



# **TACOMA HOUSING AUTHORITY**

## **BOARD OF COMMISSIONERS**

### **BOARD PACKET**

**April 28, 2021**



**Tacoma  
Housing  
Authority**

**Executive Director**  
Michael Mirra

**Board of Commissioners**  
Stanley Rumbaugh, Chair | Shennetta Smith, Vice Chair  
Dr. Minh-Anh Hodge | Derek Young | Pastor Michael Purter

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## **REGULAR MEETING** **Board of Commissioners**

### **WEDNESDAY, APRIL 28, 2021**

The Board of Commissioners of the Housing Authority of the City of Tacoma will hold a Regular Meeting on **Wednesday, April 28, 2021, at 4:45 pm** via Zoom.

<https://us02web.zoom.us/j/88213821800> / Meeting ID: 882 1382 1800 / Dial: (253) 215-8782

The site is accessible to people with disabilities. Persons who require special accommodations should contact Sha Peterson (253) 207-4450, before 4:00 pm the day before the scheduled meeting.

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I, Sha Peterson, certify that on or before April 21, 2021, I FAXED/EMAILED, the preceding PUBLIC MEETING NOTICE before:

City of Tacoma	747 Market Street Tacoma, WA 98402 <a href="mailto:CityClerk@cityoftacoma.com">CityClerk@cityoftacoma.com</a>	fax: 253-591-5300
Northwest Justice Project	715 Tacoma Avenue South Tacoma, WA 98402	fax: 253-272-8226
KCPQ-TV/Channel 13	1813 Westlake Avenue North Seattle, WA 98109	<a href="mailto:tips@q13fox.com">tips@q13fox.com</a>
KSTW-TV/CW 11	2211 Elliott Avenue, Suite 200 Seattle, WA 98121	
Tacoma News Tribune	1950 South State Tacoma, WA 98405	

and other individuals and organizations with residents reporting applications on file.

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Sha Peterson  
Executive Administrator



# TACOMA HOUSING AUTHORITY

## AGENDA

### REGULAR BOARD OF COMMISSIONERS MEETING

April 28, 2021, 4:45 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/88213821800> / Meeting ID: 882 1382 1800 / Dial: (253) 215-8782

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - 3.1 Minutes of March 24, 2021—Regular Meeting
4. **GUEST COMMENTS**
5. **COMMITTEE REPORTS**
  - 1.1 Real Estate Development Committee
  - 2.1 Finance Committee
  - 3.1 Community Partnerships Committee
  - 4.1 Education Committee
  - 5.1 Diversity, Equity, and Inclusion Committee (no regular meeting)
6. **COMMENTS FROM THE EXECUTIVE DIRECTOR**
7. **ADMINISTRATION REPORTS**
  - 7.1 Finance
  - 7.2 Policy, Innovation and Evaluation
  - 7.3 Client Support and Empowerment
  - 7.4 Rental Assistance
  - 7.5 Property Management
  - 7.6 Real Estate Development
8. **NEW BUSINESS**

8.1	2021-04-28 (1)	Proposed Changes to THA's Criminal Screening Policies
8.2	2021-04-28 (2)	Agency-Wide Employee Support Payment
8.3	2021-04-28 (3)	902 1 <sup>st</sup> Floor TI Contractor and FF&E
8.4	2021-04-28 (4)	Hilltop Lofts Omnibus
9. **EXECUTIVE SESSION**

To evaluate the qualifications of an applicant for public employment/to review the performance of a public employee.
10. **COMMENTS FROM THE COMMISSIONERS**
11. **ADJOURNMENT**



# **TACOMA HOUSING AUTHORITY**

## **MINUTES**



# TACOMA HOUSING AUTHORITY

## BOARD OF COMMISSIONERS MEETING MINUTES REGULAR SESSION WEDNESDAY, MARCH 24, 2021

The Commissioners of the Housing Authority of the City of Tacoma met in Regular Session via Zoom at 4:45 PM on Wednesday, March 24, 2021.

### 1. CALL TO ORDER

Chair Rumbaugh called the meeting of the Board of Commissioners of the Housing Authority of the City of Tacoma (THA) to order at 4:55 PM.

### 2. ROLL CALL

Upon roll call, those present and absent were as follows:

PRESENT	ABSENT
<b>Commissioners</b>	
Chair Stanley Rumbaugh	
Vice Chair Shennetta Smith (arrived late at 4:48 pm)	
	Commissioner Derek Young
	Commissioner Dr. Minh-Anh Hodge
Commissioner Pastor Michael Purter (arrived late at 4:54 pm)	
<b>Staff</b>	
Michael Mirra, Executive Director	
Sha Peterson, Executive Administrator	
	April Black, Deputy Executive Director
Rich Deitz, Interim Finance Director	
Amanda Parent, Interim Human Resources Director	
Frankie Johnson, Property Management Director	
Kathy McCormick, Real Estate Development Director	
Sandy Burgess, Administrative Services Director	
Julie LaRocque, Rental Assistance Director	
Cacey Hanauer, Client Support & Empowerment Director	

Chair Rumbaugh declared there was a quorum present @ 4:56 and proceeded.

### 3. APPROVAL OF MINUTES OF THE PREVIOUS MEETING

Chair Rumbaugh asked for any corrections to, or discussion of the minutes for the Regular Session of the Board of Commissioners on Wednesday, February 24, 2021. Vice Chair Smith moved to adopt the minutes. Commissioner Purter seconded.

Upon roll call, the vote was as follows:

AYES:	3
NAYS:	None
Abstain:	None
Absent:	2

<b>Motion approved.</b>
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### 4. GUEST COMMENTS

None.

### 5. COMMITTEE REPORTS

#### ***Real Estate Development Committee—Chair Rumbaugh, Commissioner Young***

The committee met regarding Hilltop properties and the potential for partnerships. Chair Rumbaugh and Director McCormick reviewed the details of the proposed deal with Horizon Housing and Wells Fargo (tax credit investor) for the development of Hilltop Lofts, 57 units of permanent supportive housing for persons coming from homelessness. Real Estate Development (RED) will be presenting a resolution on the deal for the Board's approval. Commissioner Purter and Vice Chair Smith applauded Roberta Schur for her work in the negotiations. Chair Rumbaugh noted that the 57 units of transitional housing is a drop in the bucket to help the homeless. This still leaves three large parcels at Hilltop. RED is excited that it brings another partner to permanent supportive housing in the Pierce County arena. Chair Rumbaugh and Director McCormick also reported on the negotiations about the purchase of The Trees properties.

#### ***Finance Committee—Commissioner Hodge and Commissioner Young***

Nothing to report.

#### ***Education Committee—Vice Chair Smith, Commissioner Hodge***

Nothing to report.

#### ***Citizen Oversight Committee—Vice Chair Smith, Commissioner Purter***

The committee noted discussions regarding the creation of a virtual property tour. Vice Chair Smith will speak with Director Frankie Johnson.

#### ***Diversity, Equity and Inclusion Committee—Vice Chair Smith, Commissioner Hodge***

No regular meeting.

## **6. COMMENTS FROM THE EXECUTIVE DIRECTOR**

Executive Director (ED) Michael Mirra directed the board to his report. He also reviewed the possibility that Congress will revive earmarks, now known as Community Project Funding. In anticipation of that possibility, THA's Congressional delegation invited THA to apply. THA will be submitting applications for four requests:

- Fund for acquisition
- James Center North infrastructure
- Commercial space in THA's Hilltop Housing project
- Elevator repair and security measures

Commissioner Purter thinks it is a grand opportunity and now is the ideal time. Vice Chair Smith agreed 100%. There was unanimous consent from the Board. Board Chair Rumbaugh will sign the support letters.

Bezos negotiations continue. ED Mirra provided the board an update. He thanked Vice Chair Smith, Director Hanauer, Janette Simon of Salishan Association, Rebecca Spencer and THA staff for all the work they have put in the negotiations.

ED Mirra introduced THA's new Marketing and Communications Manager Nick Tolley. He comes with lots of experience in community communication. Nick is happy to be at THA and is impressed by all the things THA is doing. He has been busy meeting with the leadership team. Chair Rumbaugh welcomed Nick. "We are happy to have him on board, and I am looking forward to see his world expand a little bit."

## **7. ADMINISTRATIVE REPORTS**

### **Finance**

Interim Finance Department (FD) Director Rich Deitz directed the board to the finance report. Finance has been busy with yearend reconciliation and submitting REAC reports to HUD on time. Audits are starting to wind down. The next financial report will likely be presented in May. THA is in good shape thus far. Funding for 2021 from Housing and Urban Development (HUD) will be received in a week. Chair Rumbaugh asked if there were any extraordinary items in revenue or expenses. No, responded Director Deitz. Chair Rumbaugh inquired about the \$2.5M BFIM Buyout and the length of time that THA will carry the potential loss. According to Director Deitz, BFIM was an investor for Hillside Terrace and Sals 1, 2 and 3. This is a contingent liability and THA will only carry it until the end of the year.

MTW Cash Line is at zero, and there is \$1.6M in HUD. HUD is waiting until they do year-end reconciliation to release funds. There is a planned \$750k draw. Unencumbered is at \$8.2M, which is where we want to be.

Vice Chair Smith moved to ratify the payment of cash disbursements totaling \$5,241,074 for the month of February 2021. Commissioner Purter seconded.

Upon roll call, the vote was as follows:

AYES: 3  
NAYS: None  
Abstain: None  
Absent: 2

<b>Motion Approved.</b>
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## **Administrative Services**

Administrative Services (AS) Director Sandy Burgess directed the board to her report. AS has been busy hiring and has selected an associate director and risk manager. Other positions have been posted. AS will have an expanded staff to support work in the agency. Director Burgess thanked Rebecca and Karen for their thorough job on her board report. Renew Tacoma shows on Chart 1. Per Unit Per Year (PUPY) expenses are higher than budgeted. The primary overage is K Street and fire watching expenses during 2020. Chart 2 shows the rest of the properties in THA's portfolio. A few are higher than budgeted. Chair Rumbaugh asked if the Bay Terrace issues were related to HVAC. She will have more HVAC information on her next report. Director Burgess also mentioned that the elevators get an extraordinary amount of abuse. Director Deitz added that some expenses are related to budgeting. Some are service contracts under warranty, which is noted on the upcoming budget. Table 3 shows 2019 PUPY compared to 2020. Highlights indicate where the PUPY is going down. Chair Rumbaugh noted that Sals 1 and 3 are way down. Compliance shows 384 reasonable accommodation requests in 2020, 70% of which were approved with modification; the decrease from 2019 is related to the pandemic. Most requests were for extra bedroom for a caregiver or equipment. AS is working on a metric in OpenDoor to gather information regarding the number of approved but not implemented.

## **Client Support and Empowerment**

Client Support and Empowerment (CSE) Director Cacey Hanauer directed the board to her report. Director Hanauer has been having community consultations that resulted in fruitful conversations between THA and early childhood providers. She also provided a series of trauma-informed trainings for staff and YMCA staff. All seven senior and disabled buildings are set-up for the delivery of the COVID vaccine on April 6 and 7. Family properties will come after that. Martha Matthias has leading this effort. ED Mirra asked if the vaccines are going to be Pfizer and if a second dose would be required. If two doses are required, the Health Department will schedule a second visit to the buildings. ED Mirra asked how many residents Martha believes will decline. Martha will find out. Some have already gotten vaccinated through their health care. Martha thinks there are 70 residents signed-up already. Staff have been hard at work. Chair Rumbaugh mentioned the discussion at last month's meeting regarding the shooting at Bay Terrace. The discussion noted the trauma associated with that shooting and THA efforts to support the



residents. The Chair also asked for a review of efforts to identify and enforce lease responsibility for the incident.

## **Rental Assistance**

Rental Assistance (RA) Director Julie LaRocque directed the board to her report. RA staff have been busy preparing for potential additional vouchers and funding from the American Rescue Plan. RA worked closely with Pierce County Human Services regarding RA program. They have refined their process to help things roll out more smoothly than the CARES Act program. There will be one portal for everyone to apply to and folks will receive funds based on where they live and what they are eligible for. Staff are working closely with landlords and clients to get the word out about the funds and putting the information on THA's social media platforms. Staff are preparing for the 1<sup>st</sup> floor remodel. Bids will start coming soon and staff will have an idea how much will be spent. THA is utilized at 101.3%, which is an interesting number due to the letter received from HUD. The letter discussed utilization of Moving to Work (MTW) agencies. They were scheduling meetings for agencies that are underutilized. It was alarming, according to Director LaRocque, because THA is not underutilized. Staff looked into the data with finance and discovered that HUD was not counting special programs because there is no way to count them (local non-traditional programs including Property Based Subsidies and Rapid Rehousing). Those are reported annually during MTW reporting. RA reached out to the MTW office who said that they would talk about it in a future meeting. Staff are still trying to figure it out. It may be money that is sitting on the shelf, but staff are trying to be prepared for whatever they may ask. Chair Rumbaugh asked about the RA program from Pierce County and if voucher holders are looking for relief between the voucher amount and actual rent. He wanted to know if there was a sense of how much. According to Director LaRocque, they do not know how much. The landlord engagement specialist is always sending out surveys. Chair Rumbaugh asked if the funds would cover all shortfalls for voucher holders. "It will go back to March of last year," responded Director LaRocque.

## **Property Management**

Property Management (PM) Director Frankie Johnson directed the board to her report. It has been a busy month for PM. PM provided Fair Housing training last month for current and new staff to orient them to Fair Housing laws. Arlington is 100% leased and has its first vacancy. Things are moving right along, and staff are making sure new clientele have what they need. The Rise is 61% leased and all of the units with the exception of five have been assigned. It has been somewhat challenging. Some of the THA tenants identified as needing a smaller unit and, for that reason, were asked to transfer to The Rise were able to decline for good cause—children with disabilities with the school they need, or reasonable accommodation requests. Director Johnson gave kudos to Marquis Jenkins, Sherri Tift, Trina Atkins and Lester Pogue.

Virtual Tours has been a wish list item for Director Johnson. It will provide opportunities for virtual tours of units and amenities and the neighborhood around them. That will

improve the number of turn downs because they will be able to see the dimensions. Chair Rumbaugh added that it will also save staff time from showing units. Commissioner Purter thanked Director Johnson for the effort.

The Bay Terrace shooting was unfortunate all the way around. Three young men who lived in the property have been arrested and incarcerated. Lease enforcement was the next step. Each family requested a grievance hearing and staff are in this process. Staff are in negotiations. Chair Rumbaugh stated that he gave a virtual talk to Lincoln High School students about juveniles in the adult criminal justice system for violent crimes and talked about the Bay Terrace shooting. He thanked Director Johnson and staff for their efforts. Commissioner Purter will keep everyone in his prayers. It is a hard decision to make. He asked if there is fear of retaliation from either side and if there has been additional security put in place. According to Director Johnson, there has been no report of retaliation fears, but she imagines that some tenants are asking that same question. Director Johnson stated that there is additional security at Arlington and The Rise. Vice Chair Smith asked if there are client services offered for the families affected. According to Director Hanauer, staff are connecting with all families involved and reaching out to the neighbors to make sure they are getting support.

## **Real Estate Development**

Real Estate Development (RED) Director Kathy McCormick directed the board to her report. The Greater Tacoma Foundation approved the \$2M for THA to purchase properties and will be able to leverage the dollars for many acquisitions. It is very flexible, with no income restrictions. Tacoma Community College decided not to build student housing due to a significant drop in enrollment. Staff are working on a joint development agreement with Bridge Meadows who does intergenerational housing.

### **8. EXECUTIVE SESSION**

The board went into Executive Session at 6:22 pm for 25 minutes to discuss real estate transactions and related possible litigation. The board came back into regular session at 6:47 pm.

### **9. COMMENTS FROM COMMISSIONERS**

None.

## **11. ADJOURNMENT**

There being no further business to conduct, the meeting ended at 6:48 pm.

**APPROVED AS CORRECT**

**Adopted:** April 28, 2021

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Stanley Rumbaugh, Chair



## **TACOMA HOUSING AUTHORITY**

### **Real Estate Development Committee**

Chair Stanley Rumbaugh  
Commissioner Derek Young

### **Finance Committee**

Commissioner Derek Young  
Commissioner Minh-Anh Hodge

### **Community Partnerships Committee**

Vice Chair Shennetta Smith  
Commissioner Pastor Michael Purter

### **Education Committee**

Vice Chair Shennetta Smith  
Commissioner Minh-Anh Hodge

### **Diversity, Equity and Inclusion Committee**

Vice Chair Shennetta Smith  
Commissioner Minh-Anh Hodge



**TACOMA HOUSING AUTHORITY**

**COMMENTS FROM THE  
EXECUTIVE DIRECTOR**



# TACOMA HOUSING AUTHORITY

**To:** THA Board of Commissioners  
**From:** Michael Mirra, Executive Director  
**Date:** April 25, 2021  
**Re:** Executive Director's Monthly Report

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This is my monthly report for April 2021. It supplements the departments' written reports.

## 1. WASHINGTON STATE LEGISLATIVE SESSION

The Washington State legislative session is concluding. It has been very good for statewide housing advocacy. It has been a very good session for THA!

### 1.1 THA Projects

#### *1.1.1 Arlington Drive: Legislative Request for \$4.25 Million Operating Funds*

The state's operating budget for the next biennium will provide the full \$4.25 million we have sought for the supportive services at Arlington Drive Campus for Homeless Youth and Young Adults.

#### *1.1.2 THA Affordable Housing Acquisition Project: \$5 million Capital Funds*

The state's capital budget will provide THA with \$5 million for THA's purchase of affordable housing.

#### *1.1.3 Shiloh Baptist Church – THA Project*

The state's capital budget also provides \$2.1 million for the Shiloh Baptist Church housing project. THA will be Shiloh's developer/development consultant.

I attach the excerpts from the budgets showing these appropriations.

### 1.2 Housing Appropriations

The legislature has appropriated unprecedented sums for affordable housing.

- \$175 million for Housing Trust Fund
- \$23.9 million one-time funding to serve approximately 1,700 additional clients through the Housing and Essential Needs Program.
- \$658 million (federal) for rental assistance to low-income renters unable to pay rent due to COVID-19. This is in addition to the early action bill (HB 1368) which passed in February.
- \$292 million assumed from the new \$100 document recording fee bill (HB 1277) for multiple state housing and homelessness programs.

- \$10 million one-time funding for grants to reimburse local governments for costs to provide emergency non-congregate sheltering.
- \$10 million one-time funding to the Housing Trust Fund to support individuals with intellectual and developmental disabilities.

### **1.3 Housing Policy**

- *ESSB 5160 – Tenant Protections Related to the Pandemic*
  - Restricts evictions or unfavorable tenant references for nonpayment of rent that accrued during the Governor's eviction moratorium plus 6 months following its expiration.
  - Requires landlords to offer tenants reasonable payment plans for payment of such accrued rent.
  - Prohibits discrimination in housing against a person based upon that person's exposure to COVID.
  - for declared pandemic emergency new proposal that would put a two-year restriction on the ability for a landlord to evict tenants relating to public health emergencies. The original proposal drew a lot of opposition, and has been a work in progress through the process. The bill passed out of the Senate on 3/4 with a vote of 29 to 20 and passed out of the House on 4/8. The bill was amended to terminate the Governor's eviction moratorium on 6/30/21 and has now gone back to the Senate for reconciliation.
  - Subject to the availability of funds appropriated for the purpose, directs the administrative office of the courts to contract with local dispute resolution centers to create a "court-based eviction resolution pilot program" in accordance with the order of the Washington Supreme Court and "any standing judicial order of the individual superior court".
  - Requires landlords, prior to filing an eviction action, to provide the tenant with a designated notice informing the tenant of the eviction resolution pilot program.
  - Subject to the availability of appropriated for the purpose, requires courts to appoint defense counsel to indigent tenants in unlawful detainer actions.
  - Requires 14-day notices to pay rent or vacate and summons in all eviction cases to include designated language telling tenants about the availability of rental assistance and that the court "may be able" to appoint a lawyer to represent the tenant.

- *ESHB 1236— Requires Good Cause to Terminate a Residential Tenancy*  
Prohibits a landlord from evicting tenants unless there is cause for eviction. The bill defines the permissible causes.
- *SSHB 1220 – Strengthen GMA Planning Requirements for Affordable Housing and Shelter Services*
  - The Growth Management Act (GMA) had long required planning jurisdictions to “encourage the availability of affordable housing to all economic segments of the population”. This bill removes the word “encourage” and now directs planning jurisdictions to “plan for and accommodate” this housing. The bill directs more detailed ways to do that.
  - Prohibits cities from excluding transitional housing or permanent supportive housing from “any zone in which residential dwelling units or hotels are allowed”.
  - Prohibits cities from excluding indoor emergency shelters/housing from any zone in which hotels are allowed.

**2. BEZOS ACADEMY AT SALISHAN: NEGOTIATION STATUS**

In my report of last month, I reported on the continuing negotiations with the Bezos Academy for a lease that would give it exclusive use of the three Salishan FIC classrooms for 15 years, rent free, so it can establish there a tuition free pre-school. I must now confirm what I mentioned verbally to some of the Commissioners: the negotiations have not been successful, and we have discontinued them. At the Board meeting, I will describe the good reasons for this disappointing result. In general, we are disappointed by a well-informed decision.

**3. OUR NEW HUMAN RESOURCES DIRECTOR**

I am very pleased to report that we have hired our new Human Resources Director! Her name is Lorraine Viers. She comes to us from the Bremerton Housing Authority where she has served as HR Director for more than 10 years. She starts at THA on May 17<sup>th</sup>. It will be my pleasure to introduce her to the Commissioners at the Board's May meeting.



(b) The appropriation may not be used for staffing or maintaining buildings converted to housing for homeless persons. Costs for staffing and maintenance must be borne by the county or the contractor.

(c) In the contract for the pilot program, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(d) The pilot program should help inform the development of a public building conversion grant program to encourage counties to convert unused, publicly owned buildings into housing for homeless persons. The department must report to the office of financial management and fiscal committees of the legislature by November 1, 2022, regarding the establishment of the pilot program and any recommendations related to implementation of a public building conversion grant program.

(8) \$17,800,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

\$5,000,000 for the Tacoma Housing Authority affordable housing acquisition;

\$4,000,000 for the Keiro nursing home acquisition in Seattle;  
\$1,500,000 for the Parkland/Spanaway homeless shelter;  
\$300,000 for the Concord apartments acquisition in Seattle;  
\$2,000,000 for the Eastgate supportive housing in Bellevue; and  
\$5,000,000 for the City of Seattle for the acquisition of the Clay Apartments in partnership with a low-income housing provider.

(9) (a) \$7,903,000 of the coronavirus capital projects account—federal appropriation is provided solely for the following list of youth housing projects identified by the office of homeless youth protection and prevention programs:

FYRE's Village: Housing Stability for Young Adults (Omak) . . . . .	\$3,350,000
NWYS Young Adult Shelter Services (Bellingham) . . . . .	\$438,000
OlyCap Pfeiffer House (Port Townsend) . . . . .	\$127,000

of Concern Commission and the department until the legislature appropriates funds for these projects in the budget process. The legislature retains the right to review and consider all such funding as it does with other requests for project funding. The intent of the legislature is to only provide funding in the 2021-2023 fiscal biennium in order to inform the department's comprehensive equity review required in the operating budget and allow the opportunity for the department to implement the steps necessary to improve equitable delivery of all of their capital grant programs. The department must submit an interim report to the legislature by December 31, 2021, on the barriers identified and lessons learned through projects identified through this section and in section 1093 of this act and the connection to the equity review required in the operating budget.

(2)(a) The appropriation is provided solely for the following list of projects:

ʔalʔal (means "Home" in Lushootseed) (Seattle)	\$900,000
Asberry Historic Home Site Acquisition (Tacoma)	\$919,000
Be'er Sheva Park Improvements and Shoreline Restoration (Seattle)	\$500,000
Cham Community Center (CCC) (Seattle)	\$515,000
Communities of Concern Commission (Seattle)	\$3,000,000
Elevate Youngstown Capital Project (Seattle)	\$515,000
Feast Collective Capital Request (Spokane)	\$103,000
Feeding Change Campaign (Seattle)	\$1,000,000
Khmer Community Center & Cultural Hub (Seattle)	\$309,000
Neighborhood House Early Learning Facilities (Seattle)	\$2,050,000
Shiloh Baptist Housing Development Project (Tacoma)	\$2,100,000
Skyway Resource Center Renovation Project (Seattle)	\$400,000
Wadajir Residences & Souq (Tukwila)	\$1,339,000

(b) For the Asberry Historic Home Site Acquisition, the department must work with the department of archaeology and historic preservation and the grantee to develop a historic preservation easement. The easement must be held through the department of archaeology and historic preservation and must be placed on the title in perpetuity.

Appropriation:

State Building Construction Account—State	\$13,150,000
State Taxable Building Construction Account— State	\$500,000

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for

1 youth under the age of 18. Young adult housing includes, but is not  
2 limited to, rental assistance and case management for young adults  
3 ages 18 to 24. The department shall submit an annual report to the  
4 legislature on the use of the funds. The first report is due June 30,  
5 2022, and each June 30th thereafter. The report shall include but is  
6 not limited to:

7 (a) A breakdown of expenditures by program and expense type,  
8 including the cost per bed;

9 (b) The number of youth and young adults helped by each program;

10 (c) The number of youth and young adults on the waiting list for  
11 programs, if any; and

12 (d) Any other metric or measure the department deems appropriate  
13 to evaluate the effectiveness of the use of the funds.

14 (27) \$62,720,000 of the general fund—state appropriation for  
15 fiscal year 2022, \$65,330,000 of the general fund—state appropriation  
16 for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal  
17 recovery fund—federal appropriation are provided solely for the  
18 essential needs and housing support program and related services. The  
19 department may use a portion of the funds provided in this subsection  
20 to continue the pilot program established in section 127(106) of  
21 chapter 357, Laws of 2020, by providing grants to participating  
22 counties who request additional funding in order to continue serving  
23 participating and eligible clients.

24 (28) \$1,436,000 of the general fund—state appropriation for  
25 fiscal year 2022 and \$1,436,000 of the general fund—state  
26 appropriation for fiscal year 2023 are provided solely for the  
27 department to identify and invest in strategic growth areas, support  
28 key sectors, and align existing economic development programs and  
29 priorities. The department must consider Washington's position as the  
30 most trade-dependent state when identifying priority investments. The  
31 department must engage states and provinces in the northwest as well  
32 as associate development organizations, small business development  
33 centers, chambers of commerce, ports, and other partners to leverage  
34 the funds provided. Sector leads established by the department must  
35 include the industries of: (a) Aerospace; (b) clean technology and  
36 renewable and nonrenewable energy; (c) wood products and other  
37 natural resource industries; (d) information and communication  
38 technology; (e) life sciences and global health; (f) maritime; and  
39 (g) military and defense. The department may establish these sector



**TACOMA HOUSING AUTHORITY**

**ADMINISTRATION  
REPORTS**



**TACOMA HOUSING AUTHORITY**

**FINANCE**



# TACOMA HOUSING AUTHORITY

## Motion

Adopt a consent motion ratifying the payment of cash disbursements totaling \$5,177,363 for the month of March 2021.

**Approved: April 28, 2021**

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Stanley Rumbaugh, Chair

**TACOMA HOUSING AUTHORITY**  
**Cash Disbursements for the month of March 2021**

		Check Numbers			
		From	To	Amount	Totals
A/P Checking Accounts					
Accounts Payable Checks	Check #'s	94,746	-	94,829	
Accounts Payable ACHs	ACHs	508	-	558	
Business Support Center				253,183	Program Support
Moving To Work Support Center				92,384	
Moving To Work Buildings (used by Support Center)				28,333	
Tax Credit Program Support Center				26,740	
Section 8 Programs				36,456	Section 8 Operations
Alberta J Canada Bldg				211	Properties
KeyBank Building				400	
Salishan 7				11,453	
Hilltop Redevelopment - THDG				4,000	THDG
Hilltop Redevelopment				691	Development
Bus Development Activity				7,046	
CS General Business Activities				20,650	Client Support
CSA Program - Business Activities				5,618	
Department of Commerce Funding for Crisis Residential Center				144,800	
Community Services MTW Fund				10,922	
AMP 9 - HT 1500 - Subsidy				940	Public Housing
THA SUBTOTAL				643,825	
Hillside Terrace 2 & 1500				5,257	Tax Credit Projects - Reimbursable
Bay Terrace I & II & Community Facility				12,230	
Arlington Youth Campus				775	
Court F (The Rise)				2,034	
Renew Tacoma Housing				23,595	
Salishan 1 - Salishan 6				9,882	
TAX CREDIT SUBTOTAL (Operations & Development - billable)				53,773	697,598
Section 8 Checking Account (HAP Payments)					
SRO/HCV/VASH/FUP/NED	Check #'s	484,134	-	484,234	143,419
	ACHs	4,891	-	5,848	3,560,908
Payroll & Payroll Fees - ADP					775,438
TOTAL DISBURSEMENTS					5,177,363



# TACOMA HOUSING AUTHORITY

## CASH POSITION - February 2021

Account Name	Current Balance	Interest
<b>HERITAGE BANK</b>		
Accounts Payable	8,169,811	0.29%
Section 8 Checking	1,285,983	0.29%
THA Affordable Housing Proceeds-Salishan	1,969,318	0.29%
THA Scattered Sites Proceeds	5,878,782	0.29%
FSS Escrows	219,876	0.29%
CSA Escrows	123,191	0.29%
Note Fund Account	103	0.29%
Credit Card Receipts	26	0.29%
Key Bank Security Deposits	1,851	0.29%
Relocation Account	5,004	0.29%
THA Investment Pool	337	0.29%
THDG - Tacoma Housing Development Group	1,005,164	0.29%
Salishan 7 Operations	1,454,645	0.29%
Salishan 7 Security Deposit	28,914	0.29%
Salishan 7 Replacement Reserve	435,351	0.29%
Salishan 7 Operating Reserve	203,389	0.29%
Highland Crest Operations	1,220,742	0.29%
Highland Crest Replacement Reserve	283,704	0.29%
Highland Crest Security Deposit	39,380	0.29%
Outrigger Operations	513,409	0.29%
Outrigger Replacement Reserve	214,644	0.29%
Outrigger Security Deposit	20,007	0.29%
Prairie Oaks Operations	167,808	0.29%
Prairie Oaks Replacement Reserve	33,831	0.29%
Prairie Oaks Security Deposit	6,365	0.29%
Payroll Account	3,620	0.29%
<b>HOME STREET BANK</b>		
James Center North Operations	864,991	0.00%
James Center North Security Deposit	56,801	0.00%
<b>WASHINGTON STATE</b>		
Investment Pool	\$ 1,525,062	0.14%
<b>1. TOTAL THA CASH BALANCE</b>	<b>\$ 25,732,107</b>	
Less:		
<b>2. Total MTW Cash Balance</b>	<b>\$ -</b>	
<i>Less Minimum Operating Reserves</i>		
2.01 Public Housing AMP Reserves (4 months Operating Exp.)		
2.02 S8 Admin Reserves (3 months Operating Exp.)	726,000	
2.09 Less Total Minimum Operating Reserves	\$ 726,000	
<b>2.1. MTW Cash Available (Lines 2-2.09)</b>	<b>\$ -</b>	
<b>3. MTW Cash Held By HUD</b>	<b>\$ 8,454,612</b>	
<b>4. Non MTW Cash Restrictions/Obligations</b>		
4.1 Non MTW Operational Restrictions		
4.10 HUD Restricted - Lot and Property Sales	\$ 7,848,100	
4.101 Area 2B Sales Proceeds (Afford Hsg)	1,969,318	
4.102 Scattered Sites Proceeds (Afford Hsg)	5,878,782	
4.15 HUD Restricted - CARES Act (Covid-19)	\$ 134,117	
4.151 Unspent CARES Act Funding	134,117	
4.20 THA Property Accounts Reserved	\$ 2,566,727	

# TACOMA HOUSING AUTHORITY

## CASH POSITION - February 2021

4.201 Security Deposit Accounts	153,318		
4.202 Highland Crest Operations Reserves	320,000		
4.203 Highland Crest Replacement Reserves	283,704		
4.204 James Center North Operations Reserves	230,000		
4.205 James Center North Capital	274,880		
4.206 Outrigger Operations Reserve	150,000		
4.207 Outrigger Replacement Reserves	214,644		
4.208 Prairie Oaks Operations Reserves	77,000		
4.209 Prairie Oaks Replacement Reserves	73,831		
4.210 Salishan 7 Operations Reserves	354,000		
4.211 Salishan 7 Replacement Reserves	435,351		
4.30 Rental Assistance Reserves		\$ 828,769	
4.301 Mod Rehab Operating Reserves	68,035		
4.302 VASH, FUP, MAIN & NED HAP Reserves	528,464		
4.303 FSS Escrows	232,270		
4.40 Prepaid Grants		\$ 2,732,419	
4.401 TPS Interlocal (CS-2017-011)	234,092		
4.402 UWPC - Strong Families (CS-2018-003)	65,491		
4.403 Balmer Foundation - Education Prog (CS-2020-005)	708,884		
4.404 College Sparks (PI-2018-005)	76,522		
4.405 GTCF Grant (PI-2019-005)	163,250		
4.406 Foundation for Tacoma Students (PI-2019-009)	41,377		
4.407 Gates - THA Education Program (PI-2020-006)	323,637		
4.408 Kresge Foundation - CHAP Program (RA-2019-009)	64,002		
4.409 Ballmer Foundation - COVID Rent Assist (RA-2020-003)	50,000		
4.410 THDG	1,005,164		
4.50 BFIM Buyout LOC Collateral-Potential Tax Credit Loss		\$ 2,500,000	
<b>4.60 Total - Non MTW Cash Restrictions (4.10+4.20+4.30+4.40+4.50)</b>		<b>\$ 16,610,132</b>	
<b>4.70 Agency Contracted or Budgeted Commitments Remaining</b>		<b>\$ -</b>	
	-		
	-		
<b>4.99 Total Non MTW Cash Restrictions/Obligations (Lines 4.60+4.70)</b>		<b>\$ 16,610,132</b>	
<b>5. THA UNENCUMBERED (Non-MTW) CASH (Lines 1-2-4.99)</b>		<b>\$ 9,121,975</b>	
<b>6. Development Advances - Project Reimbursement upon closing/draw</b>		<b>\$ 192,015</b>	
6.01 Arlington Crisis Residential Center	-		
6.02 Arlington Youth Housing	78,415		
6.03 Court F LLLP (1800 Block)	113,599		



**TACOMA HOUSING AUTHORITY**

**POLICY, INNOVATION, AND  
EVALUATION**



# TACOMA HOUSING AUTHORITY

**DATE:** April 28, 2021

**TO:** THA Board of Commissioners

**FROM:** April Black  
Deputy Executive Director  
Director of Policy, Innovation and Evaluation

**RE:** Policy, Innovation and Evaluation (PIE) Department Board Report

PIE continues to support the agency's efforts to respond to the COVID-19 pandemic and racial injustices at the local and national level. With much of the agency's focus on emergency response and recovery, some of PIE's more long-range projects remain on hold. Yet we continue our work to develop and evaluate innovative policies and programs with a mindfulness of the operational capacity needed to implement new policy or make program pivots. In addition, PIE staff continue to lend their capacity to agency-wide efforts, including co-leading the Emergency Operations Committee, contributing to reopening planning, and leading a short-term priority planning process.

## **1. Proposed Policy Changes to THA's Use of Criminal History in its Screening Practices**

PIE is presenting its final report and recommendations from its Opening Doors to Housing project at the April Board meeting. This project, led by Ava Pittman, included an examination of the use of criminal history as a screening criterion, a review of the evidence on past criminal history's impact on housing outcomes, and an investigation into the ways in which criminal screening policies serve as barriers to housing, in particular for communities of color. PIE conducted a thorough policy analysis that included consultation of the research literature; investigation into the screening practices and subsequent outcomes of other housing providers; and a review of THA's current practices and resulting outcomes. PIE also consulted THA stakeholders including residents, staff, the Landlord Advisory Group, and its liability insurance carrier.

The full report and a menu of options are appended to this report. A summary of PIE's recommendations and a request for Board action can be found in the resolution.

Following review of these materials and discussion at the Board meeting, PIE is requesting the Board's approval of Resolution #2021-04-28 (1) to adopt the recommendations.

