

ETHICS POLICY

PREFACE

The Allen Park Housing Commission has established standards of conduct for its employees and members of its Board of Commissioners. These standards are designed to assure the utmost in public trust and confidence in the policies and practices of the Commission. Because of its status as an independent public body, the Commission recognizes its responsibility to conduct all business in a manner above reproach or censure. This Code of Ethics will describe in detail the standards by which members of the Board of Commissioners and staff are to be held accountable.

This code recognizes and incorporates those sections of Federal, State and Local Law which govern the conduct of public employees, and in no way supplants those provisions of law. In cases where no statutory precedent exists, the policy of the Allen Park Housing Commission shall be applied, except that this policy shall in no way be taken to supersede the provisions of any contracts, labor agreements, or other external agreements affecting the rights and privileges of employees.

The Standards of Conduct contained within the Code of Ethics shall be generally applied so as to avoid the appearance, or actual occurrence of, any favoritism or special treatment towards any applicant, resident, vendor or agent having business, or dealings of any kind, with the Commission. No Commissioner or employee shall use or cause or allow to be used in his or her position to secure any personal privileges for himself, herself, or others, or to influence the activities, actions, or proceeds of the Commission.

The Allen Park Housing Commission, in establishing standards of conduct for its employees and Commissioners, recognizes the importance of establishing standards of conduct for external vendors and suppliers of products and/or services to the Commission. While the Commission cannot mandate the internal conduct or policies of vendors, it nevertheless requires that vendors and suppliers adhere to certain basic principles in conducting business with the Commission. Specifically, these principles include:

- A. No direct or indirect personal inducement of Commission employees. It is recognized that in the course of business dealings, there may be times when meals and/or visits may be arranged. In such cases, such events should be reported to the Housing Commission, with the nature of the visit explained.
- B. No direct or indirect inducement of members of the Board of Commissioners. This shall include the same provisions covering employees.

It is expected that vendors or suppliers of professional services to the Commission will be governed by the Code of Ethics to which their particular profession prescribes.

Any vendor or supplier found in violation of Commission policy shall be barred from future business dealings with the Commission.

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1.0 TITLE

This shall be called the “Allen Park Housing Commission Code of Ethics and Standards of Conduct”.

2.0 APPLICABILITY

The provisions contained herein shall apply to all employees and the Board of Commissioners of the Allen Park Housing Commission. With respect to contracted professional services of the Commission (legal, accounting, or otherwise), it is assumed that these professionals will abide by the professional ethics of their particular profession.

3.0 PURPOSE

This Code of Ethics establishes standards for employee and Commissioner conduct that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity, and also recognizing in general the integrity of Commissioners and employees, it nevertheless sets forth those acts or omissions of acts that could be deemed injurious to the general mission of the Commission.

This Code of Ethics is not intended, nor should it be construed as, an attempt to unreasonably intrude upon the individual employee’s or Commissioner’s right to privacy and the right to participate freely in a democratic society and economy.

4.0 DEFINITIONS

AGENT shall mean any employee of the Commission (whether full or part time) acting in his or her official capacity is an agent of the Commission.

CLAIM shall mean any written demand, written, made upon the Commission to fulfill an obligation arising from law or equity.

COMMISSIONER shall mean one of the persons serving on the Board of Commissioners of the Commission.

CONTRACT shall mean a written obligation to do something arising from an exchange of promises or consideration between persons.

CONVENTIONAL shall mean those housing programs operated by the Commission, which are broadly considered part of the “conventional public housing program.” This shall include but not be limited to, such a programs as public housing, the Capital Fund, HOPE VI, and the Public Housing Drug Elimination Program (PHDEP).

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EMPLOYEE shall mean any person appointed or hired and paid, whether full or part time, seasonal, temporary, on a fixed or unfixed term, provisional or permanent.

ENROLLEE shall broadly mean any applicant, resident, or program participant in any program operated by the Commission. Specifically, an “enrollee” shall be a person who expects to receive, or is receiving, some form of assistance from the Commission.

FAMILY shall mean the spouse, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half brother, half sister, or a person living in a stable family relationship.

INTEREST shall mean a benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose as a result of any decision, or action or omission to decide or act, on the part of the Commission, its Board, or employees.

