



# HOUSING AUTHORITIES CITY OF EUREKA & COUNTY OF HUMBOLDT



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## AGENDA HOUSING AUTHORITY OF THE COUNTY OF HUMBOLDT BOARD OF COMMISSIONERS SPECIAL MEETING

DATE AND TIME  
Monday, August 19, 2024  
12:00pm

### LOCATION

Housing Authority of the County of Humboldt  
735 W. Everding Street, Eureka CA 95503

All or portions of this meeting will be conducted by teleconferencing in accordance with Government Code Section 54953(b). Zoom teleconference locations are as follows: 735 W. Everding St., Eureka California and 4121 Walnut Dr., Eureka California. The location is accessible to the public, and members of the public may address the Housing Authority of the County of Humboldt Board of Commissioners from any zoom teleconference location.

Join Zoom Meeting:

<https://us02web.zoom.us/j/84140683739>

Meeting ID: 841 4068 3739

Join Via Phone: (669) 900-6833

### PUBLIC PARTICIPATION

Public access to this meeting is available in person at the location above.

Persons wishing to address the Board of Commissioners are asked to submit comments for the public speaking portion of the agenda as follows:

- Send an email with your comment(s) to [heatherh@eurekahumboldtha.org](mailto:heatherh@eurekahumboldtha.org) prior to the Board of Commissioners meeting.
- Call and leave a message at (707) 443-4583 ext. 219.

When addressing the Board on agenda items or business introduced by Commissioners, members of the public may speak for a maximum of five minutes per agenda item when the subject is before the Board.

1. Roll Call

2. Public Comment (Non-Agenda):

This time is reserved for members of the public to address the Committee relative to matters of the Housing Authority of the County of Humboldt not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.



The Housing Authorities are Equal Housing Opportunity Organizations



3. New Business:

3a. Consideration of new preferences for voucher programs

Recommended Board Action: *Discuss options and provide direction for staff*

4. Closed Session – If needed.

5. Adjournment

\* \* \* Note \* \* \*

Documents related to this agenda are available on-line at:

<https://eurekaumboldtha.org/governance/>

Know Your RIGHTS Under The Ralph M. Brown Act: Government's duty is to serve the public, reaching its decisions in full view of the public. The Board of Commissioners exists to conduct the business of its constituents. Deliberations are conducted before the people and are open for the people's review.

# Housing Authority of the County of Humboldt

Board of Commissioners Meeting

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August 19, 2024

Agenda Item 3a

## Memorandum

To: Commissioners

From: Cheryl Churchill, Executive Director

Subject: Update to Administrative Plan: Preferences

### BACKGROUND AND HISTORY:

HUD permits Housing Authorities to establish local preferences, at their discretion, to encourage voucher utilization. Below are two preferences to discuss and consider for adoption.

### TBRA Preference:

The City of Arcata is currently administering HUD's Tenant Based Rental Assistance (TBRA) program for low-income rental assistance, assisting 59 clients under the HUD HOME grant program. Program funding is time limited, and expires on November 1, 2024, which puts these tenants in danger of returning to homelessness or becoming homeless for the first time. The Housing Authority of the County of Humboldt has under-utilized Housing Choice Vouchers (HCV) that TBRA clients would be able to transition to for rental assistance, based on individual eligibility requirements. Because it generally takes an average of two to three years on the waitlist before being selected for a voucher, clients on a 2-year TBRA program have generally not been selected for assistance before their TBRA assistance expires. However, assistance may be provided if we establish a local preference to assist these clients. HACH implemented this preference in 2022 to assist TBRA clients. However, the preference has since been removed from the Administrative Plan, as there were subsequently no TBRA referrals expected. With this new cohort of expiring TBRA participants, we are considering converting some or all of these participants to voucher assistance. Note that TBRA participation was income-based, and did not discriminate based on any protected classes.

