

DECONCENTRATION REVIEW 2020

Income Mix as of September 22, 2020

5) PHA Goal: Provide an improved living environment

Objective: Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments.

The Rule to Deconcentrate Poverty and Promote Integration in Public Housing applies to all Public Housing Authorities (PHA) funded by HUD, but specifically excludes the following types of developments within the PHA from its application:

- developments designated for elderly and/or disabled persons only;
  - developments that are part of a home ownership program; and
  - developments operated with a HUD approved mixed-finance plan using HOPE VI or public housing funds.
- Woodland Development is excluded because it is designated for elderly and/or disabled persons only.

As shown in the summary table, Table I, there are 4 original developments with 143 occupied units. JURHA Public Housing is considered as one site, all scattered. We no longer have 4 different developments, we are one development, AR 13100000001. All sites are considered scattered and as such should be exempt from the Deconcentration Rule. The bedroom adjustment factor, which is based on national rent averages for units grouped by the number of bedrooms and which has been used by HUD to adjust for costs of units when the number of bedrooms vary, assigns to each unit the following factors: 0.70 for zero-bedroom units; 0.85 for one-bedroom units; 1.0 for two-bedroom units; 1.25 for three bedroom units; and 1.40 for four bedroom units. The bedroom adjustment factor is the unit weighted average of the distribution.

**Table I Bedroom Sizes**

Development	0 BR	1 BR	2 BR	3 BR	4 BR	Factoring	BR Factor
Woodland	6@.70=4.2	17@.85=14.45	0	0	0	18.65/23	.81
Cayman Villa		9@.85= 7.65	17@1=17	15 @1.25=18.75	3@1.4= 4.2	47.6/43	1.11
Goff Courts		6@.85= 5.1	10@1=10	5@ 1.25=5=6.25	1@1.4=1.4	22.75/22	1.03
Marshall/		0	11@1=11	23@1.25=28.75	0	39.75/34	1.17
Scattered Sites		0	0	12@1.25=15	0	15/12	1.25
Meadow Crest		0	8	0	0	8	1
	6@.7=4.2	27.2	46	68.75	5.6	143/151.75	1.14

As per Step 3 of the Final Rule, a development will be considered below the Established Income Range (EIR) if its mean gross household income is less than 85% of the JURHA mean, and a development will be considered above the EIR if its mean gross household income is above 115% of the JURHA mean. The 2019 JURHA mean gross household income is \$12,673 as shown in II

**Table II Income Range Determination**

Average Income PHA Wide 1.14	High End of Range @ 115%	Low End of Range @ 85%
12,258/1.14 = 10,753	12,366	9,140

**Table III Development Range Determination**

Development	Total Annual Income	Number of Occupied Units	Development Average Income/BR Factor	Development Income divided by BR Factor	PHA Wide 85% - 115% Average 12,548	Acceptable Justification
Woodland	251,818	23	10,948.61/.81	8,868	9,140-12,366	Low – Elderly Disabled Complex
Cayman Villa	580,974	43	13,511/1.11	12,172	9,140-12,366	In Range
Goff Courts	215,886	22	9,813/1.03	9,527	9,140-12,366	In Range
Marshall	434,065	34	12,767/1.17	10,912	9,140-12,366	In range
Scattered Sites	228,570	12	19,048/1.25	15,238	9,140-12,366	Over - Scattered
Meadow Crest	77,581	8	9,698	9,698	9,140-12,366	In range
<b>TOTALS</b>	1,852,962	<b>143</b>	<b>12,258/1.14</b>	<b>10,753</b>	<b>9,140-12,366</b>	

Step 4 of the Deconcentration Requirement is an "option to provide reasons developments are outside of the Established Income Range." In other words, it provides the opportunity to exclude entire developments or selected units from the application of the requirement to deconcentrate poverty and mix incomes if the income profile for these units or developments is consistent with furthering both the goals of deconcentration. Developments and unit types that fall into this category are not limited to, but include those developments that:

1. are subject to a consent decree agreement or a judicial decree covering the resident selection;
2. are part of a PHA program/ strategy that is specifically authorized by statute such as mixed income or mixed financed developments, a homeownership program, a strategy designed to promote income-mixing in public housing or one designed to raise the income of public housing residents;
3. are designed via size, location or other configuration to promote income deconcentration; or
4. Have income characteristics that can be explained by other circumstances.

