

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DOLETHA TINSLEY, et al.,

Plaintiffs,

v.

HOUSING AUTHORITY OF KANSAS CITY,
MISSOURI, et al.,

Defendants.

No. 89-0023-CV-W-DW

MODIFIED CONSENT DECREE

The plaintiffs by and through their counsel, Julie E. Levin, and the defendant, the Housing Authority of Kansas City, Missouri (HAKC), by and through its counsel, Edwin Lowndes, having each consented to the making and entry of this Modified Consent Decree, without trial or adjudication of any issue of fact or law herein, and the Court having considered the matters and being duly advised, it is HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Except as otherwise expressly stated, each of the provisions of this Modified Consent Decree will remain in effect beginning the date of its entry and continuing for two years thereafter, at the end of which time this Modified Consent Decree will terminate without further order.
2. HAKC will not sell, demolish or dispose of any public housing development or unit, excluding any single scattered site parcel within two years following entry of this Modified Consent Decree, except with the prior approval of the Court. If HAKC wishes to seek the partial demolition or disposition of some of the land or structures contained within a public housing development, then HAKC must provide a copy of any proposed application for such demolition or disposition to the Public Housing Resident Council (PHRC) and their counsel. HAKC will provide copies to the PHRC and its counsel of any correspondence concerning any written requests, plans or proposals for the disposition or partial demolition of any public housing developments. However, no such demolition or disposition plan shall be submitted by HAKC for approval by HUD unless the plan has a requirement that HAKC will make its best efforts to achieve one-for-one replacement of the units with units that serve public housing eligible households. In the event that sufficient funding is not available for the one-for-one replacement of units (despite all best efforts to obtain said funding), HAKC shall review this with the PHRC and discuss alternatives to the proposed plan prior to

submission for approval from HUD. The PHRC may challenge the approval of any disposition or demolition of a public housing development or unit, excluding any single scattered site parcel before the Court.

3. HAKC will verbally and in writing offer applications for both public housing and Section 8 vouchers to all applicants at the time of their application. Any applicant who chooses to be placed on both waiting lists shall be placed on both lists.
4. When a unit or voucher becomes available, it will be offered to the first qualified household on the list who has the highest preference required by the program being offered. If the household rejects an offer of a public housing unit, the household's name will be removed from all public housing waiting lists, but retain its place on the Section 8 voucher waiting list. If the household rejects an offer of a voucher, the household's name will be removed from the Section 8 voucher waiting list, but will retain its place on the public housing waiting list(s).
5. HAKC will continue its voluntary transfer program to encourage tenants who are currently living in a development where their race is predominant to transfer to a development where their race does not predominate, even if they are not inappropriately housed. HAKC will maintain a special deconcentration transfer list and give those tenants priority by allowing these transfers to occur after emergency applicants, after requests for reasonable accommodation of current tenants, and after over and under housed tenants, but before new applicants.
6. HAKC will continue to follow its affirmative fair housing marketing plan. Any proposed modifications to the plan will be developed in consultation with the PHRC and its counsel. HAKC will allow for comment and discussion prior to implementation of the changes. The plan will include the dissemination of information about HAKC's developments and services, outreach to potential landlords in non-racially impacted areas and other similar provisions to promote the acceptance of Housing Choice Vouchers.
7. HAKC shall continue to maintain resident policies that provide that racial and sexual harassment are prohibited and may be justification for eviction.
8. Any person who receives a voucher from HAKC will be given written notice of portability opportunities as permitted by federal law and current HAKC policies. A voucher holder may exercise the portability provisions to any acceptable location.
9. HAKC shall disclose to the PHRC and their counsel the existence of any formal written complaints of HAKC discrimination in housing that are filed with a regulatory agency or public body. The names of the complainants shall be deleted.

