



Hawaii Public Housing Authority
Annual and Five-Year Plan
Fiscal Years 2010-2014

DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

At its meeting on January 15, 2009, the Board of Directors of the Hawaii Public Housing Authority approved the following:

SUBJECT: To Authorize the Executive Director to Pursue Elderly Families Only Designation for Targeted Federal Public Housing Project(s)

I. FACTS

- A. Section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) provides public housing agencies with the option to designate public housing projects, or portions of public housing projects for occupancy by disabled families, elderly families, or mixed populations of disabled and elderly families.
- B. Implementing regulations at volume 24 code of federal regulations (CFR) 945.201 require public housing agencies that intend to operate elderly only designated housing to obtain special approval from the U.S. Department of Housing and Urban Development (HUD) for its allocation plan in compliance with §945.203 CFR. Public housing for mixed populations of disabled and elderly families do not require HUD approval.
- C. §945.203, CFR includes specific consultation requirements which apply to the development of an initial allocation plan. In preparing the draft plan, the HPHA is required to consult with the following groups:
 - 1. The State or unit of general local government where the project is located;
 - 2. Public and private service providers;
 - 3. Representative advocacy groups for each of these family types: disabled families, elderly families, and families with children, where such advocacy groups exist;
 - 4. Representatives of the residents of the projects proposed for designation, including representatives from resident councils or resident management corporations where they exist; and
 - 5. Other parties that the HPHA determines would be interested in the plan, or other parties that have contacted the HPHA and expressed an interest in the plan.



Hawaii Public Housing Authority
Annual and Five-Year Plan
Fiscal Years 2010-2014

Following the completion of the draft plan, the HPHA must:

1. Issue public notices regarding its intention to designate housing and the availability of the draft plan for review;
2. Contact directly those individuals, agencies and other interested parties, and advise them of the availability of the draft plan for review;
3. Allow not less than 30 days for public comment on the draft allocation plan;
4. Make free copies of the draft plan available upon request, and in accessible format, when appropriate;
5. Conduct at least one public meeting on the draft allocation plan; and
6. Give fair consideration to all comments received.

D. The HPHA operates federally-funded elderly and disabled housing as listed in Attachment A.

E. All designations are in effect for five years from the date of HUD's notification of approval of the Plan. A public housing agency may amend its Plan before the expiration of the five-year period by submitting a revised Plan to HUD.

II. DISCUSSION

A. Based on numerous instances of conflicts between elderly residents and non-elderly disabled residents, the staff recommends that the HPHA pursue elderly only designated housing for the benefit of the majority of elderly residents.

B. The HPHA will submit a list of targeted sites for the Board's approval after staff review of the proposed project(s) profile, including but not limited to the following information:

1. The total number of families currently occupying the project, including the number of families who are members of the group for whom the project is to be designated, and the number of families who are not members of the group for whom the project is to be designated;
2. An estimate of the total number of elderly families and disabled families who are potential tenants of the project (i.e., as the project now exists), based on information provided by the waiting list and a housing needs survey,



Hawaii Public Housing Authority
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Fiscal Years 2010-2014

such as the CHAS for the jurisdiction served by the HPHA project;

3. An estimate of the number of potential tenants who will need accessible units based on information provided by the needs assessment prepared in accordance with 24 CFR 8.25, and a housing needs survey;
 4. The number of units in the project that became vacant and available for occupancy during the year preceding the date of submission of the allocation plan to HUD;
 5. The average length of vacancy for dwelling units in the project for the year preceding the date of submission of the allocation plan to HUD;
 6. An estimate of the number of units in the project that the PHA expects to become vacant and available for occupancy during the two-year period following the date of submission of the allocation plan to HUD (i.e., if the project were not to be designated); and
 7. An estimate of the average length of time elderly families and non-elderly persons with disabilities currently have to wait for a dwelling unit.
- C. The HPHA is also required to identify strategies to address the current and future housing needs of non-elderly persons with disabilities, including access to supportive services and housing assistance.
- D. The HPHA is also required to complete a needs assessment prepared in accordance with 24 CFR 8.25 to determine the housing needs of persons with disabilities.
- E. Nothing in the CFR or PIH Notices relieves the HPHA from complying with non-discrimination provisions of Federal civil rights laws, including, but not limited to section 504 of the Rehabilitation Act, the Fair Housing Act, and the Americans with Disabilities Act and their implementing regulations.
- F. Elderly families shall not be required to live in elderly only designated housing.



Hawaii Public Housing Authority
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Fiscal Years 2010-2014

- G. The HPHA's proposed project timeline for designation of elderly only housing is as follows:
- | | |
|--------------------|---|
| 1/15/09 | Board approval of For Action |
| 4/1/09
projects | Completion of project profile for all Federal elderly |
| 5/15/09 | Submit recommendation to HPHA Board for targeted project(s) |
| 6/15/09 | Initiate consultation process |
| 7/15/09 | Secure consultant to complete needs assessment & draft allocation plan |
| 12/1/09 | Produce draft allocation plan; |
| 4/1/10 | Complete public hearing and 60 day comment period |
| 5/1/10 | Revise allocation plan and address all comments |
| 6/1/10 | Submit allocation plan to HUD for approval. HUD has 90 days to review and approve the HPHA's allocation plan. |
| 9/1/10 | HUD Approval (tentative) |
- H. At a minimum, the HPHA's allocation plan must address and comply with the criteria described below:
1. Justification for Designation. HPHA must establish that the designation of the project is necessary to achieve the housing goals for the jurisdiction under the Comprehensive Housing Affordability Strategy, part of a jurisdiction's Consolidated Plan, and to meet the housing needs of the low-income population of the jurisdiction.
 2. Project Description. The plan must include a description of a project (or portion of a project) to be designated; the types of tenants for which the project is to be designated; any supportive services to be provided to tenants of the designated project (or portion); and how the design and related facilities (as such term is defined in Section 202 (d)(8) of the Housing Act of 1959 as such statute existed



Hawaii Public Housing Authority
Annual and Five-Year Plan
Fiscal Years 2010-2014

prior to October 1, 1991) of the project accommodate the special environmental needs of the intended occupants;

3. Alternative Resource. The plan must include a description of any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the project were not restricted pursuant to this section.
4. No Eviction or Lease Termination Due to Designation. A PHA may not evict or terminate the lease of any tenant lawfully residing in a dwelling unit in public housing because of the designation.
5. Voluntary Relocation Because of the Designation. A PHA must provide the following to persons and families who agree to be relocated in connection with a designation:
 - a. A notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family.
 - b. Access to comparable housing (including appropriate services and design features), which may include tenant-based rental assistance under the Housing Choice Voucher Program, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated.
 - c. Payment of actual, reasonable moving expenses.
6. Eligibility of near-Elderly Families If the housing agency determines there are insufficient numbers of elderly families to fill all the designated units, the housing agency may provide in the Plan that it will admit a near elderly family to a project (or portion of a project) designated for occupancy by only elderly families.

III. RECOMMENDATION

That the HPHA Board of Directors authorize the Executive Director to pursue elderly families only designation for targeted federal public housing projects. Once a targeted project(s) has been identified, staff shall seek approval from the Board of Directors to proceed with the required consultation and application process for the targeted site(s).