LEASING PROGRAM shall mean those programs operated by the Allen Park Housing Commission that are broadly included within the Section 8 Program or the tenant-based program, whether it be for certificates or vouchers. Unless otherwise noted, the provisions contained herein shall apply equally to both the “Leasing” and the “Conventional” programs of the Commission.

PERSON shall mean any individual, corporation, partnership, business entity, association, organization, and may include a Commission employee.

PUBLIC INFORMATION shall mean information obtainable pursuant to the Freedom of Information Act and Commission guidelines adopted pursuant thereto.

5.0 ETHICAL STANDARDS FOR EMPLOYEES

No employee of the Allen Park Housing Commission shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation in which directly or indirectly he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her official duties.

No employee shall have or enter into any contract with any person who has or enters into a contract with the same Commission unless:

- A. The contract between the person and the Commission is awarded pursuant to competitive bidding procedures and/or purchasing policies as outlined in regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), state law, and the Allen Park Housing Commission Procurement Policy; or

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- B. The contract between the person and the Commission is one in which the Commission employee has no interest, has no duties or responsibilities, or if the contract with the person is one which the Commission employee entered into prior to becoming an employee.

There shall be no preferential treatment given by an employee of the Commission acting in performance of his or her official duties to any person, agency or organization.

No Commission employee shall use or permit the use of Commission-owned vehicles, equipment, materials or property for the convenience or profit of himself, herself, or any other person.

No authority employee acting individually can bind the housing authority by an action or verbal representation.

No Commission employee shall disclose without proper authorization non-public information or records concerning any aspects of the operation of the Commission, nor shall he or she use such information to the advantage or benefit of himself, herself, or any other person. This shall include records maintained on enrollees of the Commission, for whom a properly executed release of information form shall be obtained and kept in the client file. The release of any information relative to enrollees of the Commission shall be done pursuant to government regulations allowing the release of information among government agencies or agencies receiving government subsidy, shall be done following prescribed methods of requesting and transmitting such information, and shall be done with full knowledge of the enrollee except in those cases where through action of law the enrollee's knowledge is not required.

No Commission employee currently employed shall represent any person, other than himself or herself, in business negotiations, judicial or administrative actions or procedures, to which the Commission may be a party.

No former employee of the Commission shall personally represent any person in a matter in which the former employee personally participated while employed by the Commission for one year, if such representation would be adverse to the interest of the Commission. This provision shall not, however, bar the timely filing by a current or former employee, of any claim, account, demand, or suit arising out of personal injury, property damage, or any benefit authorized or permitted by law.

No member of the family of any Commission employee shall be appointed or hired to serve under the direct supervision or authority of that employee, and in no event shall any Commission employee participate in the decision-making regarding employment or contract for services of any family member.

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No Commission employee shall have an interest in a contract between any person and the Commission, except that is provision shall not apply if the contract was entered into prior to the employee's hire by the Commission; the employee discloses his or her interest in the contract prior to employment; and after employment, the employee has no power to authorize or approve payment under the contract, monitor performance or compliance under the contract, or audit bills or claims under the contract and the compensation of the employee will not be affected by the contract.

No Commission employee shall have any employment, engage in any business or commercial transaction, or engage in any professional activity in which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her duties with the Commission or that would be in conflict with his or her duties at the Commission.

No employee of the Commission shall discuss, vote upon, decide or take part in (formally or informally) any matter before the Commission in which he or she has an interest. Exception shall be made in the case of an employee whose interest in the matter is minimal (e.g. an employee helping decide on a new telephone system owns 100 shares of AT & T Stock), provided the employee shall fully and specifically describe his or her interest, and underlying basis of it, whether it be ownership, investment, contract, claim, employment or family relationship, to his or her immediate supervisor prior to the employee's participation. If, in the opinion of the supervisor, there is any question as to whether the interest is minimal, the matter shall be referred to the Housing Commission for a binding decision on the question.

Any matter decided on, contracted, adjudicated, or in any way acted upon by an employee who does not disclose a personal interest either in the matter, or in any person or organization having an interest in the matter, may be considered null and void by the Commission. Such a matter may be referred to the Housing Commission to render judgment and assess any penalties if necessary.

If the Housing Commission renders judgment that a matter was performed; a contract entered into; or any matter was conducted, decided or acted upon in a manner prohibited by the Code of Ethics; it may then propose, among other things, that the Board of Commissioners seek an injunction against the proscribed action.