10. HAKC shall submit a monthly "Operations Report" (in the form substantially similar to those that are currently provided) to the PHRC and the PHRC's counsel. In addition, for a period of one year from the date of this Modified Consent Decree HAKC will submit The "Operations Report" to the Court and the Court's monitor.
11. HAKC will maintain its Resident Participation Plan which is hereby incorporated by reference in this Modified Consent Decree and is attached hereto as Attachment 1. This Plan can be modified by mutual agreement of the parties without seeking consent of the Court.
12. The Executive Director or his designee shall continue to hold monthly meetings with the PHRC residents and their counsel.
13. The PHRC and PHRC's counsel will be notified of all HAKC Board of Commissioners (Board) regular, special and committee meetings and shall have the opportunity to participate in said meetings as directed by the Board, unless otherwise prohibited due to closure as allowed under applicable law.
14. HAKC shall provide advance notice to the PHRC and the PHRC's counsel of all new or modified policies through posting and actual written notice. Except changes required by legislation or regulation, the PHRC and the PHRC's counsel will have at least a thirty (30) day opportunity to provide comments before said policies are in effect.
15. HAKC shall recognize and continue efforts to assist in the development and capacity building of the PHRC or other successor organization.
16. Annually, HAKC shall provide the PHRC's counsel with a racial composition report of each development and scattered sites.
17. If PHRC's counsel has reason to believe that HAKC's units are not being maintained; or that there are inaccuracies in HAKC's reports (either oral or written); or that HAKC is not complying in any way with this Modified Consent Decree, then, upon reasonable written notice to HAKC and a written request from Plaintiff's counsel specifically stating PHRC's counsel's concerns, HAKC shall respond in writing to PHRC's counsel and address PHRC's counsel's concerns.
18. HAKC shall maintain a score of 70 or better overall on HUD's PHAS system or subsequent similar system adopted by HUD. HAKC shall provide PHRC's counsel with PHAS scores and unit inspection reports from HUD. HAKC shall also provide any corrective action plans required by HUD with respect to PHAS

inspections or any other related documents specifically requested by PHRC's counsel.

19. HAKC will maintain adjusted public housing unit occupancy levels at 90% or greater.
20. The parties to this Modified Consent Decree agree and understand that HUD is not a party to this Modified Consent Decree and that this Modified Consent Decree imposes no new obligation(s), directly or indirectly, on HUD.
21. This Modified Consent Decree shall only be modified by mutual written agreement of the parties.
22. The Court will retain jurisdiction over this matter during the term of the Modified Consent Decree for the purposes of enabling any party to this Modified Consent Decree to apply to the Court for orders that may be necessary or appropriate for the construction, implementation or enforcement of this Modified Consent Decree. Prior to the submission of any dispute under this Modified Consent Decree, counsel for the parties to the Modified Consent Decree shall consult in efforts to resolve such matters without the intervention of the Court.

Plaintiffs and HAKC hereby consent to the entry of the foregoing Modified Consent Decree without further notice.

Respectfully submitted,

/s/ Julie E. Levin

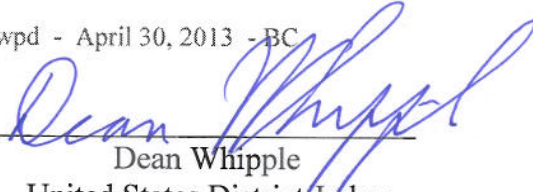
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Date:

May 1, 2013



Dean Whipple
United States District Judge

Resident Participation Plan

I. Rationale

On an ongoing basis, the Housing Authority of Kansas City, Missouri (HAKC) intends to actively encourage and support resident participation in all aspects of agency planning and operations. To date, HAKC's Receiver has actively solicited the input and involvement of HAKC residents in helping to define agency needs, to identify program strategies, and to ensure responsive resident-oriented service delivery efforts. HAKC recognizes that only through meaningful resident involvement and a resident-staff partnership can the agency accomplish its goals for comprehensive physical, management, and social revitalization.

By ensuring resident involvement throughout HAKC planning, programming, and evaluation, HAKC hopes to establish a national model for meaningful resident participation that will enable long term systemic changes to integrate the quality of life needs and concerns of low-income public housing residents to the public agenda of the wider community.

