

## **Exhibit 2-5 Local Preferences**

### **HUD Regulation – 24 CFR 5.655**

Section 8 project-based assistance programs: Owner preferences in selection for a project or unit.

(c) Particular owner preferences. The owner must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.

### **HUD Regulation – 24 CFR 880.603**

(b) Determination of eligibility and selection of tenants. The owner is responsible for obtaining and verifying information related to income eligibility in accordance with 24 CFR part 5, subpart F, and evidence related to citizenship and eligible immigration status in accordance with 24 CFR part 5, subpart E, to determine whether the applicant is eligible for assistance in accordance with the requirements of 24 CFR part 5, and to select families for admission to the program, which includes giving selection preferences in accordance with 24 CFR part 5, subpart D.

### **HUD Regulation – 24 CFR 960.206**

Waiting list: Local preferences in admission to public housing program.

(a) Establishment of PHA local preferences.

(1) The PHA may adopt a system of local preferences for selection of families admitted to the PHA's public housing program. The PHA system of selection preferences must be based on local housing needs and priorities as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. Such sources include public comment on the PHA plan (as received pursuant to § 903.17 of this chapter), and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(2) The PHA may limit the number of applicants that qualify for any local preference.

(3) PHA adoption and implementation of local preferences is subject to HUD requirements concerning income targeting (§ 960.202(b)), deconcentration and income-mixing (§ 903.7), and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments (§ 960.407).

(4) The PHA must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.

**HUD Regulation – 24 CFR 982.202(b)**

(3) Family characteristics. The PHA preference system may provide a preference for admission of families with certain characteristics from the PHA waiting list.

However, admission to the program may not be based on:

- (i) Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;
- (ii) Discrimination because a family includes children (familial status discrimination);
- (iii) Discrimination because of age, race, color, religion, sex, or national origin;
- (iv) Discrimination because of disability; or
- (v) Whether a family decides to participate in a family self-sufficiency program.

**HUD Regulation – 24 CFR 982.207**

(a) Establishment of PHA local preferences.

(1) The PHA may establish a system of local preferences for selection of families admitted to the program. PHA selection preferences must be described in the PHA administrative plan.

(2) The PHA system of local preferences must be based on local housing needs and priorities, as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. The PHA shall consider public comment on the proposed public housing agency plan (as received pursuant to § 903.17 of this chapter) and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(3) The PHA may limit the number of applicants that may qualify for any local preference.

**HUD Regulation – 24 CFR 983.2**

When the tenant-based voucher rule (24 CFR part 982) applies.

(a) 24 CFR Part 982. Part 982 is the basic regulation for the tenant-based voucher program. Paragraphs (b) and (c) of this section describe the provisions of part 982 that do not apply to the PBV program. The rest of part 982 applies to the PBV program. For use and applicability of voucher program definitions at § 982.4, see § 983.3.

Effective July 1, 2012, AHFC ended its local preferences for Displacement Due to Domestic Violence, Displacement Due to Natural Disaster, Family Reunification, Homelessness, Substandard Housing, Rent Burden, Working or Elderly/Disabled Family, Terminal Illness, and Veterans. With the exception of preferences listed below, applications are ranked on a waiting list according to the date/time received or through a lottery method.

## 1. Preference Categories

Families with equal scores under preference categories are ordered by the date and time they are received.

### 1.A Displacement

#### HUD Regulation - 24 CFR 960.206

(b) Particular local preferences

(5) Preference for single persons who are elderly, displaced, homeless or a person with disabilities. The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.

#### HUD Regulation - 24 CFR 982.207

(b) Particular local preferences

(5) Preference for single persons who are elderly, displaced, homeless, or persons with disabilities. The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.

A “displaced” family is one who temporarily resides in transient facilities such as motels, hotels, or shelters; temporarily resides as a household guest; or is otherwise “homeless” or living in “substandard housing” (see Definitions section below). Families may qualify under only one “Displacement” category as listed below.