### Lease-in-place Preference:

Humboldt's voucher utilization rate (based on voucher unit counts) as of May 2024, HUD's most recent verified period, is 71.41%, compared to a California state average of 88.03% and national average of 86.31% for the same period. Several challenges plague applicants and voucher holders in Humboldt. First, the lack of sufficient new housing means resources are limited for finding new rental units. Second, though landlords may not deny voucher holders a rental based on source of income

discrimination laws, some are finding ways to circumvent this, such as asking rents higher than FMRs, knowing their units would not be approved for our programs at their asking rents (thus precluding the use of vouchers in their rentals). Last, renters may first secure housing, then realize thereafter that rent is costing too much of their disposable income, and only then apply for our programs, which have a minimum two- to three-year wait time, leaving the possibility that they may lose their housing before even obtaining a voucher. One of the ways housing authorities have found to combat these multiple difficulties and increase voucher utilization when it is below HUD's expectation is to implement a lease-in-place preference. This preference requires that an applicant provide evidence that they have a current lease and that the current landlord would be willing to participate in our program with the tenant in that current unit. Subject to meeting program eligibility requirements and the rental unit passing inspection, an applicant would then be able to obtain housing assistance.

How the lease-in-place preference would work: In the event that HACH's leasing rate is or falls below an established percentage (to be determined), preference will be given to an applicant who is able to 'lease-in place'. Preference will continue to be active until the lease-up rate again reaches the established percent. Once the target lease-up rate is obtained, preference will continue to be documented as part of the application intake process; however, it will not be utilized in determining applicant waitlist selection until such time that the voucher utilization rate falls below that set rate.

**Regulations:**

Based on our Administrative Plan, Chapter 4-III.C Selection Method: *PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and they must be based on local housing needs and priorities that can be documented by generally accepted data sources.*

Adding a preference requires an update to the Administrative Plan. An update for a preference to allow for assisting TBRA participants and/or for lease-in-place clients should be considered as additions to the Administrative Plan, to increase voucher utilization rates (number of households served). Should the board choose to support one or both preferences, HACH will draft an update to the Administrative Plan, Chapter 4, and post public notice for the 45-day comment period to review the draft updates and provide comment. We would bring this item back to the board at the October 15, 2024 board meeting for final approval if recommended.

**STAFF RECOMMENDATION:**

Discuss the potential policy change and provide direction to staff. Staff recommend moving forward with implementation of new preferences.

From the Code of Federal Regulations, Title 24 – Housing and Urban Development, Subtitle B – Regulations Relating to Housing and Urban Development, Chapter IX, Part 982 – Section 8 Tenant-Based Assistance: Housing Choice Voucher Program, Subpart E – Admission to Tenant-Based Program, § 982.207, Waiting list: Local preferences in admission to program.

(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 and on the consolidated plan for the relevant jurisdiction.
3. The PHA may limit the number of applicants that may qualify for any local preference.

(b) **Particular local preferences —**

1. **Residency requirements or preferences.**

- i. Residency requirements are prohibited. Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at [§ 5.105\(a\) of this title](#).
  - ii. A residency preference is a preference for admission of persons who reside in a specified geographic area (“residency preference area”). A county or municipality may be used as a residency preference area. An area smaller than a county or municipality may not be used as a residency preference area.
  - iii. Any PHA residency preferences must be included in the statement of PHA policies that govern eligibility, selection and admission to the program, which is included in the PHA annual plan (or supporting documents) pursuant to [part 903 of this title](#). Such policies must specify that use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
  - iv. A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.
  - v. Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The PHA may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.
2. **Preference for working families.** The PHA may adopt a preference for admission of working families (families where the head, spouse or sole member is employed). However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.
  3. **Preference for person with disabilities.** The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for admission of persons with a specific disability.
  4. **Preference for victims of domestic violence, dating violence, sexual assault, or stalking.** The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence, dating violence, sexual assault, or stalking.
  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.

