

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions

Housing Authorities, as part of their annual planning process and development of admissions policy, must describe and apply a policy that deconcentrates poverty and to affirmatively furthers fair housing in admissions. The following describes Pierce County Housing Authority’s plan to deconcentrate poverty and to affirmatively further fair housing.

Deconcentration of Poverty and Income Mixing:

Deconcentration of poverty and income mixing is promoted by a policy that provides for bringing higher income tenants into lower income developments and lower income tenants into higher income developments.

The US Department of Housing and Urban Development has identified the following five steps required of subject development(s) in regard to deconcentrating poverty and income mixing.

Step 1. A PHA shall determine the average income of all families residing in all the PHA's covered developments. A PHA may use median income, instead of average income, provided that the PHA includes a written explanation in its PHA Annual Plan justifying use of median income in the PHA's Annual Plan.

The average income of all families residing in PCHA owned public housing developments is: \$23,791
Source: PIC Income Report, as of July 31, 2018. Effective dates August 1, 2017 – November 30, 2018.

Step 2. A PHA shall determine the average income of all families residing in each covered development.

Pierce County Housing Authority has two developments of substantially different sizes.

WA054000001 is a “covered development” of 116 units and the average income is \$23,206.

WA054000002 is not a covered development, consisting of only 9 units. See 24 CFR 903.2(b)2(i),

(2) Developments not subject to deconcentration of poverty and income mixing requirements. This subpart does not apply to the following public housing developments:

(i) Public housing developments operated by a PHA with fewer than 100 public housing units;

Step 3. A PHA shall determine whether each of its covered developments falls above, within or below the Established Income Range. The Established Income Range is from 85 to 115 percent (inclusive) of the average family income (the PHA-wide average income for covered developments as defined in Step 1), except that the upper limit shall never be less than the income at which a family would be defined as an extremely low income family under 24 CFR 5.603(b).(iv)

WA054000001 is within 85-100% of the average family PHA wide income for covered developments.

WA054000002 is **not** within 85-100% of the average family PHA income for covered developments.

However, it is not a covered unit as explained previously (less than 100 units in the development).

Income Range:

85% of \$23,791	115% Percent of \$23,791
\$20,222	\$27,360

Step 4. A PHA with covered developments having average incomes outside the Established Income Range may explain or justify the income profile for these developments as being

consistent with and furthering two sets of goals: the goals of deconcentration of poverty and income mixing as specified by the statute (bringing higher income tenants into lower income developments and vice versa); and the local goals and strategies contained in the PHA Annual Plan. Elements of explanations or justifications that may satisfy these requirements may include, but shall not be limited to the following:

(A) The covered development or developments are subject to consent decrees or other resident selection and admission plans mandated by court action;

NA

(B) The covered development or developments are part of PHA's programs, strategies or activities specifically authorized by statute, such as mixed-income or mixed-finance developments, homeownership programs, self-sufficiency strategies, or other strategies designed to deconcentrate poverty, promote income mixing in public housing, increase the incomes of public housing residents, or the income mix is otherwise subject to individual review and approval by HUD;

NA

(C) The covered development's or developments' size, location, and/or configuration promote income deconcentration, such as scattered site or small developments;

PCHA's portfolio consists of only one covered development (WA05400001) at 116 units. It is within the Established Income Range.

The entirety of Pierce County Housing Authority's Public Housing portfolio consists of single family units spread throughout Pierce County. In the context of deconcentrating poverty, each unit of public housing is surrounded by non-subsidized housing in a suburban neighborhood. Moving higher/lower income families from one single family home to another would have minimal impact upon deconcentrating poverty.

(D) The income characteristics of the covered development or developments are sufficiently explained by other circumstances.

Pierce County Housing Authority has only two developments. One is considered "subject" to deconcentrating poverty requirements because there are more than 100 units in the development. The average income of the residents in development WA05400001 is within the established income range of 85-115%. The smaller development is not subject to deconcentration or income mixing because the development is less than 100 units.

Pierce County Housing Authority's mission includes "economic opportunity". In support of this portion of the mission, PCHA operates a Family Self Sufficiency and Homeownership program. Staff will continue to reach out to all families in the public housing portfolio to encourage public housing participants to consider enrolling in this voluntary program.

Step 5. Where the income profile for a covered development is not explained or justified in the PHA Annual Plan submission, the PHA shall include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing in applicable covered developments.

PCHA's income profile for subject developments is compliant with the regulations for deconcentrating poverty and income mixing.