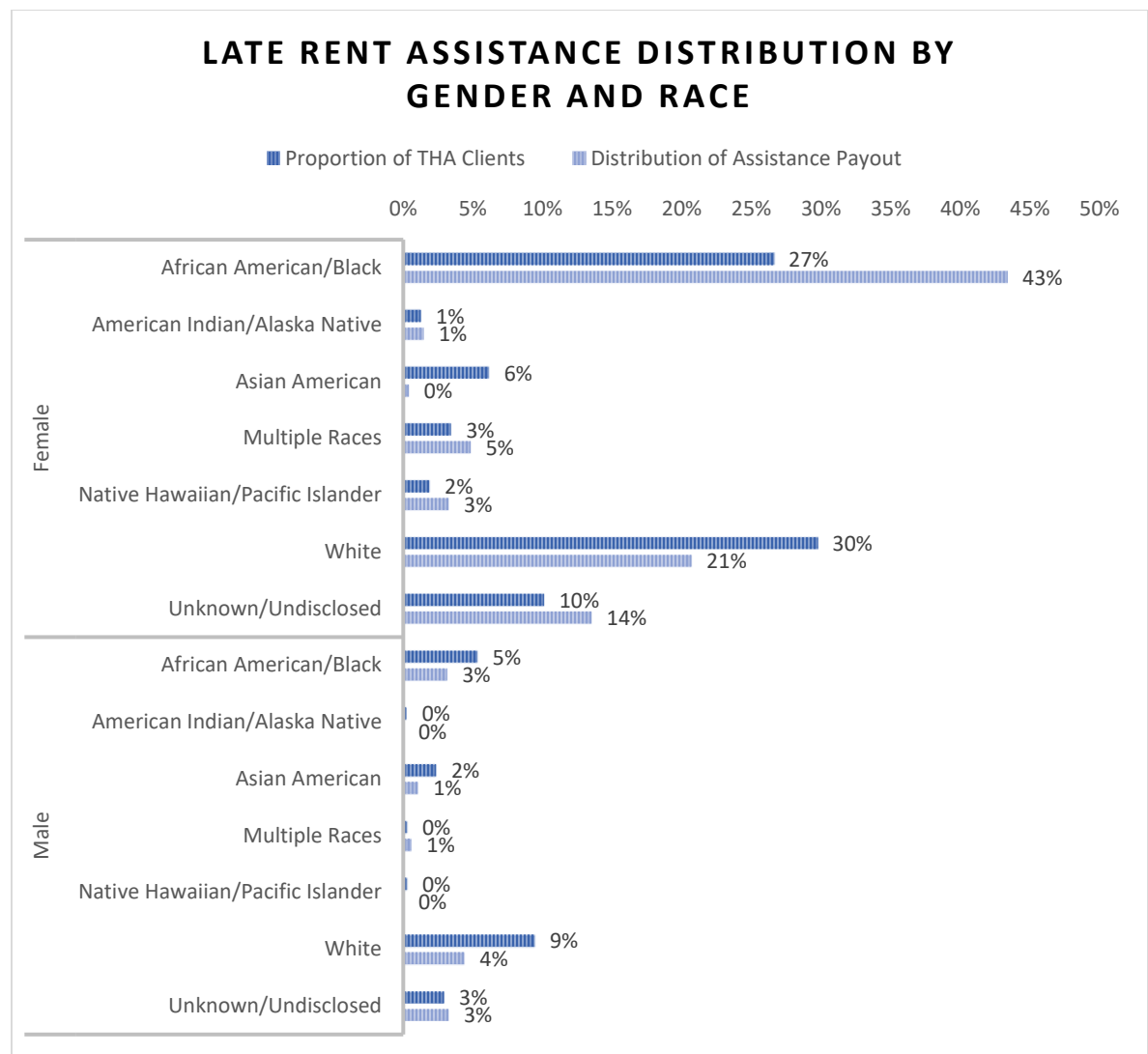
## **2. Analysis of Late Rent Project**

In November 2020, Pierce County initiated a late rent assistance program to help tenants address late rent balances. THA administered the program for THA households. In total, 11.75% of THA clients (592 households) received up to three months of late rent assistance. This figure only represents clients that were served through THA and not another agency.

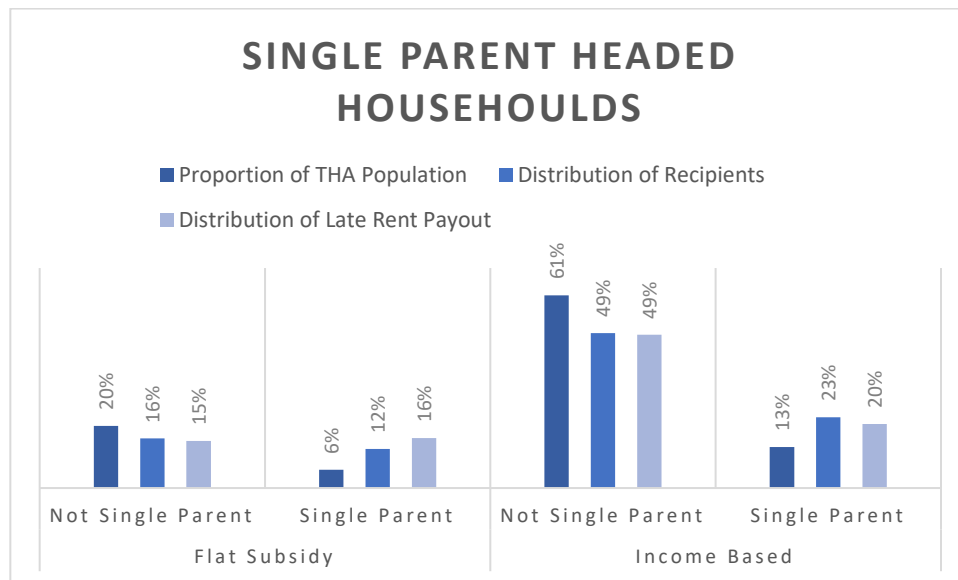
PIE staff were able to compile data from the late rent project to shed light on which THA client populations were most impacted. A few highlights from this analysis are shared below.

## 2.1. Client Demographics

- Across all programs, African American/Black households are overrepresented in terms of receiving late rent assistance.
- A higher proportion of households headed by women (13.5%) received late rent assistance compared to households headed by men (8.1%).
- Households headed by African American/Black women received 43% of the total payout despite being only 27% of the total THA population.

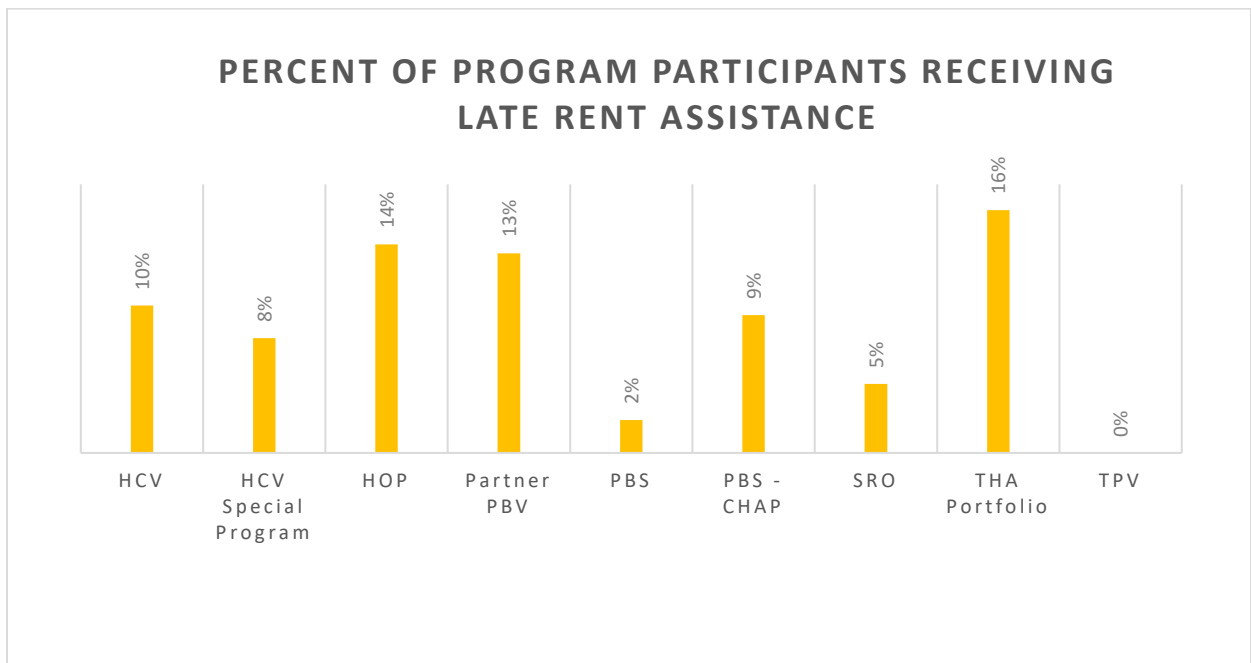
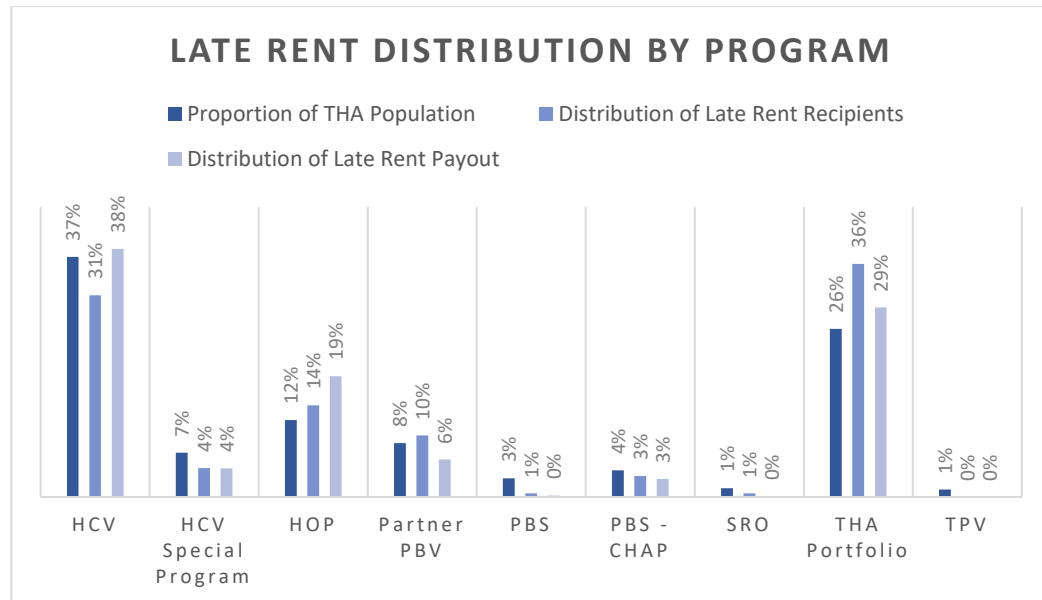


- Single parent headed households also demonstrated a greater need than households that are not headed by single parents. The distribution of assistance and payout amount was most disproportionate for single parent headed households receiving a flat subsidy (HOP) as opposed to an income-based subsidy (HCV).



## 2.2. Distribution Across Programs

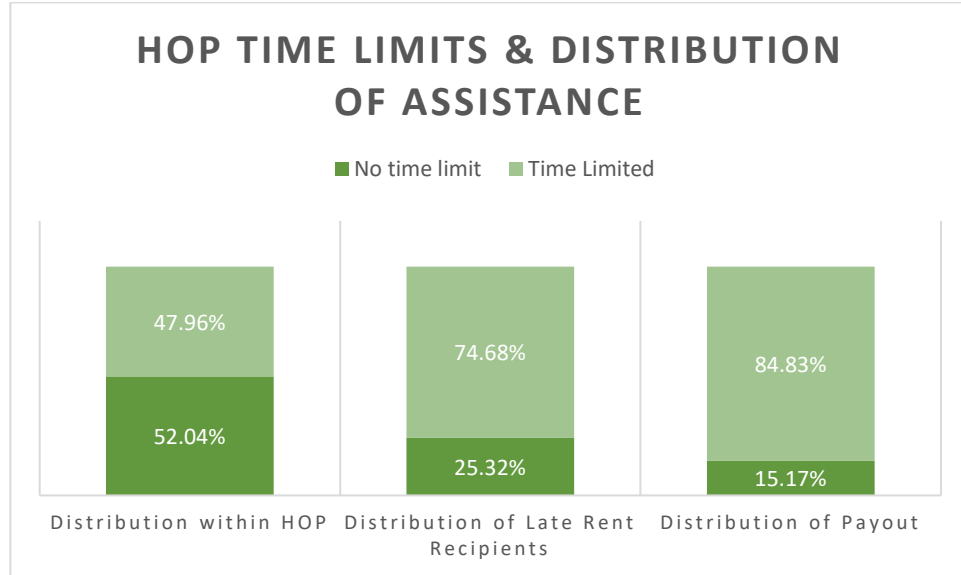
- Distribution of late rent assistance was mostly reflective of how clients are distributed across THA programs. HOP and PBV clients were overrepresented by two percentage points. THA Portfolio clients were overrepresented by 10 percentage points. HCV was underrepresented by six percentage points.
- In terms of the payout amounts, the program with the greatest overrepresentation was HOP. HOP received 19% of the total assistance paid out even though the program represents 12% of the THA client population. HCV was the only other program where the distribution was larger than the proportion of the THA population, but only by one point.



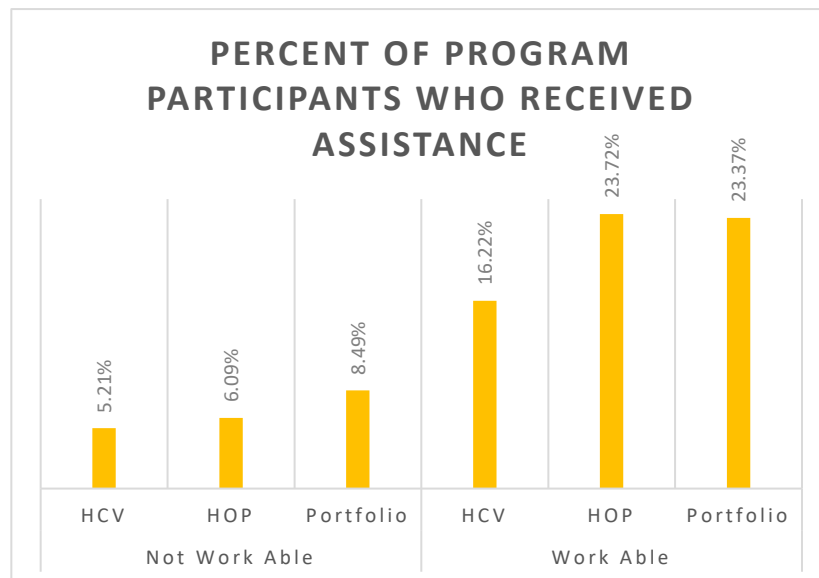
- THA was able to find out from Pierce County which participants using Property Based Subsidies were assisted through other agencies. When these figures were added in, we see a much greater need amongst clients at the properties where tenants are less likely to be on fixed incomes, such as the Cascade Park properties.

### 2.3. Subject to Time Limits/Work-able Households

- While nearly half of HOP voucher holders are subject to time limits, they represented 75% of HOP participants receiving assistance. Of the assistance paid out to HOP clients, 85% of it went to those who have time limited assistance.



- The impact on wage-earning households was true across all THA programs.





**3. Housing Opportunity Program (HOP), Children's Housing Opportunity Program (CHOP), and College Housing Assistance Program (CHAP) Program Update Memo**

PIE is beginning work on a memo that explores questions around housing burden, income, and program exits among households served by these three time-limited, shallow subsidy programs. The memo, which incorporates recent evaluation findings and analysis, seeks to address three key questions:

- 3.1.** Are households on term-limited, shallow subsidy programs housing burdened?
- 3.2.** What is the median income of households on these programs? Does their income change while they are receiving assistance?
- 3.3.** Are households on term-limited, shallow subsidy programs better or worse off when they exit the program?

A draft outline of this memo, including metrics of interest, is appended to this report.

The outcomes of this exploration could indicate the need for program changes. PIE will share a summary of its findings and any subsequent recommendations at a future Board meeting.

**4. 2020 MTW Report Submission**

THA submitted its 2020 Moving to Work (MTW) Report to HUD on March 31<sup>st</sup>. The Report provides an update on the outcomes of THA's MTW initiatives and investments.

# HOP, CHOP, AND CHAP PROGRAM UPDATE MEMO

Outline. April 28, 2021

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## I. CONTEXT

- Local rental market
- Income trends among low-income households
- Effects of COVID-19 pandemic

## II. PROBLEM EXPLORATION

*QUESTION 1: Are households on term-limited, shallow subsidy programs housing burdened?*

Measured by:

- Housing burden
- Hardship requests
- Late rent requests
- Shopping success – days to lease and % unsuccessful in securing housing

*QUESTION 2: What is the median income of households on these programs? Does their income change while they are receiving assistance?*

Measured by:

- Median income compared to the general voucher population
- Median income at entry
- Median income at exit

*QUESTION 3: Are households on term-limited, shallow subsidy programs better or worse off when they exit the program?*

Measured by:

- Exit reason (pending data completion rate)
- Early exits
- # of past participants in most recent wait list opening (if available)
- # of past participants in HMIS (if available)
- Port out requests
- Rent burden at exit

### *GUIDING PRINCIPLES FOR ANALYSIS*

- Disaggregate by race and other household characteristics, as available
- Include trends, pre-COVID, when data is available
- Compare to general HCV population
- Integrate CHAP, FSS, and HOP evaluation findings

## III. PROPOSED CHANGES

- Subsidy amount
- Time limit

## IV. COST PROJECTION OF PROGRAM CHANGES



**TACOMA HOUSING AUTHORITY**

**CLIENT SUPPORT  
& EMPOWERMENT**



# TACOMA HOUSING AUTHORITY

**DATE:** April 28, 2021

**TO:** THA Board of Commissioners

**FROM:** Cacey Hanauer  
Director of Client Support & Empowerment

**RE:** Client Support & Empowerment Department Monthly Board Report

## 1. STRATEGIC OBJECTIVE: HOUSING AND SUPPORTIVE SERVICES

Tacoma Housing Authority (THA) will provide high quality housing, rental assistance and supportive services. Its supportive services will help people succeed as tenants, parents, students, wage earners and builders of assets who can live without assistance. It will focus this assistance to meet the greatest need.

## 2. DIRECTOR'S COMMENT

As THA rounds the corner on the first quarter of 2021, Client Support and Empowerment (CSE) remains busy and committed to working in service to our residents and clients. CSE has begun a strategic planning process to focus the department's scope and areas of expertise, and to increase partnerships with other local leaders in the service arena. Rather than direct this process from a traditional top-down approach, we have elected to start the process by first asking direct service staff to provide insight as to where they think the department should focus. Staff who work directly with our clients are best positioned to understand needs, system gaps, and have some of the most innovative ideas as to where we should begin. CSE has hired BERK Consulting to facilitate this work, and they have initiated conversations with staff, begun work to do a landscape scan of how similar agencies focus their work and to do stakeholder interviews. We are excited to see how this process matures.

CSE, and especially our Community Builder, Martha Matthias, worked hard to bring Covid vaccines to our Senior and Disabled buildings. Martha coordinated with the Tacoma Pierce County Health Department and the National Guard to ensure that all seven buildings would have a two-hour vaccination clinic in early April. We will provide an update as to how many folks were vaccinated to date at the April Board of Commissioners meeting.

As the legislative session progresses, the team charged with securing services funding persists in the hunt. Given the broad, thorough and detailed outreach taken on by THA, The Y Social Impact Center, and Community Youth Services, we are hopeful that the legislature does, and will, recognize the impact Arlington will have as a regional asset to

address youth and young adult homelessness. Concurrently, CSE is working with the Y Social Impact Center and THA's Property Management to iron any wrinkles that arise in this new property. Given that this is a new type of project, and the biggest of its kind, those involved in planning anticipated there would be challenges that could not have been predicted. Those planners were right, but with good teamwork and attention the bumps have been surfaced and are being managed. With all units filled, the alignment between THA and the Y becomes more critical and nuanced, requiring diligent attention from all those involved.

### **3. DEPARTMENT UPDATES**

#### **3.1 Staffing**

We could not be prouder to announce that CSE team member Stephanie Hopkins has been awarded the City of Tacoma's "City of Destiny" award! The Economic Development award is given to a "group or individual dedicated to improving, encouraging and promoting sustainable economic development for under-represented communities." Tacoma's Mayor, Victoria Woodards reflects "The community members recognized each year as a part of the City of Destiny Awards are living examples of compassion in action. Their dedication to service is an example to us all, and the positive impacts they make are even more important for a community responding to a global pandemic." CSE and THA have had the privilege of working alongside Stephanie and witnessing her deep dedication to service provision and our clients, residents, neighbors and staff. Stephanie approaches her work from the most genuine place, centering all of her interactions on improving the day of someone else. Her work shines bright, and we are so proud to get to work with and learn from her every day. Well done, Stephanie!!

CSE is happy to announce two new team members who will be joining us in April. First is Rob McAfee. Rob will be working in the Two Generational Program at The Rise and Hillside Terrace, engaging families with kids in middle school. He'll also be working with families at Bergeson Terrace, Bay Terrace and Dixon Village. Rob comes to us from Safe Streets where he worked as a Youth Program Specialist. THA has had the great opportunity of working with Rob in his role at Safe Streets and could not be more excited to have him on board.

The second new staff to join the CSE team is Laurel Kennedy. Laurel will spend her time working with families at Salishan, Bay Terrace, Hillside Terrace and the Rise. Laurel joins us from Share and Care House where she worked as a Housing Advocate, supporting clients with disabilities and experiencing chronic homelessness. We are

excited to leverage Laurel's skills in advocacy, relationship building, her experience working with multigenerational family units and resource provision.

Case Workers Gary McCurty and Stephanie Hopkins recently begun working the new Two Generational Program, leaving a vacancy to be filled in the Family Self Sufficiency program. We hope to have a hiring update at the May Board meeting.

### **3.2 Program Updates**

#### **3.2.1 Bridge Assessment**

For several years, CSE has utilized a tool called the "Bridge Assessment" to help guide service planning and provision. This tool can provide a hard score, ideally helping CSE measure the impact of the services we provide. While the tool is good in theory, we are working to retool it to better identify both how it can be used and what we hope/want to measure. Amy Van is leading this process and has leveraged staff expertise and insight to inform how we can better capture the needs of our residents and clients. Ultimately, we aim to have a simple and effective assessment that is useful to residents and Case Workers, guiding their conversations and informing action steps at each meeting. This new tool will also be a strength-based assessment rather than the more traditional deficit-based assessments used in social services.

#### **3.2.2 Child Savings Account**

Staff in the Child Savings Account (CSA) program completed another round of outreach to CSA families to notify them of the Guaranteed Education Tuition (GET) changes by canvassing Salishan and placing door hangers at the homes of families in the CSA program. The response rate of enrolled families continues to be slow. Staff will continue to reach out to these families, making every effort to engage them in the new program. Staff continue to meet monthly with the Washington Student Achievement Council to develop the Master Scholarship Account dashboard and to troubleshoot any issues specific to accessibility. Our hope is to ensure the program is easily understood, accessed and appealing to families who have not traditionally engaged in the state's 529 products. The primary barrier we aim to address is the deep financial and economic barriers low-income families have experienced.

#### **3.2.3 Family Self Sufficiency**

Staff are nearly done amending the Family Self Sufficiency (FSS) Action Plan draft! This process has been arduous, has included multiple departments at THA

and will result in a more streamlined and effective program. Once the Action Plan is updated, we can begin work on redesigning the FSS program. The redesign will be another heavy lift, but necessary to bring a more robust, cohesive and informed program to our clients and residents. CSE will be sure to keep the Board of Commissioners updated as the redesign process commences.

### **3.2.4 Contracts**

#### **(a) Volunteer Income Tax Assistance**

In March, Associated Ministries continued offering free tax preparation support on site at the Family Investment Center (FIC) via a program called Volunteer Income Tax Assistance (VITA). Due to COVID, support is offered by appointment only, and only for folks who do not have access to the technology, or the skills needed to receive virtual support. The program got off to a mostly smooth start, despite an alarm snafu at the FIC as they began to get set up. As of early April, the program has already served 71 taxpayers.

#### **(b) By the Numbers**

Kendra Peischel has continued her work with THA's IT department and a third-party support team to rework the OpenDoor database to better assist in capturing pertinent, accurate, and useful data.

The charts below show how many resource connections staff made in the month of February, and the numbers and types of referrals received by CSE from the East Portfolio, voucher holders, the West Portfolio, respectively. Each referral received is assigned to a Case Worker who then works with residents/voucher holders to address the need expressed in the referral along with other needs the family may express. Some referrals result in limited support aimed at addressing the referral issue, and others turn into long-term support. The bottom chart shows the number of external resource connections staff made on behalf of residents and voucher holders. The length of engagement is determined largely by residents, with Case Workers offering support for a variety of needs.

## 2021 Resource Connections

Referral Category	March 2021	2021 Totals
Adult Education		5
Asset Building	6	18
Behavioral Health	7	7
Employment Assistance	17	28
Food Assistance	350	1,136
Legal Services	1	5
Rental Assistance		8
Resident Assistance Programs	36	85
Tax Assistance		1
Transportations Assistance		1
Utility Assistance		1
<b>Grand Total</b>	<b>417</b>	<b>1,295</b>

Count of Referral Category broken down by External Referral: Created Date (MY) vs. Referral Category.

## 2021 RERERRALS RECEIVED BY CSE

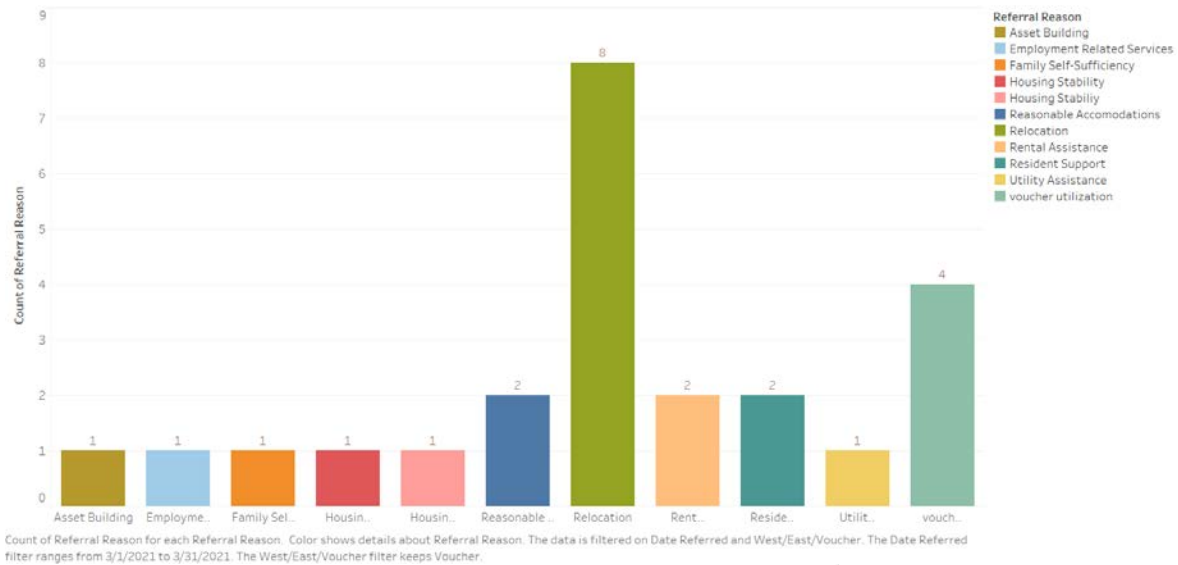
Referral Reason	March 2021	Grand Total
Asset Building	1	1
Behavioral Health	4	9
Employment Related Services	2	9
Family Self-Sufficiency	4	16
Housing Resources		1
Housing Stability	12	39
Housing Stabiliy	1	1
New Move-In	5	5
Reasonable Accomodations	2	4
Relocation	8	10
Rental Assistance	9	24
Resident Support	6	8
RISE New Move in	6	20
Salishan New Move in		7
Security Deposit		10
Utility Assistance	2	2
Voucher Utilization	9	14
Voucher Utilization (Port-out)		1
<b>Grand Total</b>	<b>71</b>	<b>181</b>

Count of Referral Reason broken down by Date Referred Month vs. Referral Reason.

## Referrals Received for Tenant Based Vouchers

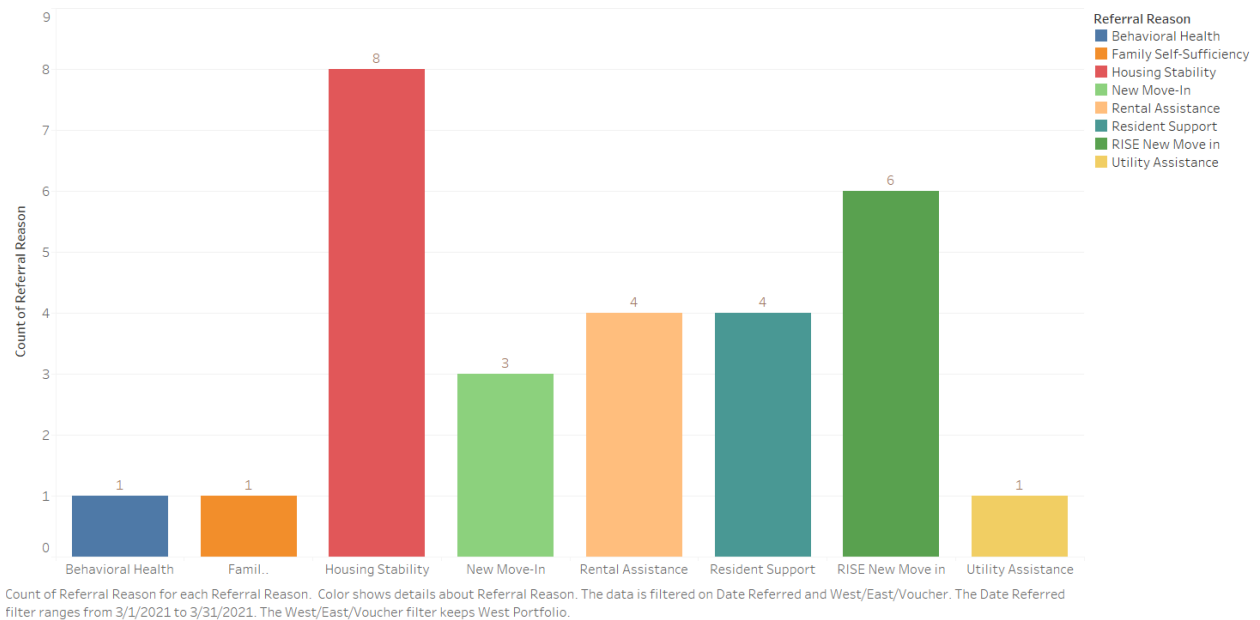


Referrals Received by CSE  
 March 2021



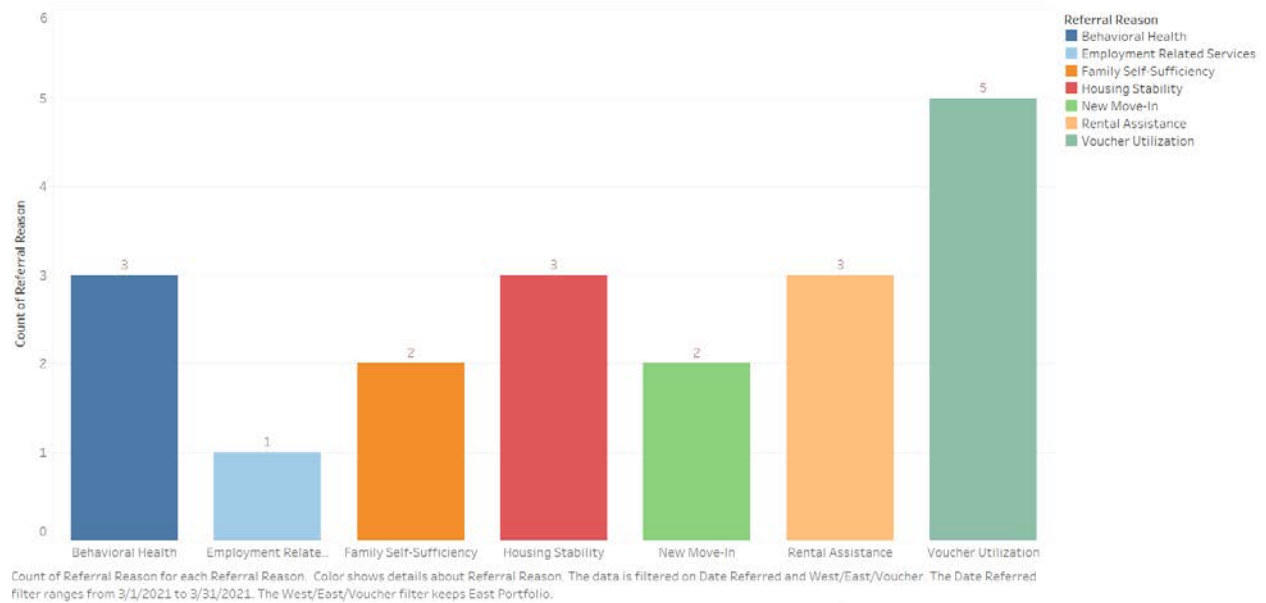
## Referrals Received by the West Portfolio

Referrals Received by CSE  
 March 2021



## Referrals Received for the East Portfolio

Referrals Received by CSE  
March 2021





**TACOMA HOUSING AUTHORITY**

**RENTAL ASSISTANCE**



# TACOMA HOUSING AUTHORITY

**DATE:** April 28<sup>th</sup>, 2021

**TO:** THA Board of Commissioners

**FROM:** Julie LaRocque  
Director of Rental Assistance

**RE:** Department Monthly Board Report

## 1. STRATEGIC OBJECTIVE: HOUSING AND SUPPORTIVE SERVICES

Tacoma Housing Authority (THA) will provide high-quality housing, rental assistance, and supportive services. Its supportive services will help people succeed as tenants, parents, students, wage earners and builders of assets who can live without assistance. It will focus this assistance to meet the greatest need.

## 2. DIRECTOR'S COMMENT

The Rental Assistance (RA) Department has been busy training new staff and assigning new caseloads. This is the most turnover the department has seen in recent years. The goal is to be prepared for additional Rental Assistance provided through the Covid Relief Bill for emergency vouchers. We are waiting for information regarding the additional funding coming our way.

Due to promotions, we will need to fill a few more positions. Recently we posted available Office Assistant positions. In the past we would receive upwards of 300 applications for this type of position. During our recent posting, we have received 50. HR is reviewing our job descriptions and marketing to ensure we are reaching qualified applicants.

We are also preparing for the launch of the Rental Assistance program from Pierce County. Pierce County has refined their procedures for the issuance of rental assistance. There will be one source for applications for all programs. This will eliminate much of the confusion from the last program. Last time there were too many options to apply and caused confusion for the applicants as well as the providers. This time it will be a one stop application and the funding distribution will be determined behind the scenes. THA continues to reach out to property owners and our clients about this program, and we expect to be helpful to both property owners and residents regarding verifications.

The timing is right for a first-floor remodel to accommodate the growth of the department. New funding and new programs will bring the need for additional staff. Based on board approval, the work could begin as early as May 2021 with completion estimated for September 2021. We have prepared for this remodel by moving from the first floor at 902 "L" Street and relocating to the second floor. Rental Assistance staff will continue working remotely and only having front desk staff at the office for processing paperwork and mail as well as keeping other workflows moving.

Our department has also been very involved with the Emergency Operations Committee (EOC) and the Return-to-Work group. As the news changes, we are participating in the discussions to return to 25% staffing at the main office. New changes arrive quickly, and we are keeping a close eye to provide services to our customers and keep staff safe. The quick move we made to working remotely continues to improve while still providing for our customers.