#### 1.A.1. Due to Domestic Violence (1 point)

#### AHFC Policy

Moving to Work Activity 2013-2 approved by the AHFC Board of Directors with Resolution 2012-29 on August 29, 2012 authorizes the Empowering Choice Housing Program.

AHFC has a Memorandum of Agreement with the State of Alaska Council on Domestic Violence and Sexual Assault and the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) for families displaced due to domestic violence. The Agreement specifies a program for Anchorage and a program for the Balance of State.

#### 1. Anchorage

Persons referred from an Anchorage ANDVSA member agency go on an AHFC waiting list for persons displaced due to domestic violence. Applications are ordered by the date and time they are received. Families are served as the vouchers allocated to Anchorage become available.

## 2. Balance of State

Persons referred from an ANDVSA member agency in Fairbanks, Homer, Juneau, Ketchikan, Kodiak, Mat-Su, Petersburg, Sitka, Soldotna, Valdez, and Wrangell are served as the vouchers allocated to each area become available. Each ANDVSA member agency maintains its own waiting list for referral.

Persons referred from an ANDVSA member agency in Bethel, Cordova, and Nome receive a preference point on the appropriate public housing waiting list.

### 1.A.2. Due to Natural Disaster (3 points)

#### **AHFC Policy**

Moving to Work Activity 2018N-1 approved by the AHFC Board of Directors with Resolution 2017-09 on April 26, 2017 authorizes a local preference due to displacement by natural disaster.

Qualifying families are those who have been displaced or whose homes become uninhabitable due to a natural disaster such as an earthquake. AHFC will implement this preference on an as-needed basis through a Numbered Memo notification. The Numbered Memo will specify the period for the preference and required documentation. See the Definitions section for Homeless and Substandard Housing.

### 1.B Senior/Disabled Buildings

#### **HUD Regulation – 24 CFR 880.612a**

Preference for occupancy by elderly families.

(a) Election of preference for occupancy by elderly families

(1) Election by owners of eligible projects.

(i) An owner of a project assisted under this part (including a partially assisted project) that was originally designed primarily for occupancy by elderly families (an “eligible project”) may, at any time, elect to give preference to elderly families in selecting tenants for assisted, vacant units in the project, subject to the requirements of this section.

(ii) For purposes of this section, a project eligible for the preference provided by this section, and for which the owner makes an election to give preference in occupancy to elderly families is referred to as an “elderly project.” “Elderly families” refers to families whose heads of household, their spouses or sole members are 62 years or older.

(iii) An owner who elects to provide a preference to elderly families in accordance with this section is required to notify families on the waiting

list who are not elderly that the election has been made and how the election may affect them if:

- (A) The percentage of disabled families currently residing in the project who are neither elderly nor near-elderly (hereafter, collectively referred to as “non-elderly disabled families”) is equal to or exceeds the minimum required percentage of units established for the elderly project in accordance with paragraph (c)(1) of this section, and therefore non-elderly families on the waiting list (including non-elderly disabled families) may be passed over for covered section 8 units; or
- (B) The project, after making the calculation set forth in paragraph (c)(1) of this section, will have no units set aside for non-elderly disabled families.
- (iv) An owner who elects to give a preference for elderly families in accordance with this section shall not remove an applicant from the project’s waiting list on the basis of having made the election.

(d) Secondary preferences. An owner of an elderly project also may elect to establish secondary preferences in accordance with the provisions of paragraph (d) of this section.

(1) Preference for near-elderly disabled families in units reserved for elderly families. If the owner of an elderly project determines, in accordance with paragraph (f) of this section, that there are an insufficient number of elderly families who have applied for occupancy to fill all the vacant units in the elderly project reserved for elderly families (that is, all units except those reserved for the non-elderly disabled families as provided in paragraph (c) of this section), the owner may give preference for occupancy of such units to disabled families who are near-elderly families.

