

# PA015 HUD 50075-ST B.(C) De-Concentration Policy

## De-concentration Policy

### Purpose

The intent of the Fayette County Housing Authority's (FCHA) De-Concentration Policy is to promote mixed-income developments through the use of admissions policies and in accordance with equal opportunity requirements imposed by contract or federal law and provisions to affirmatively further fair housing. (24 CFR § 903)

### De-Concentration of Poverty and Income-Mixing

The FCHA's Admission Policy is designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects by using eligibility, admission and assignment procedures with the goal of accomplishing de-concentration of poverty and income-mixing objectives. (24 CFR § 903.2 (b)(2))

Nothing in the De-Concentration Policy relieves the FCHA of the obligation to meet the income targeting requirement and gross annual income is used for income limits at admission and for income-mixing purposes.

The FCHA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit families above the FCHA's Established Income Range (EIR) to developments below the EIR, and families below the FCHA's EIR to developments above the EIR.

De-concentration applies to transfer families as well as applicant families.

The FCHA has covered developments (general occupancy, family developments) subject to the de-concentration requirement. These covered developments are described in the PHA Plan.

Before applying its preference system, the FCHA will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, de-concentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available

Beyond the basic requirement of nondiscrimination, FCHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The FCHA shall not require any specific income or racial quotas for any development or developments.

The FCHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status, national origin, marital status, sexual orientation, or gender identity for purposes of segregating populations.

### De-concentration Applicability

The FCHA has covered developments (general occupancy, family developments) subject to the de-concentration requirement. These covered developments are described in the PHA Plan.

### Project Designation Methodology

Annually, the FCHA will determine the average income of all families residing in general occupancy developments

The FCHA will then determine the average income of all families residing in each general occupancy development.

The FCHA will then determine whether each general occupancy development falls above, within or below the Established Income Range (EIR).

The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the PHA-wide average income for general occupancy developments.

If a covered development is both below the 30 percent area-wide median and above the 115 percent income average for FCHA-wide covered developments, it will be considered to be within the EIR.

The FCHA will then determine whether or not developments outside the EIR are consistent with local goals and strategies in the PHA Plan. Any de-concentration policy as needed is described in the PHA Plan.

## De-concentration Policy

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the EIR is not explained or justified in the PHA Plan, the FCHA shall list these covered developments in the PHA Annual Plan.

The FCHA shall adhere to the following policies for de-concentration of poverty and income mixing in applicable developments:

- If a unit becomes available at a development below the EIR, the first eligible family on the Waiting List [or transfer list] with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the Waiting List [or transfer list] with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list [or transfer list] with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.

## De-concentration Compliance

If, at annual review, the average incomes at all general occupancy developments are within the Established Income Range, the FCHA will be considered to be in compliance with the de-concentration requirement.

## Waiting Lists for Admission & Site Based Waiting Lists

The Policy of the FCHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner.

The FCHA offers a system of Site-Based Waiting Lists. Applicants will be given an opportunity to list up to three developments with Site-Based Waiting Lists where they would accept a unit offer or to opt for the "first available" unit offer. Applicants may apply directly at or otherwise designate the development or developments in which they wish to reside.

The FCHA will assess changes in racial, ethnic or disability-related tenant composition at each FCHA site that has occurred during the implementation of the Site-Based Waiting List.

## Eligibility and Admission Preferences

The FCHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the FCHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program the applicant family must:

- Qualify as a family as defined by HUD and the FCHA.
- Have income at or below HUD-specified income limits.
- Qualify on the basis of citizenship or the eligible immigrant status of family members.
- Provide social security number information for family members as required.
- Consent to the FCHA's collection and use of family information as provided for in FCHA-provided consent forms.
- The FCHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the FCHA.

The FCHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further de-concentration of poverty in public housing. When such matching is required or permitted by current law, the FCHA will give preference to qualified families.

The FCHA has established the following Federal Admissions Preferences for general occupancy of Family Developments and HCV:

- Victims of Violence Against Women Act (VAWA)
- Applicants for whom a law enforcement agency is seeking housing as an accommodation for its witness protection program.
- Families of Federally Declared Disasters

The FCHA has established the following Local Admissions Preferences for general occupancy of Family Developments and HCV:

- Veterans and Families of Veterans
- ☑ Applicants Displaced by Public Action.
- ☑ Date and time of receipt of a completed application.
- ☑ Families with Incomes Needed to Achieve De-concentration of Poverty and Income-Mixing.
- ☑ Residency Preference for families who live, work, or have been hired to work, or who are attending school or a training program in Fayette County.

In the Local Preference based on ranges of incomes, the applicants will be grouped as follows:

- ☑ **Tier I:** Families with incomes between 0% and 30% of area median income **(This Group MUST constitute at least 40% of all admissions in any year).**
- ☑ **Tier II:** Families with incomes between 31% and 80% of area median income **(The target for this group is 60% of all admissions in any year).**

### Unit Assignments

The Occupancy Guidelines are established by the FCHA to ensure that units are occupied by families of the appropriate size. FCHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The FCHA's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is a person 18 years or older or an emancipated minor.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

Generally the FCHA will assign one bedroom to two people within the following guidelines:

- ☑ **It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom, although they may do so at the request of the family.**
- ☑ **Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.**
- ☑ **Two (2) children of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family.**
- ☑ **Two (2) children of the same sex will not be required to share a bedroom if there is a difference of eight (8) years between their ages, although they may do so at the request of the family.**
- ☑ **A single pregnant woman, with a pregnancy verification, will be assigned to a two bedroom unit, and thus eliminate the need for a transfer once the child is born.**
- ☑ **A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.**
- ☑ **The PHA will count a child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.**
- ☑ **A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.**
- ☑ **A live-in attendant may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.**

**Efficiency apartments will be occupied first by persons who prefer efficiencies to 1 BR units. Once applicants who prefer efficiencies have been housed, single individuals applying to Mixed Population Projects who wish to live in 1 BR units (rather than efficiencies) will participate in a lottery to determine whether they will be offered a 1 BR or efficiency.** The FCHA has established the following Local Admissions Preferences for general occupancy of Family Developments and HCV:

- ☑ Veterans and Families of Veterans
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