### **3. RENTAL ASSISTANCE DEPARTMENT REPORTS**

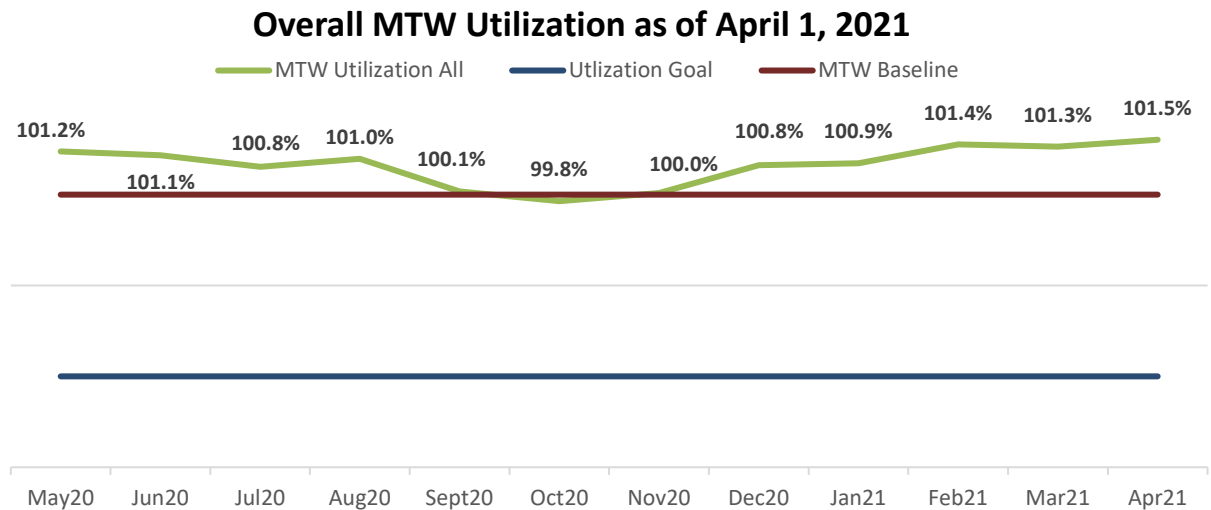
#### **3.1 Covid-19 Operations: New Technology Project Updates**

While working from home, staff have reacted nimbly to an onslaught of policy and operational changes due to the Coronavirus. The changes we are implementing respond to the needs of our clients, property owners, and operations and ensure our compliance with new rules enacted by the State of Washington and Housing and Urban Development (HUD). Over the next few months, we will report the status of the following projects:

- **Online Client Reviews:** We are happy to report that we are fully online! Participants of our Housing Opportunity Program (HOP) and traditional voucher programs can complete their annual review paperwork entirely online. This improves customer service for over 2,500 clients. While this is a significant improvement, the department considers this a stopgap measure until clients can access all paperwork and forms through a future online portal.
- **Online Briefings:** During the early days of the pandemic, staff conducted briefings via ZOOM and conference call. The department developed an online briefing tool for customers to complete briefings on their own schedule. This saves a significant amount of staff time. We completed the briefing for the Housing Choice Voucher (HCV) program. Online briefings will be available for HOP, College Housing Assistance Program (CHAP) & Children's Housing Opportunity Program (CHOP) by late spring.
- **Phones:** We supported IT with the implementation of a new Microsoft Teams based phone system this month. We are still working out the kinks but overall, the transition has been an improvement. The new system helps our customers navigate THA and reach their intended contact without delay.

#### **3.2 Overall Utilization**

The overall Housing Choice Voucher utilization is reported at 101.5% as of April 1, 2021. THA receives a report on utilization quarterly for Rapid Rehousing (RRH) and Property Based Subsidies (PBS). Therefore, averages are used to forecast utilization to the current date for these specific programs. As new information is reported for both RRH and PBS, this utilization report is updated accordingly.



### 3.3 Project Based Vouchers

THA continues to have strong utilization with project-based vouchers. As of early this month, the Rise at 19<sup>th</sup> is 69% leased (including the Veteran's Affairs (VA) units). All but three units are assigned.

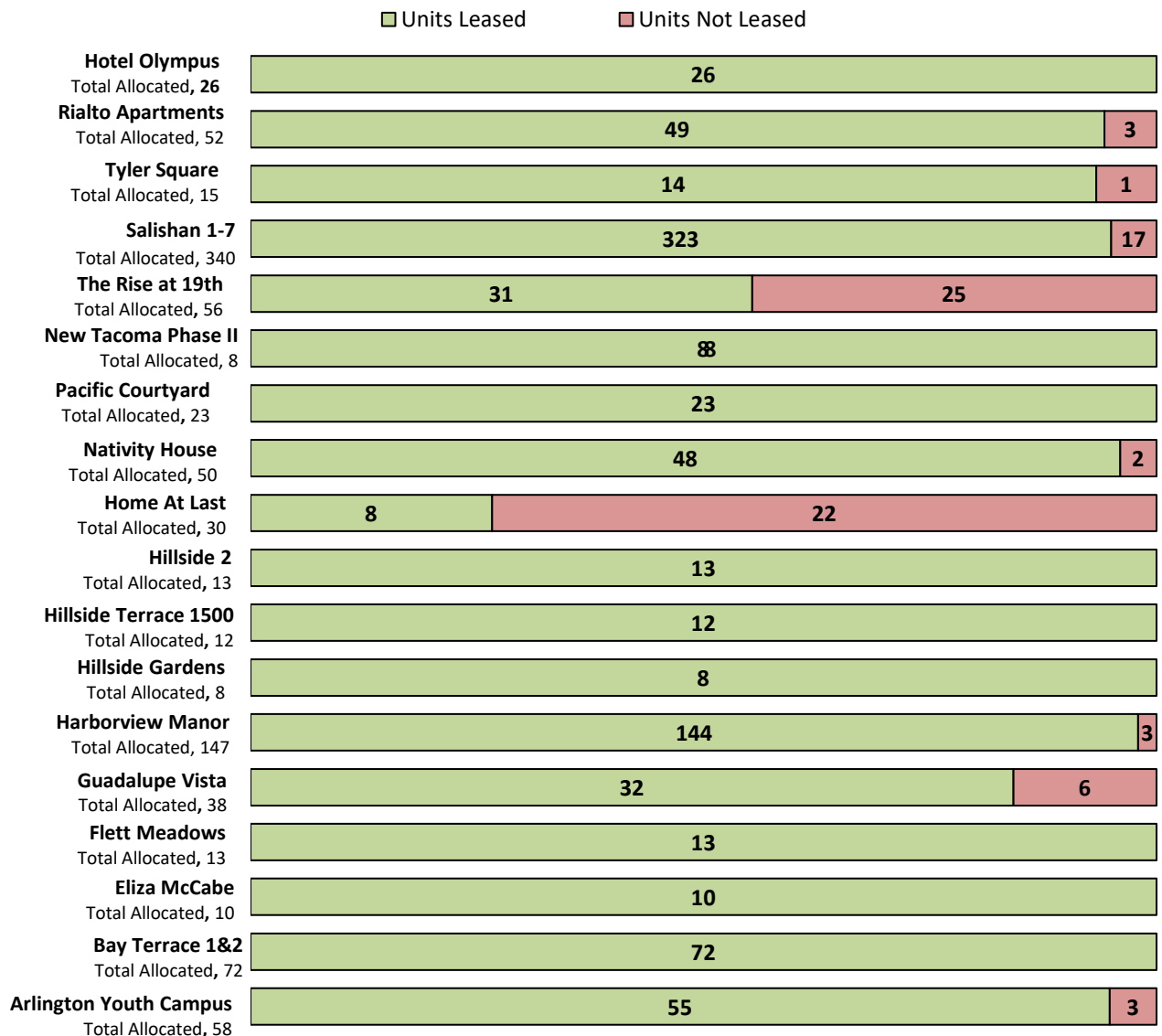
We have received a total of 25 referrals for the YWCA's Home At Last Project and 9 of those referrals are now leased up and receiving HAP payments. Several more units will soon be receiving Housing Assistance Program (HAP) payments.

Pacific Courtyard has always struggled to keep units filled but is currently 100% utilized.

We have concerns with 3 units at Guadalupe Vista (GV) that have extended vacancies. One unit has been unsubsidized due to a THA termination and with the current Moratorium in place, GV is unable to pursue eviction. Two other units have been vacant since fall of 2020. One of those vacant units has recently sustained water damage and is pending repairs. The other unit should have a referral soon. We are communicating with GV staff about these concerns and may need to consider removing units from the contract.

Our allocation of 50 new tenant-based Veteran's Affairs Supportive Housing (VASH) vouchers is effective 4/1/2021. We are engaging in conversations with the VA about seeking a partner to project base all or a portion of these vouchers.

### Project Based Voucher Utilization as of April 2021



### 3.4 Special Programs & Property Based Subsidies

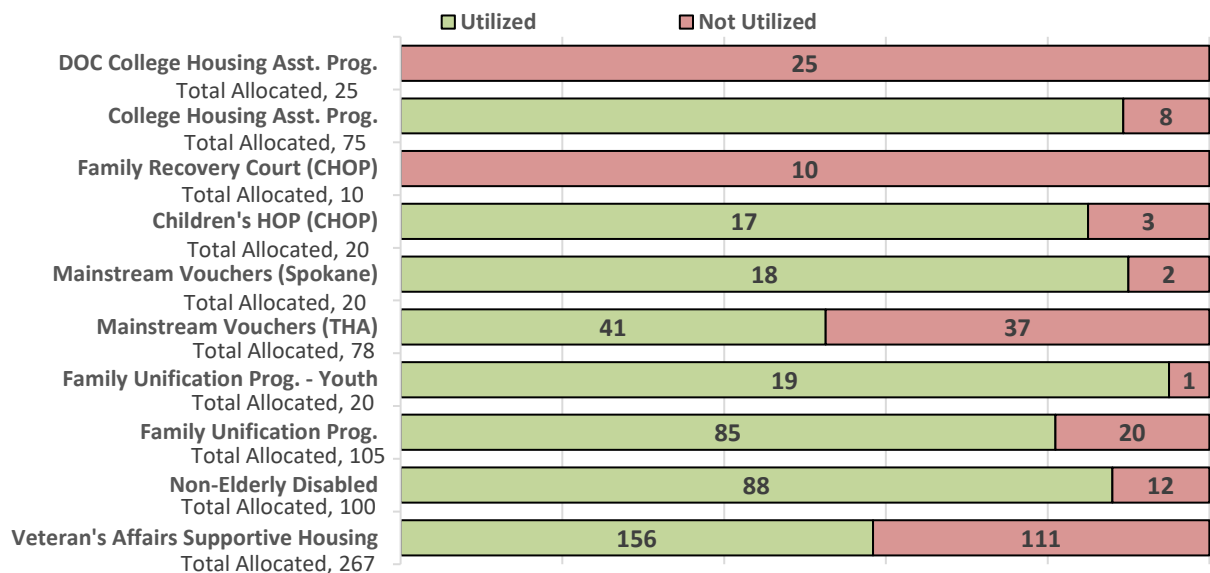
Below is a breakdown of the utilization of THA's special programs. The charts below include shoppers for each program. Our special programs team is fully staffed with 4 Housing Specialists. We continue to get referrals for the Mainstream program but still have several shoppers. This month we saw a nearly 50% increase in utilization. Our Non-Elderly Disabled (NED) program had some turnover, and we are working with DSHS (Department of Social and Health Services) to send referrals to fill those vouchers. We have received 5 FRC referrals who are now shopping. These are HOP subsidies for our families involved with Family Recovery Court.

THA has been in communication with the VA to consider project basing some of their vouchers. The VA is very supportive. We may have some partners interested in participating. The VA continues to utilize SSVF and sent 6 referrals since February. Referrals are still not adequate but are picking up.

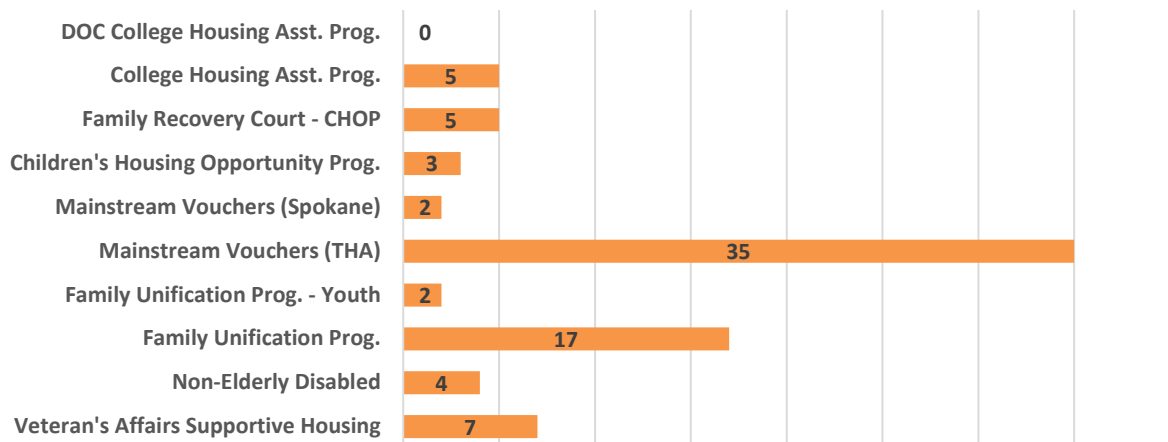
THA made an introduction to the VA regarding a new property being built in 2022 for VASH vouchers. These would be moved from our VASH allocation to a Project Based VASH voucher. This discussion is in its preliminary stages, but it could utilize as many as 40 VASH vouchers.

The Department of Corrections program with Tacoma Community College (TCC) continues to hold 25 vouchers for use. This program is still under development and vouchers have not been utilized. Please refer to periodic updates from PIE for the status of this program's development.

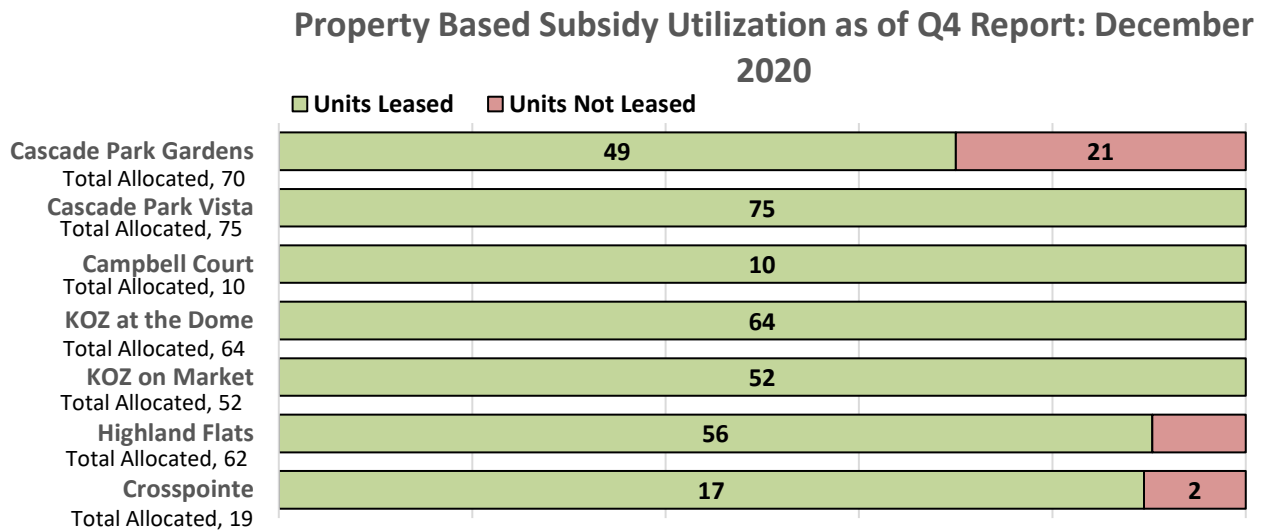
### Special Program Utilization as of April 2021



### Special Program Shoppers as of April 2021







THA has partnerships with four Property Based Subsidy owners representing more than 350 units across seven properties. THA will conduct training with partner property managers this month and will begin auditing the 2020 files. We expect updated occupancy numbers next month as the properties submit their first quarter reports.

We are preparing for the next audit for Highland Flats and Crosspointe. We have met with the owners and have explained our concerns. They have also been reminded that another audit requiring substantial take back of HAP funds puts the partnership in jeopardy. They have assured us that the management company understands this and have reviewed the files and feel they are in compliance. The partners have requested an additional training and Q and A to clarify some of their concerns. We have agreed to this meeting which will occur in April 2021.

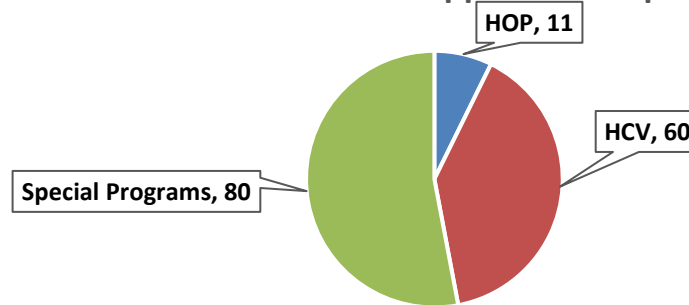
Cascade Park Gardens and Vista staff have been HQS certified and will conduct their own inspections at turnover. Our inspectors will conduct audits to ensure compliance.

### 3.5 Shoppers Report

The chart provided below shows a breakdown of the number of current shoppers by program. A shopper is a client who has a voucher and is looking for a unit. Clients may or may not be housed during this process. The shoppers in the chart below include clients new to the program from the waiting list and clients moving from one unit to another.

As of April 2021, there are 151 total clients shopping. These numbers will continue to increase with the addition of new VASH vouchers. We surmise that the pandemic and eviction moratorium are reasons why families are presently less likely to move. In 2021, the majority of those housed were able to find a unit in under 50 days (84%). Our special program participants have bigger barriers, and it typically takes them longer to secure housing. Successful Mainstream & FUP participants are more likely to spend 50 or more days searching for housing.

### Current Number of Shoppers as of April 2021

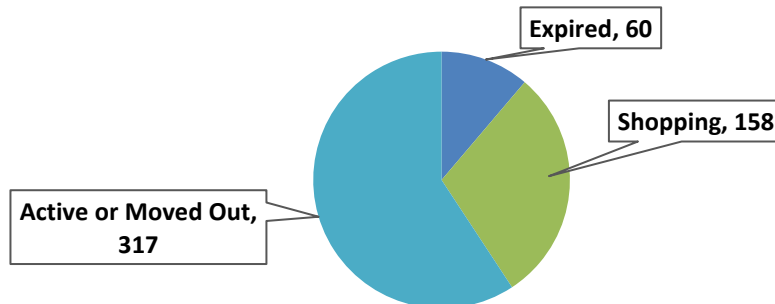


Over the past year (April 2020 - March 2021), 524 tenant-based vouchers were issued including 231 issued to new participants.

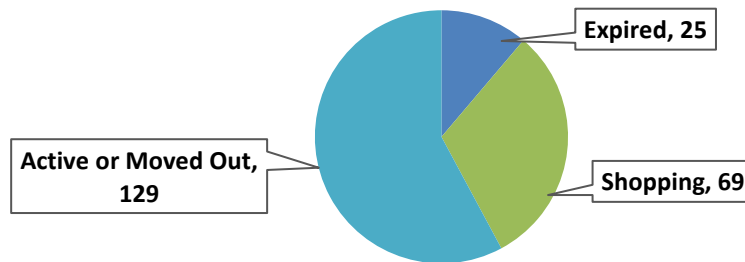
- 62% of all households issued a voucher in the past year found housing
- 63% of new to program households secured housing
- 15% of vouchers were turned back in to THA (this number is artificially low, see below)

The voucher turnback numbers are not a fair proxy for a typical voucher holder's success in today's market. Over the past year most new admission vouchers have been issued to special program participants. Many of these participants have supportive services and/or access to resources to help them with their housing search. Additionally, it is important to note that of the households currently shopping over 70% have been shopping for more than 50 days and as mentioned above 84% of those housed this year did so in under 50 days. It is likely that the majority of those shopping will not be successful.

### Voucher Status for All Vouchers Issued In the Past Year: 535



**Voucher Status for New Admission Vouchers  
Issued In the Past Year: 223**



### 3.6 Leasing & Waitlist Management

There are about 1,700 households on THA's Consolidated Waitlist. THA is not currently offering HOP vouchers to households on the waitlist (see our utilization numbers in section 3.2). Leasing continues to pull households to fill vacancies within THA's portfolio.

Leasing has been busy identifying households from our regular waitlist and our over/under housed transfer waitlist to fill units at The Rise at 19<sup>th</sup>. The moving costs assistance program has incentivized some of those moves. Leasing and Property Management will continue to use this program throughout 2021 to try to incentivize over/under housed households to relocate. As households participate in the incentive program, we anticipate that Leasing will be busy working to help backfill units in the portfolio.

This Spring, the Leasing team is starting a project to improve communications with its customers. Most of the households on our waitlist have an email address and until we have a portal, Leasing is developing plans to communicate with households quarterly to ensure they report timely changes and to identify households that may meet set-aside requirements. This work requires a partnership with the OpenDoor team to ensure that the communication is automatically documented in the system. The goal of this work is to improve customer service and to reduce the amount of time it takes to find suitable applicants to fill units.

### 3.7 Inspections

The Inspections team continues to conduct initial inspections in unoccupied units. We certainly have a backlog of inspections due to the pandemic, but we've taken steps to reduce them using the authority we presently have, implementing Coronavirus Housing and Urban Development (HUD) waivers and proposing changes in our Moving to Work (MTW) plan (we are still waiting for HUD approval). The team continues to work on the following to improve inspection efficiency and to address the backlog:

- Moving all annual inspection schedules to biennial under existing authority
- Developing a process for owners to self-certify that their units have no life-threatening fails to give THA one year from the missed inspection date to conduct a follow up inspection (HUD Waiver)
- Partnering with IT to develop an inspections app to improve operations.

- Proposing “significant changes” to THA’s 2021 MTW Plan to:
  - defer HQS inspections until the next regular inspection date.
  - accept self-certifications from owners for initial and annual inspections
  - adopt alternative methods of inspections such as remote video inspections.
  - Implement triennial HQS inspections for THA’s Portfolio as these units are subject to regular inspections conducted by Property Management.

Over the past six weeks the team focused on owner self-certifications and emailed and mailed letters to over 400 property owners to facilitate the completion of owner self-certifications via DocuSign. 250 are complete. We anticipate that this will be a priority through May. The leadership team is engaging in advocacy locally and nationally to request HUD to “waive” past due inspections for all Public Housing Authorities (PHA).

The leadership team is beginning conversations to determine a date to safely resume annual inspections. We hope to be able to start in the next month or two. Our priority will be addressing delinquent inspections and inspections that are coming due.

### **3.8 Late Rent**

Many families throughout Pierce County are behind on their rent and utilities due to the impacts of the pandemic. Pierce County and the City of Tacoma deployed a late rent program to help tenants and property owners pay past due rent and utilities. This is “round 2” of the rental assistance program THA helped to administer at the end of 2020. This time around the County has improved and streamlined the process. THA will not administer the program but will market its availability early and often to clients, tenants, and housing provider partners. THA’s late rent workgroup is engaged in developing a robust communications strategy. THA will be able to receive funds as a property owner if Portfolio tenants apply for help. Property Management and Finance will partner with the Late Rent Workgroup to facilitate THA’s process for recouping tenant arrears through this program. CSE is working to engage with tenants who have arrears.

### **3.9 Landlord Engagement**

THA’s Landlord Engagement Specialist is doing an outstanding job keeping our housing provider partners informed of the resources available to them and their tenants. THA has hosted lunch and learns directly with County staff to help our housing provider partners navigate the new rental assistance program. Our LES maintains frequent communication with our partners and because of that we continue to receive valuable feedback from property owners about our communication efforts during the pandemic.

We continue to partner with the Landlord Liaison Program at Associated Ministries, Pierce County Housing Authority, Vadis, Sound Outreach, and Spinnaker Property Management to offer monthly Renter’s Readiness classes and certifications.

We are also working on a pilot program for housing navigation assistance for our Mainstream vouchers and our CHAP program. We will be issuing an RFP (Request for Proposal) for a partner for this program. We will begin with these two special programs to see if they are helpful with securing housing for these clients with barriers to leasing a unit.

LES is also reaching out to Housing Providers regarding Project Basing VASH vouchers. This is a topic that is addressed on a regular basis to keep interest in the program during the pandemic.



**TACOMA HOUSING AUTHORITY**

**PROPERTY MANAGEMENT**



# TACOMA HOUSING AUTHORITY

**Date:** April 28, 2021

**To:** THA Board of Commissioners

**From:** Frankie Johnson  
Director of Property Management

**Re:** Property Management Monthly Board Report

## 1. STRATEGIC OBJECTIVE

Tacoma Housing Authority (THA) will manage its properties so they are safe, efficient to operate, good neighbors, attractive assets to their neighborhoods and places where people are happy to live.

## 2. DIRECTOR'S COMMENTS

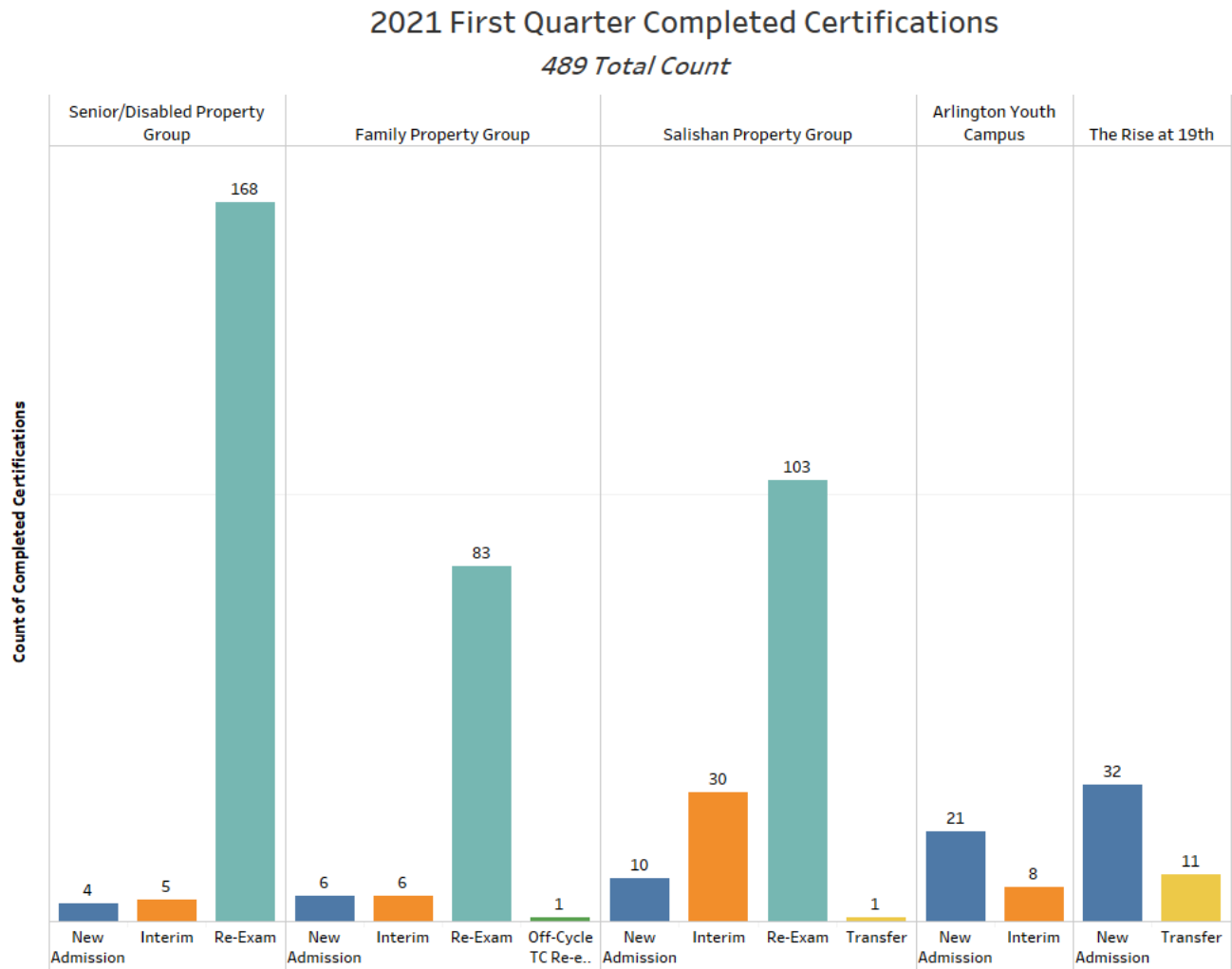
Work across the portfolio this month has been varied and busy. Although this year began and still remains in the middle of COVID, a tremendous amount of progress continues to happen in areas of certifications, leasing, work orders and turns.

Nearly 500 certifications have been completed since January 1<sup>st</sup>. Many of those were annual re-certifications, which are required for continued qualification to receive subsidy. The Senior portion of our portfolio carries the lion's share of the completed certs. But it is notable that even one of our newest properties, Arlington Youth Campus, has conducted 8 interim reviews since lease up. Interims are changes to the either the household's composition or income that require a re-examination. This speaks to how quickly conditions change and the benefit of having the safety net of an interim review when those changes happen. In the private sector, sudden changes to income may not necessarily afford an adjustment in rent, causing the household to 'manage the change' without assistance.

More than 10% of the first quarter certifications were move-ins for the Arlington or the Rise at 19<sup>th</sup>. With Arlington recently leased to capacity, it is expected that certifications will shift to interims only until the anniversary.

Below is a chart of the first quarter's certification activity. Surprisingly, the Senior properties have completed more than the family properties, but it is early in the year and certification process.

## First Quarter Certifications



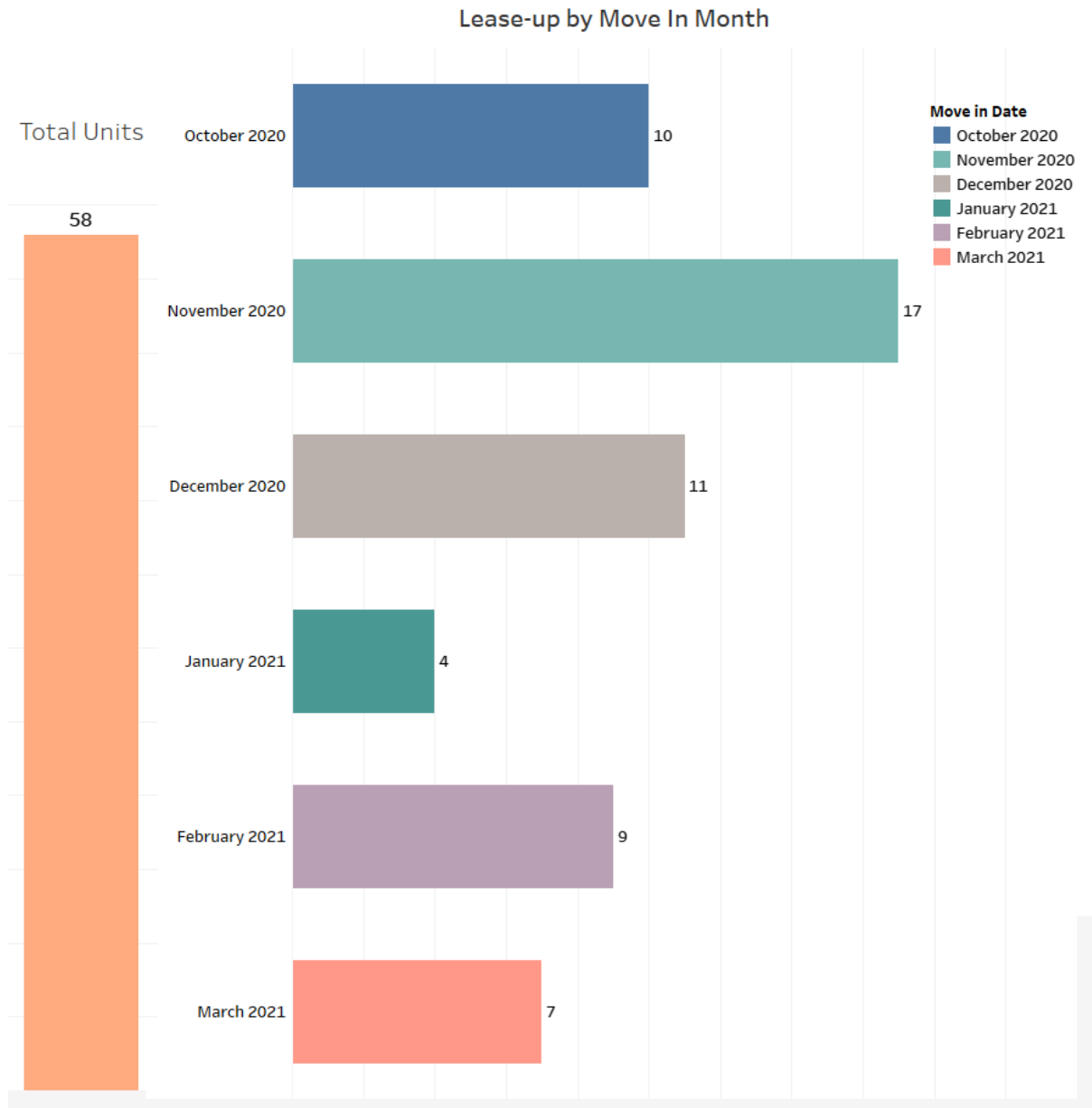
When comparing the first quarter move out reason to the previous years, it is noted that the top reason for move-outs in Q4 of 2020 was households receiving vouchers. There has been a decrease in voucher moves by 67% in 2021 over 2020. Families are of course, staying put during uncertain times and private sector leasing has seen a notable decline in the number of families leasing, despite the Tacoma market being one of the fastest growing markets.



