



Appendix A

PUBLIC COMMENTS AND AGENCY RESPONSES

Appendix A: Comments and Responses

The Montana Department of Commerce administers the HOME Investment Partnerships, Community Development Block Grant, and Housing Trust Fund programs. The Department of Public Health & Human Services administers the Emergency Solutions Grant program. Comments made regarding these programs, which are covered under the State's 2025-2029 Consolidated Plan for Housing and Community Development, are addressed below.

2025-2029 Consolidated Plan and Equity Plan Needs and Strategies Public Input

Written Comment Received via Email on March 18, 2024

Sandra Mellott Comment

Here is a need I would like to see filled:

1. A home needs basic home improvement or repair.
2. The improvement is for safety and livability rather than aesthetics.
3. The owner doesn't qualify for low-income programs due to employment income.
4. The owner has a disability.
5. The owner can't afford to pay for the work using employment income.
6. The owner has no other income.
7. The owner can't perform the work themself.

A grant for this particular situation would be extremely helpful. (Consider the broader category of people living in squalor—hoarders and those suffering self-neglect—who could benefit from home cleaning or home repair. I'm not aware of any current programs addressing this particular need. I think this is an overlooked population.)

Response

The need for homeowner rehabilitation has been supported with CDBG funding through the State's CDBG Housing Stabilization Program. Activities under this program have focused on solving health and safety issues and improving accessibility and energy efficiency for single-family households. Since the State awards program funds to non-entitlement Units of General Local Government, and does not carry out program activities directly, citizens are encouraged to contact their local government officials for information about CDBG Housing Stabilization Program activities available in their area. If activities are not currently underway, citizens can request that the local government consider participating in the program (via application) to address local needs.

The majority of Montana's housing stock was built before 1989, and because homes in Montana are generally older, many residents live in units that need improvements, including repairs for safety and livability (details on housing stock characteristics and quantities are provided in the Needs Analysis section of this Consolidated Plan). Lead-

based paint is one hazard of particular concern in older homes, especially those built prior to 1978, as it is associated with significant health risks and poor health outcomes even with limited exposure. Older homes in disrepair that have health and safety concerns are excellent candidates for CDBG funding when they are occupied by income-eligible residents, including and especially residents who have special needs such as persons with disabilities.

While homeowner rehabilitation is needed across all income levels, the programs administered under this Consolidated Plan target specific household incomes based on various program objectives established by the U.S. Department of Housing and Urban Development. CDBG targets low- to moderate-income households with incomes at or below 80% area median income; HTF targets households with extremely low incomes at or below 30% area median income; and HOME targets households with low and very low incomes at 80% and 50% area median income, respectively. To illustrate these limits in terms of dollars instead of percentages, as of April 2024, a 3-person household in Billings would be eligible for CDBG assistance if the household's income was at or below \$64,550.

Regarding housing conditions, before they are occupied, all rehabilitated, newly constructed, and newly acquired properties assisted with the federal funds under this Consolidated Plan must meet state and local codes, as well as habitability requirements and applicable property standards, i.e., Universal Physical Condition Standards or the National Standards for the Physical Inspection of Real Estate. Furthermore, assisted properties that are subject to period of affordability requirements are inspected regularly throughout their compliance period (up to 30 years based on investment). Program monitoring at acquisition, after construction, and during occupancy aims to ensure assisted housing is both safe and sanitary for residents.

Outside of the Consolidated Plan, [Homeowner Assistance Fund](#) resources are available to help Montana homeowners with home repairs that address health and safety, accessibility, visitability and insurability issues. The HAF program is supported with federal funding allocated by Congress to the State through the American Rescue Plan Act and appropriated to Commerce through HB 632. In addition to home repairs, homeowners can also receive assistance for mortgage reinstatement, lien prevention, and utilities/internet. To be eligible for HAF assistance, a household must have faced a financial hardship due to the Covid-19 pandemic and meet income requirements as follows: at or below 150% of the area median income for mortgage reinstatement, lien prevention, and utilities/internet; at or below 80% area median income for home repairs.

In summary, the State acknowledges that homeowner rehabilitation is an ongoing need in our communities. And while the State also acknowledges that this need exists for households with various income levels, it reiterates that its program activities under this Consolidated Plan are restricted to the income targeting mandated by HUD. If further explanations and considerations are needed, the State invites additional comment once the draft Consolidated Plan document is published and made available to the public for review.

Verbal Comment Received via Public Hearing on April 3, 2024

Shyla Patera, Specialist with North Central Independent Living Services, Inc., Comment

Hello. My name, for the record, is Shyla Patera. My -- that is spelled S-H-Y-L-A, P-A-T-E-R-A. And I represent North Central Independent Living, Center for Independent Living, and Disability Advocacy Agency in Black Eagle, Montana, Great Falls, Montana, but we serve a 17-county area. And again, we would also encourage visitable, universally designed housing, any housing, working on ESG and CDBG with a small ADA program. One thing I forgot to mention last comment section was a possible idea for CDBG is accessible sidewalks. Because without accessible sidewalks and transportation, you cannot have fully inclusive neighborhoods. And we also hope that the HOME and Housing Trust Fund can further the goals of enhancing accessible, affordable rehab and repair and single-family and multifamily construction for people with disabilities, as well as home ownership. One of the ideas I have for the Equity Plan beyond previously mentioned is allowing citizens who may have lived experience or advocates like myself to be trained in rental or housing counseling, similar to fair housing testers. Because a lot of the consumers that I see and I deal with, when they try to do eviction prevention, they, they don't really know if the perceived, perceived and lived experience matches, matches the level of legal discrimination. So one of the things I would like to see as part of the affirmatively furthering fair housing in the Equity Plan is definitely some training and some avenues for citizen training so that -- Because we know the home -- the person potentially being evicted doesn't need a representative in court, but I've had to help them write their answers, and sometimes they don't understand how their lived experience transfers into legal languages. So that is one of the things that I would like to see, along with the disability and tribal supports we'll be building in, as well as those who may have criminal past histories but their sentences are done or completed and they can show that in a court of law. How do we help those individuals expunge those needs, particularly when they do need accessible housing? There is so much more I will say, but I probably have to put that into written comment. But I thank you for your time.

Response

Commerce, through its housing development programs (HOME, CDBG, and HTF) gives preference to applications that benefit extremely low-income, homeless, disabled, elderly, and other disadvantaged individuals and families. Under these programs, housing development can result in either single family or multifamily activities and may include new construction, redevelopment, rehabilitation, or acquisition. Commerce strongly encourages all applicants (regardless of program or activity), to the maximum extent possible, to design for accessibility and include the three basic visitability features for residential dwellings to increase access to friends and family for individuals with disabilities (a zero-step entrance, doors with 32 inches of clear passage space, and a wheelchair-accessible half bathroom on the main floor).