HAKC has developed and adopted the Resident Participation Plan with the involvement and participation of staff, public housing residents, and advocates. It describes HAKC's policies concerning resident participation in all aspects of agency operation, including the following:

- development and review of priorities and plans of annual program operating budgets;
- development and review of annual program agency plans and performance objectives;
- development, implementation, and review of outcomes for housing management, security, and maintenance program strategies;
- planning and review of outcomes for Comprehensive Grant Program and other capital improvements;
- development, implementation, and review of outcomes for supportive service program strategies; and
- development, implementation, and review of outcomes for special program grant proposals before and throughout program operation according to HAKC's schedule.

The Resident Participation Plan details HAKC policies regarding staff and resident roles, selection of participating residents, and resident participation on committees and working groups.

The Resident Participation Plan is intended to serve as the framework for action to develop a permanent, meaningful partnership between resident organizations and HAKC. It is designed not only to be in full compliance with all applicable United States Department of Housing and Urban Development (HUD) regulations, but also to lay a foundation that will institutionalize genuine partnership with residents to meet common goals.

HAKC will provide the support to build strong resident organizations that can participate as advisors, planners, evaluators, and contractors in the service of developing and maintaining high quality low-income housing. In this plan, HAKC commits to providing budget support, when feasible and appropriate for the development of strong and well-informed resident association partners in each of the Authority's developments. The Resident Participation Plan is a partnership plan designed to extend opportunities for resident participation in the actual

Attachment 1

management of HAKC programs, thereby providing a career and training ladder for real jobs in housing management and related human services. To this end, for every discretionary or other budget that HAKC prepares HAKC will consider covering the cost associated with building, enhancing, and maintaining resident participation through such activities as community development, training for resident associations, transportation to meetings, translation and interpretation of meetings, and other actions that HAKC staff and residents may recommend, except where such a line item is prohibited by the funder.

II. Role and Responsibility of the Public Housing Management Staff

Under the auspices of the Receiver, HAKC staff is held accountable and is administratively responsible for fulfilling its assigned duties as the official management organization for HAKC and must, in all instances, act according to the prescribed HUD legal and administrative regulations. Such responsibility positively demands the partnership with residents to ensure that the concerns, interests, and needs of public housing residents are served. Regular resident input will ensure that their interests and concerns are always included in planning, program implementation, and evaluation, as residents are full partners in the operation of HAKC.

Where resident organization(s) and HAKC disagree, and where HAKC makes a decision or submits documentation with which the resident organization (s) do not agree, the resident organization may request in writing that HAKC provide a written explanation of its decision. HAKC shall make best efforts to provide such written explanation within 10 working days.

III. Selection of Resident Participants

In keeping with HAKC resolution number 970820(C), approved on August 20, 1997, which supports and encourages tenant associations, resident management councils, and the Public Housing Residents' Council (PHRC), HAKC will look first to members of these organizations as the primary group of persons to be involved in resident participatory activities. In particular, HAKC will confer with the PHRC, the body recognized under HUD regulations, for input on issues that affect the entire Housing Authority. HAKC will confer with elected and recognized tenant associations or RMCs in particular developments for input on issues that affect particular developments. HAKC will annually recognize by resolution the PHRC and one elected and bona fide representative body in each development that chooses to elect one. This arrangement is essential in that the individuals who are members of these groups are elected by residents and are the recognized leaders of resident organizations. The expectation already exists that members of the PHRC, Tenant Associations, and Resident Management Councils will speak on behalf of their constituents. In the case of public meetings or other open fora, any resident in good standing can be involved. The widest possible resident participation will be enhanced and facilitated by well-planned HAKC and resident organization efforts.