## First Quarter Move Out Reasons

Move Out Reasons													
Move Out Reason	2019					2020					2021		Grand Total
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Total	
Abandonment	4	1	6	3	14	2		5	2	9			23
Death	4	1	2	3	10	1	2	1	3	7	2	2	19
Domestic Violence	1	1			2	3			1	4			6
Eviction	9	9	6	7	31	3				3			34
Moved in with family	6	2	1		9			1	1	2	7	7	18
Moved to assisted living	3	1	2	1	7	2	1	3		6			13
Moving out of state	2	1	6		9		1	1		2			11
Mutual termination			1	1	2								2
Other	2	1	6		9	1	2	1	4	8	2	2	19
Ported out	2	1	1		4			1		1	1	1	6
Purchase a home	4		1		5		3	1	2	6	1	1	12
Reasonable Accommodati..	3	1	2	4	10	3	1	2	2	8	5	5	23
Received voucher			2	3	5	3	3	2	10	18	3	3	26
Relocation				1	1		1	1		2			3
Self Sufficient (Other)				1	1	1		1		2			3
Self Sufficient (Over Inco..								1		1			1
Self Termination		2			2				2	2			4
Termination/Loss of Subsi..	1			1	2								2
Transfer (non-RA)		2	2		4	1			2	3	9	9	16

## Arlington Final Lease Up Report



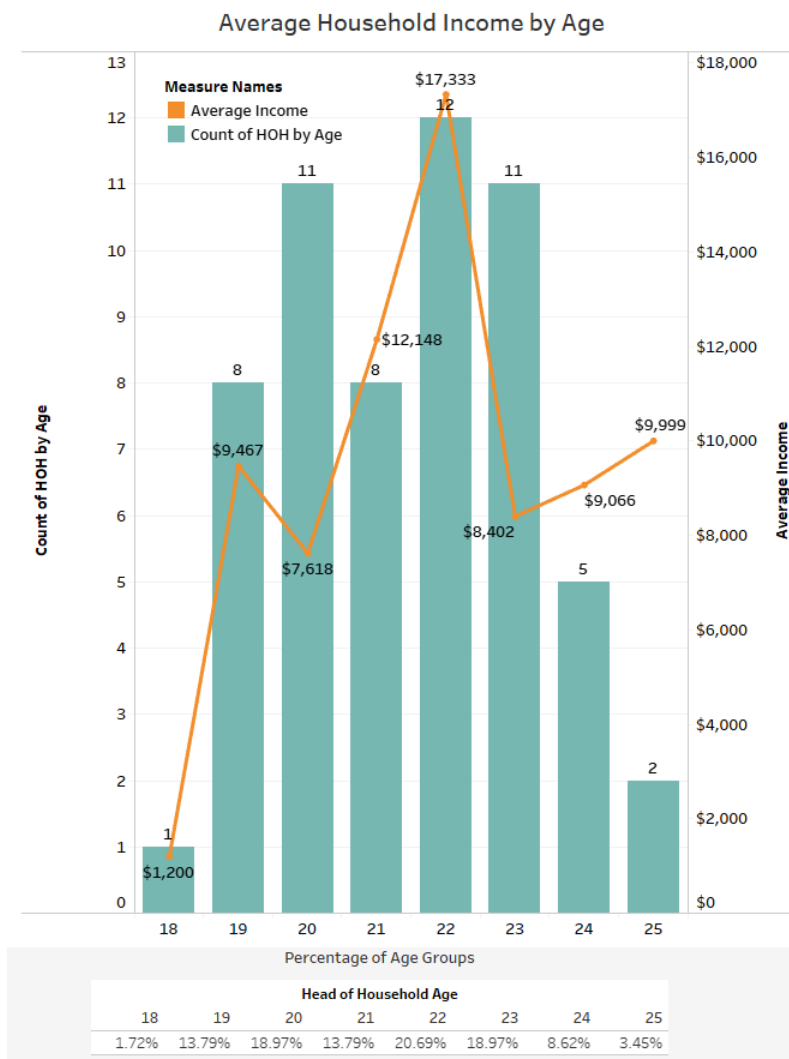
### **Arlington Lease-up by Move in Month**

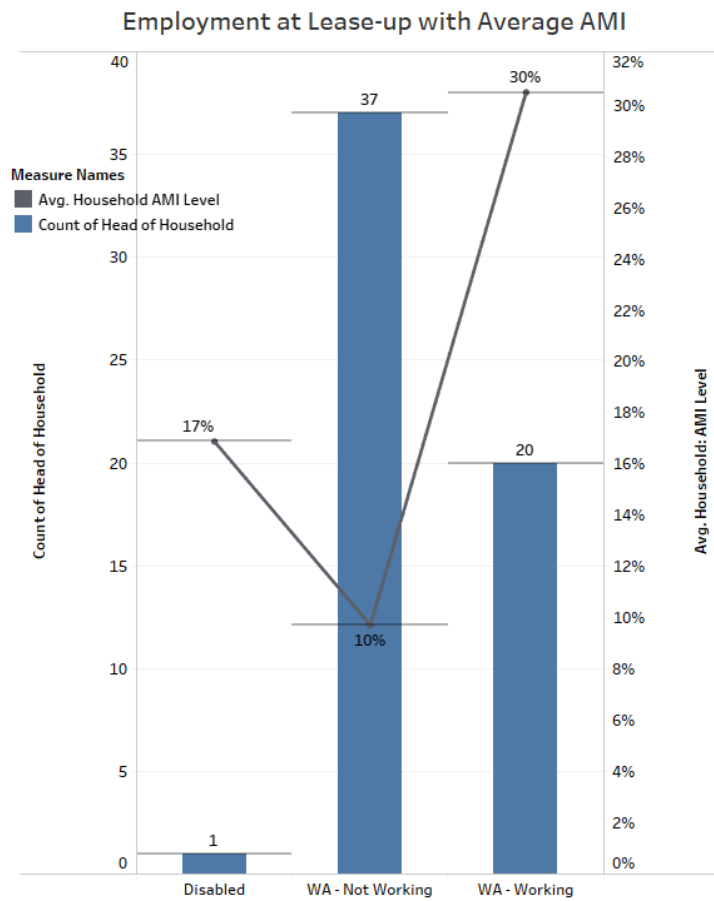
The YMCA and Property Management (PM) completed their screening and certification efforts well ahead of schedule. Staff welcomed young adults and families to the property as they oriented them to the services and resources of their new home. The original lease up deadline was May 1<sup>st</sup>. Arlington staff surpassed this deadline, leasing the final unit in March. Above is a schedule of the lease up by the month, which outlines the outstanding effort by the Arlington team. Great job everyone!

## Statistics for the Households at Arlington

Now that the lease up is completed, how much do we know about the people who moved in? Data gives us some insight into some areas. For instance, the average age of residents at Arlington is 22 years old. Our largest group of 12 residents, are included in this category.

Income varies across this group, with the average income just over \$17k. More than 60% of residents who are considered Work Able, were employed at the time of move in.





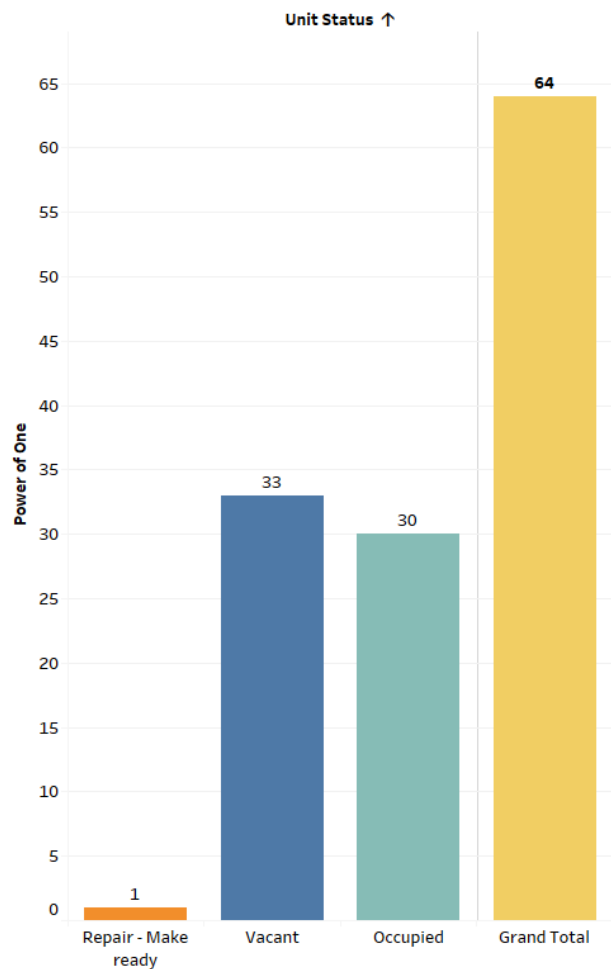
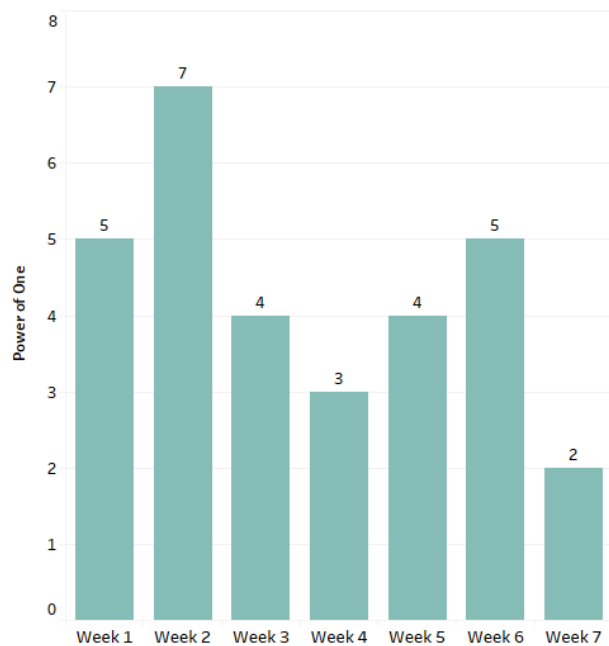
Employment at Lease-up with Average AMI				
Household: Client ..	Household AMI Group	Count of Head of Household	Avg. Household AMI Level	
Disabled	0% - 30%	1	17%	
WA - Not Working	0% - 30%	37	10%	
WA - Working	0% - 30%	9	15%	
	31% - 40%	4	36%	
	41% - 50%	5	46%	
	51% - 60%	2	52%	
Grand Total		58	17%	

## The Rise Lease Up

The Rise is 65% leased at this point, with a target date of May 1<sup>st</sup>. Staff there is confident that they will meet the deadline, working closely with Veteran's Affairs (VA). Staff are working with transfers from family sites to right-size the portfolio. The Transfer Team and Rise staff coordinate with households to make these moves as seamless as possible.

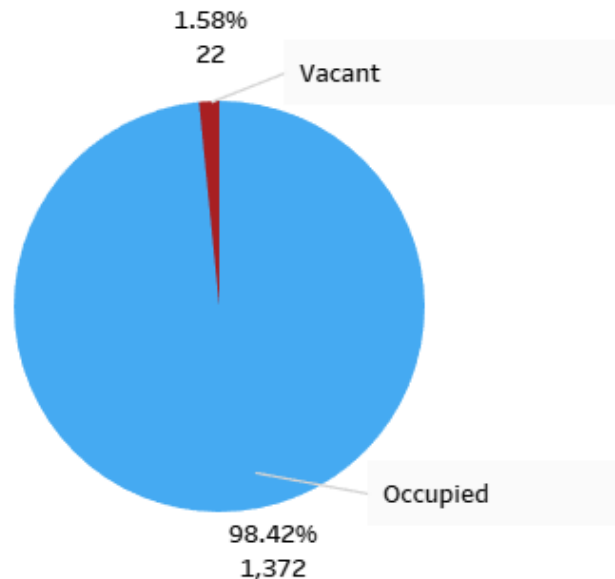
We anticipate leasing to continue to run smoothly and project the final lease-up date of May 1<sup>st</sup>. As we move into Phase III with COVID, we hope there will be an opportunity for an onsite, in-person ribbon cutting to celebrate the success of bringing the Rise online.

### The Rise at 19th Lease-Up



### 3. OCCUPANCY OVERVIEW

#### 3.1 Occupancy



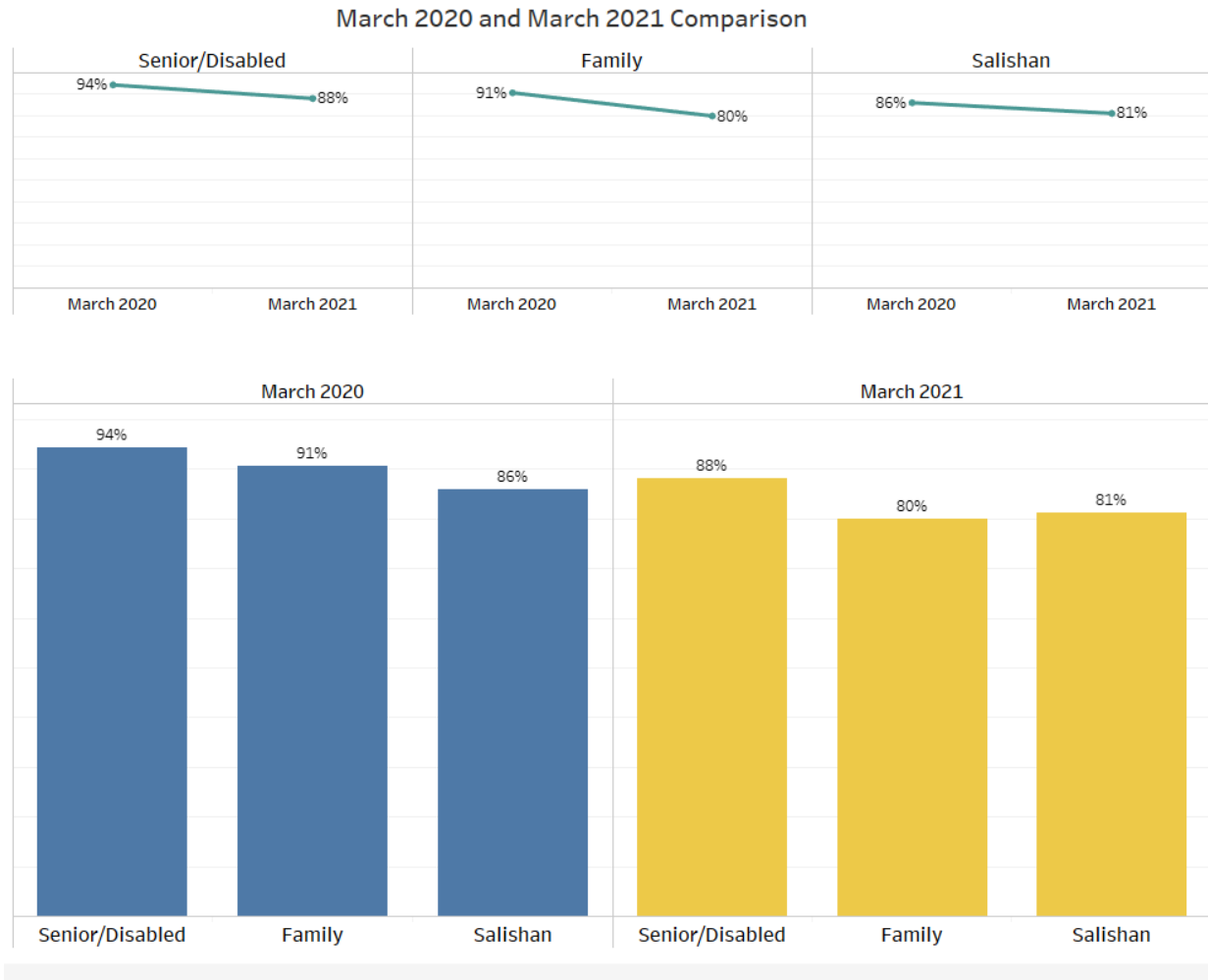
With the addition of the two new properties coming online, unit occupancy dropped by 1% for the first time in over 19 months. The chart above reflects THA's portfolio for the month of **March** with an occupancy percentage of 98%.

The portfolio had maintained a consistent minimum occupancy rate of 99% for over 19 months prior to the addition of 122 additional units. This is especially notable during the periods of Stay Home and Stage 1 for THA.

Other PHAs are reported to be struggling in this area, some with occupancy in the mid to high 70s.

These numbers reflect the dedication by the PM staff to their work and to our mission to house our clients, even under extreme circumstances.

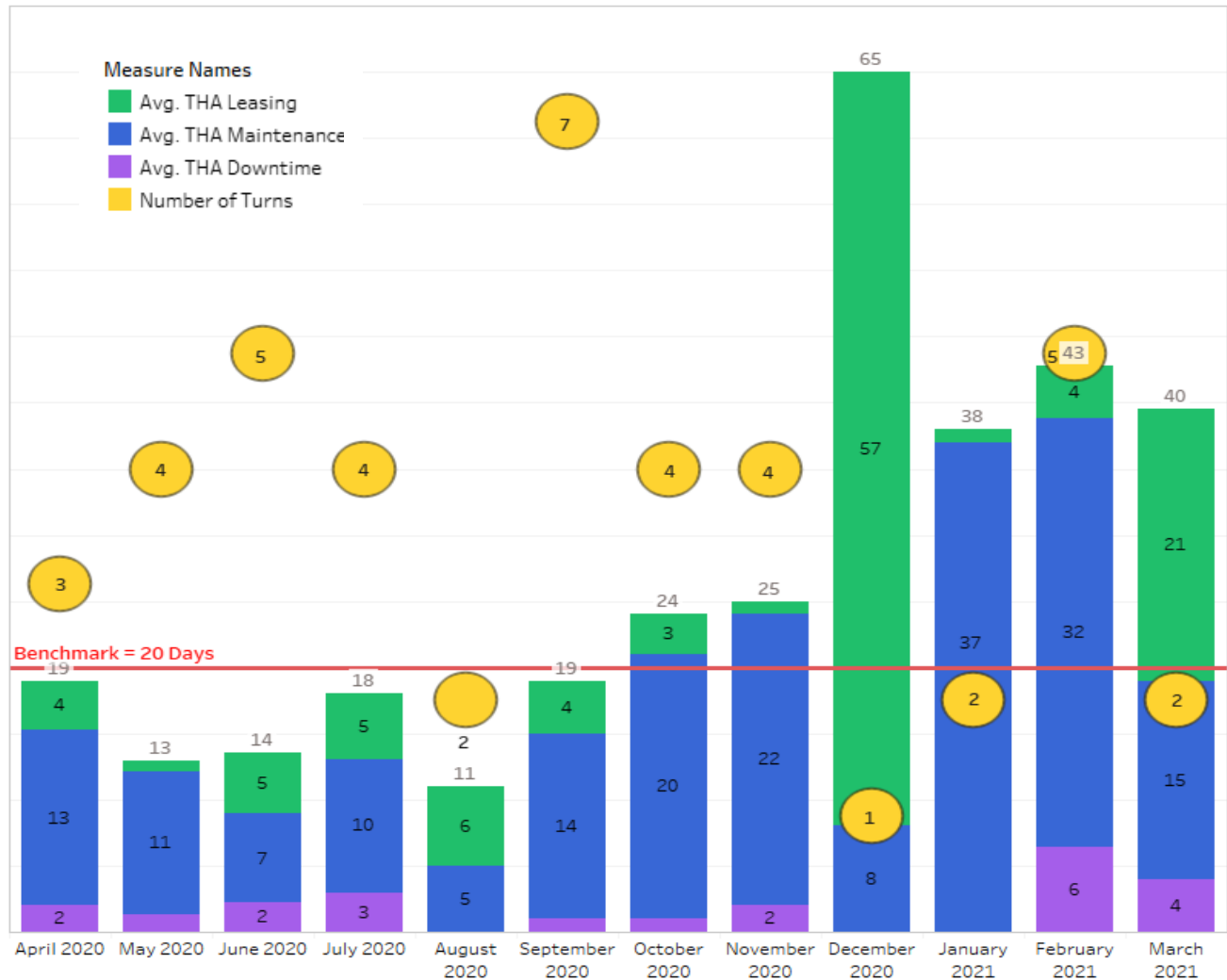
### 3.2 Tenant Rent Payments



Tenant rent payments remain close in comparison to March of 2020, despite COVID. The chart above shows rents consistently within 2 – 5% of the onset of COVID in March 2020.

### 3.3 Vacant Unit Turn Status

As of month ending March 31st, 2021



This data reflects the collective efforts of the Turn and Leasing teams efforts to maintain the total turn target of 20 days or less. The turn average for the maintenance portion of unit turn process for March met the goal of 17 days with an average of 15 days. Leasing struggled this month with a 21-day average which is a significant increase from the previous two months. Despite the increase in leasing days this month, we marked a 7% decrease in overall turn days from the previous month, so we are moving in the right direction.

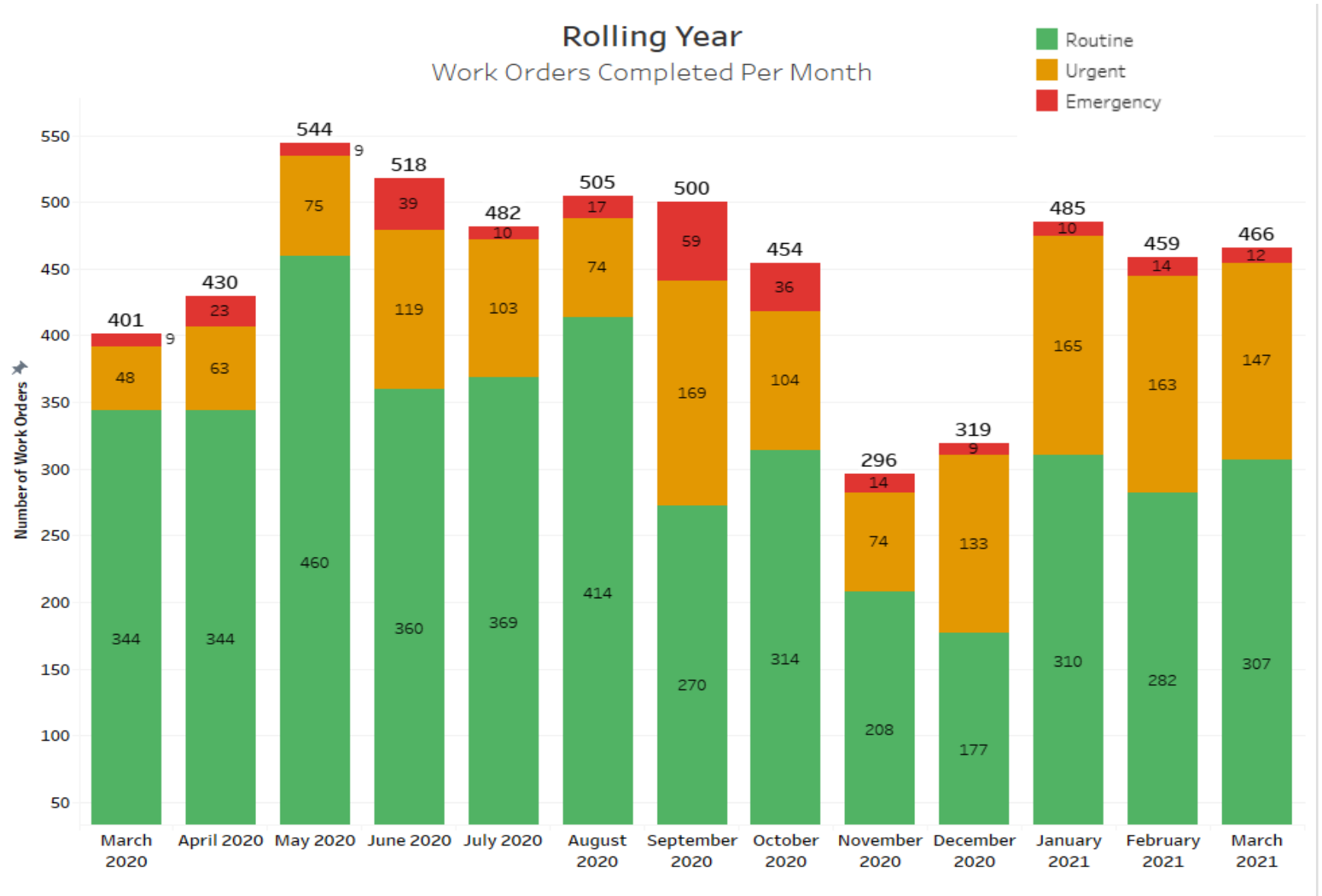
Notwithstanding the challenges of closed offices, teleworking and social distancing, the teams worked hard to quickly house families as soon as possible. Property Management accomplished a unit turn average of 27 days over the 12-month fiscal year.



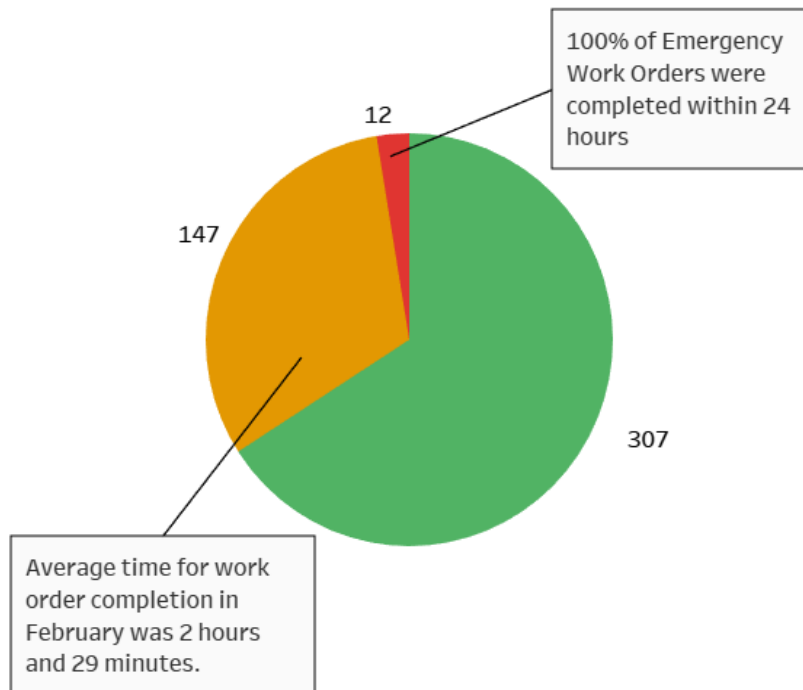
### 3.4 Work Orders



### 3.5 Total Work Orders



## Total Work Orders March 2021



In the month of March, 100% of the 12 emergency work orders were completed within 24 hours and 147 urgent work orders completed within 72 hours. The average work order completion time across the portfolio increased slightly this month from 2 hours and 22 minutes to 2 hours and 29 minutes.

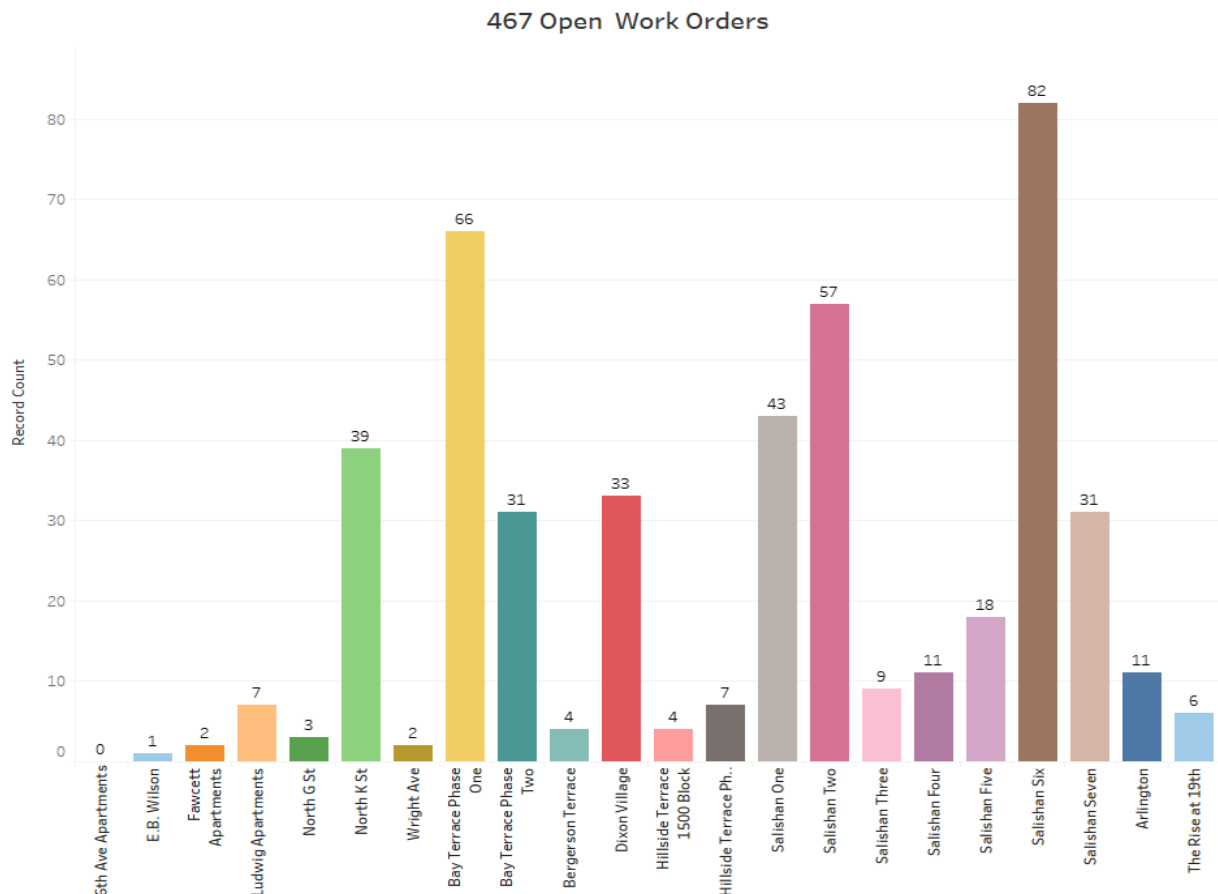
We experienced a slight decrease in the number of emergency work orders this month. PM continues to hold all routine work orders, except for units needing emergent and urgent work. We are working on a plan for addressing routine work orders, which is contingent on COVID status.

### **Processes that PM has implemented in effort to improve customer service and safety during Coronavirus pandemic are:**

- Prioritize emergency and urgent work orders during the Coronavirus pandemic until the State's Safe Start Plan and THA's Re-opening Stages permit us to continue with other unit routine work orders. Maintenance will assess all routine work order requests to confirm or re-determine priority status;

- Prior to entering any unit, staff will ask appropriate general health questions of the occupant to allow for an assessment of risk and wear appropriate PPE to further limit risk to self and others.
- Communicate any potential delays with procurement due to limits on availability of stock;
- Close work orders within 48 hours of completion; and
- Temporary HOLD on routine work orders until further notice.

The chart below outlines a total of 467 outstanding routine work orders within our 22 properties. Some aged open work orders may rise to an urgent level which would explain a decrease or fluctuation from month to month.





**TACOMA HOUSING AUTHORITY**

**REAL ESTATE DEVELOPMENT**



# TACOMA HOUSING AUTHORITY

**DATE:** April 28, 2021  
**TO:** THA Board of Commissioners  
**FROM:** Kathy McCormick  
Director of Real Estate Development  
**RE:** Real Estate Development Department Monthly Report

## 1. SALISHAN/HOPE VI

### 1.1. Phase II Construction

#### Area 2A, Community Core Development

Staff continue to explore options and partnerships to complete the Salishan Core. There are no immediate plans at this time.

#### Sale of Salishan Lots

Tacoma Housing Authority (THA) sold the last seven residential lots to TAC Build LLC. The transaction closed in July 2020. They started doing some infrastructure work in late 2020. Vertical construction will commence once permits have been received.

## 2. NEW DEVELOPMENT

### 2.1. The Rise on 19th Redevelopment

#### Scope

The redevelopment of 1800 Hillside Terrace will incorporate a single building with 4-stories of affordable housing. The housing units are programmed as follows:

The Rise on 19th			
	1-BR	2-BR	TOTAL
Low Income	24	12	36
Homeless	8	6	14
Disabled	8	6	14
<b>TOTAL</b>	<b>40</b>	<b>24</b>	<b>64</b>

A set-a-side of 20% of the units will serve individuals with disabilities and an additional 20% set-a-side will serve individuals and small families experiencing homelessness.

### **Financing**

The total development cost was budgeted at \$22,285,582. On June 26, 2019, the closing for financing for The Rise was completed. The Rise was completed below the development budget. This will allow for an increase in property reserves and THA to increase its developer fee for this project.

### **Construction**

Marpac mobilized beginning July 1, 2019. The project is 100% complete. At substantial completion on December 24, 2020, staff received a 180-day temporary Certificate of Occupancy while staff and the City resolve ADA curb ramp installation issues in the right-of-way.

### **Leasing**

Leasing is continuing with approximately 44 residents occupying the property. Leasing staff is reporting the following leasing details. Staff targets 100% of the units leased by May 1, 2021.

**Lease Up Progress Table**

Waitlist Group	Processing	Pre-approved	Moved In
Consolidated Waitlist	5	2	19
Reasonable Accommodation	1	2	4
Over/Under housed	1	1	9
VA - Homeless	5	0	12
Total	12	5	44

## **3. OTHER PROJECTS**

### **3.1. James Center North**

#### **3.1.1. Background**

THA purchased James Center North (JCN) because it offers a unique opportunity to acquire a property that is attractive to public and private developers. It is positioned to be redeveloped to provide both market rate and affordable rental housing in a mixed-use setting that is adjacent to a transit center and within walking distance of grocery stores, parks and Tacoma Community College (TCC).

#### **3.1.2. Capital Improvements**

Minor capital repairs will be completed on an as needed basis to keep the property functioning. The goal to limit the capital investment into the buildings prior to redevelopment is being re-evaluated in light of THA's agreement to keep some of the buildings leased for another five to ten years. Electrical access has been installed to allow food trucks to operate on a semi-permanent basis.

### **3.1.3. Leasing**

Although CB Danforth continues to market the available property, COVID has affected leasing prospects. CB Danforth is surveying current tenants at the property to determine if they will have challenges paying rent, plan to seek a loan or funding through CARES and if not, why not. Four (4) current tenants are delinquent on rent for various amounts. Of those four, all have indicated they have applied for and expect to receive, COVID-related rent assistance from state or federal funds. Most businesses at James Center are small retailers, services and restaurants who are adversely impacted by the pandemic. Property management and leasing staff continue to stay in close contact with all tenants and are prepared to work with them for repayment options.

Shoebox NW (Jimmy John's) has stated they will cease to attempt sub leasing the property since vacating it prior to COVID closures. They will also cease to pay rent. This is a lease violation, and the tenant is still responsible for rent. Legal action is being initiated.

### **3.1.4. Predevelopment**

Community outreach associated with the master plan has officially been completed. Ongoing communication with neighbors and businesses in the area is continuing as opportunities arise.

A formal decision from Tacoma Community College (TCC) regarding their participation in the redevelopment of JCN has been made. TCC has chosen to pursue the development of student housing on their campus rather than JCN. Their Foundation will lead this development effort in conjunction with a private development partner. Consequently, THA staff are exploring other development options and development partners for the first phase of JCN. This may include discussions with known affordable housing and market rate developers and/or listing the property for sale in order to attract an interested and suitable development partner.

THA has completed the design guidelines for this project. Ankrom Moisan (AMA) has drafted façade and site improvement concepts for the buildings. THA plans to hold for the next five to ten years. These improvements would activate the site and bring more modern touches to the exterior of the buildings. Staff believe this will help with leasing the remaining vacant spaces. THA has worked with AMA to estimate the cost of these improvements and now has a good understanding of what these improvements will cost and what order they should be implemented.

THA staff have begun the site plan approval process through the City of Tacoma. It is expected to be complete in April 2021.

Enterprise Community Partners staff have been updated with the financial impacts of the COVID pandemic and how it relates to the performance of James Center



North. Currently, JCN has adequate revenue to continue paying interest due on the acquisition loan. Enterprise is aware the first principal payment may be affected by current loss of revenue. If THA expects to be unable to sell land and receive adequate revenue prior to the date due in fall of 2021 Enterprise will be notified to explore repayment alternatives.

### **3.1.5. Operating Performance**

Property cash flow is steady and work orders are minimal. Previously identified capital improvement repair items are being addressed regularly. Repair costs are consistent with feasibility estimates.

## **3.2. New Look (aka Alberta J. Canada) Capital Planning and Resyndication**

Staff has begun the process of decoupling the parking lot from the Alberta J. Canada (AJC) partnership. This action is to provide land for a new housing development in the future. AJC has approximately 15 residents that require parking and they will be allocated spaces at the parking lot behind Key Bank or nearby location.

## **3.3. Arlington Drive Youth Campus**

### **3.3.1. Crisis Residential Center**

The Crisis Residential Center is complete. Community Youth Services (CYS) took over the building mid-June. Staff are finalizing all the payments and reconciling the budget.

### **3.3.2. Arlington Apartments**

Options for using the construction cost savings are being evaluated to ensure that these will not create any issues with the limited partner at exit. These options include increasing the replacement reserve, funding a services endowment and/or reducing the bank loan. THA was originally scheduled to provide a loan of \$130,000 and this will not be drawn upon. We will increase the developer fee by \$75,000.

## **3.4. Hillsdale Heights**

The City of Tacoma's authorized Micro Shelter Site at East 60<sup>th</sup> Street and McKinley Avenue contains 53 tiny houses. It is one of four Tacoma Emergency Micro Shelters (TEMS) to provide shelter for individuals experiencing homelessness. The Low-Income Housing Institute (LIHI) operates the site which includes basic amenities, fencing, shelter, hand washing stations, garbage services, bathroom facilities, electricity and potable water. THA owns the property (Hillsdale Heights) and will provide temporary use of the site to the City for TEMS through 2021.

### **3.4.1. Intergenerational Community**

Staff is partnering with Bridge Meadows of Portland, OR to conduct a Feasibility Study to evaluate the development of two independent housing developments at the Hillsdale Heights property. The study focuses on THA developing on approximately half of the 7-acre parcel to produce 60 - 70 family orientated affordable housing units. The study will also focus on the sale of the remaining half of the parcel to Bridge Meadows for their proposed development of an Intergenerational Community serving families with foster children and seniors.

On April 5, 2021 staff publicized a joint RFQ/P, with Bridge Meadows, soliciting an architect/contractor team to assist with a Study. The study will produce a conceptual site plan for both developments with input from the City and community stakeholders, boundary line delineation to establish the limits of the parcel sale to Bridge Meadows, a Rough Order of Magnitude (ROM) construction cost estimate and budget for both developments. More details will follow later in the year.

