



Proposed Source of Income Protection in Housing Policy

Board of County Commissioners Presentation

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Source of Income Discrimination

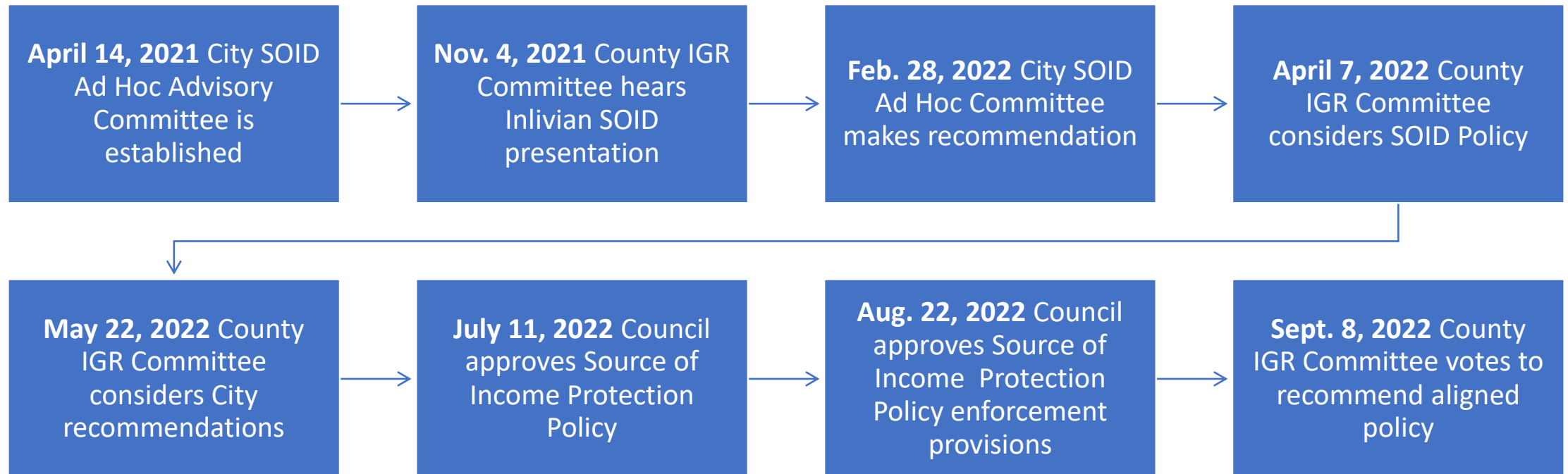


Source of Income Discrimination occurs when a housing provider refuses to accept payment for housing from any legal form of monetary payment, such as employment income, disability benefits, or subsidized voucher.

(Charlotte-Mecklenburg Housing & Homelessness Dashboard)



Source of Income Protection Policy Development



Source of Income Protections in County Supported Housing

Stakeholder Engagement



Source of Income Protections in County Supported Housing

Proposed Policy Components

Applicability

- Affordable Housing – All affordable housing developments or projects receiving any county-provided subsidy or financial incentives including conveyance of real estate for the production of affordable housing.
- Market-Rate Housing/Units – Any market-rate housing or units developed by a master developer or third-party developer(s) as part of a project receiving County infrastructure reimbursement incentives, such as Tax Increment Grants or capital-funded partnerships for infrastructure improvements.



Source of Income Protections in County Supported Housing

Proposed Policy Components

Non- Applicability

- This policy shall not apply to housing projects or developments that are not county funded or supported.
- Providers of housing not receiving County support will be encouraged to voluntarily accept tenants with all forms of rental subsidies and lawful sources of income.



Source of Income Protections in County Supported Housing

Proposed Policy Components

Term

- This policy will apply to applicable developments for a term equal to the greater of the incentive period or affordability period, whichever applies, based on the County incentive agreement.
- This policy will not apply after the termination of the County subsidy, or incentive, or applicable affordability period, whichever is greater, unless expressly provided otherwise in the incentive agreement.



Source of Income Protections in County Supported Housing

Proposed Policy Components

Enforcement

- Housing owners, operator, or developers will be in violation of the policy if a reason for denying the applicant is an applicant's provable and lawful source of income, including housing vouchers funded local, state, federal, and/or non-profit sources.
- The policy is not intended to require terms that prevent a property owner, operator, or provider from determining, in a commercially reasonable and nondiscriminatory manner, the ability of an applicant to afford to rent a property.
- Enforcement will be based on complaints and proactive monitoring.
- Residents may initiate a complaint by calling 311 or the Community Relations Committee (CRC).
- Investigations will be conducted by the CRC.



Source of Income Protections in County Supported Housing

Violation	Enforcement
First violation	<ol style="list-style-type: none">1. Mandatory compliance training, and housing owner/operator shall be given 30 days from the date of the confirmed violation to cure the violation without penalty.2. If violation not cured within 30 days of the confirmed violation, housing owner/operator shall pay the applicant denied housing \$100/day until the violation is cured, or 180 days, whichever occurs first.3. If violation not cured by the end of the 180 days referenced in #2 above, housing owner/operator shall be subject to a maximum contractual remedy up to \$23,000*.



Source of Income Protections in County Supported Housing

Violation	Enforcement
Two violations within five years	<ol style="list-style-type: none">1. Mandatory compliance training, and housing owner/provider shall be given 30 days from the date of the confirmed violation to cure the violation without penalty.2. If violation not cured within 30 days of the confirmed violation, housing owner/operator shall pay the applicant denied housing \$100/day until the violation is cured, or 180 days, whichever occurs first.3. If violation not cured by the end of the 180 days referenced in #2 above, housing owner/operator shall be subject to a maximum contractual remedy up to \$57,500*.



Source of Income Protections in County Supported Housing

Violation	Enforcement
Three or more violations within seven years	<ol style="list-style-type: none">1. Mandatory compliance training, and housing owner/operator shall be given 30 days from the date of the confirmed violation to cure the violation without penalty.2. If violation not cured within 30 days of the confirmed violation, housing owner/operator shall pay the applicant denied housing \$100/day until the violation is cured, or 180 days, whichever occurs first.3. If violation not cured by the end of the 180 days referenced in #2 above, housing owner/operator shall be subject to a maximum contractual remedy up to \$115,000* and housing owner/provider may be precluded from future contracts with the County. <p><small>*Maximum remedies are based on the U.S. Department of Housing and Urban Development's (HUD) maximum civil penalties for Fair Housing Act violations and will be subject to HUD's published annual inflation adjustments.</small></p>



Source of Income Protections in County Supported Housing

Reporting Requirements

- Housing owner, operator, provider or an approved designee, shall provide an annual report that includes the number of units rented to households with documented rental subsidies and tenant eligibility requirements
- Housing owners, operators, or providers shall agree to auditing by the CRC during the term of applicability and shall preserve all applicant denials and justifications for at least seven years.



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IGR Committee Recommendation

Approve the adoption of the Source of Income Protection Policy for County funded projects and the attached resolution.