Additionally, all CDBG activities require locally conducted ADA inventories, ESG shelters require ADA-compliant designs, and CDBG planning activities support ADA transition plans. In this same vein, the State recently awarded Emergency Shelter Facility Grants

to communities throughout Montana that are expanding shelter accessibility and increasing shelter safety. Whether a project promotes client choice and adequately considers accessibility needs is assessed as part of DPHHS's assistance process. Whether a project is inclusive, serves disabled persons, and meets visitability and universal design requirements is considered during application ranking, which is Commerce's process for prioritizing and funding projects.

Accessible sidewalks are eligible under CDBG, as well as under other State programs (e.g., the [State-Local Infrastructure Partnership Program](#) or "SLIPA"). Commerce encourages local governments to strategically address their infrastructure needs utilizing these and other available resources.

Together, the HOME and HTF programs support broad, affordable housing activities that prioritize accessibility and inclusivity. However, it should be noted that homeownership activities are currently limited to the HOME program (specifically, the HOME Homebuyer Assistance Program) and are conducted at the local level, rather than statewide. Commerce has not historically undertaken homeownership activities under the HTF program; this is because HTF funds must benefit households with extremely low incomes (at or below 30% area median income) that often lack the disposable income needed to support the high costs of homeownership. Thus, the HTF program in Montana has focused on preserving and constructing affordable rental units for this lower income tier. The State will continue to assess homeownership needs for all Montanans, including those with disabilities, and may consider using HTF funds for homeownership activities in the future.

To build awareness and potentially increase available resources for the State's ever-growing housing needs, Commerce staff are attending a national training regarding the Preserving Owner-Occupied Affordable Homes program to ascertain how the State can either directly access these funds and/or assist local governments and other organizations with accessing these funds.

The State is in the process of developing its Equity Plan for affirmatively furthering fair housing. The comment concerning training advocates and citizens in fair housing laws and providing strategic, broad housing counseling to citizens and stakeholders, will be incorporated into that guiding document.

In summary, the State acknowledges that its HUD programs need to have a continued focus on meeting the housing and community development needs of persons with disabilities and other special needs in cities and towns across Montana. It further recognizes that innovation and broad collaboration will be needed to meet its Consolidated Plan goals. If further explanations and considerations are needed, the State invites additional comment once the draft Consolidated Plan and draft Equity Plan documents are published and made available to the public for review.

Written Comment Received via Email on April 17, 2024

Shyla Patera, Independent Living Specialist with North Central Independent Living Services, Inc.

My name is Shyla Patera .I am an Independent Living Specialist who represents and is employed by North Central Independent Living Services Inc. in Black Eagle,[https://urldefense.com/v3/__http://Montana.As__;!GaaboA!sz-LJiGSyzNK3J61uG2NI1RcEYmtBu7SoPuwzPD-b_MSmQZWUgAEYKhXv-wsNIKz0STDIYYzhO9GD7hCVw\\$](https://urldefense.com/v3/__http://Montana.As__;!GaaboA!sz-LJiGSyzNK3J61uG2NI1RcEYmtBu7SoPuwzPD-b_MSmQZWUgAEYKhXv-wsNIKz0STDIYYzhO9GD7hCVw$) a longtime housing advocate, I am submitting these comments on the 2024-2025 Annual Action Plan as well as the 2025-2029 Consolidated Plan .NCILS supports community development that enhances Universal Design and accessibility and affordability to housing throughout Montana. NCILS understands this and any AAP, Consolidated plan, and or QAP does not fund actual infrastructure but will enhance building of apartments both single-family and multifamily housing in Montana NCILS understand s that adoption of any plan provides guidelines on how community developers , architects, builders should enhance universally designed construction opportunities in Montana. In the area of zoning ,NCILS has concerns about how the State is incorporating both inclusive zoning and development as well as accessory dwelling units and tiny houses in Montana. The State of Montana also needs to focus on our resident owned communities in Montana .the State of Montana needs to enhance community efforts regarding how potential tenants can obtain and maintain affordable housing in Montana by NOT ONLY making sure that the State of Montana has enough vouchers and opportunities for all to be housed when needed but also through advancing source of income legislation. The State of Montana should work to ensure that people who are living in institutional or rehabilitation settings are not discharging to nowhere or homelessness due to disability. Buildings that receive HUD funding and development should implement the provision of the 1999 Supreme Olmstead vL.C decision .NCILS advocates that Montana Housing and DPHHS both adhere to and follow the 2014 HCBS Community Settings rule regarding accessibility both in home and apartment development and tenancy. Just as rent is prorated during move in and recertification NCILS asks for medical need and expenses paid since many people with disabilities are on Social Security income and or Social Security disability income should ensure that any fines owed for damages are also following the income need rule so that no one pays more than 30% of their income for either project based apartments or Low Income Housing Tax Credit Properties . Furthermore, Montana Housing should work with HUD to ensure that those with disabilities or medical chronic conditions that have made mistakes in in previous tendencies being forwarded to know when they're eligible again for HUD tenancy supports Many Montanans with disabilities now and in future rely on HUD programs for successful community living opportunities .

>> In regards to the Emergency Shelter Grant program and homeless shelter settings NCILS advocates for the highest opportunity to enhance accessibility to both buildings and services particularly to those that are on Medicare Medicaid and other DPHHS programs. advocates that those who are utilizing the HR DC and community advocate programs throughout the state of Montana established partnerships with our home and community-based waiver teams.

Thank you for the opportunities to comment on the 2024-2025 Annual Action plan and 2025-2029 Consolidated Plan .

Response

Some of the comments provided are addressed in the State’s response above. Those comments not addressed previously are considered below.

Local jurisdictions and the State Legislature determine zoning ordinances and other policies and laws affecting affordable, accessible housing and community development. Local and legislative rules guide accessory dwelling unit, tiny home, and other related activities in cities and towns across Montana. Commerce and DPHHS encourage local jurisdictions and the State Legislature to consider possible impacts to affordable housing and community assets when updating policy and enacting laws. Furthermore, the Consolidated Plan takes recent legislative reforms, such as SB 382 which established the Montana Land Use Planning Act, into account when considering the State’s current climate for housing and community development.

Although Commerce does not guide zoning and development policy and law, it does provide funding and technical assistance to communities seeking to develop or update comprehensive, strategic, and preliminary design planning for community, housing, economic development, flood prevention, and infrastructure projects. For example, the [Community Technical Assistance Program](#) provides professional planning assistance to communities across Montana. These assisted planning activities allow communities to consider all applicable policy and law and to make informed, strategic decisions about development and community-building.

Regarding source of income legislation, [Montana does not currently have laws enacted barring this type of discrimination](#). If a landlord does not accept a Housing Choice Voucher or does not include voucher assistance when determining whether an applicant can pay rent, there is currently no legal recourse available in the state’s jurisdiction. The State will consider the role that federal fair housing and civil rights laws play in preventing discrimination, including discrimination based on race, color, national origin, religion, disability, familial status, or sex. Furthermore, the State will focus efforts on educating landlords, as well as increasing housing supply. A lack of decent, available units serves as a significant barrier to households seeking to utilize their vouchers.