## **4. DEVELOPMENT PIPELINE PROJECTS**

### **4.1. Hilltop Lofts and THA Owned Properties' Master Development Plan**

There were two layers of community engagement for this project. In 2019, THA hosted four (4) homework groups and three (3) design labs. The homework groups reviewed the findings from the 2016 Housing Hilltop process and looked at macro level issues. Invitees included some neighborhood residents and those representing businesses, community organizations, and institutions in the Hilltop. The Design Labs were larger community events where specific design elements were addressed (i.e., the resident experience; exterior; community space). In addition, the community engagement specialists conducted outreach to traditionally under-represented communities to gather their input. Based on the feedback from these sessions, as well as input from staff and the THA internal design working group, a concept plan has been identified for the four buildings as well as activating the alley. The final plan calls for 237 units of housing in a mix of studio, 1-, 2- and 3-bedroom units. Each building has at least one floor of commercial uses; two of the buildings could have two floors of commercial use if sufficient interest is generated to support the commercial square footage. Three of the buildings are 6-stories and one is 4-stories tall. Approximately 84 on-site parking spots have been identified as well. The final draft of the Hilltop Community Framework plan was distributed to commissioners at the February meeting.

THA staff continue to negotiate with Inland Development about options to develop three parcels in the Hilltop. Inland Development is a Spokane based, for profit, affordable housing developer. They have an excellent reputation for developing high quality multifamily housing and ensuring it is well managed.

Funding for a permanent supportive housing project on the Mr Mac site has been secured. The last source to be awarded was the 9% tax credits. Funds had already been awarded by

the City of Tacoma, Pierce County and Housing Trust Fund (HTF). The City, County and HTF application were a joint submission of THA and Horizon Housing Alliance. Horizon was the sole applicant for the tax credits and were the second highest scorer for the 2020 9% tax credit round.

Staff is negotiating with Horizon Housing Alliance (HHA) for the ground land lease and special limited partner role. We are working toward a late April 2021 closing. A resolution will be brought to the board.

In keeping with the commitments made during the #DesignTheHill community engagement process, Horizon issued a Call for Artists to help elicit community input on the exterior façade and public art piece. All interviewees were Hilltop residents. THA staff was on the interview panel and will be stay involved with this aspect of the design.

THA and HHA have been working with Tacoma Ministerial Alliance (TMA) to relocate Sam & Terry's and Mr. Mac. Their new location is 1310-1312 MLK. . They relocated in mid-April.

#### **4.1.1. City of Tacoma 311 and Community Mobilization**

THA staff presented at the Hilltop Action Coalition virtual weekly update to share information on Hilltop development projects. THA was joined by other local developers working on projects on the MLK corridor to provide updates and answer questions from the community. The virtual meeting was viewed by over 300 community members in the month of March.

TacomaFirst 311 doorhangers were distributed to 300 THA Hilltop residents at properties including the Hillside Terrace properties, Bay Terrace, EB Wilson and the Rise. These door hangers included information on TacomaFirst 311 services and other city resources.

“Hilltop is Beautiful” construction banners were delayed this month but the order for 12 banners was placed. The banners will be put up at various development sites in the MLK corridor in April, in advance of the Hilltop Spring Business Crawl.

Planning for the Hilltop Spring Business Crawl is underway and will be taking place April 18th-24th. This iteration of the business support event will include an online virtual marketplace featuring Hilltop businesses and vendors as well as a socially distanced in-person pop-up market on Sunday, April 24th. Participants will have the opportunity to visit businesses to get a passport stamped, which will then be entered to win prizes.

#### **4.2. Hilltop Eco District**

Staff worked with the Eco District's staff through the latter half of 2020 to do a set of workshops for community leaders on forming an Eco District. We held those workshops in

October (virtually) and for those sessions, nine people have volunteered to be on the Leadership Team for the Eco District. They have committed to meeting monthly for the first half of 2021 to set the foundation, establish governance and identify the priority issues for the organization. THA is working closely with HAC on this effort. The Leadership Team currently has 14 participants. We are working on a purpose statement, priorities and action items.

#### **4.3. Shiloh Baptist Church**

RED staff have been meeting with Pastor Christopher since early 2019 to discuss the possibility of helping Shiloh redevelop their non-church land. They have 5 single family homes. Two of the homes have been subdivided to assist 12 individuals with housing. In September 2019, staff made a presentation to the church's senior leadership to discuss what was possible on the site, explain the development process and present the terms of a Memorandum of Understanding. Shiloh signed the MOU in October. THA will be acting as a development consultant in this transaction. Shiloh was awarded predevelopment funding from Impact Capital and One Pierce. In total they plan to develop 60 units of new housing. Funding applications were submitted to the City and State in the fall round. No funds were awarded due to the highly competitive nature of the rounds. We will re-apply in 2021.

#### **4.4. Gault School Site**

On January 7, 2020, THA entered into a Letter of Interest with Tacoma Public Schools for the acquisition of the Gault School site. In September 2020, THA made the decision to discontinue its pursuit of the Gault Middle School because of the inability to secure funding for stage one work amid the current pandemic-impacted economy. Discussions are continuing with Tacoma Public Schools (TPS) and others about options for Gault. These include a role THA may play if the school is demolished and the park across the street is taken out of consideration for development. TPS is verifying if Gault has any historical significance before deciding its next steps.

### **5. Renew Tacoma Housing LLLP**

The investor agreed to release a portion of the funds once the NFA letter was issued for K Street. Instead of waiting for NFA's for both sites before releasing the \$548,000 in escrow and \$3,452,000 in developer fee. We received K Street's NFA letter from the Department of Ecology (DOE) and the request for release of funds was approved and funded. Wright Street's Environmental Restrictive Covenant has been filed of record. Once DOE gets the original recorded copy back from the county recorder's office, they will issue the No Further Action Letter for Wright Street and then the balance of the funds will be requested.

## **6. Tenant Improvement**

### **6.1. 902 First Floor TI**

Tenant improvement plans have resumed for the 1<sup>st</sup> floor of THA's Administration Building following a temporary hiatus. The break was necessary to allow staff to focus with health, safety and emergency operations during the pandemic crisis. The break also provides a new and fresh look at both onsite and remote workspace planning. Reconvening activities include review and approval of schematic plan and design development revisions of the 2019 plans as a result of THA's changing workspace needs. The City has approved plans, building permits are ready and bidding activities are underway. Construction is estimated at 12 weeks and expected to begin in May.



**TACOMA HOUSING AUTHORITY**

**NEW BUSINESS**

# **Resolution 1**



# TACOMA HOUSING AUTHORITY

## RESOLUTION 2021-04-28 (1)

**Date:** April 28, 2021

**To:** THA Board of Commissioners

**From:** Michael Mirra  
Executive Director

**Re:** Proposed Changes to Tacoma Housing Authority's Criminal Screening Policies

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*This resolution would revise Tacoma Housing Authority's (THA) Administrative Plan to reduce and change THA's use of applicants' criminal history when considering whether to admit them to its housing programs.*

### Background

This resolution would reduce THA's use of applicants' criminal history when considering whether to admit them to its housing program. It would also change its process for how it considers criminal history. Presently, THA denies only about 2% of its applicants because of criminal history (about 20 or so a year). The proposed changes would reduce that further.

The recommendations in this resolution arise from THA's careful review of the following information:

- rules of the Department of Housing and Urban Development that require THA to consider criminal history and to exclude applicants with certain types of history;
- research literature and THA's experience with its own portfolio on the value of criminal history, or the limitations on that value, in predicting if someone would be a good tenant;
- research literature showing that the use of criminal history has a disproportionate exclusionary effect on persons of color;
- research literature showing that housing reduces the incidences of a person reoffending;
- practices of other housing authorities and landlords;



- survey of the views of THA tenants, THA voucher landlord partners, and community partners.

The attached report recounts the results of THA's research and the basis for the recommendations.

In 2017, THA received technical assistance from the Vera Institute of Justice (Vera) through the initiative, Opening Doors to Public Housing. The U.S Department of Justice-funded initiative sought to help housing authorities assess how to safely increase access to stable housing for people with conviction histories. Vera provided technical assistance, national research data, and subject matter expertise to THA's analysis of its criminal screening practices and policies. Through its research, which is captured in the appended report, THA found that past criminal history has only a limited value as a predictive measure of tenant suitability and risk. The research also showed the profound impact housing has on successful re-entry and the ways in which housing supports other stabilizing components including employment and family reunification. Accordingly, THA reviewed its policies governing its use of criminal history to appropriately balance its duty to keep its housing communities safe and enjoyable places to live and, within the bounds of that duty, to be accessible to all applicants, especially in a way that is equitable.

In addition to researching and consulting the evidence, this project aimed to be responsive to the racial inequities that are remnants of historical and structural racism present in the criminal justice system. People of color, particularly Black Americans, have been arrested, charged, convicted, and confined at much higher rates than any other demographic group. These inequities have immediate and generational effects, creating a pipeline into the criminal justice system and effectively locking people out of accessing stabilizing resources, such as housing and employment. As a housing provider with a social justice mission, THA seeks to make intentional choices that reduce barriers and equitably serve all households.

This resolution reflects the research and reinforces THA's mission to equitably deliver housing assistance while also ensuring the safety of its communities. It seeks approval to adopt five recommendations that modify THA's criminal screening policies which determine eligibility for THA's housing programs.

Attached is a menu of options which details the policy alternatives THA considered before forming these recommendations.

### **Summary of Public Comment**

After stakeholder consultation, research, and analysis, THA developed its recommendations and posted them for public comment from July 1, 2020 through August 31, 2020.

During this comment period, PIE engaged with the public in the following ways:

- Posted notice of the public comment period on THA's website and through multiple postings on THA's social media accounts.
- Emailed notification to Friends of THA and THA staff.

- Fielded a multiple-choice survey for any member of the public to share their preferences.
- Distributed paper surveys for all THA residents to complete.
- Interviewed three Community Correctional Officers (CCOs) for their feedback and expertise. One interview included Pioneer Human Services' Director of Tacoma Residential Reentry Center.
- Discussed proposals with select staff members from Property Management (PM) and Client Services and Empowerment (CSE).
- Collected general comments and questions via e-mail.

A table summarizing the number of public comments received is included below.

<b>Summary of Public Comments Received for Proposed Changes to Criminal Screening Policies</b>	
<b><u>Source</u></b>	<b><u>Total Comments Received</u></b>
	<b>293</b>
<b>General Public Survey</b>	<b>97</b>
THA participants	7
THA staff	20
Community service providers	11
Landlords	8
Justice-involved providers	4
Work/live in Tacoma	42
Other	4
<b>Resident Surveys</b>	<b>153</b>
6th Ave	18
Bay Terrace	8
EB Wilson	25
Ludwig	17
North G St.	8
North K St.	15
Salishan	32
Wright & Fawcett	30
<b>Community Partner Letters</b>	<b>40</b>
Pioneer Housing Services	1
Tacoma Pierce County Health Department	1
Low Income Investment Fund (LIIF)	1
Northwest Justice Project	1
General written comments	36
<b>Other</b>	<b>3</b>

Landlord Advisory Group - August 2020	1
Interview with Community Correctional Officers	3
TNT Article	1
TPCAHC: Q&A Event, "Policy Talks: Housing & Criminal Background Screening" (August 26, 2020)	1

Generally, the public and community partners were very supportive of relaxing THA's criminal screening criteria. THA portfolio residents, while supporting the value of giving people a fair chance to get housing their need, expressed a stronger preference to maintain the current, more restrictive policy. THA's Landlord Advisory Groups provided valuable insight on how to implement screening practices that adhere to Fair Housing requirements and industry best practices. Section 9 of the accompanying report provides a comprehensive summary of the comments expressed by each stakeholder group.

## Summary of Policy Recommendations

This section outlines the recommendations contained within this. Attached to this resolution is a menu of options that provides other policy alternatives THA considered before forming the following recommendations.

### **1.1 For THA's tenant-based rental assistance programs, no longer deny for criminal history beyond the denials required by HUD guidelines.**

For tenant-based voucher programs, THA should admit otherwise eligible applicants with a criminal history. HUD prohibits admission for state-registered lifetime sex offenders and anyone who has manufactured meth in federally-assisted housing. THA presently expands the prohibition to anyone convicted of a sex offense and anyone who has manufactured meth anywhere. There is limited value in screening or denying for past offenses beyond this as landlords conduct their own screening of applicants.

HUD also prohibits admission for anyone who currently or has used drugs or alcohol to the extent that it threatens the health, safety, and wellbeing of other residents. As permitted, THA will consider whether such a person is currently in a rehabilitation program, or has completed rehabilitation; or the applicant family may remove such member from their household.

### **1.2 For THE's portfolio of properties, relax the use of criminal screening criteria by reducing the lookback period and limiting the scope of review to felony offenses for violent, drug-related, or other felony criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by residents and persons in the immediate vicinity.**

THA should reduce its lookback period, which is the time from the applicant review date looking for a designated criminal history to consider. This resolution would reduce that lookback period from the current five years to (i) two years, and (ii) one year if the date of release from prison or jail occurs within one year from the date of the application review.

Within that look back period, THA consider felony offenses for violent, drug-related, or felony offenses that threaten the health, safety, and wellbeing of residents and neighbors.

**1.3 Except for HUD required exclusion, THA should remove categorical denials and adopt an individualized review process to make eligibility determinations.**

Except for HUD required exclusions, THA should remove categorical denials based upon criminal history. For applicants with the designated criminal history within the lookback period, THA will conduct an individualized review of the application.

For this purpose, THA should establish an Application Review Panel that includes at least one person from each of the following departments: Rental Assistance, Property Management and the Client Support and Empowerment. THA's Application Review Panel should meet with applicants to learn more about them and how their recent offense influences their suitability as a potential tenant. THA should convene this meeting prior to issuing a denial. THA should require this as part of the application process and withdraw applicants who fail to attend.

Additionally, any household denied during that review or in the individualized review process will still have the right to grieve a THA decision through THA's grievance process.

PLEASE NOTE: THA will still screen for, and may still deny admission, based on other measures of tenant suitability, including credit and rental history.

**1.4 Refer all new admissions and new adult household members admitted through the Application Review Panel to Client Support And Empowerment for review of service needs.**

THA will refer all applicants admitted through the Applicant Review Panel to THA's case management staff for a review of service needs. The research shows that supportive services make a tenant success more likely. THA should not require case management a condition for admission.

**1.5 Designate an Applicant Liaison to help applicants with the review process.**

THA will provide an applicant with a staff liaison to help them through the Applicant Review Panel. THA's application process requires applicants to provide a lot of information and documentation to verify eligibility. It can be an overwhelming process. This would be especially true for someone who has been incarcerated who needs to submit additional information to support their application because of their criminal history. The liaison should provide guidance that helps the applicant understand the application process and help them advocate for themselves. This liaison would be a single point of contact making the application process easier and building trust between the applicant and THA.

## **Recommendation**

Approve Resolution 2021-04-28 (1) to adopt revisions to THA's criminal screening policies in

its Administrative Plan.



# TACOMA HOUSING AUTHORITY

## **RESOLUTION 2021-04-28 (1)** **(Proposed Changes to Tacoma Housing Authority's Criminal Screening Policies)**

A **RESOLUTION** of the Board of Commissioners of the Housing Authority of the City of Tacoma

**WHEREAS**, The Administrative Plan relates to the administration of the Housing Choice Voucher program and is required by HUD; and

**WHEREAS**, The Administrative Plan establishes policies for carrying out programs in a manner consistent with HUD requirements and local goals and objectives; and

**WHEREAS**, Changes to the Administrative Plan must be approved by THA Board of Commissioners; now, therefore, be it

***Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington as follows:***

Staff is authorized to adopt the following updates to the administrative Plan to reflect the proposed policy changes:

## PART III: DENIAL OF ASSISTANCE

### 3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance.

In addition, HUD requires or permits the PHA to deny assistance based on certain types of current or past behaviors of family members.

#### Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

#### Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)(1)]

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside the PHA's jurisdiction under portability. (See Chapter 10, Portability.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant is otherwise qualified for assistance.

### 3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits, but does not require, the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

#### THA Policy

The PHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 35 years for drug-related criminal activity, if the PHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the PHA, or the person who was involved in the drug-related criminal activity, is no longer living in the household and that person can provide proof of another residence.

- The PHA determines that any household member is currently engaged in the use of illegal drugs.

#### THA Policy

*Currently engaged in* is defined as any use of illegal drugs during the previous twelve months.

Note: **marijuana** is a federally controlled substance and THA prohibits admission to its housing programs for any household with a member who the THA determines is illegally using a controlled substance. THA has the option to deny assistance or terminate specific marijuana users rather than the entire household for both applicant and existing tenants when appropriate. THA has discretion to determine, on a case-by-case basis, the appropriateness of program termination of existing residents for the use of medical marijuana.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### THA Policy

In determining reasonable cause, the PHA will consider all credible evidence,

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including but not limited to, any record of convictions, ~~arrests,~~ or evictions of household members related to the use of illegal drugs or the abuse of alcohol. ~~A conviction will be given more weight than an arrest.~~ The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members. If a person's criminal background investigation indicates there is a current case for a criminal charge active in court, the application process will be placed on hold until the case is adjudicated and a determination can be made on the applicant's eligibility to receive assistance from THA.

Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.

#### THA Policy

THA will deny assistance to any household that has ever been convicted of drug-related activity for the production or manufacture of methamphetamine.

#### THA Policy

THA will deny assistance to any household that has a household member who is subject to a registration requirement under a state sex offender registration program THA will use a national registry to check for sex-offender status.<sup>1</sup>

\*The HUD VASH program will follow the requirements of the program for the program\*

### **3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE**

HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.

#### **Criminal Activity [24 CFR 982.553]**

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

#### THA Policy

For THA voucher and third-party PBV programs, THA will only screen for HUD mandated denials.

For THA's Portfolio: If any household member is currently engaged in, or has

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~~engaged in~~ ~~been convicted of a felony offense for~~ any of the following criminal activities, within the past ~~five-two~~ years ~~or one year from the date of release~~, the ~~family's application will be considered after further review in accordance with the automatic review policies indicated in section 3-III.E.y will be denied assistance.~~

*Drug-related criminal activity*, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, ~~distribute~~ or use the drug [24 CFR 5.100].

*Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be ~~reasonably likely~~ to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the ~~property, or~~ health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor, or agent).

*Immediate vicinity* means within a three-block radius of the premises.

Evidence of such criminal activity includes, but ~~is not limited to~~:

Any conviction for drug-related or violent ~~criminal activity~~ felonies within the past ~~25~~ years.

~~Records of arrests for drug related or violent criminal activity within the past 5 years, although a record of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.~~

Any record of eviction from public or privately-owned housing ~~as a result of~~ criminal activity within the past ~~25~~ years.

~~A conviction for drug related or violent criminal activity will be given more weight than an arrest for such activity.~~

THA reserves the right to ~~deny assistance~~ conduct further reviews to households who ~~have applicants who~~ have committed serious crimes more than ~~25~~ year ago. Examples of serious crimes include but are not limited to: homicide, pattern of criminal activity, felony assault, arson, or any other crimes that could threaten the health, safety or right to peaceful enjoyment of other persons in the immediate vicinity.

If a person's criminal background investigation indicates there is a current case for a criminal charge active in court, the application process will be placed on hold until the case is adjudicated and a determination can be made on the applicant's eligibility to receive assistance from THA.

In making its decision to deny assistance, the PHA will consider the factors discussed in Section 3 III E. Upon consideration of such factors, the PHA may, on a case by case basis, decide not to deny assistance.

#### **Previous Behavior in Assisted Housing [24 CFR 982.552(c)]**

HUD authorizes the PHA to deny assistance based on the family's previous behavior in assisted housing:

##### THA Policy

The PHA **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

The PHA **will** deny assistance to an applicant family if:

The family does not provide information that the PHA or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to the PHA.

Any family member has been evicted from federally-assisted housing in the last five years.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs, unless the family repays the full amount of the debt prior to being selected from the waiting list.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.

The family has breached the terms of a repayment agreement entered into with the PHA, unless the family repays the full amount of the debt covered in the

### 3-III.D. SCREENING

#### Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

#### THA Policy

The PHA will perform a criminal background check through local law enforcement for every household member 18 years of age and older~~over the age of 16.~~

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, the PHA will request information from an external screening company.

If an applicant's or household member's criminal record reflects convictions that are of concern to THA, an Application Review Panel consisting of three THA staff members will conduct the reviews in accordance with the following procedures:

21. Notification to applicants: THA staff will notify applicants requiring a review in writing that their application was subject to further review based on the criminal history of the applicants. This notification will provide the conviction information and a notice explaining the procedures of the review and the timeframe to provide supporting document(s).

32. Documents to support an application. The applicant bears no burden of proof. However, the applicant may provide the following evidence to support their application:

- A positive record while incarcerated (e.g., program participation, low rates of incidents, etc.);
  - Completion of a higher education degree or vocational program(s);
  - Steady employment or holding of a position of meaningful responsibility;
  - Successful completion of established drug rehabilitation program;
  - Completion of a restorative justice program;
  - Completion of an anger management program; or
  - Letters of support from community groups, parole officers, employers, or other
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- Completion of an anger management program; or
- Letters of support from community groups, parole officers, employers, or other responsible parties in a position to vouch for the applicant.

43. Decision-making process and decisions. THA staff conducting the automatic review will review all relevant information. After THA staff reviews all the information, the staff will vote to allow or deny assistance. In determining a decision, THA staff may take into account the following factors:

- Criminal history, including time since most recent conviction, time since release from prison or jail, and number and nature of conviction(s);
- Rehabilitation, including history of drug and alcohol use, substance use treatment participation and completion, and tenure on community supervision;
- Community ties and support, including family ties, household composition, support networks (both who supports the applicant and who the applicant supports), and involvement in community groups; and
- Employment and education history, including current employment, employment stability, and current participation in education or training programs.

THA staff may consider other factors other than those listed above that they deem relevant. If any other factors were considered in the decision other than those listed above, THA staff will specify the factors and explain the factors in the decision making process. For any denial based on a household member's criminal record, THA may provide assistance to the remaining household members after excluding the denied family member.

THA will make its determination on the day of the review unless THA staff determines additional information is required to make their decision. THA will follow a majority rule to make a decision.

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

If the PHA proposes to deny assistance based on a criminal record or on sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

#### **Screening for Suitability as a Tenant [24 CFR 982.307]**

The PHA has no liability or responsibility to the owner for the family's behavior or suitability

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**Approved: April 28, 2021**

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Stanley Rumbaugh, Chair



## **Menu of Options: Proposed Changes to Tacoma Housing Authority's Criminal Screening Policies**

April 12, 2021

During its review of its criminal screening policies, THA considered the following policy options before forming its final recommendations as presented in the attached Resolution 2021-04-28(1) – Proposed Changes to Tacoma Housing Authority's Criminal Screening Policies.

<b>HUD Prohibits Admission For:</b>	
THA must comply with HUD's requirements. These are policies we cannot make more lenient. In some cases, we expanded the exclusion in ways we do not propose to change.	
<b>Lifetime Ban</b>	Anyone who must register as a lifetime sex offender
<b>Lifetime Ban</b>	Anyone who has ever manufactured methamphetamine in federally subsidized housing. <i>NOTE: THA expands this exclusion to deny admission of anyone who made meth anywhere, whether in or out of federally subsidized housing.</i>
<b>Required Denial</b>	<p>Anyone evicted from federally subsidized housing because of unlawful drug activity within the previous three years.</p> <p>Anyone who demonstrates a current, or pattern of drug or alcohol abuse that would threaten the health, safety and peaceful enjoyment of the premises by other residents and others in the immediate vicinity. <i>NOTE: THA interprets this to include anyone who is engaged in any such use of illegal drugs during the previous 12 months.</i></p> <p>Under HUD's rules THA can still rent to such persons if they show: (i) that they are currently participating in, (ii) have completed a supervised rehabilitation program; or (iii) successful rehabilitation. A family can also remove the family member if would cause the entire family to be denied housing.</p>

### **Of the rules that THA can control, we considered the following options:**

<b>1. Reduce Criminal History Lookback Period</b>	
Lookback period refers to the time THA will review for a disqualifying criminal history to determine whether to rent to a person. The review starts from the date THA is reviewing the application. It will look back to a specified length of time. (see options below).	
<b>Current</b>	Review for criminal convictions or evictions for drug-related, violent or threatening behavior over the past <b>five</b> years
<i>Proposed</i>	For voucher programs only, <b>no longer review</b> for criminal history beyond those required by HUD. The voucher program is designed to have the private landlord chose the tenant.
<i>Proposed</i>	For THA's housing, look back <b>two years</b> from the date of the application review to the applicant's date of conviction for a felony conviction for violent, drug-related or threatening criminal behavior, or <b>one year</b> to the date of release. An applicant with such a conviction will receive an individualized review before THA decides whether to admit or deny the applicant.



<i>Proposal in Public Comment Documents</i>	For THA's housing, look back <b>12 months</b> from the date of the application review to the applicant's date of conviction for a felony conviction for violent, drug-related or threatening criminal behavior. An applicant with such a conviction will receive an individualized review before THA decides whether to admit or deny the applicant.
<i>Alternative</i>	Require that the 12 month look back period be <b>12 months without incarceration</b> .

## 2. Reduce the Scope of Criminal History Review

A criminal conviction can be classified as a *felony* or a *misdemeanor* depending on the seriousness of the offense. A misdemeanor is a less serious offense, which can result in a jail time of up to one year and/or a fine of no greater than \$5,000. A felony is a more serious offense, which can result in significantly longer sentences and/or greater fines.

<b>Current</b>	Review for criminal convictions, <b>felony or misdemeanor</b> , for violent, drug-related, or threatening offenses within the <b>five-year</b> lookback period
<i>Proposed</i>	Review for <b>felony</b> convictions for violent, drug-related, or other criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.
<i>Proposal in Public Comment Documents</i>	Review for <b>felony</b> convictions for violent, drug-related, or threatening offenses within the <b>one-year</b> lookback period
<i>Alternative 1</i>	Review for all felony convictions for violent, drug-related, or threatening offenses within a five-year lookback period
<i>Alternative 2</i>	Review for all felony convictions within a five-year lookback period
<i>Alternative 3</i>	Review for all felony convictions within a one-year lookback period
<i>Alternative 4</i>	Review for all criminal convictions, including misdemeanors, within a five-year lookback period
<i>Alternative 5</i>	Review for all criminal convictions,, including misdemeanors, within a one-year lookback period

## 3. Individualized Reviews

<b>Current</b>	If THA denies an applicant, the applicant may request an informal review using THA's grievance process.
<i>Proposed</i>	Before THA decides about an applicant with a disqualifying criminal history, the applicant would meet with THA staff for an individualized review. The review is an opportunity to consider an applicant's individual circumstances and any mitigating circumstances. THA will base the final decision on the information presented and considered during the review. If THA denies the application, the applicant may still request an informal review of the denial through THA's grievance process. THA will withdraw the applicant of an applicant who fails to participate in the individualized review.



<b>4. Automatic Case Management Referrals</b> A THA staff member may refer a tenant to THA’s Client Support and Empowerment staff. department for case management services. The services may come directly from THA staff or a service partner.	
<b>Current</b>	THA staff refers current tenants for services upon request or as needed to address issues relating to the family's ability to comply with program obligations.
<i>Proposed</i>	Automatic case management referral for applicants admitted with criminal histories through the individualized review process. Participation in services will be voluntary
<i>Alternative</i>	In such cases, or in some cases, require participation in services as a condition of tenancy.

<b>5. Additions to Participating Families</b> Waitlist applicants are those THA pulls from the waitlist. In addition, current THA tenants may request to add a family member to their household. The new arrival need not go through the wait list. New arrivals are not permitted to reside in the unit without THA's approval.	
<b>Current</b>	Screening requirements apply for both types of admissions, those from the waitlist and current tenants seeking to add a family member.
<i>Proposed</i>	Adopt the same new screening criteria to all types of new admissions, including persons seeking to join an existing tenant household as a family member.
<i>Alternative</i>	Adopt some more lenient screening criteria for family members who are joining current THA families.

**Anyone denied due to their criminal history (except for HUD lifetime bans) are entitled to request an informal review. In other words, except for HUD lifetime bans, THA would eliminate all categorical denials. The informal review is a chance to meet with THA staff as appeal of the denial.**



**Tacoma  
Housing  
Authority**

# **HOUSING FOR ALL: REDUCING BARRIERS TO HOUSING FOR PEOPLE WITH CRIMINAL RECORDS**

## **An Analysis of THA's Criminal Background Checks and Eligibility with Proposed Recommendations for Revision**

*Last Revised April 12, 2021*

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## Table of Contents

<b>1.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>2.</b>	<b>HUD MANDATORY SCREENING POLICIES AND THA’S EXISTING POLICIES .....</b>	<b>7</b>
<b>3.</b>	<b>POLICY RECOMMENDATIONS .....</b>	<b>13</b>
3.1	Recommendation 1: Adjust Criminal Screening Practices For The THA-Managed Portfolio. ....	14
3.2	Recommendation 2: Conform To HUD Guidelines For The Tenant-Based Rental Assistance Programs. ....	15
3.3	Recommendation 3: Refer All New Admissions And New Adult Household Members Admitted Through The Application Review Panel To Client Support And Empowerment For Review Of Service Needs.....	16
3.4	Recommendation 4: Designate An Applicant Liaison To Help Applicants With The Review Process. ....	16
3.5	Recommendation 5: Continue Addressing Lease Violations And Managing THA Properties Closely.....	17
<b>4.</b>	<b>PURPOSES AND SUPPORT FOR PROPOSED RECOMMENDATIONS .....</b>	<b>19</b>
4.1	To What Extent Is An Applicant’s Criminal History A Useful Predictor Of Future Tenant Behavior? Is Excluding An Applicant Due To Criminal History Otherwise Excluding A Qualified Tenant Unnecessarily?.....	19
4.2	To What Extent Does Housing Persons With Criminal Histories Make A Community Safer? And The Justice-Involved Individual, And Their Families More Successful?.....	30
4.3	Does The Use Of Criminal History As A Screening Criterion Result In An Undue And Disproportionate Exclusion Of Persons Of Color?.....	38
<b>5.</b>	<b>REDUCING HOUSING BARRIERS FOR JUSTICE-INVOLVED INDIVIDUALS.....</b>	<b>40</b>
5.1	The Use of Background Checks in Private and Unsubsidized Housing .....	40
5.2	Legal Opinions Regarding a Landlord’s Duty to Protect Its Tenants from Harm .....	41
5.3	Housing Barriers in Pierce County .....	42
5.4	A Requirement to Participate in Supportive Services Is an Additional Barrier to Housing .....	44
5.5	Shorter Lookback Periods Will Help Reduce Barriers to Housing When Housing is Most Crucial.....	46
<b>6.</b>	<b>ALIGN THA WITH BEST PRACTICES AND PEER HOUSING ORGANIZATIONS .....</b>	<b>49</b>
6.1	Learning from Peer Housing Organizations .....	49
6.2	Monitoring and Evaluation .....	51

6.3	Following State Legislation .....	52
<b>7.</b>	<b>REDUCE THE USE OF STAFF TIME SPENT ON INFORMAL REVIEWS.....</b>	<b>53</b>
<b>8.</b>	<b>STAKEHOLDER CONSULTATION .....</b>	<b>56</b>
8.1	Resident Consultation .....	56
8.2	Staff Consultation .....	58
8.3	Landlord Consultation .....	60
8.4	Community Consultation.....	62
8.5	Liability Insurance Carrier Consultation .....	63
<b>9.</b>	<b>30-DAY PUBLIC COMMENT PERIOD .....</b>	<b>64</b>
9.1	General Survey Results.....	66
9.2	Resident Survey Responses .....	67
9.3	Landlord Advisory Group.....	67
9.4	Letters of Support .....	68
9.5	General Written Comments .....	71
<b>10.</b>	<b>SUMMARY OF PURPOSES AND SUPPORT FOR PROPOSED RECOMMENDATIONS.....</b>	<b>73</b>
<b>11.</b>	<b>NEXT STEPS .....</b>	<b>75</b>
	<b>APPENDIX A: INSURANCE AND RISK CONSIDERATIONS OF HOUSING SEXUAL OFFENDERS ON THA PROPERTIES.....</b>	<b>77</b>
	<b>APPENDIX B: SUMMARY OF REGIONAL HOUSING AUTHORITY POLICIES &amp; VERA CO-HORTS.....</b>	<b>85</b>
	<b>APPENDIX C: THA DENIALS SUMMARY 2014 – 2017 .....</b>	<b>93</b>
	<b>APPENDIX D: PROPOSED CHANGES TO CRIMINAL SCREENING POLICIES – MENU OF OPTIONS.....</b>	<b>96</b>

## Glossary of Acronyms

### *In An Analysis of THA's Criminal Background Checks and Eligibility with Proposed Recommendations for Revision*

<b>ACOP</b>	Admissions and Continued Occupancy Plan
<b>BJS</b>	Bureau of Justice Statistics
<b>CHAP</b>	College Housing Assistance Program
<b>CSE</b>	Client Support and Empowerment Department
<b>DOC</b>	Department of Corrections
<b>HANO</b>	Housing Authority of New Orleans
<b>HCV</b>	Housing Choice Voucher
<b>HOP</b>	Housing Opportunity Program
<b>HUD</b>	Department of Housing and Urban Development
<b>KCHA</b>	King County Housing Authority
<b>NAHRO</b>	National Association of Housing Redevelopment Officials
<b>NYCHA</b>	New York City Housing Authority
<b>OGC</b>	Office of General Counsel
<b>PCHA</b>	Pierce County Housing Authority
<b>PHA</b>	Public Housing Authority
<b>PIE</b>	Policy, Innovation, Evaluation Department
<b>PM</b>	Property Management Department
<b>PSH</b>	Permanent Supportive Housing
<b>RHA</b>	Rental Housing Association of Washington
<b>SHA</b>	Seattle Housing Authority
<b>THA</b>	Tacoma Housing Authority
<b>VASH</b>	Veteran's Assistance Supportive Housing
<b>WSIPP</b>	Washington State Institute of Public Policy

## 1. EXECUTIVE SUMMARY

This report reviews Tacoma Housing Authority's present use of an applicant's criminal history and recommends changes in that use. Those changes would diminish the reliance on criminal history. These recommendations account for a variety of data and information including:

- rules of the Department of Housing and Urban Development that require THA to consider criminal history and to exclude applicants with certain types of history;
- research literature and THA's experience with its own portfolio on the value of criminal history, or the limitations on that value, in predicting if someone would be a good tenant;
- research literature showing that the use of criminal history has a disproportionate exclusionary effect on persons of color;
- research literature showing that housing reduces the incidences of a person reoffending;
- practices of other housing authorities and landlords;
- survey of the views of THA tenants, THA voucher landlord partners, and community partners.

Tacoma Housing Authority (THA) envisions a future where everyone has an affordable, safe and nurturing home, where neighborhoods are attractive places to live, work, attend school, shop and play, and where everyone has the support they need to succeed as parents, students, wage earners and neighbors. THA's mission is to provide high quality, stable and sustainable housing, and supportive services to people in need. It does this in ways that help them prosper and help our communities become safe, vibrant, prosperous, attractive, and just.<sup>1</sup>

In 2016, The Center for Social Innovation, a national research organization that addresses racism and homelessness, invited Pierce County to participate in a research study, Supporting Partnerships for Anti-Racist Communities (SPARC), which explored the nexus of race and homelessness in Pierce County. The study included interviews with people who have or are experiencing homelessness in Pierce County. During these interviews, participants voiced that their criminal history was a barrier to securing housing. National research affirms this finding: people of color are more likely to experience homelessness and have conviction

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<sup>1</sup> THA's Statements of Visions, Mission and Values are linked [here](#).