IV. Verification of Resident Participation

While the Housing Authority has responsibility for management operations, it shall ensure strong resident participation in all issues and facets of its operations through the duly elected tenant associations and resident management councils, at the public housing developments, and the PHRC. When HAKC is considering policy issues that directly affect a particular development, HAKC's efforts to foster resident partnership will stem from HAKC's relationship with the one

elected and legally constituted tenant organization in that development. Where no elected or legally constituted tenant organization exists at a development, HAKC will communicate with the PHRC and together HAKC and the PHRC will develop temporary measures to ensure that local input is available to support HAKC decision making while the PHRC and HAKC work to develop a viable tenant organization in the development. HAKC will verify resident participation, in compliance with HUD regulations, in partnership with established tenant associations and resident management councils that function according to approved bylaws. HAKC will work with the PHRC to develop a set of participation measures that will allow HAKC and PHRC to set benchmarks for resident participation.

The Housing Authority is committed to supporting and providing technical assistance and relevant training for tenant organizations at specific developments and the PHRC, which represents all public housing residents in Kansas City. To the extent that funds are available, the Housing Authority will provide training and technical assistance via HAKC staff assigned to work with resident organizations in partnership with the PHRC and local development resident organizations to assist these groups in becoming and remaining viable resident organization(s). These actions will enhance the capacity for vital resident participation in the overall policy development and direction of public housing operations to enhance the availability of high quality housing for and quality of life of low-income persons in Kansas City.

HAKC will issue public notices of receivership meetings and public hearings by way of mailings, flyers, and/or written communications to the PHRC, tenant associations, and resident management councils. HAKC will maintain a bulletin board at each development and will post notices of receivership meetings and all other requests for public input in a timely way on those bulletin boards. HAKC will allocate space on each board for the development's resident association and for the PHRC. HAKC will also make requests to resident organizations to provide responses, written and verbal, in response to public notices.

To enhance resident participation, HAKC will work with the PHRC to obtain permission from the Missouri Department of Family Services to allow participation in resident partnership activities, such as those included in this plan, to count toward any community service requirements related to their state or federal benefits.

HAKC shall conduct its involvement in the affairs of resident organizations according to HUD regulations.

V. HAKC Board, Committees, and/or Advisory Groups

While HAKC operates in receivership, the PHRC, tenant associations, resident management councils, and other interested residents will continue to be invited to meet weekly, or as often as receivership meetings are held, to hear reports presented by HAKC staff and to provide input relevant to the topics being addressed. Regular receivership or comparable resident/HAKC meetings will continue at a frequency that the Receiver will determine in consultation with the PHRC and HAKC.

Before the termination of the receivership by the Court and subject to Court review and approval, HAKC will establish planning and implementation mechanisms to ensure a meaningful partnership between HAKC managers and residents during the post-receivership period. The systems may involve the use of a Board or Board meetings, committees, and/or advisory groups, which include resident representation.

VI. Resident Input into Plans and Evaluation

HAKC will seek resident input for planning and evaluation of the following areas:

- modernization (CGP)* and development programs;
- screening and occupancy matters (e.g., lease and grievance policy);
- relocation;
- security;
- recreation and youth programming;
- health and health promotion programming;
- economic development programs;
- resident organizational development;
- contract services; and
- social services.

HAKC will implement one or a combination of the following measures, as appropriate and feasible, to ensure resident input in policy development and planning. HAKC will select specific methods, like those below, in consultation with the appropriate resident organization, either the PHRC or the local resident association; as set out in Section II.

- focus groups for at-large participation by HAKC residents or focus groups including residents or neighborhood residents of specific developments;
- resident representation on ongoing and ad hoc planning groups or committees;
- resident representation on evaluation teams;
- public meetings to solicit resident input on needs and priorities; and
- surveys and/or other studies to gauge resident opinions and priorities or to gauge resident satisfaction with HAKC services or services provided by HAKC contractors.

When advisable and applicable, the Housing Authority shall provide relevant training for residents performing certain duties in relationship to the above operational matters. In addition, as needed or when a resident so requests, HAKC will use legal documents committing to confidentiality of the resident involved.