Note that Commerce is undertaking a survey to gather data to inform a request to HUD to increase Montana’s Fair Market Rents, which inform Housing Choice Voucher payment standards and other HUD program rent limits. This is one way the State is proactively working to support voucher holders and ensure established standards are based on the best and most currently available market rent data. The overall goal of the survey is to increase the State’s “Success Rate,” meaning the percentage of participants issued vouchers who are able to successfully lease up within 120 days of voucher receipt. Details on this initiative are available at

dphhs.mt.gov/assets/FutureGenerations/BHSFGInitiativeFairMarketRentReevaluationStudy.pdf.

Resident-owned communities are eligible to partner with local governments to apply for and utilize CDBG funds to improve infrastructure. Outside of the Consolidated Plan covered programs, resident-owned communities can also access Coal Trust Multifamily Homes resources, for which eligible uses were recently expanded by HB 819 to include supporting mobile home parks. With resources made available, Montana will continue to support successful applicants to provide stability to owners of manufactured housing.

According to HUD's [2023 Annual Homelessness Assessment Report to Congress](#), from 2007 to 2023 Montana led the nation in homelessness increases with 551% more individuals experiencing chronic patterns of homelessness by the end of the period studied. With significant and increasing shelter and housing needs in all communities, the State recognizes the importance of directing resources and supports to persons experiencing or at risk of homelessness – in its various and diverse forms. In 2021, the Housing Choice Voucher program began administering the American Rescue Plan Act Emergency Housing Voucher program. EHV's are only available to those who are recently homeless and for whom providing rental assistance will prevent the family's homelessness or decrease their risk of housing instability; who are at-risk of homelessness; who are fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; or who are homeless. Furthermore, Commerce's statewide Public Housing Authority also administers Mainstream Vouchers and the Section 811 program, which assist non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, currently experiencing homelessness, previously experienced homelessness, and currently a client in a permanent supportive housing or rapid rehousing project, or those at risk of experiencing homelessness. The statewide Public Housing Authority at Commerce also coordinates with DPHHS for the EHV, Mainstream Voucher and Section 811 programs. Reducing or making the experience of homelessness rare and brief for persons discharging from institutions and rehabilitation settings, including those with disabilities, is a critical component of Montana's Consolidated Plan. Both Commerce and DPHHS will consider this special needs population when determining program priorities.

Concerning *Olmstead v. L.C.*, Commerce and DPHHS will also consider the unique needs and challenges of individuals with intellectual, developmental, and physical disabilities when determining priorities and evaluating projects. Within the scope of this Consolidated Plan, the State will make program decisions that, to the greatest extent possible, uphold the individual choice of and allow for reasonable accommodations for individuals with disabilities.

Regarding the Home and Community Based Services Settings Rule (2014), the State recognizes that promoting community integration and self-determination for persons with disabilities and seniors is an important part of building equity in society. Home and Community Based Services Settings Rule requirements will be considered in the State's Equity Plan, which will be incorporated into this Consolidated Plan for Housing and Community Development.

The programs administered under the Consolidated Plan target specific demographics and are subject to program rules based on various objectives established by HUD. Income determination methodologies and allowable charges for rent and home purchases, etc., are entirely governed at the federal level. Some federal programs restrict rents to 30% of household income (e.g., tenant- or project-based rental assistance programs); however, others do not. The Low-Income Housing Tax Credit program, for example, sets rents for each assisted unit at a percentage area median income, which may or may not fall within 30% of the residing household's actual income. Again, these rules are established by federal agencies and not the State.

In some cases where tenancy or tenancy support is terminated for cause, Commerce has an obligation to work with HUD. This is true for Commerce's role as the state's Project Based Contract Administrator over the Project Based Section 8 portfolio. In other cases, Commerce is solely responsible for terminating rental assistance. This is true for the Housing Choice Voucher program. Commerce does not intervene in tenant-landlord disputes but does provide technical assistance for and educational consultation on federal program requirements and tenant rights under each of its administered programs. Regardless of program, when appeals are made, Commerce staff follow established processes set forth by each administered program. Those with disabilities or chronic medical conditions who need reasonable accommodations are encouraged to request them. If additional supports are needed, Commerce recommends that tenants reach out to the Montana Legal Services Association, Montana Human Rights Bureau or Montana Fair Housing.

In summary, the State acknowledges that its HUD programs need to have a continued focus on meeting the housing and community development needs of persons with disabilities and other special needs in cities and towns across Montana. It further recognizes that more can and must be done to ensure that communities are equitable, and opportunities are accessible. If further explanations and considerations are needed, the State invites additional comment once the draft Consolidated Plan and draft Equity Plan documents are published and made available to the public for review.

Written Comment Received via Email on April 30, 2024

Sheila Rice, Trust Montana

The plan should specifically allow all Federal housing funds to be used for community land trust homes and apartments. CLTs are one of the ways to provide permanent affordable housing.

Response

Investments in community land trusts are eligible with HOME and CDBG resources. Historically, CDBG funds have provided the means for communities to engage in planning activities that allow for the establishment of land trusts, and CDBG and HOME funds have directly supported permanently affordable properties under the community land trust model. Recently, HOME funds have been sub-granted to the Northwest Montana

Community Land Trust for the development of homes to benefit income-eligible households in Flathead County.

Within the parameters of each HUD program administered through this Consolidated Plan (CDBG, HOME, and HTF), the State allows federal housing funds to be used for community land trust homes.

If further explanations and considerations are needed, the State invites additional comment once the draft Consolidated Plan and draft Equity Plan documents are published and made available to the public for review.

Verbal Comment Received via Public Hearing on June 20, 2024

Jen Chapla, AWARE

My name is Jen Chapla, spelled C-H-A-P-L-A. I am the Tenancy Specialist for AWARE. I have noticed that there are a lot of seemingly great resources out there to help people pay rent and get into houses once they find them. The PSH voucher is a fantastic example of helping people get over their homelessness, right. We have got this great voucher that doesn't have a long wait list. The problem is there's no supply in our community. I talk to landlords pretty regularly, and the general consensus is they can get way more on the open market than they are going to get for any of the vouchers. Tenants with vouchers regularly destroy units and they don't want to take them. There's also just a shortage of units that would be appropriate for that demographic. And I'm wondering if there is going to be anything in the plan to help incentivize landlords to work with some of the existing resources maybe in the form of tax rebates or guarantees for financial assistance when things go south.

Response

The State is interested in better utilizing vouchers in Montana's current housing market. Understanding that supply is not sufficient, and that allowable Fair Market Rents under HUD's current methodology are not keeping pace with actual market-rate rents, the State is considering converting some of its tenant-based vouchers to project-based vouchers. This would support affordable housing development and ensure that available resources can be more consistently utilized. The State also supports ongoing efforts to have Fair Market Rents adjusted to be more competitive. Addressing state and local barriers and reducing cost burdens faced by renter and low-income households are high priorities in Montana's draft Fair Housing Equity Plan. While providing tax incentives is outside of Commerce's authority, the agency can advocate for such incentives with lawmakers seeking to support affordable housing solutions.