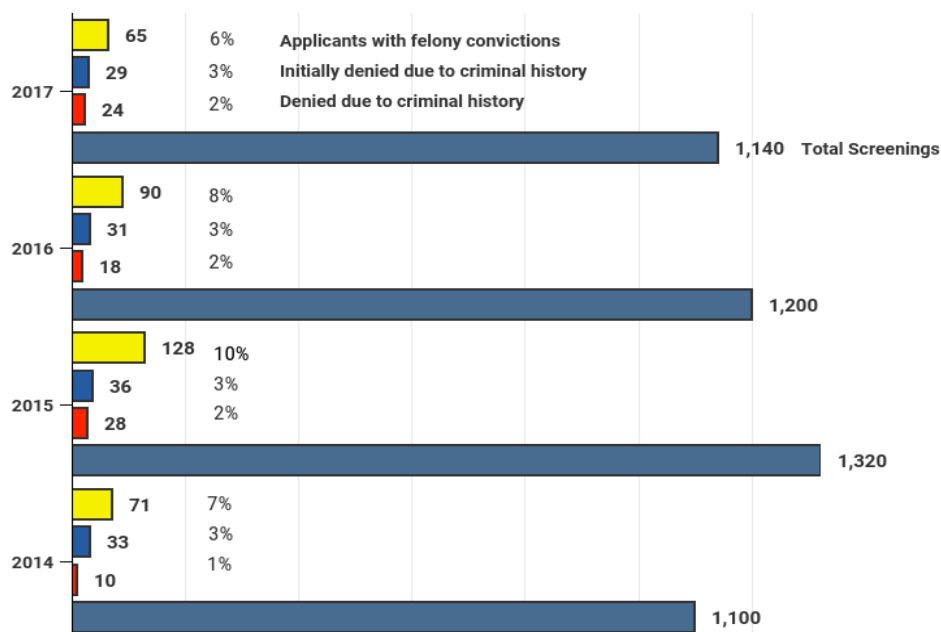
histories and people with conviction histories face discrimination in many facets of life, including housing.

A discussion of the use of criminal background screening in housing is a discussion of equity.

In 2017, THA responded to the Vera Institute of Justice (Vera) invitation to public housing authorities to participate in a new initiative, Opening Doors to Public Housing. The U.S Department of Justice-funded initiative sought to help housing authorities assess how to safely increase access to stable housing for people with conviction histories. Vera provided technical assistance, national research data, and subject matter expertise to THA's analysis of its criminal screening practices and policies.

To fulfill its vision and mission, THA seeks to make informed decisions of its policies and practices to achieve a balance between its social justice mission and protecting the safety and quality of life for its residents and surrounding communities. Like most landlords, THA's screening policies consider an applicant's criminal history as a measure of potential risk to its current residents and its portfolio. In addition, THA applies screening policies to its rental assistance programs that help clients pay rent to landlords on the private rental market. Presently, THA denies only 2% of applicants due to past criminal history. See the following graph.

## THA Criminal Screening Overview 2014-2017



In this report, THA explores the use of criminal history as a screening criterion, summarizes the evidence on recidivism and housing, and investigates the ways in which criminal screening policies serve as barriers to housing, in particular for communities of color. THA set out to answer the following questions:

- (1) To what extent is an applicant's criminal history a useful predictor of future tenant behavior?
- (2) Is excluding an applicant due to criminal history otherwise excluding a qualified tenant unnecessarily?
- (3) Does the use of criminal history as a screening criterion result in an undue and disproportionate exclusion of persons of color?
- (4) To what extent does housing persons with criminal histories make a community, the justice-involved individual, and their families more successful?



- (5) Can changes to THA's screening policies make THA's housing more accessible to persons with a criminal history without incurring undue risk to the safety of its housing communities?

To help answer these questions, THA's Department of Policy, Innovation and Evaluation (PIE) conducted a thorough policy analysis. This analysis included consultation of the research literature; investigation into the screening practices and subsequent outcomes of other public housing authorities; and a review of THA's current practices and resulting outcomes. PIE also consulted THA stakeholders including residents, staff, the Landlord Advisory Group, and its liability insurance carrier.

THA's review resulted in the following conclusions:

- (1) Deep racial inequities in the criminal justice system result in inequitable outcomes for people and communities of color;
- (2) criminal history has limited value in predicting future tenant misconduct;
- (3) criminal history as a screening criterion does in fact unduly exclude persons who would be good tenants;
- (4) such exclusions, and the resulting denial of housing, increase the risk that a person will re-offend;
- (5) such exclusions not only harm the justice-involved person, but the consequences of a denial of housing are also felt by family members in their household; and
- (6) under THA's present screening policies, only 2% of applicants are excluded from housing or housing assistance due to their criminal history.

THA should consider the following policy changes:

**At-a-glance: Comparison of HUD Mandatory Denials, Current THA Policy and PIE Proposed Changes**

Current HUD and THA Policy	Recommendations	THA Portfolio	THA tenant-based rental assistance
<b>Criminal Activity</b>			
HUD requires public housing authorities to check an applicant's criminal history to screen for convictions for manufacturing meth on federally-subsidized housing or anyone subject to a registration requirement for a sex offense.	Continue to check an applicant's criminal history	X	X
	Continue to use HUD mandatory denials	X	X
THA denies admissions for anyone who has engaged in violent, drug-related, or threatening criminal behavior in the past 5 years. THA reserves the right to deny assistance for households who have committed serious crimes more than 5 years ago.	Review for felony convictions for drug-related, violent, or other criminal activity that threatens the property, or health, safety, or right to peaceful enjoyment of the premises.	X	
<b>Lookback Period</b>			
THA currently reviews for criminal activity that occurred within the last 5 years	An applicant will require an additional review if a conviction occurred within two years of application review or if the date of release occurred less than one year prior to the application review date.	X	
<b>Tenancy Decisions</b>			

THA will deny applicants whose criminal history is within THA's written scope of review	No automatic denials for criminal history	X	X
	Create an Application Review Panel to conduct individualized reviews	X	
<b>Operational Changes</b>			
	Refer new admissions admitted through Application Review Panel to Client Support and Empowerment for review of service needs	X	
	Designate an Applicant Liaison to help with application process	X	
	Continue addressing lease violations and further memorializing policies and procedures related to crime and nuisance	X	

## 2. HUD MANDATORY SCREENING POLICIES AND THA’S EXISTING POLICIES

The Department of Housing and Urban Development (HUD) administers federal funding to local public housing authorities to administer its Housing Choice Voucher (HCV) program to pay rental subsidies so eligible families can afford decent, safe and sanitary housing on the private rental market. The HCV program includes both tenant-based and project-based voucher programs. Public Housing Authorities (PHAs) must comply with the applicable federal regulations that govern the HCV program. Those federal regulations impose both substantive and procedural requirements. In general, they require some exclusionary criteria. In other cases, they direct PHAs to make flexible, individualized assessments of mitigating factors. These regulations are far more forgiving than the private rental market by providing applicants ample procedural opportunities to contest any denial of housing or housing assistance. This section provides an overview of the federal requirements pertinent to criminal history.

HUD prohibits admission to its HCV programs for the following:

- lifetime sex registrants;
- anyone who at any time has been convicted of manufacturing meth in federally-subsidized housing; and

Additionally, HUD prohibits admission for the following types of drug and alcohol related activity but permits the PHA to consider “...whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully” (42 U.S.C. 13661). For this purpose, the PHA may require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully:

- persons evicted from federally-subsidized housing because of unlawful drug activity within the previous three years;
- anyone whom the PHA determines to be currently engaging in illegal use of a drug or demonstrating a pattern of illegal drug or alcohol use that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. *See* 24 CFR § 982.553.

To allow PHAs to make these judgments, HUD’s regulations expressly allow them to “consider all relevant information such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.” *See* 24 CFR § 982.552.

HUD regulations add the following circumstances for owners of PBV units to consider in the development of their tenant selection criteria: “..the effect on the community of denial or termination of the failure of the responsible to take such action; the demand for assisted housing by families who will adhere to lease responsibilities; the extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and the effect of the responsible entity’s action on the integrity of the program” *See* 24 CFR § 5.852.

The HUD Office of General Counsel relied on these regulations to conclude that the City of Seattle’s Fair Chance<sup>2</sup> ordinance appropriately exempted PHAs, concluding: “PHAs, after obtaining the mandatory written consent for release of criminal conviction records, **must** perform criminal background checks of applicants and residents, by obtaining criminal conviction records from law enforcement agencies” (emphasis added). *See* HUD OGC Memo to HUD Regional Counsel, May 21, 2018, page 2.

HUD’s guidance on the Application of Fair Housing Standards to the Use of Criminal Records by Providers of Housing give PHAs guidelines to follow so that policies are consistent with required Fair Housing and nondiscrimination laws:

- HUD’s guidance on applying Fair Housing standards says “[a] housing provider that imposes a blanket prohibition on any person with any conviction record – no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since – will be unable to meet this burden [a policy that excludes persons with prior convictions must be able to prove that such policy is necessary to achieve a substantial, legitimate, nondiscriminatory interest].”
- Before a PHA proposes to deny admission for criminal activity as shown by a criminal record, “the PHA must provide the subject of the record and the applicant with a copy of the criminal record. The PHA must give the family

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<sup>2</sup> In August 2017, the City of Seattle passed the [Fair Chance Housing Ordinance](#) to prevent landlords from unfairly denying applicants housing based on criminal history.

an opportunity to dispute the accuracy and relevance of that record, in the informal review process.” 24 CFR § 982.553

- Finally, all unsuccessful applicants may contest the denial using a required grievance process internal to the PHA with an informal reviewer. *See* 24 CFR § 982.554 *et al.*

HUD’s regulations also give PHAs authority to adopt their own criteria for determining eligibility and suitability as long as they are consistent with HUD’s directives. THA has done this and included its policies in the Administrative Plan, which governs THA’s primary programs: (1) its managed portfolio of housing and (2) its rental assistance programs, including the HCV program and Housing Opportunity Program (HOP). THA’s Admissions and Continued Occupancy Plan (ACOP) governs the programs and policies for THA’s public housing.

With these written policies, THA uses the following screening criteria (italicized text below indicates where THA policy is more stringent than HUD minimum requirements for denying housing assistance). Table 3 provides a comparison of HUD’s mandatory policies to THA’s current and proposed policies.

- (1) Anyone evicted from federally subsidized housing for drug-related criminal activity within the past *five* years;
- (2) Anyone convicted of producing methamphetamine in federally subsidized housing. *THA will deny assistance to any household that has ever been convicted of drug-related activity for the production or manufacture of methamphetamine in any housing, federally subsidized or not;*
- (3) Anyone who is subject to a *state sex offender registration* requirement, *whether or not they must register for life;*
- (4) Anyone that THA determines to be currently engaging in illegal use of a drug or demonstrates a pattern of illegal drug or alcohol use that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. *Currently engaged in is defined as any use of illegal drugs during the previous twelve months.*
- (5) *Anyone who has engaged in violent, drug-related, or threatening criminal behavior in the past five years. This criminal activity*

*could be demonstrated by a conviction or eviction for these reasons; and*

- (6) *THA reserves the right to deny assistance to households who have committed serious crimes more than 5 years ago. Examples of serious crimes include but are not limited to: homicide, a pattern of criminal activity, felony assault, arson, or any other crimes that could threaten the health, safety or right to peaceful enjoyment of other persons in the immediate vicinity.*

These policies apply to all new households applying for admission into THA's portfolio and voucher programs. It also applies to existing households who wish to add a new household member—which may include people who are returning to the community from incarceration and attempting to reunify with family. If THA denies an applicant household because of a member's criminal history, the household may move-in upon removing that household member.

THA's screening criteria does not apply to some of its special programs such as the Veteran's Assistance Supportive Housing (VASH) Program or the College Housing Assistance Program (CHAP). For these two programs, THA limits its review to the HUD mandatory denials. HUD has determined that any further screening would be an unnecessary barrier on the VASH program and THA's Board determined the same for CHAP in June 2017.

During PIE's analysis of THA's current criminal screening criteria, it was found that THA presently excludes only 2% of its applicants due to criminal history.

Appendix C further details THA's acceptance and denial rates of applicants with criminal histories.

While THA's denial rate is low, each person denied housing is another person at-risk of not receiving the support they need to successfully re-enter their community and potentially face housing insecurity.

**Table 3:** Comparison of HUD Mandatory, Current THA and Proposed Policies

Lifetime Bans	THA Portfolio	Tenant-Based Assistance
HUD Mandatory	(a) Lifetime ban: Individuals convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.	
	(b) Lifetime ban: Sex offenders subject to a <u>lifetime</u> registration requirement under a State sex offender registration program.	
THA Current Policy	(a) Same as HUD	
	(b) Expands criteria to exclude anyone at any date subject to sex offender registration of <u>any duration</u> .	
PIE Proposed Changes	No Proposed Changes	
Drug-Related Activity	THA Portfolio	Tenant-Based Assistance
HUD Mandatory	(a) Anyone evicted from federally-subsidized housing for drug-related criminal activity within the past three years;	
	(b) Anyone convicted of producing methamphetamine in federally-subsidized housing;	
	(c) Anyone that the PHA determines to be currently engaging in illegal use of a drug or demonstrates a pattern of illegal drug or alcohol use that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.	
THA Current Policy	(a) Same as HUD	
	(b) Expands criteria to include denial for the production or manufacturing of meth <u>anywhere, whether in or out of federally-subsidized housing</u> .	
	(c) THA determines that this means anyone who is currently engaged in any use of illegal drugs <u>during the previous 12 months</u> .	
PIE Proposed Changes	No Proposed Changes	



Criminal Activity	THA Portfolio	Tenant-Based Assistance
HUD Mandatory	(a) <i>Permits</i> PHAs to prohibit admission of a household to the program if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before admission: (1) drug-related criminal activity; (2) violent activity; (3) other criminal activity which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity or staff or contractors of the PHA.	
THA Current Policy	(a) THA uses its permitted discretion to define these criteria as anyone who has engaged in violent, drug-related, or threatening criminal behavior in the <b><u>past five (5) years</u></b> . THA reserves the right to deny assistance for households who have committed serious crimes more than 5 years ago.	
PIE Proposed Changes	Anyone with a felony conviction for violent, drug-related or other criminal behavior that threatens the property, or health, safety and peaceful enjoyment of residents and neighbors within two years from the date of application review, or one year from release <i>will be subject to an individualized review before a decision to admit or deny is made.</i>	<b><u>Remove the five (5) year lookback</u></b> period and no longer review for criminal history beyond the HUD mandated denials.

### 3. POLICY RECOMMENDATIONS

As a public housing authority, THA holds a dual role as a social safety net for marginalized individuals and families who face barriers in the private housing market; and as a landlord THA aims to provide all low-income households with housing opportunities that advance safety and stability – the precursors that allow individuals to advance personally and economically while ensuring the continued safety and enjoyment of its housing.

In forming these recommendations, PIE considered this dual role of THA as a housing provider and landlord and its social justice mission.

PIE recommends that THA continue to consider criminal history in its eligibility determination and to continue to screen for other suitability factors such as past rental history, landlord references and debts owed. All applicants will continue to be entitled to request an informal review of a decision to deny admission<sup>3</sup> which provides them an opportunity to appeal that denial.

While past criminal history can provide some indication of future tenant behavior, it is limited. A recent study found past criminal history has a relatively small effect on housing outcomes, citing a 10% increased likelihood of negative housing outcomes for households with a recent felony conviction<sup>4</sup>. This is congruent to findings in the criminal justice literature that recidivism is most likely to occur in the first few years. However, as the author of this study points out and as provided in Section 4 – this is a relatively small increase in risk to the housing provider and its residents are outweighed by the social benefit of providing housing to these households. Further, providing housing and other supports to recently released individuals is proven to have a profound impact on recidivism rates.

In line with the evidence and industry best practices, PIE recommends that THA eliminate categorical denials based on criminal history where permissible and instead provide applicants whose criminal history falls within the defined scope of review an opportunity for an individualized review. THA should narrow its scope of review by reducing its lookback period and limited the types of offenses by seriousness and relevance to housing. Applicants with criminal history within this period will be referred to an Application Review Panel which will conduct an individualized assessment. If admitted, the applicant will automatically receive a

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<sup>3</sup> See 24 CFR 982 Subpart L. [Linked here](#). And THA's Grievance Process for Applicants and Participants [here](#).

<sup>4</sup> Warren, C., Gerrard, M.D. (2019) Success in Housing: How Much Does Criminal Background Matter?. Wilder Research. [Linked here](#)

referral to Client Support and Empowerment for voluntary additional supports to ensure housing success.

Further explanation of each of these recommendations follows.

### **3.1 Recommendation 1: Adjust Criminal Screening Practices For The THA-Managed Portfolio.**

- a) THA should continue to use the HUD mandatory denials, as required by regulation.
- b) THA should continue to check an applicant's criminal history as necessary to implement these recommendations.
- c) THA should reduce its lookback period for criminal history from the last five years to two years from the date of application review to the date of conviction, or one year to the date of release. This means that an applicant will require an additional review if a conviction occurred within two years of application review or if the date of release occurred less than one year prior to the application review date. Additionally, the scope of review should be limited to felony convictions for drug-related, violent, or other criminal activity that threatens the property, or health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- d) For applicants with the above convictions that fall within the proposed lookback period, THA should not admit nor deny them based upon criminal history alone but instead should require them to meet with an Application Review Panel before a decision is made. If such an applicant fails to follow-through with the review process then THA should treat the application as "incomplete" under other application procedures.
- e) THA should form an Application Review Panel consisting of three THA staff members, with one representative from Property Management, another from Rental Assistance, and the third from Client Support & Empowerment. The panel may also include a community member who has overcome their own justice-involved challenges. The panel will meet once a month (or as needed) to review all applications flagged for review. Property Management

will appoint a review panel leader to convene and manage the panel and ensure proper, confidential tracking of the panel's findings.

- f) The Application Review Panel must use Fair Housing guidelines and consider the following when deciding to admit or deny an application: 1) the nature and severity of an individual's conviction; 2) the amount of time that has passed since the criminal conduct occurred; 3) and other mitigating circumstances. Other mitigating circumstances may include completion of, or current participation in, a substance abuse rehabilitation program, participation in case management with an external agency, personal references and any other mitigating circumstances that indicate the applicant does not pose a significant risk to THA residents, staff, or properties.
- g) It's within Fair Housing's guidance<sup>5</sup> to treat each applicant on a case-by-case basis to better ensure that a denial is warranted for a "legitimate, nondiscriminatory, business reason." Applicants will also be encouraged to bring supporting documentation and/or an advocate of their choice to support them during this review. This individualized assessment also aligns with HUD's directives. *See* Section 2.

### **3.2 Recommendation 2: Conform To HUD Guidelines For The Tenant-Based Rental Assistance Programs.**

- a) THA should continue to use the HUD-mandatory denials, as required.
- b) THA should no longer deny housing assistance for any other criminal activity. Instead, THA will defer to the design of the rental assistance programs that recognizes participating landlords are responsible for screening and choosing their tenants. THA will share the research and recommendations of this report with its partner landlords to help ensure they are informed by data and best practices.

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<sup>5</sup> Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions. Linked [here](#).

**3.3 Recommendation 3: Refer All New Admissions And New Adult Household Members Admitted Through The Application Review Panel To Client Support And Empowerment For Review Of Service Needs.**

THA should refer all new admissions admitted through the Application Review Panel process to the Client Support and Empowerment (CSE) department for a voluntary assessment and arrangement of supportive services that may be helpful for a successful tenancy. THA should not require new admissions to participate in supportive services to obtain or retain housing. *See Section 5.4.*

**3.4 Recommendation 4: Designate An Applicant Liaison To Help Applicants With The Review Process.**

THA should designate an Applicant Liaison to help justice-involved applicants correspond with the Application Review Panel; or when appealing a denial through THA's Grievance Policy. The application process can be challenging as it requires a considerable amount of documentation and paperwork to be submitted. This may be further complicated if the applicant is also seeking other public benefits such as food or cash assistance. Vera's evaluation of New York City Housing Authority's pilot family reunification program (*see* Section 4.2.2(iii) to learn more about this program) learned that applicants found the application process to be "difficult and confusing." This was the second leading barrier resulting in applicants not completing the application process. In addition to a long and tedious application process, applicants complained of inconsistent and unclear communication from service providers and NYCHA. These communication failures were compounded by the lack of follow-up from applicants.

Understanding these challenges, the role of the Applicant Liaison is to alleviate confusion and frustration throughout the application process, including help setting timeline expectations and translating the requirements of the application. They are not a required point-of-contact but are offered to provide support to applicants who seek it. The Applicant Liaison may encourage the applicant to present documentation such as a certificate of completion for a rehabilitation program, recommendations from service providers, or other evidence that shows the applicant has made progress since their conviction.

### **3.5 Recommendation 5: Continue Addressing Lease Violations And Managing THA Properties Closely.**

To ensure THA's ability to respond to crime and nuisance in a swift and appropriate manner, the agency should further memorialize its policies, procedures, and resources necessary to address crime and nuisance more effectively as it arises on THA properties.

THA staff can further support this recommendation and mitigate risk by:

- Checking-in with residents more frequently and connecting them to prosocial activities and resources;
- Providing clear and transparent communication about lease enforcement processes; and
- Developing a follow-up process for resident reports and complaints that protects the privacy and integrity of all parties involved but helps alleviate concerns.

THA can rely on its strengths as a public housing authority to safely reduce its criminal screening criteria and continue to protect the wellbeing of its residents and properties.

These recommendations are evidence-based and supported by findings from leading researchers and peer housing providers. The research concludes that providing supports, such as housing, to justice-involved individuals greatly reduces their recidivism risk and increase community safety.

The recommendations also do not unduly imperil the safety of THA's communities and align with the requirements and expectations of THA's stakeholders, including its liability insurance carrier. Finally, these recommendations promote THA's values of racial justice and family success.

**Table 1. Benefits of Proposed Recommendations**

<b>Benefits</b>	Criminal justice reform is a bi-partisan goal at the local, state, and national level – as reforms are taking place in housing, employment, and within the criminal justice system. These recommendations are in line with these reform efforts.
	Housing is an integral part of a coordinated effort for successful re-entry. For example, the City Council of Seattle recently adopted the Fair Chance Ordinance after a comprehensive analysis of the racial equity barriers to housing and employment concluded that screening procedures have disparate impacts on communities of color. This analysis included the recommendation to completely remove the lookback period. <sup>6</sup>
	By narrowing the scope of criminal history screening, THA can serve more households and keep families together.
	Stable housing improves health, employment, and educational outcomes for individuals re-integrating into their communities. This impact also reaches the individuals' families.
	Paves the way for local housing providers and other public housing authorities to adopt similar policies reducing discrimination against those with a criminal history, reducing the disproportionate exclusion of applicants of color, and increasing access to housing.

**Table 2. Risks of Proposed Recommendations**

<b>Risks</b>	Residents will have mixed reactions to the recommendations. Some will strongly oppose them.
	Housing assistance programs for people exiting incarceration show greater success when supportive services are integrated into the housing itself. THA makes supportive services available but participation is voluntary. While supportive services would help potential residents achieve successful tenancy, residents exiting incarceration may not utilize them.
	If the recommended changes admit a resident who turns out to cause disturbances, it takes THA longer to evict than traditional landlords. This delay is due to governing laws that require housing authorities to show good cause to justify a termination of a tenancy. Additionally, under most circumstances, residents are entitled to an administrative hearing in advance of legal proceedings. This prolongs the eviction process, potentially further traumatizing victims in THA properties.

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<sup>6</sup> Initially, the proposed legislation included a two-year lookback period for screening for criminal history. However, the FARE Coalition and many formerly incarcerated community members advocated at City Council hearings to remove the condition completely. The initial proposal would “inherently impact the most vulnerable residents—those charged with low level crimes, and those experiencing homelessness and cycling in and out of municipal court and county jails.” Linked [here](#).

## 4. PURPOSES AND SUPPORT FOR PROPOSED RECOMMENDATIONS

THA's first priority is that residents and neighbors are safe and enjoy living in, or next to THA's communities. The safety and enjoyment of THA's residents need a special emphasis because they have low-incomes and rely on the THA subsidy. This means that, if they have a troublesome or threatening neighbor, they cannot protect themselves by moving out. They rely on THA to make a reasonable judgment about whom to admit. One way THA does this is by reviewing an applicant's criminal history.

This section explores the usefulness of criminal history as a predictive measure of future tenant behavior, the role that housing plays in reducing recidivism, and the way in which stringent criminal history screening disproportionately affects people of color.

### 4.1 To What Extent Is An Applicant's Criminal History A Useful Predictor Of Future Tenant Behavior? Is Excluding An Applicant Due To Criminal History Otherwise Excluding A Qualified Tenant Unnecessarily?

#### 4.1.1 *Past Criminal History Has a Limited Effect on Housing Outcomes*

In collaboration with four affordable housing developments in Minnesota, Wilder Research recently published the study, *"Success in Housing: How Much Does Criminal Background Matter?"*<sup>7</sup> The study sought to review the link between criminal history and housing outcomes and observed over 10,500 households who resided at one of the four nonprofit multifamily housing developments at some time between March 2010 and June 2017. The study included households with and without criminal history and varied from single adult households to families. Household outcomes were determined by the move-out reason the provider had on file. Positive housing outcomes meant a household exited while "maintaining housing stability" whereas a negative outcome meant "losing or at risk of losing housing stability" at exit.

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<sup>7</sup> Warren, C., Gerrard, M.D. (2019) Success in Housing: How Much Does Criminal Background Matter?. Wilder Research. [Linked here](#)



Of the 10,500 households, 13% had at least one adult with a prior criminal conviction. These households tended to be younger and had lower incomes with 73% of households headed by a single adult under the age of 65. The table below is from the report which shows how household characteristics affect housing outcomes.

**7. Household characteristics significantly affect the likelihood of a negative housing outcome**

**Compared to single adults (under age 65) with no children, the likelihood of a negative housing outcome is reduced by:**

	In households with...
<b>9</b> percentage points	2+ adults and no children
<b>16</b> percentage points	1 adult and at least one child
<b>24</b> percentage points	2+ adults and at least one child

**The likelihood of a negative housing outcome is also reduced by:**

<b>1</b> percentage point	for every \$100 increase in monthly rental subsidy
<b>1</b> percentage point	for every \$500 increase in monthly per-capita income

Note. All differences shown are statistically significant at  $p < .01$ . The likelihood of a negative housing outcome is also reduced in older-single-adult households (age 65+) by 8 percentage points, compared to single-adult households under age 65.

These observations align with general trends in criminal justice literature that prosocial relationships (such as family) and income level have a positive effect on a person's success and thus success in housing.

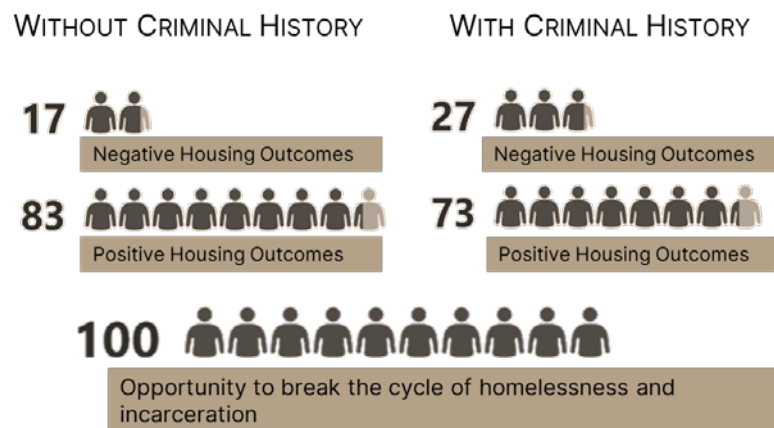
Using this data, researchers calculated a 17% baseline risk that all households, regardless of past criminal history, would experience a negative housing outcome. Then, they compared households of similar characteristics to examine the effect of specific offenses on housing outcomes.

The study's primary finding is that most criminal offenses have no effect on housing outcomes. Although, there was an observed 3-9% risk increase for major drug-related, fraud, assault, and property-related offenses. A recent felony conviction (two years prior to move-in) showed the largest effect on housing outcomes with a 10% risk increase.

Of all 10,500 households included in the study, only 14% (1,444) experienced a negative housing outcome. Lease violations for behavior (8%), leaving without notice (3%) and non-payment of rent (2%) were the primary reasons for negative exits. And while the data suggests certain criminal offenses have a slight effect on negative housing outcomes, these households consist of a small portion of the overall resident population. The researchers go on to explain that the impact of criminal history is likely overstated as other important factors such as past rental history, employment status, education level, or mental health/substance use could not be controlled for.

Even to the extent that the data points to an increased risk that *the household* will experience a negative housing outcome it does not provide context for how this risk affects the safety and enjoyment of current residents. A negative housing outcome could include: non-payment of rent, leaving without notice, poor housekeeping and other lease violations that have no effect on anyone outside of that household. Most households with criminal history will go on to have a positive housing experience and all will still gain the benefit from having housing even if they experience a negative exit.

The following figure helps illustrate these findings.



#### 4.1.2 *Review of Past and Current THA Residents to Determine Correlation Between the Presence of Criminal History and Housing Outcomes*

A review of current and past THA residents did not show any meaningful relationship between past criminal history and unsuccessful tenancy. PIE examined this relationship in several ways.

First, PIE reviewed THA household records of those that had a criminal history at admission between 2014 and 2017. For these clients, PIE reviewed account notes, open/closed cases, and violations and verified if participants were still active participants.

Next, PIE investigated if participants with open cases/concerns,<sup>8</sup> particularly those related to nuisance/criminal behavior, had a criminal history at admission.

PIE also reviewed records of participants who were terminated or evicted for any reason. Due to reporting limitations, this primarily included participants who had been terminated since 2016. A small portion were terminated for criminal or criminal-related behavior, and not all had a criminal history at admission. Finally, PIE reviewed for criminal history at admission for residents with known/documented behavioral issues; or were in the process of being terminated.

Overall, violations or evictions due to crime or nuisance were a relatively small portion of the total violations (7% of 284 households, or 19 households). Of these violations and evictions, one-third, or 6 of the 19 households, had some sort of criminal history at admission. PIE found similar results when examining records of residents who had known problematic behaviors and were terminated from a housing program. Those with criminal history at admission made up

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<sup>8</sup> Cases/concerns are opened by THA staff for several reasons, including problematic behavior meriting written documentation.

approximately one-third (1/3 with criminal history; 1/3 without; and 1/3 with unknown history) of those with a reported nuisance, criminal activity, or an eviction. While criminal activity and nuisance were a minor cause for recorded violations and evictions, participants with a criminal history were disproportionately represented among these instances and suggest some level of correlation between criminal history at admission and problematic behaviors.

One thing to note is that the definition of criminal history used in this analysis was applied much more broadly than THA's screening criteria for criminal history. The criminal screening criteria used in this analysis included those whose felony convictions fell beyond THA's five-year lookback; and those with minor misdemeanors such as driving with a suspended license.

Administrative records for residents with a criminal history show that unauthorized guests were the main causes for crime-related violations or terminations. This means that the resident may not have been the perpetrator of the crime or violation, a guest may have perpetrated the action that led to a violation or termination.

PIE is unable to compare this data to expected or normal rates of crime or nuisance and cannot conclude whether this finding lends to an increase of crime and nuisance in housing. It is also important to note that this was a review of administrative records and not a rigorous, randomized study. THA did not have available data on a comparison group for THA clients with known criminal histories and thus cannot conclude causation.

#### 4.1.3 *Past Criminal History Has A Value in Predicting Recidivism, But it is Limited*

As the research presented above concludes, past criminal conduct does not predict a person's prospects as a successful tenant with enough assurance to merit the extent of current screening practices in place. In the absence of this empirical

evidence, housing providers have turned to recidivism rates as a proxy. This section illustrates why recidivism is not a suitable proxy for predicting future tenant behavior.

Recidivism is one of the most fundamental concepts in the study and practice of criminal justice. There is no universal definition for recidivism but it generally refers to the return to the criminal justice system. A return to the criminal justice system can include being re-arrested regardless of having committed a crime; or re-convicted or re-incarcerated which does not always consider or identify the nature, severity or relevancy of the new offense. Sometimes recidivism data can group minor technical violations that occur while someone is under supervision with new felony convictions. These limitations are important to understand since policymakers may consider recidivism studies to inform their decisions. One primary question policymakers seek to answer is:

“How long does it take for an individual with a prior criminal record and no subsequent criminal involvement to be of no greater risk than persons of the same age in the general population?”

In hopes of better understanding how to measure risk regarding people who have engaged in a criminal offense, THA reviewed the findings from a widely cited report, “Redemption in the Presence of Widespread Criminal Background Checks.”<sup>9</sup> The report attempts to provide guidance on how to regulate the use of criminal records in employment decisions and provide a time limit on their relevancy. The report follows a cohort of individuals throughout New York State who were arrested for (1) burglary; (2) aggravated assault; and (3) robbery in 1980. They follow the cohort over a span of 20 to 25 years and measure risk as a “hazard rate.” The hazard rate refers to the

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<sup>9</sup> Blumstein, A., & Nakamura, K. (2009). Redemption in the Presence of Widespread Criminal Background Checks. *Criminology*, 327-359.

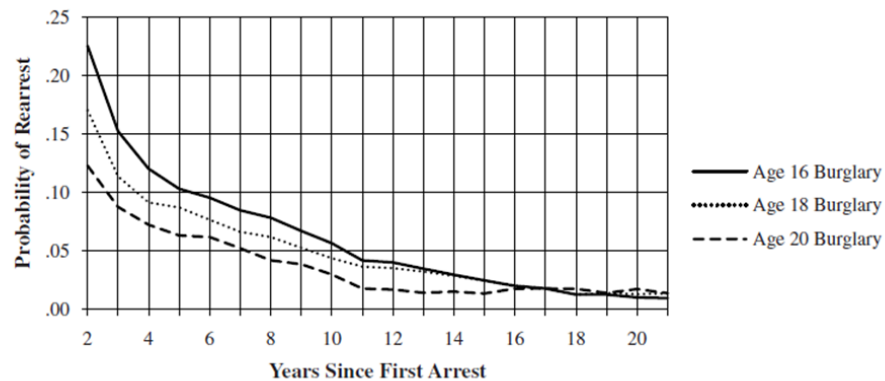
probability, over time, that someone who has not engaged in criminal behavior since their initial offense will be arrested for a new offense. In the following graphs, the hazard rate is shown as  $h(t)$ .

The graph below displays the differences between offense type and age at the time of the first arrest. Blumstein and Nakamura's (2009) findings demonstrate that a younger age at the time of first arrest is correlated with a higher hazard rate than those who were older during their first offense.

## CRIMINAL BACKGROUND CHECKS

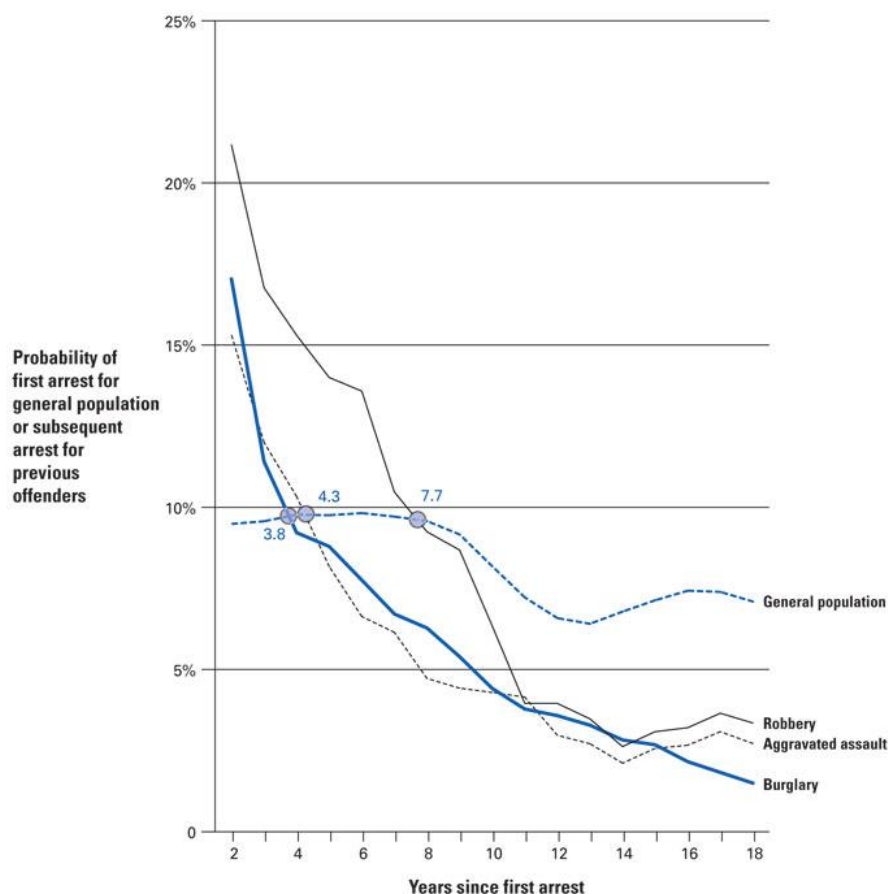
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**Figure 1a. Hazard Rate  $h(t)$ : Age 16, 18, 20 Burglary**



The following graph from the Department of Justice builds upon the work of Blumstein and Nakamura's findings by looking at two factors: (1) age at the time of the 1980 (first) arrest; and (2) type of crime committed at the time of the first arrest.

