines for how these programs can assist all eligible households with improved access. Comments made regarding programs and funds that are not covered under this Consolidated Annual Performance Evaluation Report will be shared with the Commerce's Housing Division and the Montana Board of Housing staff.

Commerce and DPHHS continue to support the inclusion of accessibility and visit-ability in proposed projects to the greatest extent possible, particularly when funds are used for newly constructed facilities or projects that involve ADA improvements. Commerce and DPHHS ensure ADA requirements are carried out, which includes documenting the completion of ADA self-assessment and transition plan when utilizing CDBG and HOME funds. Facilities including shelters funded through CDBG and HOME are required to be ADA accessible. ESG sub-grantees can choose to use a portion of their ESG allocation to help shelters meet ADA requirements if this is an identified need in their local assessment, however there is a statutory cap on how much can be spent on emergency shelters. Further, shelters are required to meet HUD reporting requirements. Additionally, case managers for both ESG and HOPWA help clients submit requests for reasonable accommodation to private landlords as well as advocate on behalf of their client's needs and help educate private landlords.

Commerce and DPHHS will continue collaborating to increase the public and private partnerships through the Consolidated Plan processes. This includes ensuring opportunities for improved program delivery that can address any potential funding or regulatory changes. While Commerce does not use HOME funds to support Tenant Based Rental Assistance, due to the level of complexity and program requirements; Commerce does support rental construction activities to provide affordable housing options across the state. Commerce and DPHHS continue this coordination through the collaborative work on the Analysis of Impediments to Fair Housing Choice and Coordinated Entry to the greatest extent possible; including working to support training that is offered to landlords across Montana.

**Patrick Malone, Deputy Director
Community Action Partnership of Northwest Montana**

Comment #2:

Thank and your staff's for their hard work in pulling together this draft Annual Action Plan for the State of Montana. Contained therein is much useful and informative information about housing needs and strategies. The preservation, rehabilitation and expansion of affordable rent and homeownership housing are of mutual interest to us all.

Recently we as an agency and greater community in Northwest Montana have been made aware of a previously unknown obstacle to the creation of additional affordable housing. That is the International Residential Code adopted by the Montana State Building Code Council within the Department of Labor and Industries. That code, as it's currently written, contains design standards that make it difficult to design and construct "tiny homes" affordably. One option is for the Council to adopt the new Appendix Q which specifically addresses the unique design needs of tiny homes. We would highly recommend that this lack of policy flexibility be listed as a "Barrier" on page 62 of the Plan.

Tiny homes are structures under 400 square feet with typically very minimal amenities such as bathrooms and kitchens. Most affordable housing project that include tiny homes of generally less than 200 square feet eliminate these amenities and instead provide a communal, common building with complete kitchens, bathrooms, laundry, meeting/counseling/training rooms, etc. This substantially reduces the cost per unit and dramatically increases the socialization and sense of community so badly needed among most very low income and/or homeless persons. Projects experiencing huge success are growing daily in many parts of the nation.

It has been the goal of CAPNM to create such a tiny home village in NW Montana but have been unsuccessful these past two years due to State definitions and standards which get passed down on local communities. Therefore, we request that State building and health codes and zoning ordinances be identified as barriers to the furtherance of affordable housing and that new action steps be inserted to review and hopefully revise these conditions to promote more safe, decent and affordable housing. And, to adopt Appendix Q to the IRC. The preparation of "model ordinances" along with statewide training for local officials could go a long way in more quickly promoting the adoption of tiny homes/villages as an acceptable local affordable housing strategy.

A second issue we hear regularly from our clients is the increasing use of motels as "long-term rentals" and "permanent housing". At issue is the fact that these tenants do not have signed leases and therefore are seemingly outside the protections of the Landlord Tenant Act, Fair Housing Act, etc. We would strongly encourage any efforts your staff's can make in investigating this trend further and proposing appropriate safeguards and solutions so that we can truly more permanently house these folks who would otherwise be homeless.

Response to Comment #2:

Commerce is committed to working with state agencies, local governments, and non-profit partners to find innovative ways to administer HUD-funded programs at the state. While the information provided in the comment may indicate a barrier in a specific community, it may not reflect a state-wide barrier. The goal of the AAP is to promote affordable housing options that are administered on a state-wide basis. Commerce encourages all partners to work with state agencies with regulatory authority, local governments, and planning offices to address local concerns regarding zoning or building code ordinances to promote housing opportunities.

The AAP prioritizes HUD-awarded funds to assist homeless households through a variety of programs; to carry this out, Commerce funds those project that seek funding to reduce homelessness and create permanent housing for those that are homeless or at-risk of homelessness. Commerce encourages all partners to work with state agencies with regulatory authority, local governments, and planning offices to address local concerns regarding local ordinances or the Landlord Tenant Act to promote fair housing opportunities. Concerns or complaints regarding access to fair housing choice can be sent directly to the Montana Fair Housing Office, Montana Human Rights Bureau, or HUD Fair Housing.