#### **AHFC Policy**

1. AHFC approved an elderly family and near-elderly disabled family preference for Golden Towers on January 14, 2008 with Numbered Memo 2008-03.
2. AHFC approved an elderly family and near-elderly disabled family preference for Chugach View on March 19, 2010 with Numbered Memo 2010-09.
3. AHFC has adopted a designed housing plan for Chugach Manor. See Chugach Manor Designated Housing Plan Exhibit in the Public Housing Program Admissions and Occupancy Policy.

#### **1.B.1. Golden Towers, Fairbanks**

AHFC will apply the following preference points for persons meeting the definition.

1. Elderly or Elderly Family – 2 points
2. Near Elderly Disabled or Near Elderly Disabled Family – 1 point

### **1.B.2. Chugach View, Anchorage**

AHFC will apply the following preference points for persons meeting the definition.

1. Elderly or Elderly Family - 2 points
2. Near Elderly Disabled or Near Elderly Disabled Family - 1 point

## **2. Preference Verification**

AHFC will verify preference requests prior to the offer of assistance. The family's failure to obtain verification will negate the preference, and the family's application must be reassigned on the waiting list according to date and time and any remaining verified preferences.

### **2.A Displacement Due to Domestic Violence**

A referral from an approved ANDVSA member agency as specified in the Housing Choice Voucher Program Administrative Plan, Empowering Choice Housing Program Exhibit.

### **2.B Displacement Due to Natural Disaster**

Verification documentation will be specified as each natural disaster occurrence is declared and implemented.

### **2.C Senior/Disabled Buildings - Elderly**

Proof of age for the qualifying individual. See Income Determination and Verification in this policy manual.

### **2.D Senior/Disabled Buildings - Near Elderly Disabled**

Proof of age and disability status for the qualifying individual. See Income Determination and Verification in this policy manual.

## **3. Definitions**

### **3.A Disabled or Disabled Family**

See Qualify as a Family Exhibit in this policy.

### **3.B Elderly or Elderly Family**

See Qualify as a Family Exhibit in this policy.

### **3.C Homeless**

1. A family is considered homeless only when they reside in one of the following places.
  - a) A place not meant for human habitation; e.g., a car, park/camp, sidewalk, or abandoned building.
  - b) An emergency shelter, which might include a church.
  - c) Transitional or supportive housing for persons who qualify because of homelessness.
  - d) A hotel or motel not meant for long term residency.
  - e) A place not considered a year-round residence in Alaska: e.g., a camp trailer, tent, shop, or garage.
  - f) In any of the above places, but is being treated in a hospital or other medical facility for 30 days or less.
2. A family pending discharge from a hospital or medical facility within 30 days where the terms of release require suitable housing (defined as “standard, permanent, replacement housing”) where none is available.
3. A family with children that meets the U.S. Department of Education definition of homelessness **AND** who receives services from an Alaska School District under the McKinney/Vento Homeless Assistance Act.
4. A person imprisoned or otherwise detained pursuant to an act of Congress or state law is **not** considered “homeless.”

### **3.D Near Elderly or Near Elderly Family**

See Qualify as a Family Exhibit in this policy.

### **3.E Standard, Permanent, Replacement Housing**

Standard, permanent, replacement housing is defined as:

1. Decent, safe, and sanitary;
2. Adequate for the family size; and
3. That the family is occupying pursuant to a lease or occupancy agreement.

### **3.F Substandard Housing**

1. The housing unit must meet one of the following conditions.
  - a) Is dilapidated – does not provide adequate shelter and endangers the health and safety of a family.
  - b) Lacks operable indoor plumbing or cooking facilities.

- c) Contains an unsafe or inadequate source of heat or electrical service.
- 2. Residency in a single-room-occupancy (SRO) unit is not substandard housing.
- 3. A family living in “standard, permanent, replacement housing” is not displaced.

#### **4. Grievance**

An applicant may request and receive an Informal Review based on the denial of a requested preference. AHFC will not grant an Informal Review to an applicant request based on the preference categories, definitions, or verification requirements. AHFC need only justify its decision to award or deny the preference.

#### **Numbered Memo**

18-08 Local Preferences, Exhibit 2-5