HAKC shall adhere to the regulations and guidelines of the Comprehensive Grant Program when HAKC intends to apply for CGP funds. An overview of the stipulations of the CGP regarding

* NOTE: If the Comprehensive Grant Program is replaced or for whatever reason no longer applicable to HAKC, the provisions herein will apply to any comparable applicable modernization program(s) for which HAKC is eligible.

the partnership roles in the partnership process between the Housing Authority and resident councils are as follows:

A) HAKC

HAKC will develop, implement, monitor, and annually amend portions of its Comprehensive Grant Plan in consultation with residents of the developments covered by the Plan (i.e., all developments eligible for CGP funding). HAKC shall work to involve residents in all phases of the CGP including the following annual activities:

- community meetings in the affected developments will be organized with the help of the appropriate resident organization and held to review CGP needs, priorities, and/or performance;
- copies of quarterly HAKC progress reports pertaining to CGP will be provided to the PHRC;
- periodic surveys, studies, and/or meetings will be jointly organized with the appropriate resident organization and held to assess resident needs, resident satisfaction with HAKC performance, and priorities.

B) Residents (Resident Leaders, Resident Councils, Resident Management Corporations, and the PHRC)

Residents will be responsible to learn about and participate in the CGP. HAKC will make available to residents and resident organizations plans, policies, grant applications, evaluations, budgets, and reports. Resident leaders or members of a CGP planning group will be responsible to represent responsibly the needs of the residents that they were elected to represent, communicating those views to HAKC and serving as a bridge between HAKC and all residents. Resident leaders involved in the planning process should develop and maintain a PHA-wide perspective when contributing to the development of the Comprehensive Plan. HAKC will encourage residents to form networks with residents from other PHAs to exchange information and ideas.

HAKC will encourage the formation of those networks by providing reasonable office space for each resident association, including the PHRC. HAKC will also support this learning and the establishment of these networks by providing funds for resident participation.

VII. Operating Budget

HAKC is committed to engaging in a meaningful partnership with residents to ensure that HAKC policies and the allocation of agency resources meet the residents' needs. By involving residents in shaping the direction of HAKC's budget and other strategic initiatives, HAKC believes that the resultant initiative will be more responsive to resident needs and will generally be of higher quality.

It is HAKC's policy to foster continual growth in resident participation and resident quality of life through partnership with residents in all aspects of agency operations consistent with HAKC's fiduciary responsibilities. This includes encouraging both formal and informal dialogue

among residents and staff on an ongoing basis so that the views and perspectives of all parties are understood and shared openly. HAKC also recognizes that, from time to time, it may need to undertake quick and expeditious actions, which may limit the extent of resident review and involvement. This may occur in certain emergency circumstances, in response to HUD or other funding agency requirements, and/or in response to unanticipated funding agency deadlines. However, HAKC is committed to keeping this type of situation to a minimum; even in those situations, will inform resident leaders of the nature of the emergency and will provide residents with an opportunity for meaningful review or briefing of the matter in question.

The Housing Authority of Kansas City will work with residents to undertake the following activities:

- development and review of annual operating and capital improvement budgets and of periodic revisions of these budgets; HAKC will request review by appropriate resident representatives whenever a material revision to any budget line item is planned; and
- development and review of special grant program budgets and of periodic revisions of these budgets; HAKC will request review by appropriate resident representatives whenever HAKC plans to make a material revision to any budget line item.

A) Development and Review of Annual Operating and Capital Improvements Budgets (i.e., CGP) and of Periodic Revisions to these Budgets

1. Annual Budget

- Approximately thirty (30) days before submission to HUD (or other funding source) of annual operating and capital improvement budget(s), HAKC will forward a copy of the most recent draft proposed budget document(s) to the PHRC for review and comment wherever feasible.
- Approximately twenty (20) days before submission of the budget, HAKC will schedule a public hearing open to all residents and the public at large to present information on HAKC budget priorities and to allow for questions and comments. HAKC will take positive steps to encourage broad participation, including consulting with appropriate resident organizations in planning such meetings and providing transportation of residents to those meetings when resources are available.
- During the review period, HAKC will respond promptly to reasonable requests for information and clarification to facilitate the residents' review of the budget documents.
- The PHRC may, at its discretion, forward written comments and recommendations to HAKC, which it shall submit at least ten (10) days before submission of the budget.
- Before finalizing the budget document(s), HAKC shall carefully review and assess the views of residents and will provide a written summary of significant issues, upon the residents' request.