No person employed by the Commission shall be permitted to participate as a Lessor or Lessor's agent in the leasing programs. Similarly, no member of the Board of Commissioners in is or her individual capacity shall be a lessor or lessor's agent. These prohibitions, however, shall not apply where the employee or Commissioner is a principal in a not-for-profit or charitable, educational, or humanitarian agency or organization that may own or manage housing for rental purposes.

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6.0 ETHICAL STANDARDS FOR COMMISSIONERS

The Board of Commissioners of the Allen Park Housing Commission is the architect of policy governing the operations of the Commission and retains legal and fiscal responsibility for the Commission. Recognizing that the commissioners are chosen from a broad range of fields and professions and community interests renders difficult the circumscription of external interests and activities of the Commissioners. It is the intent that, insofar as is possible, the members of the Board of Commissioners are generally enjoined to follow the standards of conduct which are outlined in the Code of Ethics for employees. Further, it is expected that a Commissioner will voluntarily and fully outline his or her personal interests and potential conflicts.

- A. No Commissioner shall vote, decide on, or discuss any matter before the Board if that Commissioner has an interest in the matter, except that:
 - 1. A Commissioner having interest through a voluntary association with the person or organization may be allowed to discuss the matter.
 - 2. If the matter concerns a person or organization with which the Commissioner had former contact, and that former contact existed either prior to his or her selection, or occurred at least two years prior to the current discussion of the matter, the Commissioner may freely act.
- B. No Commissioner may use his or her position on the Board to intimidate, coerce, persuade or otherwise influence any of the activities or employees of the Commission.

7.0 ETHICS REVIEW COMMITTEE

When determined necessary by a vote of the members of the Allen Park Housing Commission a temporary Ethics Review Committee shall be established. The Ethics Review Committee shall only be active for the length of time that it takes for the conflict at hand to be resolved. The resolution of the conflict as determined by the Ethics Review Committee shall be final.

The purpose of the Committee shall be to review and render decisions on any matters involving ethical conduct, or breach of ethical conduct, by employees, vendors, or commissioners.

The Committee is empowered by the Board of Commissioners to:

- A. Call Witnesses and receive depositions in the performance of its duties.
- B. Call for provision of appropriate records, files or tapes relative to the performance of its duties.
- C. Review any records maintained by the Commission, except those records that are considered confidential or personal. However, the subject person may examine confidential records upon execution of a proper release.

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In performing its duties, the Committee may:

- A. Issue rules and regulations consistent with and to clarify the Code of Ethics.
- B. Review any questions concerning alleged or suspected infractions of the Code of Ethics and make the final recommendations to the Board of Commissioners for final actions.
- C. Require financial disclosure or disclosure of any other pertinent information by employees, vendors, or commissioners.
- D. Oversee compliance by the Commission with the Code of Ethics and any other applicable regulations involving ethics.

The Committee shall be composed of three (3) members and one (1) alternate: Board of Commissioners (1), employees (1), and a neutral third party (1). The alternate member of the panel shall be a party versed in legal/ethical issues, e.g., an attorney not currently serving as counsel to the Commission or an academic authority on ethical issues.

The members of the Committee shall be appointed in the following manner:

- A. The representative of the Board of Commissioners and the neutral third party shall be selected by vote of the Board of Commissioners.
- B. The Executive Director shall select the employee representative and alternate.

There shall be a chair of the Committee, elected by the members of the Committee. The Executive Director shall serve as the secretary of the Committee.

Voting by the Committee shall be by simple majority, with the Chair voting as any other member.

The alternate member of the Committee may attend all meetings of the Committee. In case of a conflict of interest by a committee member, the alternate member will assume the role as a voting member of the Committee. The alternate may at any and all times voice opinions regarding the deliberations of the Committee.

The Committee shall, upon receiving a written request from either the Board of Commissioners or any individual associated with the Commission, respond in writing within sixty (60) days after receipt of the request, unless the Committee determines that additional time is required. If additional time is required, it shall inform the requestor of the approximate time it will be able to render a response.

The committee shall make reports and recommendations for action to the Board of Commissioners. If the Board finds a recommended action is properly within the purview of the Executive Director or his or her designee, it shall delegate the matter without further Board action.

The legal counsel of the Commission may be involved in the deliberations of the Committee, but he/she has no vote and cannot serve as the alternate committee member.