Pierce County Housing Authority does not offer site based waiting lists.

Policies regarding administration of the waitlist and admissions in Public Housing are contained in the Pierce County Housing Authority ACOP (Admissions and Continued Occupancy Plan)

Other Admissions Policies

Per the regulations at 24 CFR 903.7(b)3, housing authorities, as part of their planning requirements, must address policies that govern eligibility, selection and admissions for the public housing (see previous section) **and tenant-based assistance programs** (see part 982, subpart E of this title).

Tenant based assistance programs are generally referred to as Section 8, or more formally, the Housing Choice Voucher Program.

24 CFR 982.201 When applicant is eligible: General.

Pierce County Housing Authority's eligibility policies are described in its Administrative Plan for the Section 8 Program, Chapter Three.

24 CFR 982.203 Special admission (non-waiting list): Assistance Targeted by HUD

If Pierce County Housing Authority is awarded program funding by HUD that is targeted for families living in specified units, PCHA:

- Will use the assistance for the families living in these units
- May admit a family that is not on the PCHA waiting list, or without considering the family's waiting list position.
 - PCHA will maintain documentation that the family was admitted with HUD targeted assistance.

The following are examples of types of program funding that may be targeted for a family living in a specified unit:

- A family displaced because of demolition or disposition of a public housing project (unit or development);
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990.
 - A non-purchasing family residing in a project subject to a homeownership program
 - A family displaced because of mortgage repayment or voluntary termination of a mortgage insurance contract.
 - A family residing in a project covered by a project-based Section 8 Housing Assistance Payment contract at or near the end of the contract or term; and
 - A non-purchasing family residing in a HOPE I or HOPE 2 project.

982.204 Waiting list: Administration of waiting list.

Pierce County Housing Authority will administer the waiting list for the Section 8 program in accord with the housing authority's administrative plan found in Chapter Four. The waiting list will contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification of any local preference;
- Racial or ethnic designation of the head of household;

Chapter Four of Pierce County Housing Authority's administrative plan identifies policy related to when an applicant's name may be removed from the waiting list. If an applicant family is removed from the waiting list and the applicant or member of the family is a person with disabilities, Pierce County Housing Authority will reinstate the applicant to the family's former position on the waiting list.

982.53 Equal opportunity requirements and protection for victims of domestic violence, dating violence, sexual assault, or stalking.

Pierce County Housing Authority's Section 8 and Public Housing program will comply with all equal opportunity requirements at 24 CFR 5.105, including:

- **The Fair Housing Act (PCHA will affirmatively further fair housing in the administration of the program)**
- **Equal Access**
- **Title II of the American's with Disabilities Act**

Pierce County Housing Authority will apply the requirements of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Sexual Assault, or Stalking). Pierce County Housing Authority will afford protections for the victims of domestic violence, dating violence, sexual assault, or stalking who are applying for, or are the beneficiaries of, assistance under a HUD program (Public Housing and Section 8) covered by the Violence Against Women Act (VAWA). Such protections are not limited to women but cover victims of domestic violence, dating violence, sexual assault, and stalking **regardless of** sex, gender identity, or sexual orientation. Victims (HUD's terminology) cannot be discriminated against on the basis of any protected characteristic, including:

- Race
- Color
- National origin
- Religion
- Sex
- Familial Status
- Disability
- Age

Equal Access Rule (24 CFR 5.105(a)(2) requires that Section 8 and Public Housing assistance be made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

Covered Housing Provider:

Per 24 CFR Part 5, subpart L, the covered housing provider is Pierce County Housing Authority or the person or entity (or employee of an owner) that leases an assisted dwelling unit to an eligible family. *Covered housing provider* refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the **covered housing** programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be

performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Violence Against Women Act Protections

Pierce County Housing Authority will provide notification to participants and applicants to Section 8 and Public Housing regarding their occupancy rights under VAWA (HUD form 5380) as well as make available a certification form (HUD form 5382) to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking.

Pierce County Housing Authority will provide participants and applicants their occupancy rights (HUD form 5380) and certification (HUD form 5382) related to the Violence Against Women Act at the following times:

- At the time the applicant is denied assistance or admission under a covered housing program;
- At the time the individual is provided assistance or admission under the covered housing program;
- With any notification of eviction or notification of termination of assistance; and
- During the 12-month period following December 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable, or, if there will be no recertification or lease renewal for a tenant during the first year after the rule takes effect, through other means.