As noted above, Commerce is undertaking a survey to gather data to inform a request to HUD to increase Montana's Fair Market Rents, which inform Housing Choice Voucher payment standards and other HUD program rent limits. This is one way the State is proactively working to support voucher holders and ensure established standards are based on the best and most currently available market rent data. The overall goal of the survey is to increase the State's "Success Rate," meaning the percentage of participants

issued vouchers who are able to successfully lease up within 120 days of voucher receipt. Details on this initiative are available at <https://dphhs.mt.gov/assets/FutureGenerations/BHSFGInitiativeFairMarketRentReevaluationStudy.pdf>. If additional response is needed to address voucher utilization, Commerce invites further comment.

Providing guarantees for financial assistance when properties are damaged by voucher-holding tenants is not an allowable use of the HUD funds covered by the Consolidated Plan and Fair Housing Equity Plan; however, there are other ways to reassure landlords entering into agreements with voucher-supported tenants. One example noted by a local service provider was making the service provider instead of the voucher holder the lessee or contractually outlining the financial responsibilities of the service provider in the event issues arise at the property.

Note that Commerce previously used CARES funding for landlord mitigation, but those resources are no longer available. Local Public Housing Authorities may consider use of funds for landlord mitigation as the statewide Public Housing Authority does not currently have sufficient resources under its HUD budget to do so.

Verbal Comment Received via Public Hearing on June 20, 2024

[Shyla Patera, Independent Living Specialist with North Central Independent Living Services, Inc.](#)

Hi. For the record, my name is Shayla Patera. I'm employed by and serve North Central Independent Living Services in Black Eagle, Montana and I'm a longtime housing advocate with these for independent living centers. And what I would like to say is regards to the Equity Plan. Many times as you probably heard it before, I think we are trying to do a great job as best we can with the resources we have, but it is, as Jen said, it is quite hard, particularly if there aren't enough housing stock places accessible and affordable to homeless citizens or people with disabilities, which is the population that I help serve. And sometimes it seems like the thing, one of the things that we really need to look for besides building more affordable, accessible affordable housing stock is making sure that there are like maybe source of income, legislation or different types of incentive as other people have said in the past to ensure that there is opportunities for those to get housing. I would also like to see, because I also deal with citizens with disabilities that are homeless who oftentimes have criminal records or coming out of state and private-run institutions. So I would like to see our feedback on how we're going to implement the new reducing barriers rule from HUD regarding criminal, criminal convictions and how to help people who oftentimes have nothing or cannot work. Because it is great when someone can work, but what happens when their disability changes or their age becomes a factor for them, then there is no, oftentimes very limited places to go for people who need HUD or a lot of times we're all competing for the same unit. And one of the other things I would like to say before, because I don't want to monopolize the time, is we need to really check and see if there aren't any disparate impact in how we onboard somebody into housing and keep someone into apartment housing and making sure that multi-family and single family duplexes and apartments and different housing options we have are wheelchair

accessible. Because sometimes people who are on limited or no income, such as SSI, SSDI, they can't, they can't often keep it. Even though we, we look at the 30 percent or what the voucher covers, if there is a medical emergency or they have to choose between healthcare and housing, sometimes that's a choice, too.

So this, along with other written comments, which I will submit as part of my comment. So thank you for having this hearing today.

Response

The State continually appreciates the elevation of the discussion about housing individuals with special needs such as disabilities. Based on conversations with service providers and the public, we understand that citizens with special needs are at increased risk of facing housing cost burdens and experiencing homelessness. Accessibility and affordability remain high priorities for Commerce and other state agencies, and both the Fair Housing Equity Plan and the Consolidated Plan look at disparate impacts to protected classes such as persons with disabilities.

As mentioned previously, [Montana does not currently have laws enacted barring source of income discrimination](#). There was legislation proposed in the 2023 legislative session concerning source of income discrimination, but it was tabled. If a landlord does not accept a voucher or does not include voucher assistance when determining whether an applicant can pay rent, there is currently no legal recourse available in the state's jurisdiction. Commerce does not have the authority to enact laws barring this type of discrimination, but it can support efforts to educate landlords, increase housing supply, and advocate for the deployment of meaningful incentives and changes at the federal and state levels.

As indicated previously, reducing or making the experience of homelessness rare and brief for persons discharging from institutions, state or private, including those with disabilities, is a critical component of Montana's Consolidated Plan. Both Commerce and DPHHS will consider this special needs population when determining program priorities.

HUD's proposed rule for reducing barriers looks at amending regulations for certain HUD programs. Per the federal register, amendments under consideration would revise existing regulations that govern admission for applicants with criminal records or a history of involvement with the criminal justice system and eviction or termination of assistance of persons on the basis of illegal drug use, drug-related criminal activity, or other criminal activity. The proposed revisions would require a more in-depth review of applications for assistance prior to any discretionary denial or termination of service. The proposed rule could reduce discrimination as unnecessary exclusions disproportionately harm people of color, people with disabilities, and other historically marginalized and underserved communities. As an administrator of HUD programs, the State will make any adjustments necessary to its programs, as well as provide its grantees with technical assistance as needed, when the rule becomes effective to ensure continued compliance with regulations.

Verbal Comment Received via Public Hearing on June 20, 2024

Jim Morton, HRC Cottages, Incorporated

Good afternoon. For the record, my name is Jim Morton. The last name is spelled M-O-R-T-O-N, and I'm commenting on behalf of HRC Cottages, Incorporated. First, I want to compliment the staff of the Montana Department of Commerce and the Department of Public Health and Human Services for their work on the Consolidated Plan. And as usual I have to say that I in general agree with what Shayla has commented on. But about HRC Cottages, we're a nonprofit that develops and owns housing that serves households with lower incomes. Our apartments are rent restricted and some of the apartments that we have actually have tenant-based rental assistance. However, as you know, more tenant-based rental assistance is needed. We use a variety of sources to develop, including the HOME Investment Partnership, the Housing Tax Credit Program, CDBG, Rural Development and of course other sources. And it is getting more and more difficult to develop housing given the high cost of land and in some cases lack of labor the contractors are facing, as well as the volatility in materials for building. We develop in communities that have larger populations, of course, but we also develop in unincorporated areas where they do not have a variety of public services, which again would make the cost developing affordable housing a little bit higher in those areas. And that would be a concern I think for the funders that are part of this Consolidated Plan in terms of determining how to the award funding. I do appreciate the attention that MDOC and the Department of Public Health have given to providing affordable housing to a wide variety of populations from elderly, victims of domestic violence, veterans, those with special needs and those who are houseless or at risk of becoming houseless, just to mention a few of the populations. But one comment I would like to make in addition would be that simply discussing building more housing as the solution to a lack of affordable housing really does not recognize the need to take a more wholistic view. And I think as you heard a couple of comments about that, that would include the needs of lower income households, including higher paying jobs, the need for support for childcare and health insurance, more access to training and educational opportunities. And then pleased of what you're talking about does take a wider view of our lack of affordable housing in a crisis that is across our great State. And I'm especially pleased that you are addressing racial segregation and what impact that does have not only on the communities but also the individuals who live in those communities. So winding up, thank you for the opportunity to participate and that concludes my comments.