Cayman Villa AR 131-1001 and Goff Courts AR 131-1003 are contiguous complexes sharing playgrounds, clotheslines, and in some instances, yards. The Scattered site development is comprised of only 12 homes individual three bedroom homes, on separate lots scattered throughout the northern portion of Jonesboro. Since it is a scattered site, it is considered deconcentrated. Meadow Crest is comprised of eight units which is located on the same block as seven of the scattered site units. Woodland Courts which is exempt due to being designated elderly/disabled is the only development that would be considered in a different area. Woodland Courts is located in central Jonesboro. All other JURHA developments are located in northern Jonesboro, north of Aggie Road. All developments fall well below the published MSA median income, as all fall within the Extremely Low Income Level of for 2019. Since all developments are within a five mile radius in north Jonesboro, all developments are now considered one development within the PIC system, and all developments average incomes are within the extremely low income level, with considerations authorized in Step 4, all JURHA developments fall within the Established Income Range.

	# OF PERSONS	ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT
<b>L) LOW INCOME LIMITS</b>		33,150	37,900	42,650	47,350	51,150	54,950	58,750	62,550
<b>T) TaxCredit 60%</b>		23,640	27,000	30,360	33,720	36,420	39,120	41,820	44,520
<b>V) VERY LOW INCOME</b>		20,750	23,700	26,650	29,600	32,000	34,350	36,750	39,100
<b>E) 30% MEDIAN INCOME</b>		12,760	17,240	21,720	26,200	30,680	34,350	36,750	39,100

**Income Targeting Requirement [24 CFR 960.202(b)] [FR Vol. 79 No. 122, June 25, 2014, NOTICE OF STATUTORY CHANGES]**

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during the PHA’s fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [*Federal Register* notice 6/25/14]. To ensure this requirement is met, the PHA may skip non-ELI families on the waiting list in order to select an ELI family.

If a PHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the PHA’s HCV program during a PHA fiscal year that exceed the 75 percent minimum target requirement

for the voucher program, shall be credited against the PHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the PHA fiscal year; (2) ten percent of waiting list admissions to the PHA's housing choice voucher program during the PHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

### PHA Policy

The PHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

### **Mixed Population Developments [24 CFR 960.407]**

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the PHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403]. The PHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The PHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the PHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The PHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

### **Units Designated for Elderly or Disabled Families [24 CFR 945]**

The PHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The PHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the PHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the PHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the PHA must make available to all other families any unit that is ready for rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

## PHA Policy

The PHA has established the following local admissions preference ranking system for Woodland Courts, an Elderly/Disabled Mixed Population developments, with # 1 being the highest preference. Per HUD regulations, equal preference must be given to Elderly Families and Disabled Families:

1. **Date and Time of receipt of completed application**
2. **Elderly/Disabled Victims of Federally Declared Disaster or Emergency (as defined)**
  - **First Priority – Existing public housing participants**
  - **Second Priority – all other Non-participant Victims**
1. **Elderly/Disabled Residents with Working Income (as defined)**
2. **Elderly/Disabled Residents (as defined) with no working income**
3. **Elderly/Disabled Non-Residents with working income (as defined)**
4. **Elderly/Disabled Non-Residents with no working income**
5. **Near Elderly Residents with working Income (as defined)**
6. **Near Elderly Residents (as defined) with no working income**
7. **Near Elderly Non-Residents with working income (as defined)**
8. **Near Elderly Non-Residents with no working income**
9. **Single Residents (as defined) with Working Income (as defined)**
10. **Single Residents (as defined) with no working income**
11. **Single Non-Residents with working income (as defined)**
12. **Single Non-Residents with no working income**

## **Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

The PHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

### ***Steps for Implementation [24 CFR 903.2(c)(1)]***

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the PHA must comply with the following steps:

Step 1. The PHA must determine the average income of all families residing in all the PHA's covered developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

#### PHA Policy

The PHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

#### PHA Policy

The PHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The PHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. The PHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

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

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the PHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

#### PHA Policy

For developments outside the EIR the PHA will take the following actions to provide for deconcentration of poverty and income mixing:

**Skipping a family on the waiting list [or transfer list] to reach another family in an effort to further the goals of the PHA's deconcentration policy:**

**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.**

**If a unit becomes available at a development above the EIR, the first eligible family on the waiting list [or transfer list] with income below 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 below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list [or transfer list] with income below the EIR, or no family with income below 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.**

**Skipping of families for deconcentration purposes will be applied uniformly to all families.**

**A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy. However, the PHA shall uniformly limit the number of offers received by applicants [and transfer families], described in this Chapter.**

### **Deconcentration Compliance**

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