The probability of new arrests for offenders declines over the years and eventually becomes as low as the general population.



The chart shows the likelihood of this cohort being re-arrested compared to the general population.<sup>10</sup> For those whose first arrest was for burglary at the age of 18, they reached the same hazard rate of the same-aged general population within 3.8 years. Those arrested at 18 for aggravated assault reached the general population's hazard rate within 4.3 years and those arrested for robbery took longer at 7.7 years. The numbers align with other generalizations found in criminal justice literature that younger age and offense type are correlated with their likelihood to re-offend. For all groups, the likelihood of re-offense declines over time.

<sup>10</sup> Blumstein, A., & Nakamura, K. (2009). 'Redemption' in an Era of Widespread Criminal Background Checks. *National Institute of Justice (NIJ) Journal* (263), 10-17. Linked [here](#).

While these reports explain how past criminal behavior predicts future criminal behavior, there are some limitations when relying on recidivism statistics that are worth noting.<sup>11</sup> The study above serves as an example as it illustrates how age, gender, nature of offense and other factors can influence recidivism rates. A report by William Rhodes demonstrates how differing definitions can skew recidivism data by offering an analysis of the Bureau of Justice Statistics (BJS) special report.<sup>12</sup> The BJS report contains some discouraging statistics, including the finding that 5 in 6 state prisoners will be re-arrested at least once during the 9-year follow-up period. The report relies on re-arrests rather than returns to prison or court, or new convictions. Rhodes brings attention to BJS's methodology, which causes high-risk offenders to be overrepresented in the overall statistical results. The BJS does acknowledge this variance and shares that 23% of this sample group are responsible for nearly half of the re-arrests that occurred within this 9-year follow up. Rhodes's analysis of the BJS data concludes that 2 out of 3 prisoners never actually return to prison.

However, given these variances and limitations, there are some consistencies found throughout the criminal justice literature:

- For those who will return to prison, most will do so within the first three years.<sup>13</sup>

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<sup>11</sup> Rhodes, W., Gaes, G., Luallen, J., Kling, R., Rich, T., & Shively, M. (2016). Following Incarceration, Most Released Offenders Never Return to Prison. *Crime & Delinquency*, 62(8), 1003–1025. Linked [here](#). Zhu, J. (201) Know More: Recidivism. Restore Justice Website. Linked [here](#). Butts, J.A., Schiraldi, V. (2018). Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections. Harvard Kennedy School: Program in Criminal Justice Policy and Management. Linked [here](#)

<sup>12</sup> Rhodes, W., Gaes, G., Luallen, J., Kling, R., Rich, T., & Shively, M. (2014). Following Incarceration, Most Released Offenders Never Return to Prison. *Crime and Delinquency*, 1003 - 1025.

<sup>13</sup> Alper, M., Durose, M. R., & Markman, J. (2018). 2018 Update on Prisoner Recidivism: A 9-year Follow-up Period (2005-2014). Washington, D.C.: Bureau of Justice Statistics. Linked [here](#). Evans, M. (2010). Recidivism Revisted. Olympia: Washington State Department of Corrections. Linked [here](#). Knoth, L., Wanner, P., & He, L. (2019). Washington State recidivism trends: FY 1995–FY 2014. (Document Number 19-03-1901). Olympia: Washington State Institute for Public Policy. Linked [here](#).



- Age is a reliable predictor – younger offenders show higher rates of recidivism.<sup>14</sup>
- Previous criminal history increases the likelihood of re-offending.<sup>15</sup>
- Property crime offenders are the most likely to re-offend and be re-incarcerated for the same offenses versus those incarcerated for violent offenses, who are more likely to be re-incarcerated for less serious offenses.<sup>16</sup>
- Serious violent offenses such as rape, murder, and arson show the lowest recidivism rates.<sup>17</sup>
- Repeat offenders are typically re-incarcerated for less serious crimes.<sup>18</sup>
- Individuals released from incarceration are 10x more likely to become homeless than the general population.<sup>19</sup>
- Pre- and post-incarceration homelessness is a predictor of re-incarceration.

These are some factors that help predict the likelihood of re-offense. Other factors include unemployment or low wages<sup>20</sup>, anti-social behaviors, dysfunctional peers, and lack

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<sup>14</sup> Knoth, L., Wanner, P., & He, L. (2019). Washington State recidivism trends: FY 1995–FY 2014. (Document Number 19-03-1901). Olympia: Washington State Institute for Public Policy. Linked [here](#).

<sup>15</sup> E.K. Drake, S. Aos, & R. Barnoski (2010). Washington’s Offender Accountability Act: Final report on recidivism outcomes. Olympia: Washington State Institute for Public Policy, Document No. 10-01-1201. Linked [here](#).

<sup>16</sup> Previously cited BJS report. Brinkman, L. O. (2010). The Sentencing Project: State Recidivism Studies. The Sentencing Project. Linked [here](#).

<sup>17</sup> Previously cited. BJS report. See footnote 15.

<sup>18</sup> Previously cited. BJS report. See footnote 15.

<sup>19</sup> Yette, E., & Evans, M. (2011). Offenders on the Earned Release Date Housing Voucher Program. Washington State Department of Corrections. Linked [here](#). Couloute, L. (2018). Nowhere to Go: Homelessness among formerly incarcerated people. Prison Policy Initiative. Linked [here](#). Letter from Shaun Donovan, Secretary, United States Department of Housing and Urban Development, to Public Housing Authority Executive Directors (June 17, 2011), Linked [here](#).

<sup>22</sup> Brinkman, L. O. (2010). The Sentencing Project: State Recidivism Studies. The Sentencing Project. Linked [here](#)

of medical coverage which can exacerbate another risk factor -- current substance abuse.<sup>21</sup>

The research shows there is no single factor in predicting recidivism and that housing insecurity has a profound relationship with criminal justice system involvement, as detailed further in the next section.

Further, recidivism is not a proxy for predicting future tenant behavior. As noted above, recidivism data can mislead public perception on public safety and the behavior of individuals involved in the criminal justice system. Focusing on recidivism data confuses “a complex, bureaucratic indicator of system decision making with a simple measure of individual behavior and rehabilitation.”<sup>22</sup> There are many variables that influence recidivism such as the varying perceptions, beliefs, and biases of the many actors within the criminal justice system and the social, economic, and physical differences among individuals. This is seen in marginalized communities who are subject to prejudice and discrimination of law enforcement and the courts and have long been subject to de jure and de facto racism in public law and policy. In sections 4.3 and 5, this report describes how these variables clash and create unjust experiences for marginalized communities who are vulnerable to these dynamics within the criminal justice system. In “Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections<sup>23</sup>”, the authors go into detail about how these complexities intertwine and limit the utility of using recidivism data to make policy decisions that seek to promote community safety. Relying on recidivism data shifts the focus to the problem which tends to shift the focus towards punitive measures rather than solution-based strategies that support and encourage positive outcomes.

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22 Brinkman, L. O. (2010). The Sentencing Project: State Recidivism Studies. The Sentencing Project. Linked [here](#)

22 Brinkman, L. O. (2010). The Sentencing Project: State Recidivism Studies. The Sentencing Project. Linked [here](#)

23 Brinkman, L. O. (2010). The Sentencing Project: State Recidivism Studies. The Sentencing Project. Linked [here](#)

## 4.2 To What Extent Does Housing Persons With Criminal Histories Make A Community Safer? And The Justice-Involved Individual, And Their Families More Successful?

### 4.2.1 *Exiting Incarceration into Stable Housing Helps Reduce the Likelihood of Recidivism*

As noted above, many exiting prison are also at increased risk of homelessness. Homelessness itself can reduce access to healthcare coverage (including treatment for mental health and substance use disorders), employment and education. Numerous reports show that recidivism is most likely to occur within the first year of release.<sup>24</sup> Given the barriers people exiting incarceration face, higher recidivism rates within the first year of release strongly show the importance of creating equal access to housing supports.

During an interview with PIE, local Community Correctional Officers (CCOs) and the Pioneer Human Services Director shared how critical housing is post-release and that many under their supervision exit supervised housing into homelessness.

The examples below reveal how stable housing helps foster positive outcomes for high-needs individuals experiencing housing insecurity and homelessness.

### 4.2.2 *Housing and Supportive Services Reduce the Likelihood of Recidivism: Examples from Evaluations of Permanent Supportive Housing (PSH)*

“Permanent supportive housing is a successful and proven programmatic and housing intervention, while Housing First is a framework that can and should be used within permanent supportive housing, as well as in other program models, and as a community-wide framework for ending homelessness”.<sup>25</sup> The Housing First model theorizes that providing immediate and safe housing helps stabilize the

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<sup>24</sup> Washington State Sentencing Guidelines Commission. Review of the Sentencing Reform Act FY 2019. Linked [here](#).

<sup>25</sup> USICH. (2014). Implementing Housing First in Permanent Supportive Housing. United States Interagency Council on Homelessness. Linked [here](#).

individual who may then choose to access the services made available to them in Permanent Supportive Housing environments. The PSH model combines housing with voluntary services for people experiencing chronic homelessness and complex needs whereas public housing authorities provide housing to low-income households with varying degrees of needs and challenges. The following subsections highlight the positive impact that housing provides for high-needs individuals (those with behavioral health and substance use issues) who are exiting homelessness into housing with supportive services.

(i) Evaluation of Seattle’s Downtown Emergency Service Center

Daniel Malone’s report, “*Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults with Behavioral Health Disorders*”<sup>26</sup> delivers findings from Seattle’s Downtown Emergency Service Center (DESC) and offers context as to how housing correlates with discontinuation of criminal activity and returns to the criminal justice system. Malone found that while 51% of DESC’s permanent support housing participants had a criminal record, 72% of all participants were successful in their housing program. Of those with criminal histories, 70% were successful. The difference in outcomes between those with criminal histories and those without were not statistically significant concluding that participants with a criminal history were just as successful as those without. In his report, Malone defines success as retaining supportive housing for at least two years or transitioning to a stable housing situation.

Other factors had a higher predictive value, such as a younger age at move-in, current substance abuse issues, and a more extensive record of drug and property crimes. Once all variables were adjusted for participants with a known criminal background, younger age at move-in remained the

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<sup>26</sup> Malone, D. K. (2009). *Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults with Behavioral Health Disorders*. *Psychiatric Services*, 60(2), 224-230. Linked [here](#).

only variable associated with housing failure. The likelihood of criminal behavior declines as the previously incarcerated individual grows older. Malone concludes that keeping individuals with criminal records out of housing may be unnecessarily restrictive.

(ii) Evaluation of Returning Home: Supportive Housing for Individuals releasing from Ohio Prisons with Behavioral Health Disabilities and Risk of Housing Insecurity

Funded primarily by the Ohio Department of Rehabilitation and Corrections, the Urban Institute conducted a quasi-experimental study to explore the impact of single-site and scattered supportive housing from nine providers, who provide a range of services, for 121 people releasing from 13 state prisons in Ohio.<sup>27</sup> The study included a comparison group of 118 participants who qualified for the program but were not selected.

The study's findings concluded that participants receiving supportive housing were 40% less likely to be rearrested within 1 year and 61% less likely to be reincarcerated within 1 year than the comparison group. Additional analysis of the treatment group compared housing participants who were rearrested to those who were not. They found that individuals who secured housing closer to their release from prison were less likely to be re-arrested. The evaluation also concluded that the type of housing did not have an impact on outcomes. This finding may indicate that the housing providers were successful in matching participants to appropriate program/supportive services or that housing alone, no matter the modality, is the influencing factor.

(iii) Evaluation of New York City Housing Authority's Family Reunification Program

The New York City Housing Authority (NYCHA) piloted a family reunification program that allowed recently released individuals to move in with family residing in NYCHA

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<sup>27</sup> Fontaine J. (2014). *The Role of Supportive Housing in Successful Reentry Outcomes for Disabled Prisoners*. Cityscape: A Journal of Policy Development and Research 15(3): 53–75. Linked [here](#).

properties. Those who were eligible and chose to enroll in the pilot program were required to engage with case managers. The pilot participants were required to stay crime-free for two years before they were able to join the lease.

The evaluation of NYCHA's reentry pilot, conducted by the Vera Institute, found that of the 108 total participants less than a handful had been convicted of a new criminal charge while in the program. At the time of the evaluation (May 2017), there were 85 active participants, none of whom had committed a new crime during the evaluation period. Many participants reported a sense of purpose and pride as they were able to reconnect with family and contribute positively to the household.<sup>28</sup> During the evaluation period, 20 participants fulfilled the two-year program requirement. In May 2017, six of the 20 participants were successfully added to the lease with 10 additional participants in process. Vera also found that 14 participating households saw annual income increases by an average of 61%.

Overall, this evaluation shows that housing increases a person's likelihood to successfully remain in housing and access services that help treat their behavioral issues while increasing overall household stability.

#### 4.2.3 *Housing Helps Strengthen Protective Factors That Reduce Recidivism, Makes the Community Safer, and Reduces Public Costs*

Housing provides a safe place that people can call home, rest their heads and feel safe and secure. When those basic physiological needs are met then people can strive to improve their safety needs such as employment, treatment, education and so on.<sup>29</sup> Housing is an essential piece to anyone's stability and especially for those who are reintegrating after a period of incarceration. Housing is

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<sup>28</sup> Bae, J., diZerega, M., Kang-Brown, J., Shanahan, R., & Subramanian, R. (2017). *An Evaluation of the New York City Housing Authority's Family Reentry Pilot Program*. New York: The Vera Institute of Justice. Linked [here](#).

<sup>29</sup> Based on Maslow's Hierarchy of Needs. A description is linked [here](#).

foundational to keeping a job,<sup>30</sup> maintaining health, establishing/maintaining pro-social relationships and pursuing educational opportunities – all protective factors that help reduce recidivism.

(i) The Relationship between Stable Housing and Protective Factors That Help Reduce Recidivism

The Washington State Department of Commerce report, *“Achieving Successful Community Re-Entry Upon Release from Prisons: Housing and Medical Assistance as Keys to Reduced Recidivism and Improved Employment Outcomes”*, follows a cohort of individuals for a 12-month period post-incarceration. Some of the key findings from this report were that: (1) those who were previously incarcerated and receiving housing assistance were more likely to have Medicaid coverage, which also allowed them to access treatment for substance use disorders and that within this group participation was relatively high (38% vs. an average of 28%); (2) and those with Medicaid coverage were less likely to be re-incarcerated. The report found that for those who were housed in a permanent destination (PSH, renting their own unit—with or without subsidy, or permanently living with friends or family) had lower rates of recidivism, felony convictions and re-arrests compared to their housing insecure cohorts (emergency shelters or transitional housing). The permanently housed group saw a recidivism rate of 3% while those with housing insecurities saw recidivism rates of up to 9% during the 12-month follow-up period.

Another Washington State DOC report that examined the employment outcomes of property crime offenders found that employment has a positive effect on recidivism, but also discovered that higher wages are a better indicator of

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<sup>30</sup> For example, in a 2012 report “Employment Outcomes Associated with Rapid Re-Housing assistance for Homeless DSHS Clients in Washington State” DSHS Rapid Rehousing clients were almost 50 percent more likely than the comparison group to be employed during the quarter they received assistance. Over a span of a year, they were 25 percent more likely than the comparison group to be employed.

recidivism.<sup>31</sup> Another report found that losing housing had a greater impact on job loss than the inverse.<sup>32</sup> Timing of employment post incarceration was also important, and one study found that those who found employment, particularly in the first two months, were less likely to recidivate.<sup>33</sup>

(ii) Providing Housing for Previously Incarcerated Individuals Reduces Public Costs

The Washington State Institute of Public Policy (WSIPP), a non-partisan public research group, evaluated the effectiveness of housing supports for people returning to their communities from prison. They concluded that housing supports offer a \$3.75-\$1 benefit-cost ratio. This means that for every dollar invested in housing supports the state sees a return of \$3.75 in savings from reduced future crime and reduced use of public services.<sup>34</sup> More importantly, WSIPP concluded that housing supports significantly reduced recidivism for violent offenders. Another Seattle study found that the annual cost to house 95 tenants in PSH was 53% less than the annual service costs when that same group was homeless. This same group also decreased their use of emergency rooms with a 73% reduction in costs to the medical system two years after this group was housed.<sup>35</sup>

4.2.4 *Increasing Access to Housing for Justice-Involved Individuals Promotes Family Reunification and Success, Especially for Families with Children*

Incarceration creates a ripple effect not only hurting the individual, but their families and their communities. The disparities seen in the criminal justice system means that children who are in poverty, and especially children of color

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<sup>31</sup> Landon, M. (2015). *Of Jobs and Jail: Outcomes for Washington State Property Offenders*. Olympia: Washington State Statistical Analysis Center. Linked [here](#).

<sup>32</sup> Desmond, M., & Gershenson, C. (2016). *Housing and Employment Insecurity among the Working Poor*. Oxford University Press for Society for the Study of Social Problems. Linked [here](#).

<sup>33</sup> Visher, C., Debus, S., Yahner, J. (2008) *Employment after Prison: A Longitudinal Study of Releases in Three States*. Linked [here](#).

<sup>34</sup> Washington State Institute for Public Policy (2018). *Housing assistance without services: adult criminal justice*. Olympia. Linked [here](#).

<sup>35</sup> Washington Low-Income Housing Association. *Myths and Fact of Homelessness in Washington State*. Linked [here](#).



experiencing poverty, are more vulnerable to those negative ripple effects. Neighborhoods with disproportionate rates of incarceration are destabilized as social and family networks are disrupted and face higher rates of crime and poor health outcomes. These neighborhoods tend to have high rates of poverty and due to racial injustice, are very likely to be predominantly Black. These factors lead to a setting that makes incarceration intergenerational and the statistics show that children with an incarcerated parent are also 6x more likely to become incarcerated themselves. They may even experience justice-system involvement earlier in life and more frequently.<sup>36</sup> Because of the racial disparities in incarceration rates, Black children are disproportionately affected by the criminal justice system.

Families of those serving time may experience emotional and financial hardship throughout the duration of a loved one's incarceration which continue into their release. Incarceration weakens family ties and may reduce total household income, especially when the incarcerated individual is the breadwinner. Children of incarcerated adults often experience behavioral problems – “with boys of fathers behind bars displaying more delinquency and aggression and girls exhibiting more internalizing behaviors and attention problems.”<sup>37</sup> Children who have at least one parent incarcerated are much more likely to experience physical, mental and academic problems than those whose parents have never been incarcerated.

As summarized earlier in this section, access to housing and employment reduce recidivism. And for those exiting prison, many rely on their friends and family for support,<sup>38</sup> many of whom live in public housing. They not only rely on family and friends for housing, but these social networks are their

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<sup>36</sup> Eric Martin, "Hidden Consequences: The Impact of Incarceration on Dependent Children," March 1, 2017, [nij.ojp.gov](https://nij.ojp.gov): Linked [here](#).

<sup>37</sup> Prison Fellowship. (2017). FAQs about children of prisoners. Retrieved from [here](#).

<sup>38</sup> Keene,D.,Rosenberg,A.,Schlesinger, P.Guo,M.,Blankenship, K., (2017) Navigating Limited and Uncertain Access to Subsidized Housing After Prison. Linked [here](#).

strongest links to employment as well.<sup>39</sup> Strong relationships with pro-social family and friends deter individuals from re-offending. These relationships may also aid in higher employment rates and reduced substance use.<sup>40</sup> Studies have found that when children are not able to live with their parents post-incarceration, stable housing was key in keeping regular and frequent communication.<sup>41</sup> The newly added family members also reported a greater sense of worth and satisfaction.

In 2016, Washington DOC launched the Parenting Inside Out program, an evidence-based, cognitive-behavioral program designed to help incarcerated parents reestablish contact with their children and learn effective parenting skills to use upon release. It was modeled after a program leveraged within the Oregon DOC facilities. The program had 359 participants who reported having some role in parenting their children in the past and expected such a role in the future. After one year of participation, participants were less likely to have been rearrested (32% to 41%) and reported substantially less substance abuse (66% reduction one year after prison). Participants also reported more family contact and were more likely to be involved in their children's lives. Participants also had lower scores in depression and parental stress than their non-participating peers and were also more likely to use positive reinforcement. For parents who were sentenced under the Parenting Sentence Act<sup>42</sup> preliminary results after three years of participation show significant decreases in recidivism as compared to similar groups.<sup>43</sup> This sentencing alternative requires parents to continue to serve their sentence in conjunction with community supervision and

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<sup>39</sup> Breanne Pleggenkuhle, Beth M. Huebner & Kimberly R. Kras (2015): Solid Start: supportive housing, social support, and reentry transitions, *Journal of Crime and Justice*. Linked [here](#). Also see footnote 24.

<sup>40</sup> Fontaine, J., & Biess, J. (2012). *Housing as a Platform for Formerly Incarcerated Persons*. Urban Institute. Linked [here](#).

<sup>41</sup> Elhage, A., (2018). Factors That Shape Parent-Child Reunification After a Parent is Released From Prison. Institute for Family Studies. Linked [here](#).

<sup>42</sup> Learn more about Washington's Parenting Sentencing Alternatives [here](#).

<sup>43</sup> Aguiar, C. (2015). Research in brief: Preliminary felony recidivism outcomes of the Community Parenting Alternative. Spokane: Washington State Institute for Criminal Justice. Linked [here](#).

treatment/support services. While the outcomes demonstrate that providing parental coaching support to incarcerated individuals promotes better parenting, it also highlights how positive relationships with family help reduce recidivism.<sup>44</sup>

DOC-CCOs also emphasized the importance of family reunification and its effects on recidivism. People often exit into shared housing situations specifically intended for those recently released. The quality of the housing is often sub-standard and does not separate them from peers who may reinforce criminal behavior.

PIE's proposals to reduce the use of criminal history as a screening criterion supports family reunification for people who have finished serving their time and are seeking to live with family members who are currently living in THA properties or receiving THA's rental assistance. The proposed decrease of the lookback period helps accomplish this.

#### **4.3 Does The Use Of Criminal History As A Screening Criterion Result In An Undue And Disproportionate Exclusion Of Persons Of Color?**

It is well documented that Black men are more likely to be incarcerated than White men.<sup>45</sup> Black men are also more likely to be stopped by the police, detained pretrial, charged with more serious crimes and sentenced more harshly.<sup>46</sup> Washington's current incarceration practices similarly reflect a significant impact on communities of color. Collectively, Blacks (4%), Latinos (11%) and Natives (2%) make up less than 17% of Washington State's population. However, they disproportionately make up 38% of Washington's jail and prison population (Blacks are 18%, Latinos 14%, and Natives 6% of the total population incarcerated in a state correctional facility).<sup>47</sup> This means that housing policies that restrict access based on criminal history will disproportionately exclude persons of color. Similar disparities are found in the homeless data which is noted to be a pathway to

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<sup>44</sup> Parenting Inside Out Outcome study. Linked [here](#).

<sup>45</sup> Bureau of Justice Statistics, National Prisoner Statistics, 2008-2018. Linked [here](#).

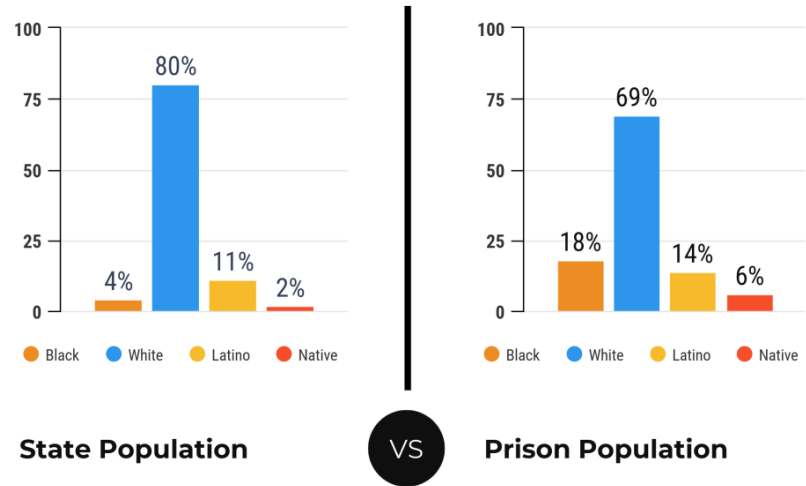
<sup>46</sup> Vera Institute of Justice. Incarceration Trends in Washington Fact Sheet. December 2019.

<sup>47</sup> Prison Policy Initiative. 2018. Racial and ethnic disparities in prisons and jails in Washington. Linked [here](#).

incarceration.<sup>48</sup> Overall, the disproportionate rate of incarceration among Black men results in disproportionate negative effects on them, their families and their communities.

# Racial Disparities

in Washington State Prisons/Jails



<sup>48</sup> Prison Policy report find that there are higher rates of unsheltered homeless for Black men (124 per 10,00) vs (82 for Hispanic men and 81 for White men)

## 5. REDUCING HOUSING BARRIERS FOR JUSTICE-INVOLVED INDIVIDUALS

Those who have been incarcerated experience barriers when seeking housing. Yet, housing is essential in addressing any risk factors that would increase their likelihood of being reincarcerated. The following describes the barriers justice-involved individuals face when seeking affordable housing, which are likely to be in addition to other common factors among justice-involved individuals such as lower wages, poor credit and disabilities. This section provides the evidence used to answer the final question PIE sought to address in this report: *Can changes to THA's screening policies make THA's housing more accessible to persons with a criminal history without incurring undue risk to the safety of its housing communities?*

### 5.1 The Use of Background Checks in Private and Unsubsidized Housing

Landlords commonly rely on background checks to identify “good tenants.” A good tenant is someone who can fulfill three main obligations: (1) pay rent on time; (2) take care of the property; and (3) treat neighbors and staff well. Landlords rely on background checks to predict future behavior.

As with most landlords, THA's screening process includes more than just a criminal background check. It also includes a review of past rental history, credit history, and references. PIE's survey of THA's landlords discovered that some find that past rental history, income, and credit are better indicators than criminal history for determining suitability. PIE's survey also showed that 60% of respondents would consider an applicant with a criminal history. The report, “*Landlord Attitudes Toward Renting to Released Offenders*,” supported by the Department of Housing and Urban Development, uncovered similar findings.<sup>49</sup>

While this reveals some optimism around landlords' opinions toward applicants with criminal histories, opinions can vary. A 2018 survey of over 4,000 Seattle landlords found that only 16.6% have ever rented to a person with a criminal history and that 40% disagreed that Seattle's Fair Chance Housing ordinance could be effective.<sup>50</sup> Whereas, about 27% of the landlords responded more positively saying they strongly agreed that the

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<sup>49</sup> Clark, L. *Landlord Attitudes Toward Renting to Released Offenders*. 71(1). Linked [here](#).

<sup>50</sup> Crowder, K. (2018). *Seattle Rental Housing Study: Final Report*. Seattle: University of Washington Center for Studies in Demography and Ecology. Linked [here](#).

ordinance could be effective and the remaining two-thirds were neutral. The report concluded that negative associations with Seattle's housing ordinances often resulted from misconceptions, feelings that Seattle misplaced responsibility onto landlords for affordable housing issues, and the extra burden created by these ordinances.

Within this climate, criminal history screening poses several problems. Unfavorable marks reduce a person's chances of finding housing. Repeated denials become expensive as housing seekers must pay fees with each application. Additionally, those with criminal histories are also more likely to be low-income. They compete with households with stronger histories and higher incomes in a market that already lacks a sufficient supply of affordable housing. As a result, low-income housing seekers with criminal histories end up in areas of low opportunity with poorer housing quality and higher crime rates. This does little to adequately support their re-entry and rehabilitation.

The report, *"Background Checks and Social Effects: Contemporary Residential Tenant-Screening Problems in Washington State"* further details the challenges of housing seekers with criminal histories in Washington.<sup>51</sup> It discusses the limitations of using background screenings to judge an applicant's likelihood of being a good tenant. It also describes that it is not uncommon that background screenings contain misleading or inaccurate information. Often, there are not reasonable remedies to correct mistakes commonly found in screening reports. PIE is proposing policy changes to address these challenges and ultimately reduce housing barriers for those exiting the criminal justice system.

## **5.2 Legal Opinions Regarding a Landlord's Duty to Protect Its Tenants from Harm**

Housing providers often believe they will be found liable for harm caused by a tenant and that presence of a criminal history is a reliable predictor that a tenant would cause harm. As reported in the Seattle housing report referenced in Section 5.1, nearly 75% of surveyed landlords felt Seattle's Fair Chance ordinance would jeopardize their current residents' safety. This is a common belief that leads to denials of those with criminal history based on misconceptions of a landlord's duty to protect tenants from harm.

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<sup>51</sup> Dunn, E., & Grabchuk, M. (2010). \*319 Background Checks and Social Effects: Contemporary Residential Tenant-Screening Problems in Washington State. Seattle: Seattle Journal for Social Justice. Linked [here](#).

First, landlords are not liable for harm against their tenants. The NYU Journal of Legislation and Public Policy published article, “*Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball*”<sup>52</sup> gives an analysis on what the law says about a landlord’s duty to protect their tenants from harm. The authors conclude that Washington State does not have clear guidance on the scope of that legal duty. In addition, a review of Washington’s Residential Landlord-Tenant Act concluded that the legislation does not explicitly impose a duty to protect tenants from harm caused by another tenant. *See* Chap. 59.18 RCW.

The authors cite a court case which found that denying applicants with criminal histories because landlords believe they are likely to harm others are based upon “unfounded fear, speculation and prejudice.”<sup>53</sup> The authors find that the courts’ view on questions of liability often align with sociological studies concluding that the presence of a criminal background alone is not a reliable predictor of a tenant’s risk to cause harm to other tenants.

This robust legal support provides more reason for THA to reconsider its use of extensive and potentially restrictive criminal screening procedures.

### **5.3 Housing Barriers in Pierce County**

THA worked closely with Pierce County Human Services in this review as the agency also funds multiple housing programs throughout its jurisdiction and track corresponding household demographics and outcome data. These programs make up the Coordinated Entry system, which is an entry point for households that are experiencing homelessness in Pierce County. At the first point of contact, Coordinated Entry will screen households to determine eligibility. After determining eligibility, a staff member initiates an exploratory conversation with the individual or family to brainstorm solutions and options. These conversations result in a diversion process that encourages households to come up with solutions to their barriers or for those facing greater obstacles, placement in a housing program.

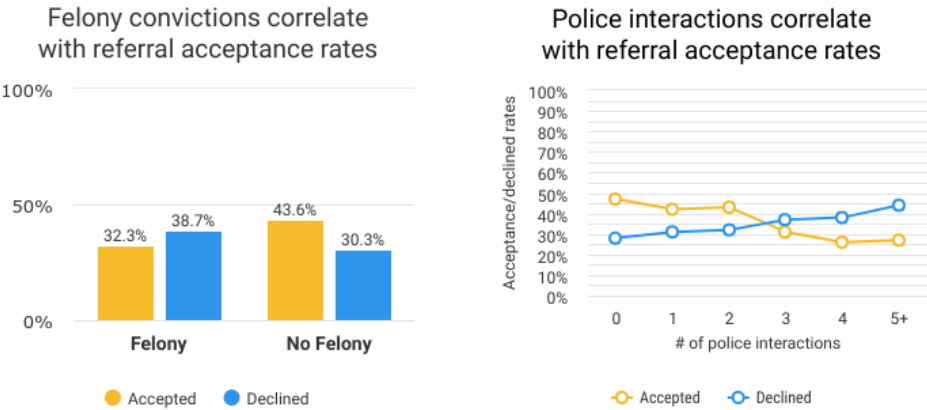
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<sup>52</sup> Ehman, M., & Reosti, A. (2015). Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball. *N.Y.U Journal of Legislation and Public Policy*, 1-27. Linked [here](#).

<sup>53</sup> “In one such case, a city tried to argue that it was justified in refusing to issue a permit to an agency that facilitated the reentry of federal offenders into society because occupants of that residence were more likely to commit crimes than a person who had never been convicted of a crime.” Note: The city was unable to support its claims.

Pierce County has, on average, 19,750 arrests and 1,150 individuals admitted to prison every year out of a population of 876,000 people. In the last year, 1,140 people exited prison to Pierce County, less than 0.13% of the County’s population. Using Pierce County data, the following discussion and graphs illustrate the effects on households when there is a member that has a critical felony or a history of police interactions<sup>54</sup>.

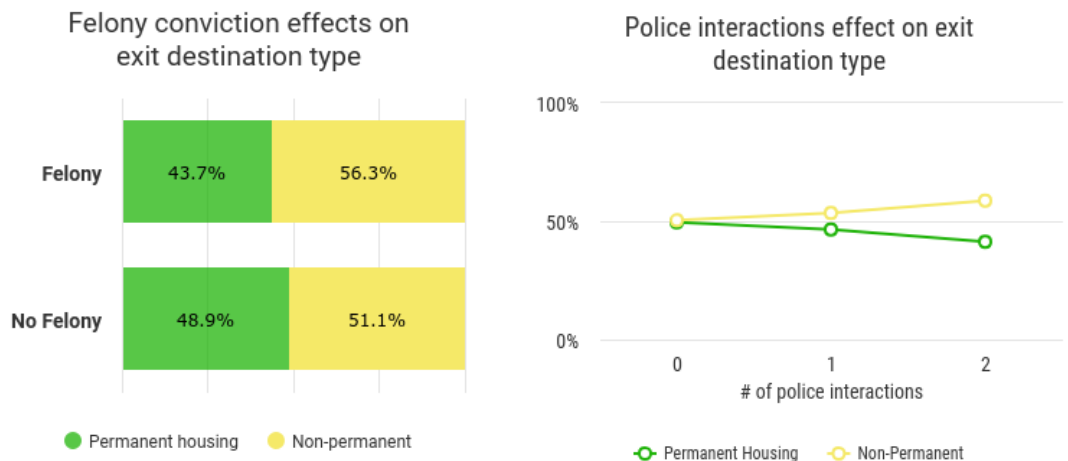
The first graph demonstrates the relationship between police interactions and acceptance into a housing program. During the initial intake, households are asked to self-report how many police interactions they’ve had in the last five years. The following figure shows that the higher the number of police interactions, the lower the rates of referral acceptance. Referral acceptance rates refer to the rate at which referrals made by Coordinated Entry to housing service providers are either accepted or denied. The figures do not total 100 percent as they only account for outcomes that resulted in a denial or acceptance rather than other outcomes such as cancelled, placed on a waiting list, etc.



As a result of the initial assessment, Coordinated Entry may refer the family to partner housing providers. These housing providers may be rapid rehousing service providers (which entail securing housing in the private market) or a family shelter (temporary housing). The following graphs show the relationship between felony conviction and the number of police interactions on the destination type (permanent versus non-permanent housing) upon exit from the Coordinated Entry system.

<sup>54</sup> Critical felonies are felony convictions for arson, sex offenses and manufacturing meth.





In these graphs, along both dimensions, the effect of criminal history on housing can be observed. A prior felony conviction corresponds to a decreased acceptance rate into housing programs. The same happens for those who reported a higher number of police interactions. The line graph on the right shows a similar trend – households with a prior felony conviction or more interactions with police correspond with a decreased likelihood of finding permanent housing through the homeless housing system. In summary, past criminal justice system involvement has an impact on one’s ability to secure housing and the type of housing they are able to access.