Response

As indicated above, the State is interested in better utilizing vouchers in Montana's current housing market. Through this public process, many service providers have noted that a lack of housing supply and a misalignment of allowable Fair Market Rents with the existing market is making it more difficult to place tenant-based rental assistance. In response, the State is considering converting some of its tenant-based vouchers to project-based vouchers, which would support affordable housing development and ensure that available resources can be more consistently utilized. The State also supports ongoing efforts to have Fair Market Rents adjusted to be more competitive. Addressing barriers that limit

the effectiveness of this affordable housing tool is a high priority in Montana’s draft Fair Housing Equity Plan and, by extension, Montana’s Consolidated Plan.

Again, Commerce is undertaking a survey to gather data to inform a request to HUD to increase Montana’s Fair Market Rents, which inform Housing Choice Voucher payment standards and other HUD program rent limits. This is one way the State is proactively working to support voucher holders and ensure established standards are based on the best and most currently available market rent data. The overall goal of the survey is to increase the State’s “Success Rate,” meaning the percentage of participants issued vouchers who are able to successfully lease up within 120 days of voucher receipt. Details on this initiative are available at

<https://dphhs.mt.gov/assets/FutureGenerations/BHSFGInitiativeFairMarketRentReevaluationStudy.pdf>.

The ever-increasing difficulty of developing affordable housing is evident in the types and number of applications for development that Commerce receives. To pencil out, many applicants are securing donated land for their affordable housing projects, reducing the high costs of development in some cases. And challenges persist after projects are awarded funding, with some fully funded activities receiving no or few bids for project work. Market volatility for building materials is also a barrier to developing affordable housing, and with the rollout of Build America Buy America, which establishes a domestic procurement preference for iron, steel, manufactured products and construction materials, Commerce anticipates the process of purchasing building materials to become more complex and potentially more difficult. Commerce looks at actual and reasonable project costs when determining appropriate funding awards and, thus, higher costs of land are being considered in application ranking and review. In cases where awarded projects do not receive bids or receive bids that are comparatively high, which is the case for many projects in unincorporated and rural areas of the state, Commerce will work with grantees directly to ensure successful development.

We appreciate the insight into the underlying needs that are driving housing insecurity in Montana communities; namely, low wages, lack of childcare, no health insurance, limited access to training and educational opportunities, etc. Within our authority, we will continue to advocate for increased access and better opportunities for the low- and moderate-income households we serve through our HUD programs.

Finally, we have completed our initial fair housing analysis, which delineates areas of the state that have concentrated areas of poverty and overrepresentation of minority races and ethnicities. We invite review and comment on our analysis and encourage service providers to supply qualitative data about the impact segregation has on communities and individuals.

Verbal Comment Received via Public Hearing on June 20, 2024

[Kristen Newman, Ability Montana](#)

Hi, my name is Kristen Newman, K-R-I-S-T-E-N, N-E-W-M-A-N, I’m the ADA Accessibility Specialist out of Ability Montana. We’re a center for independent living that serves

counties in southwest Montana. I just wanted to talk a little bit about access to housing as far as actual accessibility. I know we talk about access a lot as easily access by affordability, things like that, but often I think sometimes we forget about the actual physical accessibility of apartments. And what we're running into are people having to move out of their communities of their choice because there isn't enough accessible housing options available in the cities that they are living in. This could, you know, be adaptable units, elevators, wheelchair accessibility. So I would really like to encourage thinking about how can we incentivize more actual physically accessible units. And sometimes we have run into, there may be several accessible units like on a ground floor, but if somebody with a disability isn't on a wait list right then, the landlords will rent them out to somebody who doesn't have a disability which creates more barriers to housing. So those are just a few issues that I wanted to bring attention to. And I appreciate this opportunity to hear about the plan and participate.

Response

Affordability and physical accessibility are required for Montanans to have access to housing and to exercise housing choice. Commerce requires all HUD-funded projects to restrict rents or purchase prices such that they are affordable to low- and moderate-income families. Furthermore, it strongly encourages all applicants (regardless of program or activity), to the maximum extent possible, to design for physical accessibility and adaptability and include the three basic visitability features for residential dwellings to increase access to friends and family for individuals with disabilities (a zero-step entrance, doors with 32 inches of clear passage space, and a wheelchair-accessible half bathroom on the main floor). Applications that lack accessibility and adaptability features are not given preference.

Outside of the Consolidated Plan, Montana Board of Housing's Qualified Allocation Plan that governs Low-Income Housing Tax Credits was revised to include a new appendix that better details design and accessibility requirements. For more information, see the Qualified Allocation Plan, Baseline Requirements.

Within its authority, Commerce may consider additional incentives for increasing the number of units that meet accessibility and adaptability requirements. If specific incentives are of interest, Commerce invites further comment.

Written Comment Received via Email on June 24, 2024

Ruth Burke, Human Resource Council

Please accept the following as my comments on the 2025-2029 Consolidated plan including Equity Plan.

1. a focus on mobile homes and related infrastructure, as well as owner occupied rehab should continue to be central for affordable housing strategies, given the difficulties in the prices of homes, in the market for homeowners.
2. A look at land trusting (for homeownership), in a mechanism that works like a reverse mortgage: the land is purchased and homeowners are allowed to remain in the property.

At transfer of title, the land trust is put in place and affordability is established., should be considered for viability.

3. On the “Equity Plan Development (cont’d) Preliminary Data - Segregation” chart, data was presented on Non-white/white, Black/white, Hispanic/White, and Asian/White. I don’t understand why there was no data on this page for Native American/white? Segregation is primarily an issue on or near reservations, and this table was confusing, to not include that demographic.

4. Keeping an eye out for times when we can leverage affordable housing dollars with other federal and private programs to get a bigger bang for the buck. For example Weather-Ready funds at DPHHS, Rental-voucher funding (and inspections), PRICE and MERA funding (or future not-yet identified opportunities.)

5. Great appreciation for the work done at Department of Commerce, both in putting the plans together and for actively seeking public comment. DOC has been a great partner for housing developers and other professionals in the affordable housing realm.

Response

This public process has revealed a strong appetite for addressing housing and community needs by deploying a creative and inclusive strategy. Greater incorporation of mobile homes, more emphasis on homeowner rehabilitation, and land trusting for homeownership certainly fit in such a strategy and may allow for continued access to ownership by low- and moderate-income households despite the high barrier to entry in a difficult housing market. Commerce can communicate the allowability and viability of these approaches to applicants, but it will ultimately be up to applicants to propose projects that support these activities.

