



Housing Authority

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MEMO

To: Board of Commissioners
From: Kelly Gonzalez, HCV Program Manager
Date: September 15, 2022
Re: **Local Residency Preferences Voucher Program**

Background

The Administrative Plan for the Housing Choice Voucher Program contains the policies that explain how Boulder County Housing Authority (BCHA) administers the Housing Choice Voucher Program. Chapter four discusses admissions policies for the various special voucher types BCHA administers along with standard housing choice vouchers and project-based vouchers. Currently BCHA offers a local preference as permitted by federal regulation 24 CFR 982.207 "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 must be based on local housing needs and priorities that can be documented by generally accepted data sources."

BCHA currently has two local preferences in place that affect an applicant's selection order on our subsidized waiting lists.

For all project-based voucher and housing choice voucher waitlists applicants will receive 5 preference points for being a Boulder County resident as defined as:

- a head of household (HH) or spouse living in Boulder County
- a HH or spouse who works at least 20 hours per week within Boulder County
- a HH or spouse who attends school full-time within Boulder County
- a HH or spouse who is elderly (62+) and does not currently reside in Boulder County, although has an adult child, parent, or sibling who resides in Boulder County
- a HH or spouse who has a disability who does not currently reside in Boulder County, although has an adult child, parent, or sibling who resides in Boulder County

Applicants will receive an additional 5 preference points where one or more of the following are true:

- the HH or spouse is elderly (age 62+)
- the HH or spouse is an individual with disabilities
- the household contains children under the age of 18

Housing restrictions in favor of local residents have long been a concern of civil rights advocates and the Fair Housing Act is legitimately concerned with local-resident preferences, particularly those whose justifications are old or not well considered. Local preferences imposed may reflect intentional discrimination. But even if they do not, such preferences invite Fair Housing Act disparate-impact claims; which require the agency to be able to prove that its challenged policy is necessary to achieve a valid interest and that its justification "must be supported by evidence and may not be hypothetical or speculative.

Boulder’s neighboring counties include Gilpin, Grand, Jefferson, Larimer, and Weld. Currently any applicants to BCHA’s waitlists from these neighboring counties would have to be working 20 hours a week within the county limits or qualify as an elderly and/or disabled household, trying to relocate closer to their relatives who live in Boulder County. The relative makeup of the larger counties (Jefferson, Larimer, and Weld) compared to Boulder are all similar in population size and reported race and ethnicity data per the 2021 Census Data as well as number of persons in poverty.

Race and Hispanic Origin	Grand County, Colorado	Gilpin County, Colorado	Larimer County, Colorado	Weld County, Colorado	Jefferson County, Colorado	Boulder County, Colorado
Population Estimates, July 1 2021, (V2021)	15,860	5,873	362,533	340,036	579,581	329,543
PEOPLE						
Race and Hispanic Origin						
White alone, percent	95.0%	92.3%	92.2%	91.9%	91.1%	89.9%
Black or African American alone, percent (a)	1.1%	1.5%	1.3%	1.8%	1.6%	1.2%
American Indian and Alaska Native alone, percent (a)	1.0%	1.6%	1.1%	1.8%	1.2%	0.9%
Asian alone, percent (a)	0.9%	1.5%	2.4%	1.9%	3.2%	5.0%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.1%	0.3%	0.1%	0.2%	0.1%	0.1%
Two or More Races, percent	1.8%	2.8%	2.9%	2.5%	2.7%	2.9%
Hispanic or Latino, percent (b)	9.9%	7.8%	12.4%	30.6%	15.9%	14.1%
White alone, not Hispanic or Latino, percent	86.5%	85.8%	81.4%	63.9%	77.2%	77.3%

Income & Poverty	Grand County, Colorado	Gilpin County, Colorado	Larimer County, Colorado	Weld County, Colorado	Jefferson County, Colorado	Boulder County, Colorado
Population Estimates, July 1 2021, (V2021)	15,860	5,873	362,533	340,036	579,581	329,543
PEOPLE						
Income & Poverty						
Median household income (in 2020 dollars), 2016-2020	\$71,769	\$90,547	\$76,366	\$74,332	\$87,793	\$87,476
Per capita income in past 12 months (in 2020 dollars), 2016-2020	\$39,547	\$59,076	\$38,142	\$32,399	\$45,581	\$48,776
Persons in poverty, percent	6.8%	6.6%	9.9%	8.9%	6.1%	9.5%

Based upon the similar characteristics among the counties, it is my recommendation that we remove our local preferences related to residency status. There is no justification that a local preference for the voucher program would serve additional minority groups. Additionally, in order to receive housing assistance households still have to income qualify at no more than 50% of the area median income for their household size. The populations meant to be served under the voucher program, lower-income, elderly, disabled, and households with minor children, will still be served by eliminating the residency preference.

In December of 2021 BCHA received 773 applications for the Housing Choice Voucher Lottery list, 582 or 75% came from current Boulder County residents who lived in the county, an additional 64 households that did not live within Boulder County limits claimed the residency preference for either working in the county or having relatives that currently reside in the county. In total that meant 646 households out of 773 were considered local residents. By removing this local preference it would allow the additional 127 households an opportunity to be considered for housing assistance within the county limits.

In the event that a household who is not a county resident is selected to receive voucher assistance would have to utilize their housing assistance within the county limits for their initial 12 month lease before being able to exercise the portability option.

BCHA’s annual plan is currently out for public comment and a portion of the annual plan asks if there have been any changes to the agency’s policies that govern eligibility, selection, and admissions. BCHA has proposed the removal of the local residency preference in the draft plan that is out for public comment. If approved this change would go into effect January 1, 2023.