(c) **Selection among families with preference.** The PHA system of preferences may use either of the following to select among applicants on the waiting list with the same preference status:

1. Date and time of application; or
2. A drawing or other random choice technique.

(d) **Preference for higher-income families.** The PHA must not select families for admission to the program in an order different from the order on the waiting list for the purpose of selecting higher income families for admission to the program.

(e) **Verification of selection method.** The method for selecting applicants from a preference category must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the Administrative Plan.

[64 FR 26643](#), May 14, 1999, as amended at [64 FR 56912](#), Oct. 21, 1999; [65 FR 16821](#), Mar. 30, 2000; [81 FR 80816](#), Nov. 16, 2016

#### 4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and they must be based on local housing needs and priorities that can be documented by generally accepted data sources.

##### PHA Policy

The PHA will use the following local preferences:

1. The PHA will offer a preference to any family that has been terminated from its HCV program due to (previous) insufficient program funding.
2. The PHA will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, or stalking who have either been referred by a partnering service agency or consortia or is seeking an emergency transfer under VAWA from the PHA's public housing program or other covered housing program operated by the PHA. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.
3. The PHA will offer a preference, limited to 20 new vouchers per calendar year, as a Moving-On preference with recommendation from a Continuum of Care participating agency, and subject to the requirements of the PHA's Moving-On checklist, to establish eligibility for this requirement. The PHA will issue up to 20 vouchers annually, in the order complete referrals are received, to support clients who no longer require the intensive support services they were previously receiving under HUD Permanent Supportive Housing (PSH) or Rapid Re-Housing (RRH) housing assistance programs.
4. **TBRA Preference: For up to 59 participants of the City of Arcata's TBRA program with voucher assistance expiring after a two-year program, a preference is implemented to assist those households who would otherwise lose critical rental assistance and be at risk of homelessness by being cost burdened by having to pay full market rent (paying more than 30% of income toward rent and utilities), subject to meeting all application, screening, inspection, and other requirements of the HCV program.**
5. **Lease-in-place Preference: In the event that HACH's leasing rate falls below XX% (to be determined; I will come up with a recommended percent before the board meeting), preference will be given to an applicant who is able to 'lease-in place'. Preference will continue to be applied until lease up rate reaches XX%. Once target lease up rate is obtained, preference will continue to be documented as part of the application intake process. However, it will not be applied to waitlist selections until such time that lease up rate falls below XX% at any other given time.**

6. Other preferences may be added and approved by the Board of Commissioners from time to time.



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## LANDLORD PARTICIPATION FORM

*For your convenience, form can be faxed to 707.443.4762 or returned to our office at 735 West Everding Street, Eureka, CA 95503.*

Below is a signed authorization for release of landlord/rental information necessary for qualifying for a "lease-in place" assistance preference. Your prompt return of the requested information is greatly appreciated. This information will be held in confidence and used only for program eligibility purposes. Please note that a **copy of the applicant's current lease MUST be returned with this form.**

### **TO BE COMPLETED BY APPLICANT:**

Applicant's Name: \_\_\_\_\_ Last 4 of SS #: \_\_\_\_\_  
Application submitted to HA Date: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Current Address: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **TO BE COMPLETED BY LANDLORD:**

Address of Rental: \_\_\_\_\_  
Owner Name: \_\_\_\_\_  
Name of Property if (applicable): \_\_\_\_\_  
Date lease started: \_\_\_\_\_ Balance if tenant owes: \_\_\_\_\_

### **The PHA will only pay subsidy as of the day the unit passes inspection.**

Is the Property in Humboldt County?  Yes  No  
If your unit passes inspection, are you willing to enter into a Housing Choice Voucher Housing Assistance Payment (HAP) contract?  Yes  No  
Are you related to anyone in the rental unit?  Yes  No

Landlord Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Title (e.g. Owner, Property Manager): \_\_\_\_\_  
Contact phone: \_\_\_\_\_ Email: \_\_\_\_\_