The Fair Housing Equity Plan primarily uses HUD’s Affirmatively Furthering Fair Housing Tool for analysis. When possible, data from this tool is supplemented with additional sources. The federally available data used to generate the chart detailing segregation does not provide the dissimilarity index for White versus Native American or American Indian populations. The Fair Housing Equity Plan seeks to address this data gap by incorporating other data and has noted a lack of federal data for the Native American population as a Fair Housing Issue in the plan. Commerce is committed to advocating for changes in data collection at the federal level; however, it should be noted the agency has little recourse to impact change given its authority.

Lastly, the programs supported under the Consolidated Plan require or encourage applicants to leverage funding for housing and community development projects. This ensures that funding reaches more projects and that programs are utilized to a greater degree. Again, Commerce can relay information about other funding opportunities to applicants, but it will ultimately be up to applicants to propose competitive projects that effectively layer federal, state, and private sources.

Written Comment Received via Email on June 25, 2024

[Shyla Patera, Independent Living Specialist with North Central Independent Living Services, Inc.](#)

My name is Shyla Patera .I am employed by and representing North Central Independent Living Services Inc(NCILS)in Black Eagle, Montana. NCILS is a cross disability advocacy agency which assists north-central Montanans with disabilities to navigate services and supports to live as independently in Montana as desired.

Montana Housing and our Montana communities must work to understand the historical significance and impact of zoning property and financing of constructed housing and rental housing. Many communities have worked within exclusionary zoning policies that have hindered access and afford ability to not only the built housing structure but rental housing as well.

Montana Housing should study the disparate impacts of building zoning and community development as well as growth policies or lack there of. Montana Housing and all partners need to understand and plan for policies in development which recognizes that many communities could benefit fro a frontier designation.

As advocates for citizens with disabilities, NCILS advocates for universally designed visitable homes often mixed use zoning does have an impact either negatively or positively regarding whether a citizen with disabilities does live in the community or within an institution or congregate setting. HUD needs to define policies regarding how communities will expand universally designed housing stock and aging in place policies in building and community development should be assisting people with disabilities as many would like to live in accessible community housing options. Housing and Community Development Division need to expand policies of working the underbanked and unbanked.

Montana Housing needs to encourage HUD to examine the disparate impacts of HUD contracts on rental assistance and rental housing because NCILS sees that developers and other community development organizations have impacts on how communities are built. If rehabilitation monies are funded or contracts not renewed in order to keep HUD units available cause a disparate impact for current residents living in those complexes and unforeseen circumstances can cause housing dilemmas for residents that no longer meet new criteria established when units become tax credit units. Montana's Qualified Allocation Plans should be addressing these issues of accessibility and afford ability not only for the building and development community but also for property managers as well.

NCILS supports source of income legislation that would eliminate possible or potential discrimination by states and communities by requiring that landlords not discriminate on the basis of payment source for housing eligibility many people with disabilities that are on SSA, SSI, SSDI have limited income to rent fair market opportunities. When a person or family accepts or enters into an HUD lease agreement, income supports are calculated damages and other programs afford ability should be prorated based on

income throughout a potential tenant's lease and move out. Income restitution plans should also have a time limit and be prorated based on income.

NCILS hopes that citizens and individuals with multiple and cooccurring disabilities can also have supports for tenancy issues. Often citizens have co occurring disabilities or multiple disabilities that may not appear evident upon application but as a person ages may come in to play. Landlords are often willing to rent to those who face housing barriers if there is a work or income history. What is Montana Housing's policy on HUD barriers and aging in place? NCILS also encourages Montana Housing to issue enforceable guidance on criminal activity, behavior and access to HUD housing once convictions, sentences, restitution, treatments are completed to the satisfaction of courts and criminal systems.

On homelessness, NCILS asks that disability will be and is being considered a high-risk category. NCILS also hopes that Montana Housing studies how communities are diverting people with disabilities from homelessness into the community as well. Montana Housing and DPHHS should continue to develop and expand tenancy supports for those in crisis situations and those Montanans who are discharging from DOC correctional facilities state hospitals. The State of to ensure that Montanans with disabilities live in both accessible communities and housing. NCILS hopes that communities and Continuum of Care either a homeless waiver program or bring back shelter plus care waivers and making sure that incentives to utilize main stream vouchers or other housing payment sources are offered to states, communities, landlords, and potential tenants in order to utilize every tool in homelessness diversion and prevention. Montana Housing and its partners must also ensure that shelters and housing programs know and understand healthcare insurance and accommodation policies and modifications particularly regarding Medicare, Medicaid, and medical needs throughout all processes such as certification, re certification, and more. Montana must encourage shelters' programs as well housing projects to undertake efforts to accommodate all people with mobility, sensory, and psychiatric disabilities.

On eviction prevention, Montana Housing and community partners should be offering educational programs that describe both de facto and or de Jure discrimination in HUD programs. Appeal rights, timelines, and reasonable accommodation policies may need to be clarified based upon crisis situations, medical emergencies and oftentimes lack of universally designed housing stock as well as available units. For those tenants cannot represent themselves Pro se in courts, Montana landlord-tenant laws should be examined. Thank you for the opportunity to submit these comments on the Consolidated Plan and Equity Plan

Response

Some of the comments provided are addressed in the State's responses above. Those comments not addressed previously are considered below.

The Consolidated Plan considers the impacts of zoning on affordable housing and examines how zoning and other local practices either encourage or hinder investments

in affordable housing development. The plan discusses recently passed legislation affecting zoning practices as well as details efforts by the Governor’s Housing Task Force to comprehensively address barriers to affordable and accessible housing statewide. It is duly noted that funding and financing are of great import to the continued development of affordable and accessible housing in the state. Commerce will continue to allocate a portion of its HUD funding to rental housing development and the development of housing for homeownership. As stated previously, preference for such activities is given for projects that demonstrate design that is accessible, adaptable, and/or visitable.

Both the Consolidated Plan and Fair Housing Equity Plan examine disparate impacts in multiple contexts and using various lenses. As mentioned above, zoning and local planning activities are considered in the State’s analysis. Low-Income Housing Tax Credits do not fall within the purview of the Consolidated Plan, so issues of accessibility and affordability under that program must be addressed as part of Montana’s Qualified Allocation Plan process. The Montana Board of Housing revises the Qualified Allocation Plan annually and invites public participation throughout its revision process.

Through its planning documents, the State seeks to paint an accurate picture of Montana and to convey its unique assets and challenges to citizens, decision-makers, and regulators. The State acknowledges that simply referring to small-town Montana as “rural” falls short of fully recognizing the extremely remote nature of some of our communities. The Consolidated Plan will examine the challenges communities face when they are isolated from population centers and services and make note of Montana’s rural-urban and even frontier continuum.