2. CGP

HAKC will follow the CGP guidelines.

3. Budget Revisions

HAKC shall advise the PHRC and the appropriate resident organization(s) of budget revisions that constitute a material change in a detailed budget line item, in agency priorities, and/or in resource allocation strategies. The PHRC and appropriate resident organization(s) will review and submit any comments to the HAKC.

Development and Review of Special Grant Program Budgets and of Periodic Revisions to these Budgets

- HAKC shall request that the PHRC and other appropriate resident organization(s) appoint a subcommittee of members who will advise HAKC on special grant funding opportunities. These members will then work on an ongoing basis with HAKC staff to identify and respond to upcoming funding applications. The HAKC will work to overcome barriers to participation in such meetings by providing transportation.
- In certain cases (such as the HOPE VI program), which are development-specific, HAKC may request that the specific development's resident organization appoint such a subcommittee to advise on program priorities and budgets.
- In all cases where the sign-off of the official resident organization will be required, HAKC shall notify the PHRC and other appropriate resident organization(s) in a timely manner of pending funding sources that HAKC intends to pursue. Upon request, HAKC shall provide the PHRC and other appropriate resident organization(s) with copies of relevant application materials.
- HAKC will meet and/or consult with the PHRC and, as applicable, the appropriate resident organization(s), regarding special program development, program operation and evaluation, and any major programmatic changes.

VIII. Security and Maintenance Programs

HAKC will review with residents major changes in the maintenance program; HAKC will review with residents its public safety plan or any major changes that are proposed. The Property Manager will periodically make available a written protocol for resolving maintenance problems and post the protocol on each development bulletin board. Maintenance performance reports are made available in the Monthly Progress Reports issued pursuant to the Receiver's Twelve-Month Improvement Plan.

IX. Resident Programs

HAKC staff will work to secure input from residents not only on the need for various services and types of programs, but also on the evaluation and continual improvement of programs that impact resident quality of life. The HAKC will use methods developed in concert with appropriate resident organizations, including but not limited to interviews, surveys of residents, focus groups with residents, presentations to tenant associations, resident management corporations, and the PHRC to identify services needed and appropriate programs.

Resident participation in the planning, development, and evaluation of the Family Self-Sufficiency (FSS) program will be ensured by meaningful representation of residents on the

Program Coordinating Committee (PCC). The PCC is the designated advisory committee that provides guidance for the process and development of the FSS program.

Through the contributions of residents on the PCC, there is an opportunity for input on a monthly basis for planning, development, and evaluation of the FSS program with regard to goals, policies, and procedures. In addition to active involvement during the PCC meetings, the resident members will function on subcommittees as these are called into action and will be encouraged to seek feedback about ideas and plans discussed at the PCC meetings from other residents, to emphasize the full partnership among residents, HAKC, and community service providers.

X. Selection of HAKC Staff

The management staff of HAKC is in a position to influence greatly the ongoing quality of life for HAKC residents. In addition, those HAKC staff who interact on a daily or almost daily basis with residents can do much to enhance the lives of residents. The procedures described below will facilitate full partnership among HAKC staff and residents and will ensure a high level of understanding and cooperation among HAKC staff and residents.

When interview panels are convened, HAKC will request that residents, through their appropriate resident organization, participate in the interview and/or selection process to fill executive staff positions, direct service positions under FSS or other service programs, and manager positions.

Whenever feasible, at least a three-day notice will be given to residents for their input into the interview process with a position finalist(s). HAKC will provide a job description of the position to be filled and a copy of the candidate's résumé before the actual interview. HAKC staff will solicit comments and seek concurrence from residents on the individuals interviewed by residents, at the earliest possible time. HAKC will inform the residents who it selected and the reasons that it selected the specific candidate. When the residents are asked to participate in the hiring process, and the resident representative does not concur in the decision of HAKC, HAKC executive staff will provide residents with an explanation of the hiring decision.