HUD forms 5380 and 5382 shall be made available in languages consistent with Limited English Proficiency requirements; forms are available in multiple languages at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a

Pierce County Housing Authority's Section 8 Administrative Plan and Public Housing Admissions and Continued Occupancy Plan (ACOP) include PCHA's policies that describe specific protections afforded to victims/survivors of domestic violence, dating violence, sexual assault, or stalking. Additionally, as relevant, Pierce County Housing Authority will include such language (as applicable) in leases, lease addendum, or tenancy addendum. Such language shall include:

Prohibited basis for denial or termination of assistance or eviction -

General. An applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

Termination on the Basis of Criminal Activity

A tenant in a covered housing program may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:

- The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and
- The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

- Construction of lease terms and terms of assistance. An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking **shall not** be construed as:
 - (1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or
 - (2) Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

Limitations of VAWA Protections

Nothing in this section limits the authority of a covered housing provider, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of a household.

Nothing in this section limits any available authority of a covered housing provider to evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. However, the covered housing provider must not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

Nothing in this section limits the authority of a covered housing provider to terminate assistance to or evict a tenant under a covered housing program if the covered housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to property of the covered housing provider would be present if that tenant or lawful occupant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: provided in the definition of “actual and imminent threat”. HUD defines imminent threat as:

A physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

When a covered housing provider terminates assistance because of actual and imminent threat it should be determined that there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to:

- transferring the victim to a different unit
- barring the perpetrator from the property
- contacting law enforcement to increase police presence
- develop other plans to keep the property safe
- seeking other legal remedies to prevent the perpetrator from acting on a threat

Restrictions predicated on public safety **cannot be based on stereotypes**, but must be tailored to particularized concerns about individual residents.

Emergency Transfer Plan

Pierce County Housing Authority has adopted an emergency transfer plan based on HUD's model emergency transfer plan. The policy is described in Pierce County Housing Authority's Administrative and Acceptance and Continued Occupancy Plans. The plan includes the following:

Definitions:

(i) Internal emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.

(ii) External emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.

(iii) Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

When a Transfer Must Be Approved

The emergency transfer plan must provide that a tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:

- The tenant expressly requests the transfer; and
 - The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
 - In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

Prioritization:

Pierce County Housing Authority's emergency transfer plans prioritize the transfer under VAWA as the highest priority, superseding requests for transfers for all other purposes.

Confidentiality:

Pierce County Housing Authority's emergency transfer plan incorporates strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

Unit Availability:

When a covered vacant unit is determined to be safe and immediately available, Pierce County Housing Authority will transfer a tenant protected by VAWA. Pierce County Housing Authority will not incur costs related to the transfer outside of the normal operations of the authority. For example, the authority

does not pay for moving/relocation assistance and will not do so in a VAWA related transfer. Additionally, Pierce County Housing Authority will not transfer to a non-program unit, e.g. a unit of enterprise housing not covered by the Annual Contributions Contract.

When a Safe Unit is NOT Immediately Available:

Emergency Transfers under VAWA will have priority over any other type of emergency transfer request. In the event that multiple transfers under VAWA occur in the same program or covered property the transfer will occur based on the date of the request.

Transfers to Non-covered Units:

Reasonable efforts by PCHA that will be taken to assist a tenant wishing to make an external emergency transfer when a safe unit is not immediately available include:

Pierce County Housing Authority will:

- Port out participants (in instances related to the Section 8 program) wishing to move to a safe unit in another jurisdiction, including if the housing authority is otherwise prohibited from allowing port outs, such as when in shortfall.
- Refer participants requesting transfers to non-covered units to the YWCA of Pierce County and/or the Crystal Judson Family Support Center.
- Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

Quickly Transfer Tenant Based Rental Assistance:

Pierce County Housing Authority will make priority all actions associated with an emergency transfer for a qualified individual, including but not limited to:

- Prioritizing HQS inspections for emergency transfers above all non-VAWA related inspections, including annual inspections, complaint inspections, etc.
- The Housing Specialist will prioritize all actions related to a tenant based transfer, including all annuals, interims, and other non VAWA related actions.

When Documentation may be Required:

- The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the criteria of this section, shall be sufficient documentation of the requirements.
- PCHA may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and
- No other documentation is required to qualify the tenant for an emergency transfer.

Producing Emergency Transfer Plan:

Pierce County Housing Authority will make available copies of the Emergency Transfer plan upon request and available to the public at its administrative offices.

Documentation and Reporting:

Pierce County Housing Authority will keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.