It is expressly noted here that better defined HUD policies regarding how communities can expand universally designed housing stock and better encourage aging in place for persons with disabilities is needed. It is also expressly noted here that policies regarding appeal rights, appeal timelines, and reasonable accommodations may need to be clarified for crisis and emergency situations.

As data is available for communities and the state, the Consolidated Plan will analyze levels of access to financial systems. Historically, activities undertaken under the Consolidated Plan have aimed to extend economic opportunities to all Montanans, especially those in underserved communities and within underserved populations. An examination of the availability of secure and affordable banking services and access to credit will inform efforts to further this objective.

Commerce ensures that lease agreements for assisted properties meet all HUD requirements and do not include prohibited terms, which are outlined in federal regulations (24 CFR 92.253(b) for HOME; 24 CFR 93.303(b) for HTF). Commerce does not enforce lease terms beyond those outlined by HUD. Property owners and managers are responsible for complying with state and federal laws in the execution and enforcement of their leases, as well as for ensuring that properties remain suitable for occupancy throughout their periods of affordability (as applicable). Owners and managers must repair damages and complete regular maintenance using fair, fiscally responsible

processes and are charged not only with providing affordable housing to their current residents but also with managing their housing assets such that they can continue to serve low-income households as units turnover and through the end of their period of affordability.

Commerce is seeking to better understand the complex and varied experiences of Montanans who have disabilities and appreciates NCILS elevating this discussion and noting the challenges of citizens who have co-occurring disabilities or multiple disabilities that may change over time. This is particularly helpful in supporting planning efforts as Montana's population is aging and is more likely to experience higher rates of disability as it ages.

The State encourages communities to assess and respond to the needs of their aging residents and expects affordable housing developers to make the built environment inclusive of and accessible to the elderly. Residents who own their homes and wish to age in place may consider the State's CDBG Housing Stabilization Program, which is described in detail above.

The Consolidated Plan considers special needs groups and examines each populations' risk for housing instability and homelessness. All Consolidated Plan programs have historically prioritized services for special needs populations — including the elderly; frail elderly; persons with mental, physical, and developmental disabilities; persons with substance use disorders; persons with HIV/AIDS and their families; public housing residents; Veterans; and victims of domestic violence. The Consolidated Plan will examine barriers to effectively serving those at greatest risk in our communities and, within the scope of covered programs, seek to remove or ameliorate barriers.

Through its Fair Housing Equity Plan, the State hopes to make its citizens and fair housing stakeholders more informed and better equipped to combat discriminatory practices, whether resulting from regulation or occurring outside of the law.

It is outside of the authority of Commerce to change landlord-tenant laws in Montana; however, Commerce can certainly examine and, within the scope of its HUD programs, advocate for laws that provide for greater protection of tenants and increased access to affordable and decent housing for rental households.

Written Comment Received via Virtual Comment Card on May 21, 2024

[Mark Woodard, Chief Financial Officer with the Human Resource Development Council of District IX](#)

Please increase the amount of resources available while also reducing restrictions when allowable. No surprise.

[Response](#)

Allocations for Consolidated Plan programs are determined by formula at the federal level. Likewise, regulations governing these programs are determined by HUD, a federal

agency. Commerce recognizes that housing and community development needs have increased, and that funding has not kept pace. This is especially challenging given that the administrative burdens of each program continue to increase year over year. Commerce and DPHHS are committed to advocating for more federal and state resources and more flexible, responsive regulations at both the federal and state levels; however, it should be noted that the agencies have little recourse to impact change given their respective authorities. That said, Commerce is actively looking at the state and federal requirements of its programs, including programs covered by the Consolidated Plan, and is committed to reviewing state overlays to ensure they are appropriate, justifiable, and not adding unnecessary red tape. For example, Commerce is in the process of simplifying and clarifying CDBG administration by updating its manual.

Written Comment Received via Virtual Comment Card on May 21, 2024

Robert Crawford, the Blackfeet Nation

I am willing ready and able to collaborate with the state and private organizations to ensure that the Blackfeet Nation and all Montana tribes have improved access to mortgage-based homeownership opportunities.

It is crucial to address the housing needs of not only low and very low-income families but also middle-income households. I am committed to working diligently to achieve these goals.

To ensure equitable housing opportunities over the next five years, it is essential to adopt a holistic approach that addresses the diverse needs of all income levels within our tribal communities.

This includes: Inclusive Policy Development: Collaborate with tribal leaders and community members to develop policies that reflect the unique needs and cultural values of each tribe.

Targeted Financial Programs: Implement financial assistance programs that cater to low, very low, and middle-income households, ensuring that no income group is left behind.

Education and Support: Provide education and resources to help potential homeowners understand the mortgage process and maintain successful homeownership.

Infrastructure Investment: Invest in infrastructure and community development projects that support sustainable growth and improve the quality of life for tribal members.

Partnerships: Foster partnerships with private organizations, non-profits, and government agencies to leverage resources and expertise for comprehensive housing solutions.

By focusing on these areas, we can create a more equitable housing landscape that empowers all members of our tribal communities to achieve homeownership and long-term stability.

Addressing the equity disparities and creating a middle class will help not only the tribe but the surrounding communities as well.

Response

Improving access to mortgage-based homeownership opportunities is within the scope of this process. The Fair Housing Equity Plan shows that American Indian or Alaskan Native applicants have a disproportionately higher rate of mortgage denials than applicants in Montana overall. The draft Equity Plan lists this as an issue and ranks it as a high priority. The Montana Board of Housing and Commerce participate in the Native American Homeownership Coalition, which, under the leadership of NeighborWorks Montana and a diverse group of stakeholders, is working to increase the flow of mortgage financing to Native Americans across the state and from Montana's eight tribes. Opportunities for addressing barriers to homeownership for tribal members will be examined on an ongoing basis as the State continues to work through its planning process and eventually begins to execute its strategic plan. Solutions may include homebuyer education, special outreach, and targeted homebuyer assistance.

While the HUD programs covered by the Consolidated Plan are restricted to benefiting low- and moderate-income households, the Consolidated Plan examines housing and community development needs in Montana at large, and it should be noted that assisted housing projects can serve middle-income households proportional to their level of non-HUD investment. In other words, if HUD funds make up half of a project's funding, half of the units would need to be restricted to low- and moderate-income beneficiaries while the other half would be subject to the requirements of other funding sources (if any). For non-housing activities supported by HUD — e.g., CDBG community facility, CDBG infrastructure, and CDBG planning — up to 49% of beneficiaries can have incomes higher than the low- to moderate-income levels for the service area.

The State welcomes input on policy from all its citizens. Tribal leaders and tribal community members are welcome to participate in all aspects of the public process for the Consolidated Plan and Fair Housing Equity Plan. Moreover, as the needs in tribal territories are unique, the State also welcomes additional participation. If special listening sessions or planning workshops are of interest to tribal stakeholders, whether during 5-year planning or annual planning within the 5-year Consolidated Plan period, Commerce will gladly facilitate further involvement.

All HUD programs covered under the Consolidated Plan have income targeting. As indicated previously, CDBG targets low- to moderate-income households with incomes at or below 80% area median income; HTF targets households with extremely low incomes at or below 30% area median income; and HOME targets households with low and very low incomes at 80% and 50% area median income, respectively. To illustrate these limits in terms of dollars instead of percentages, as of April 2024, a 3-person household in Billings would be considered low income if at or below \$64,550 annually.

The State will continue to invest in infrastructure and community development in support of sustainable growth and improved quality of life for Montanans. If HUD assistance available under this Consolidated Plan is needed for infrastructure and community development activities to take place within tribal boundaries and/or to be undertaken directly by a tribe, project managers are encouraged to contact Commerce early in their process (prior to application) to ensure that program compliance, as applicable, is possible given the parameters of the proposed project.

Leveraging of other funding sources is an important part of all housing and community development that occurs under Montana’s Consolidated Plan, and leveraging is increasingly important with higher project costs and decreased or relatively steady HUD funding allocations year over year. The State will consider opportunities to educate and collaborate with both grantees and other resource providers to improve knowledge of and access to funding sources, as well as to leverage expertise for comprehensive housing and community development solutions.

Written Comment Received via Comment Card

[Karen Cleveland, NeighborWorks Great Falls](#)

I’d like to see the AAP from previous years to understand how this new plan going forward will impact state entity’s access to dpa dollars.

Response

All of the current and most recent historical Consolidated Plan documents, including Annual Action Plans and Consolidated Annual Performance and Evaluation Reports, are available on Commerce’s website at commerce.mt.gov/Consolidated-Plan/Documents. HOME funding allocations and down payment assistance goals are provided for each program year. Additionally, the Montana Board of Housing, administratively attached to Commerce, provides down payment assistance dollars to eligible homebuyers. These down payment assistance programs are not under the framework of the Consolidated Plan, but members of the public are welcome and encouraged to join Montana Board of Housing public meetings to provide comment on the Board’s programs, including the Board’s Bond Advantage Down Payment Assistance and MBOH Plus 0% Deferred programs. Additional information can be found at commerce.mt.gov/Housing/Homeownership/Down-Payment-Assistance.

Written Comment Received via Comment Card

[Mandy Gerth, Kalispell HEART Program](#)

With the disproportionate number of BIPOC youth exiting foster care, there is an opportunity to create robust permanent supportive housing and supportive services for rural underserved youth with permanent supportive housing for youth exiting foster care and youth impacted by the justice system.

Response

Montana’s previous Consolidated Plan considered the following special needs populations priorities for program funding: the elderly; frail elderly; persons with mental, physical, and developmental disabilities; persons with substance use disorders; persons with HIV/AIDS and their families; public housing residents; Veterans; and victims of domestic violence. The State will consider expanding its priority group to include youth exiting foster care. Communities seeking to provide permanent supportive housing and other supportive services to this underserved group, thus, will receive funding preference.

Written Comment Received via Comment Card

Jim Bachand, Chief Executive Officer with the Missoula Organization of Realtors
“Fair Housing Equity Plan”

- should include LGBTQ+ in Montana
- at present LGBTQ+ people are not protected

Response

The Civil Rights Act of 1986, Title VII, prohibits discrimination based on sex, and, per evolving regulatory changes and legal interpretations, inequitable treatment due to sexual orientation and gender identity is a form of sex discrimination. The Fair Housing Equity Plan, which aligns with federal regulations, looks at demographics for all the federally and state-protected classes in Montana, including sex, and notes, based on public input received via the fair housing survey, that gender identity discrimination is an ongoing issue in communities that is often underreported. As the State works to finalize its plan, it will consider ways to educate the public and housing providers on this form of discrimination and will uphold LGBTQ+ protections under its programs in accordance with federal laws and regulations.

Written Comment Received via Comment Card

Kathleen Wing, Fort Belknap Tribal Housing Authority
I would like to be more involved in this process.

Response

We welcome your further involvement in this process. The next opportunity for input is the public review and hearing for the draft Fair Housing Equity Plan, and the State will notify you directly once that period begins. Additional opportunities to engage will be shared via Commerce’s listserv, which you can subscribe to at <https://public.govdelivery.com/accounts/MTDOC/subscriber/new?qsp=MTDOC 2>.

Meeting information, documents available for review, and other activities associated with this process will also be shared via Commerce’s website: commerce.mt.gov/Consolidated-Plan/. Thank you for your interest.

Written Comment Received via Comment Card

Julie Lacey

Expand on and refine the work of HB 819 – More access to funding to address all housing issues. Continue to leverage State funds toward housing solutions.

Response

It is outside of the authority of Commerce to alter existing or enact new legislation; however, Commerce will continue to elevate housing issues and advocate for resources and supports in meeting the objectives of the Consolidated Plan and associated Fair Housing Equity Plan.

The Governor’s Housing Task Force is preparing a final phase III report of recommendations. The current draft includes recommendations pertaining to multiple programs included in HB 819. Specifically, the Coal Trust Multifamily Homes program administered by the Montana Board of Housing, and the Montana Housing Infrastructure Revolving Loan and Revolving Bond programs. Additional information about the Housing Task Force and its work can be found at <https://deq.mt.gov/about/Housing-Task-Force>.

2025-2029 Consolidated Plan and Equity Plan Draft Document Public Review

Written Comment Received via Email on August 22, 2024

John Rogers, DAQ Systems

I see the words “Equity” and “Affirmative” in the fair housing plan. These are often used euphemistically to cover up racial discrimination or favor/disfavoring certain racial groups. Racial discrimination and favoritism are illegal and unconstitutional in spite of past discrimination which certain racial groups were subjected to. Giving advantage to those of lower income is the better approach to achieve more fair housing. The word “equity” should not be used as it is politically loaded and associated with illegal “affirmative (racial) action” programs.

Response

The structure of and the terminology used in the plan follows HUD’s format and phrasing. The State follows a prescribed planning process and must document its fair housing assessment and goals according to established requirements, which are outlined in [HUD’s Proposed Rule](#).

Rather than giving preference to individuals and households based on race or other protected classes, the proposed goals of the plan focus on

- Expanding outreach and education statewide;



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- Better serving entire communities that have high concentrations of poverty and that are disproportionately represented by minority racial and ethnic groups;
- Reducing barriers for households and communities that have experienced disproportionately less access to resources and opportunities; and
- Prioritizing projects in priority areas and ensuring that investments are made strategically based on need.

As noted in the plan, Montanans who feel their fair housing rights have been violated are encouraged to [file a complaint](#) with HUD.

All projects supported by the Consolidated Plan associated with this Fair Housing Equity Plan will either have an areawide benefit or, under fair and legal processes, serve specific households that meet income eligibility requirements. Indeed, all of HUD's programs administered under the Consolidated Plan target assistance to those who are disadvantaged economically based on their household income.