#### 5.4 A Requirement to Participate in Supportive Services Is an Additional Barrier to Housing

Requiring service participation is not a current THA practice, nor an industry best practice. Yet, service participation is a useful factor to consider in the recommended individualized assessment process. Presenting evidence of rehabilitation – such as receiving case management or participating in treatment – is helpful to overturn that denial. Yet, decisions to overturn a denial will not likely be based solely on the condition that the applicant must start or continue to receive services to be admitted. This is also true when THA clients are appealing a recommendation to terminate their assistance. THA staff that conduct these reviews strongly oppose requiring participation in services for the following two reasons:

5.4.1 *This Practice Cannot Be Applied in A Consistent, Nondiscriminatory Manner*

THA staff argue that requiring supportive services creates an inconsistent and inequitable practice. The circumstances that resulted in a conviction vary and each person may benefit from different interventions. It is a discriminatory process when one client may be required to attend a rehabilitation group while another may have no appropriate, accessible or required remedy for their past conviction. This standard cannot be applied equitably and is likely to violate Fair Housing standards. This is especially true if the conviction is a result of a person's disability or other protected class status. It is also true that not all applicants with a past conviction come with a need to access supportive services. There are also individuals, who through the parole or probation process, are connected with a DOC officer and may have largely addressed their needs. Ultimately, this is a practice that will create a discriminatory practice that targets persons with particular convictions.

5.4.2 *This Practice Does Not Align with the Goals of Reducing Barriers to Housing*

To require a person to participate in services is inconsistent with reducing barriers to housing. Supportive services may be a financial or logistical burden for clients, diminishing their ability to meet this requirement and keep their housing. THA should not impose additional requirements that may jeopardize a person's housing, especially for those who already face high barriers and may have no other housing options.

An alternative housing model, such as Housing First, operates similarly. The Housing First model serves those who are experiencing chronic homelessness and likely need services to address behavioral health problems. Even within this high-needs population, Housing First does not require participants to engage in supportive services to receive or keep housing. "Additionally, Housing First is based on the theory that client choice is valuable in housing selection and supportive service participation, and that exercising that

choice is likely to make a client more successful in remaining housed and improving their life.”<sup>55</sup> Research supports the Housing First theory and finds that participants find better results when they lead when, how and where they will access services. Findings also note that for low-to-fixed income households, private market vouchers increased housing stability and contact with case managers while the intensity of treatment did not.<sup>56</sup> Further research shows that for those with substance use disorders, housing is correlated with the participant’s willingness to enter treatment programs to address their substance use.

HUD’s regulations permit PHAs to make exceptions to its mandatory denial of housing for anyone currently engaging in illegal use of a drug or demonstrating a pattern of illegal drug or alcohol use, when the applicant can provide evidence that they are participating in or have completed a supervised drug or alcohol rehabilitation program. In that, HUD permits a conditional admittance to housing as an exception to a mandated denial. There is not language that permits a PHA to deny or terminate assistance if the newly admitted household fails to continue their rehabilitation.

## **5.5 Shorter Lookback Periods Will Help Reduce Barriers to Housing When Housing is Most Crucial**

Housing providers and public housing authorities define their own lookback periods which refers to the period of time that will be reviewed for the presence of criminal history for determining eligibility for assistance. The lookback period begins from the date the application is being reviewed to a specified date determined by the PHA. For some, the period goes back to the most recent conviction (the date the person was found guilty). Other PHAs will lookback to the date of release (the date the person was released from incarceration or supervision). This is an important distinction for individuals who have finished serving longer sentences.

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<sup>55</sup> National Alliance to End Homelessness. Fact Sheet: Housing First, April 2016. Linked [here](#).

<sup>56</sup> Gulcur, L., Stefancic, A., Shinn, M., Tsemberis, S., Fischer, S.N. (2003). Housing, Hospitalization and Cost Outcomes for Homeless Individuals with Psychiatric Disabilities Participating in Continuum of Care and Housing First Programmes. *Journal of Community & Applied Social Psychology* 13: 171-186. Linked [here](#).

If incarcerated, a felony conviction will require a minimum of a year to be served. This means that at the time of release most applicants may be eligible for housing despite their conviction history. Given the nature of THA's waiting list, it is unlikely that recently-released people would receive an offer of housing within their first year of being released. It may be unlikely that they are on THA's waiting list at all. This is because those recently released from prison would have been confined for several years. This time spent incarcerated would hinder their ability to apply and/or maintain an active status on THA's waiting list. It would require an extraordinary circumstance where a person receives an offer of housing within that timeline.

However, there might be remaining concerns that shorter lookback periods do not provide sufficient time to determine an applicant's level of risk post-incarceration. Charts from Section 4.1.3 show that it would take several years without re-arrest for those arrested as young adults to reach the same level of risk to be arrested as the general population. At face value, this can paint a picture that justice-involved individuals are risky tenants. However, that section also describes the limited value recidivism data provides in helping housing providers determine risk. Recidivism is tied to several contextual factors including the role of racist and punitive policies that define America's criminal legal system. Therefore, relying on data that is in part a result of a long history of intentional and unintentional racism only reinforces and exacerbates this injustice.

Further, people who have served their time should be truly free and fully welcomed back into society. People are expected to rebuild their lives after exiting but are cut off from tools and resources that enable them to do so. Incarceration can be long and traumatizing, the first years out are a critical time for the rebuilding process. Housing is an immediate need for many and without it most efforts to successfully re-integrate may fail.

Throughout this report PIE demonstrates that housing stability and living wages play a critical role in reducing the likelihood of recidivism. These findings and contextual factors support the conclusion that there is inadequate support and evidence for the need for a longer lookback period. PIE concludes that a shorter lookback period is supported by the evidence, industry best practices and more closely aligned with THA's social justice mission. The proposals that follow from these conclusions address the

urgent need for housing, promote quicker family reunification while maintaining a window to review for suitability for THA's communities.

## **6. ALIGN THA WITH BEST PRACTICES AND PEER HOUSING ORGANIZATIONS**

This section describes how these recommendations align with other public housing authorities, state legislation and best practices gathered from both.

### **6.1 Learning from Peer Housing Organizations**

PIE consulted with several housing authorities on their criminal screening procedures and also reviewed:

- The criminal screening policies of regional partners and housing authorities who have worked with or recently started working with Vera under the same technical assistance grant.
- Unison Housing’s (formerly Adams County Housing Authority) white paper on their outcomes of their criminal screening reforms.<sup>57</sup> Unison Housing was an agency featured on a national conference call hosted by National Association of Housing and Redevelopment Officials (NAHRO) to talk through Fair Housing and criminal screening policies.<sup>58</sup>
- The written policies of THA’s closest regional partners: Pierce County Housing Authority (PCHA), Seattle Housing Authority (SHA) and King County Housing Authority (KCHA).

Appendix B: Summary of Regional Housing Authority Policies & Vera Cohorts includes a chart summarizing the criminal screening policies of local PHAs and PHAs who are working with or have worked with Vera under the same technical assistance grant. This section summarizes those findings.

According to PCHA’s Admin Plan and ACOP, it has a one-year lookback period for all felony convictions, or if recently incarcerated, one year from the release date. Pierce County’s screening practices do not include an automatic individualized review and those who fall below the noted threshold are denied admission. However, all applicants for federally-

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<sup>57</sup> Unison Housing Partners. (2017, September). Criminal Screening Standards Case Study. Linked [here](#).

<sup>58</sup> LiFari, P. F., Guerin, Z., Gurjal, T., & Hsu, J. (2017, September 19). Case Study: Reducing Barriers to Housing through HUD’s Criminal Records Guidance. Washington, DC: National Association of Housing and Redevelopment Officials. Recorded briefing available for purchase [here](#).

assisted housing may appeal and request an informal review. In PIE's consultation with the housing authority, they reported that criminal history is not a predictor of successful tenancy. In 2016, the agency reduced its screening criteria from a five-year lookback to a one-year lookback and saw no increases in eviction, nuisance, or criminal behavior in any of their properties. Their policy has been implemented for three years, providing enough time to evaluate if the changes led to an increase in crime-related problems. They did not. There is some discussion to remove the screening of criminal history altogether given these initial results.

Both SHA and KCHA noted that their past criminal screening policies disqualified many of the homeless applicants on their waiting list. In response, KCHA now screens only for HUD-mandated denials for applicants who are entering programs in which supportive services are tied to the subsidy. However, for both the tenant-based and project-based voucher programs, applicants with any sexual offense are subject to denial. KCHA's screening criteria for all other applicants do not have a defined lookback period. Instead, KCHA considers the seriousness of the offense and how much time has passed since the offense. All applicants are notified upon the discovery of unfavorable information and are given the opportunity to discuss their situation. After that meeting, KCHA follows up with a decision to approve or deny. If denied, applicants may request an informal hearing to appeal.

In 2008, SHA approved major changes to its criminal screening policies, revising the lookback period which had ranged up to 10 years for some offenses. The changes reduced the lookback period to one year for all offenses except sexual offenses. Under the new rules, anyone subject to a registration requirement as a sexual offender will be denied. SHA's ACOP includes language that recognizes that criminal screenings are a useful tool for establishing suitability, but also serves as a barrier to affordable housing and family reunification. Their policies for public housing also state that applicants with a criminal history will be offered an opportunity for an individualized review before a final decision is made. None of the three regional partners reported any issues due to their criminal screening policies, although it should be noted that formal evaluations have not been conducted.

The Housing Authority of New Orleans (HANO) and Housing Catalyst in Fort Collins, Colorado report favorable findings after revising their criminal

screening policies. Both agencies implemented two distinct policies but that both determine eligibility by reviewing the type of offense(s), the number of occurrences, and includes levels of review and approval for denials. For registered sex offenders, HANO's screening matrix shows that forcible sex offenses are subject to review indefinitely. Non-forcible offenses are subject to further review within three years of conviction or one year of release. For these same offenses, Housing Catalyst requires extensive evidence of rehabilitation and supervisor approval for admission. Both agencies have not reported any significant rise in evictions or crime and administrative burden to implement the policies.

One year after implementation of Unison Housing's relaxed criminal screening policies they found that they denied fewer people for criminal history without adverse impacts from the policy changes.<sup>59</sup> HANO also released quarterly reports and since implementation in 2016, has only denied one person for criminal history so far.<sup>60</sup>

## **6.2 Monitoring and Evaluation**

At the community's request, HANO also captures and reports denial data to the public every six months. This includes monitoring how many applicants went through the review process, how many were denied, and the reason for denial.

Adopting a similar evaluation tool could aid THA post implementation and allow the agency to revisit the policy if the data shows it is necessary to do so. THA should also consider tracking other demographic information such as age, race, and gender to review for adverse effects on those populations. Additional data can be tracked for evaluation purposes to affirm THA's decision to revise its criminal screen policies or appropriately revise. THA can use data such as length of housing retention, recorded history of concerns and violations, and if evicted, the case of eviction. THA currently works closely with the local police and fire departments and collects the number of service calls for crime-related activities. This collection of data may also be helpful to evaluate the effects of a relaxed criminal screening criteria.

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<sup>59</sup> Unison's white paper linked [here](#).

<sup>60</sup> Out of a total of 43 panel review requests between August 17, 2016 through August 31, 2018.



### 6.3 Following State Legislation

PIE's recommendations also follow the lead of recent legislation and implementation of local ordinances. In 2018, the Washington State Legislature passed the Washington Fair Chance Act.<sup>61</sup> The Washington Fair Chance Act sought to address the disparate and discriminatory impacts of incarceration as it pertains to employment. This Act has implemented “ban-the-box” type policies which ban employers from asking about criminal history during the application phase. After an applicant has been found otherwise qualified, an employer may run a criminal background screening. However, the employer must have policies and procedures in place to appropriately deny an otherwise qualified applicant due to their criminal history. An employer must demonstrate a legitimate business reason for denial based on past criminal history.

These recommendations also consider the City of Seattle's Fair Chance Housing Ordinance which found screening for criminal history to be an unnecessary barrier in determining if an applicant would be a suitable tenant. The ordinance bans landlords from conducting criminal background screenings, although with an exception for public housing authorities who are governed by federal regulations mandating such screenings. The ordinance also permits all housing providers to check for registry requirements for applicants convicted of a sex offense. However, simply appearing in a registry search is not enough to deny tenancy. In all cases, a landlord must prove a “legitimate business reason” for denying tenancy based on registry requirements.

Although there are differences in how public housing authorities and other community partners implement criminal screening policies, there is one consistent standard in their policies and practices: use of an individualized review is prioritized prior to a decision to approve or deny. This allows employers and housing providers to assess each individual and determine whether they would be a suitable candidate.

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<sup>61</sup> Passed by Washington State Legislature in 2018 – Washington Fair Chance Act, RCW Chapter 49.94. [Linked here](#).

## **7. REDUCE THE USE OF STAFF TIME SPENT ON INFORMAL REVIEWS**

PIE's recommendations should be administratively less burdensome for staff, resulting in savings in staff time and resources. However, implementing this policy change does require an upfront investment of staff time.

PIE reviewed applicant screening reports dating back to 2014. THA screens over 1,000 applicants (new clients and add-ons<sup>62</sup>) each year. Since 2014, 10% of applicants had felony records. THA initially denied 3% of them due to criminal history. Individualized informal reviews reversed some of those initial denials. In sum, THA denies 2% of applicants each year because of criminal history. This equates to about 20 applicants per year.

Under the proposed recommendations to review for felony convictions within the last year, THA can expect to spend only a few hours a year conducting individualized reviews. To estimate how many applications would require an individualized review under the proposed policy, PIE counted the number of screenings that occurred between 2014 and 2017 that carried a conviction within a year of the application review date. This was an average of 3-4 screenings per year. Based on staff feedback, the average informal review takes about an hour and a half. THA's proposed individualized review process would be the same in process and structure.

On the next page, the following tables depict a comparison of staff time needed between the current informal review policy vs. the proposed individualized review policy.

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<sup>62</sup> New clients are households applying for admission into THA housing programs. Add-ons in this case are when the Head of Household submits a request to have a member added to their household.

**Table 4.** Comparison of Staff Time Spent on Denials: Current v Proposed Policy

Current Policy	Average # of applications w/criminal history within 5 years of review date per year		Average staff time conducting informal reviews per review	Average total informal reviews performed per year	Total staff time per year
	32		1.5 hours	11	16.5 hours
Proposed Policy	Estimated applications w/convictions within a year of application review date per year		Estimated staff time conducting reviews per review	Estimated total reviews required per year	Estimated total staff time per year
	Properties	HCV	1.5 hours	3	4.5 hours
	3	4			

Table 4 shows an average of 11 informal reviews performed per year. Under the proposed policy, the estimated number of applications that would require an individualized review is 3, far less than the number of informal reviews THA has conducted in the past. Additionally, the estimates include tenant-based voucher applications which will no longer be subject to criminal screenings beyond the HUD mandated requirements.

Initial implementation will require additional staff time to convene and train the Application Review Panel. Since the individualized review requires careful discretion of THA staff, PIE anticipates that a half-day training may be beneficial.

PIE's recommendations include a required referral to THA's Client Support and Empowerment (CSE) department for anyone who was admitted through the individualized review process. PIE consulted with CSE's caseworker who noted that follow-up per referral requires 1.5 hours. PIE estimates this would require the same amount of staff time as the proposed individualized review process. However, some who may accept case management. PIE consulted with some of CSE's case workers in THA properties. They noted their current work keeps them busy but felt confident they could manage the extra case load. Given the varying barriers each individual may face, it is difficult to estimate time spent per client.

The Property Management department has initiated their own project to conform and memorialize its lease enforcement procedures in written policy. This work is

already underway and PIE is not requesting any additional time beyond their current work.

In September 2017, NAHRO hosted a webinar, “Case Study: Reducing Barriers to Housing through HUD’s Criminal Records Guidance.” The webinar featured Peter LiFari, now Executive Director of Unison Housing Partners who shared Unison’s journey through reducing its barriers for those with criminal histories. He shared that staff had some initial fears. After a year of implementation, they have shared positive findings resulting in decreased administrative time processing denials, an increase of households admitted into housing and no significant increase in unit damage, crime or evictions.<sup>63</sup> Other housing authorities that have implemented similar policies similarly report decreased staff time spent on denials and have not reported an increase of crime or evictions on their properties.

*See Appendix C: FY 2014 – 2017 THA Denials Summary.*

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<sup>63</sup> Both the Housing Authority of New Orleans (HANO) and Unison Housing (formerly Adams County Housing Authority) tracked their outcomes since updating their policies – both agencies show a decrease in staff time and report no increases in evictions or terminations

## **8. STAKEHOLDER CONSULTATION**

Throughout June and July of 2018, PIE consulted with its residents, staff, landlords who participate in its rental assistance programs, social service providers, and its liability insurance carrier. This included hosting resident meetings at each property that the agency owns and manages. PIE staff also met with Property Management and Rental Assistance department staff. Finally, PIE discussed the matter in the quarterly THA Landlord Advisory Group meetings.

In addition, THA surveyed residents, staff and landlords via paper and online questionnaires. The survey included mostly open-ended questions, with one multiple-choice regarding preferred lookback periods. PIE received 32 completed surveys (out of 67 total meeting participants) from residents and 15 completed surveys from Property Management staff. 89 landlords responded to the online survey.

In general, THA staff and residents shared similar concerns about the proposal's potential for increasing crime and nuisance at THA properties. Both groups also recognize the importance of housing assistance in a person's stability. Landlords shared some of their practices for conducting criminal background screenings. Social service providers generally favored changes that made THA's housing more accessible to persons with criminal histories. THA's liability insurance carrier expressed strong concerns about relaxing the criminal screening for sex offenses, including the possibility of reviewing the terms of THA's coverage if adopted.

### **8.1 Resident Consultation**

Below is a summary of the primary views from THA residents:

- Residents understand that housing is an important component in rehabilitation.
- The present level of crime and nuisance concerns residents.
- The perceived inability of THA to respond to crime and nuisance in a timely manner concerns residents.

Throughout all THA housing sites, residents expressed mixed sentiments. They recognize that housing is important to rehabilitation and are grateful to receive housing assistance despite their own past. Many did not feel comfortable imposing restrictions on who can and cannot receive housing assistance. Some residents do not see criminal history as a measure of

whether an individual would be a good neighbor and believe people deserve second chances. While compassionate to the need for housing, residents also expressed that they do not wish to see any increase in crime and nuisance. They also wondered if THA was the appropriate place for housing those exiting incarceration. Residents want to know that persons exiting incarceration had a proven time of stability and rehabilitation.

*“Clean up current problems first”* was a common reaction across several THA properties. Some residents feel that crime and nuisance are already a problem on THA properties, including loud noises, excessive guest traffic, smoking in units, panhandling, etc. Residents do not want to see changes that would add to existing issues. Many residents (and staff) note that it is not always the actual resident that is the direct source of the problem, but often their guests. *“Guests with histories bring old friends.”*

Residents complained that the *“eviction process is horrible”*. They think the rules, policies and procedures governing evictions are arduous and enabling. Residents noted that the level of service from contracted security companies vary among the security officers. Some residents noted that crime and nuisance begin once THA staff leave for the day. They suggest THA have 24/7 on-site management.

How residents perceive crime and nuisance vary across different populations. THA has seven buildings designated for people identified as elderly or disabled; and five properties designated for family housing. Understandably, residents are concerned about acts of violence (physical and sexual), drug use/distribution and theft. Family sites expressed concern for issues concerning youth-related crimes such as vandalism, loitering, etc. Senior sites expressed concern regarding nuisances (which may lead to criminal acts) such as smoking in units, frequency of unknown guests and their access to the building, drug use and distribution, and behaviors that may stem from untreated mental health issues.

Although residents expressed these concerns about present levels of crime and nuisance, many also expressed support for THA increasing access to housing assistance for those with criminal histories. *“I don’t know their background, and I don’t want to know, I just want to be safe”* was a common sentiment expressed by many. Ultimately, THA residents rely on THA to maintain the peace, safety and security on THA properties.

## 8.2 Staff Consultation

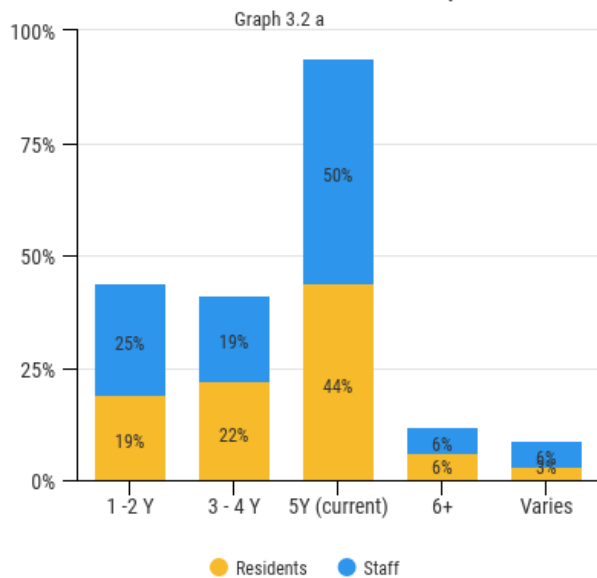
Property Management expressed the same concerns as THA residents and generally expressed more concern about resident behavior than Rental Assistance. As property managers, they work directly with residents while Rental Assistance has a more administrative relationship with clients. Property Management recognize that some individuals need extra support to address problematic behavior. They wonder if THA has the capacity to provide that support.

In many cases, staff reported that disruption comes from the guests of residents. Some residents are vulnerable to feelings of obligation to friends or family who do not have housing. Their guests may disrupt the pleasant environment THA seeks to establish in its properties.

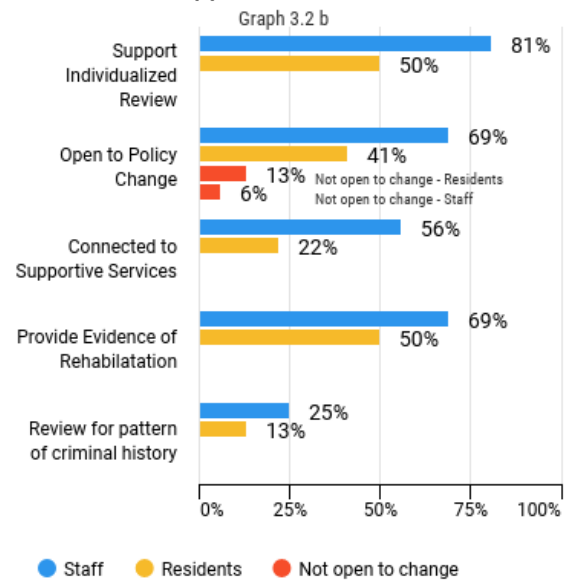
Staff expressed varied views on a lookback period. *See* Graph 3.2a. Many favor keeping a lookback period of five years. Other staff recognize that while they strongly support the need for effective screening policies, they also recognize that such policies do not necessarily require longer lookback periods for criminal history.

The following graphs show general support from staff and residents for reducing barriers for applicants with criminal histories. As part of their support, residents expect that applicants with criminal histories will be connected to supportive services, demonstrate rehabilitation (employment, school, certification of completion of treatment programs, etc.), and do not have a pattern of criminal behavior. Graph 3.2c shows the criminal offenses that are of most concern to residents and staff.

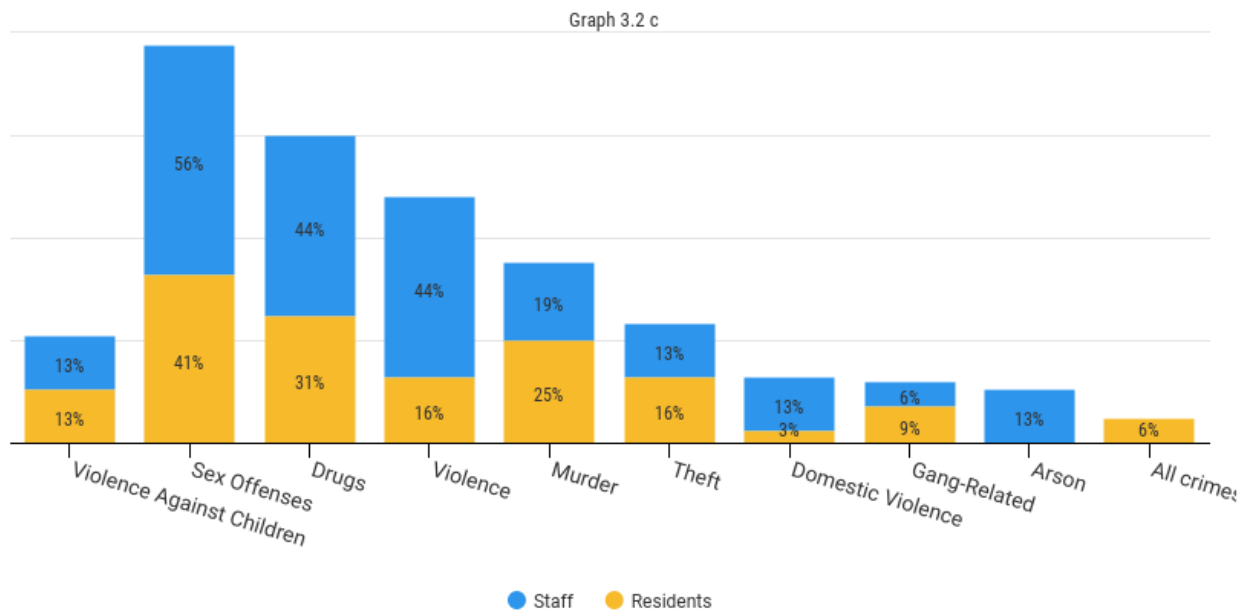
### What is a reasonable lookback period?



### General Support to Reduce Barriers



### Crimes of Concern

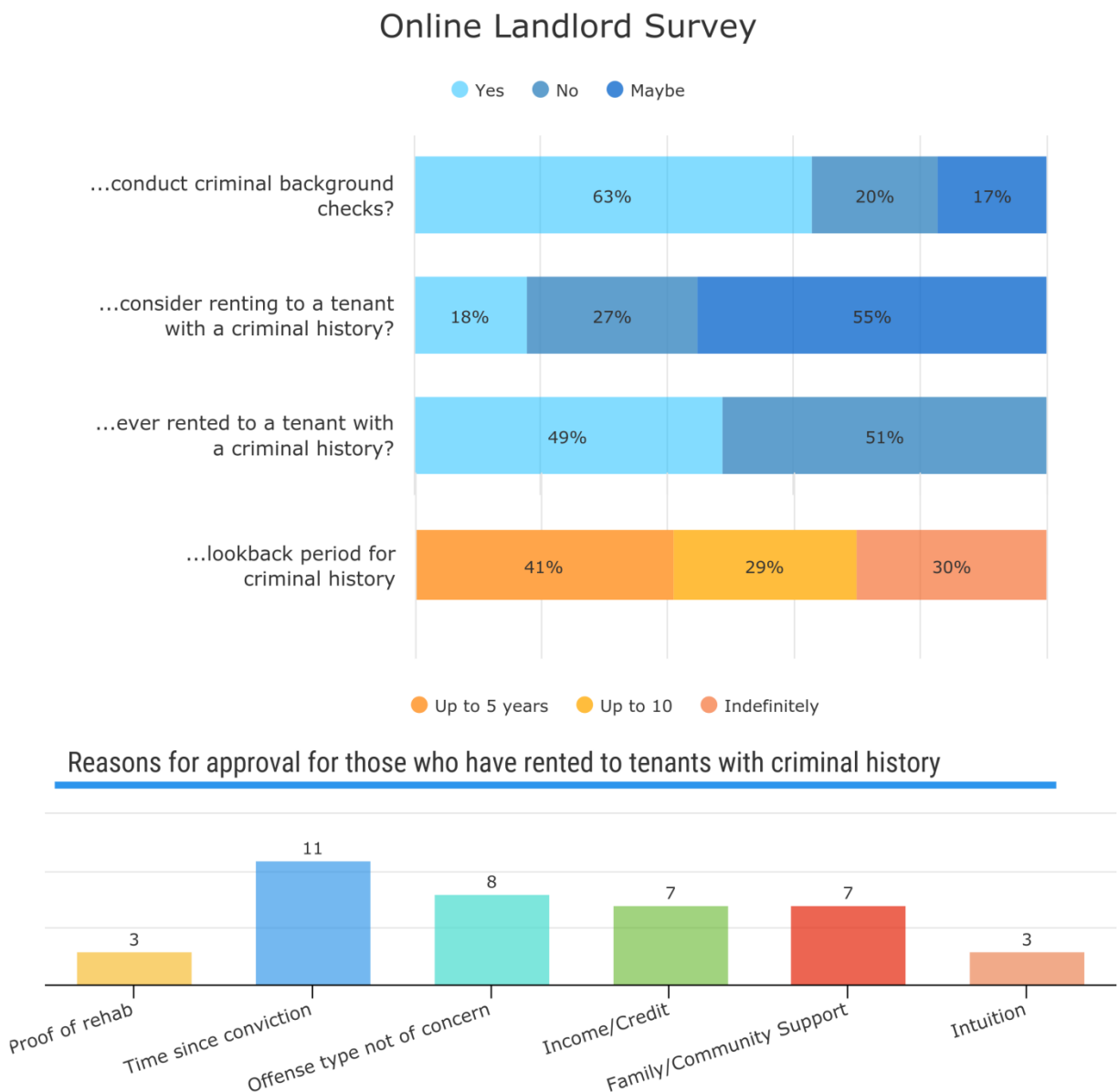




### 8.3 Landlord Consultation

PIE consulted with landlords who participate in THA's rental assistance programs. PIE did this in two ways: (1) A short online survey which received a total of 87 responses<sup>64</sup> and (2) a convening with the small group of THA landlords who makeup THA's Landlord Advisory Group.

THA asked about their current criminal screening practices. The following graphs summarize the responses.



<sup>64</sup> Mailing list included 782 landlords. 352 opened the e-mail and 121 clicked the email to the survey.

The results show that most landlords run a background check for applicants although there is much more variation in how far back a landlord will consider a conviction. 41% of landlords use a lookback period of five years.

The results show that landlords will consider renting to applicants with criminal histories. 49% responded that they already do so and only 27% responded that they would not rent to applicants with a criminal history. Landlord practices may also reflect the policies of the screening services available to them. A prominent one is the screening service offered by the Rental Housing Association of Washington (RHA) a statewide nonprofit that provides education and assistance to over 5,300 member landlords. Its primary member benefit, a professional screening service, screens credit and eviction history, past residences and criminal conviction and arrest records within the last seven years. Washington's Residential Landlord-Tenant Act<sup>65</sup> allows landlords to screen for a variety of details, including sex offender registration requirements and criminal history. The Act requires that they provide the findings to the applicant and have the opportunity to respond.

THA's survey asked landlords what led them to approve an application for tenancy of someone with criminal history. The responses were open-ended. Many landlords stated that enough time passed between the conviction and the date of application. They also listed other factors such as good credit/income, strong rental history, and family/community support. Many respondents also considered the nature of offense and decided it was not a business concern to deny the application.

The survey asked landlords to list the crimes that concerned them the most. One property manager reported that it had no limit on the lookback period for violent crimes, property damage crimes and fraud. A 5-year lookback period was common for other offenses such as DUIs and drug offenses. Nearly all respondents cited crimes of violence, drug possession/distribution, property damage and theft to be major concerns.

The survey also asked landlords a final open-ended question inviting advice or questions. It elicited a wide variety of comments. Many were positive expressions of interest to help others and offering balanced advice to THA.

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<sup>65</sup> RCW59.18.030(5)

This advice includes revising THA’s criminal screening policies to align with Fair Housing guidance and consider other mitigating factors before denying an application because of criminal history.

Some landlords reported that they weigh other factors, such as credit, employment/rental history and family support as more influential than criminal history. Many landlords stated that renting to households with criminal history carries higher risk because of potential changes in income or lack of real rehabilitation. Quite a few respondents stated that THA should help cover costs associated with those risks. Some landlords advised THA to implement policies that were more restrictive than what THA currently uses. One landlord stated that he interviews applicants. Another landlord expressed that it is important to have a more individualized approach to the review of applications with a criminal history and offered to help provide guidance to other landlords that work with THA to ensure fair and nondiscriminatory criminal screening practices.

#### **8.4 Community Consultation**

In August, PIE received feedback on the proposed changes from the Homeless Provider Group, a consortium of Pierce County service providers. The group favored clearer and more precise language around what would be considered behaviors that “may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.”

An experienced psychologist in the group requested THA to “...clarify that drug use is prohibited within THA properties, owned or subsidized, but drug use in other locations does not fall under this rule unless: listed or specified behaviors [THA to include those specific behaviors in its written policies] do threaten .... As a retired psychologist, I can attest to the difficulty and unreliability of efforts to predict future behaviors. Also, I note that, if none of those listed behaviors have actually occurred within the previous twelve months, the most likely prediction is that risk of recurrence is low.”<sup>66</sup>

Some expressed opposition to the HUD-mandated exclusion of applicants who were convicted or evicted for the production of meth in any housing, anywhere.

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<sup>66</sup> Letter from Allen W. Ratcliffe, Ph.D., Volunteer Community Advocate, to Michael Mirra, THA Executive Director, 2019-08-28

## **8.5 Liability Insurance Carrier Consultation**

HUD's requirements place lifetime bans for admission to federally-subsidized housing for anyone subject to a lifetime registration for a sex offense. Not everyone convicted of a sex offense is subject to a lifetime registration with some limited to ten or fifteen years. The type of offense determines the registration length. Research on sex offenders tells us that not all pose a risk to the community. For this reason, PIE considered the possibility of admitting those who are subject to a time-limited registration requirement and classified by local law enforcement to be a low or moderate risk. Those who are determined to be a low to moderate risk are given level 1 and level 2 classifications.

However, admitting sex offenders is a highly charged proposal that elicits strong opposition. THA must also consider whether it would risk incurring liability for harm. With this in mind, PIE consulted its insurance carriers to hear more about the potential risks to THA.

Appendix A: Insurance and Risk Considerations of Housing Sexual Offenders on THA Properties details the costs and risks if THA chose to adopt a policy that would admit registered offenders.

Ultimately, THA's insurance carriers strongly oppose a proposal to soften the exclusion of persons who register as sex offenders. If THA adopted such a policy, they would review the terms of THA's coverage. This review may result in a significant annual expense to THA. It would also require substantial additional policy and procedural changes.

Based on these findings, PIE did not move forward on this proposal to consider admission for level 1 and level 2 registered sex offenders.

## 9. 30-DAY PUBLIC COMMENT PERIOD

THA is required to post notice of any significant proposed changes and provide the public with a 30-day comment period. During this period, the proposed changes are made available for the public to review and share their feedback. In addition to the proposed changes presented in this report, PIE provided other alternatives for the public to consider. *See Appendix D: Proposed Changes to Criminal Screening Policies – Menu of Options.*<sup>67</sup>

During this comment period, PIE engaged with the public in the following ways:

- Posted notice of the public comment period on THA’s website and through multiple postings on THA’s social media accounts.
- E-mailed notification to Friends of THA and THA staff.
- Fielded a multiple-choice survey for any member of the public to share their preferences.
- Distributed paper surveys for all THA residents to complete.
- Interviewed three Community Correctional Officers (CCO) for their feedback and expertise. One interview included Pioneer Human Services’ Director of Tacoma Residential Reentry Center.
- Discussed proposals with select staff members from PM and CSE.
- Collected general comments and questions via e-mail.

A table summarizing the public comments received follows below.

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<sup>67</sup> Tacoma Housing Authority: Proposed Changes to Criminal Screening Policies – Menu of Options. Linked [here](#).

Summary of Public Comments Received for Proposed Changes to Criminal Screening Policies	
Source	Total Comments Received
	<b>293</b>
<b>General Public Survey</b>	<b>97</b>
THA participants	7
THA staff	20
Community service providers	11
Landlords	8
Justice-involved providers	4
Work/live in Tacoma	42
Other	4
<b>Resident Surveys</b>	<b>153</b>
6th Ave	18
Bay Terrace	8
EB Wilson	25
Ludwig	17
North G St.	8
North K St.	15
Salishan	32
Wright & Fawcett	30
<b>Community Partner Letters of Support and Suggestions</b>	<b>40</b>
Pioneer Housing Services	1
Tacoma Pierce County Health Department	1
Low Income Investment Fund (LIIF)	1
Northwest Justice Project	1
General written comments	36
<b>Other</b>	<b>3</b>
Landlord Advisory Group - August 2020	1
Interview with Community Correctional Officers	3
TNT Article	1
TPCAHC: Q&A Event, "Policy Talks: Housing & Criminal Background Screening" (August 26, 2020)	1

Overall, the public were incredibly supportive of THA's mission to significantly reduce housing barriers for persons with criminal histories. The following sub-sections detail feedback by group.

## 9.1 General Survey Results

PIE created a multiple-choice survey to collect the public's preferences for each proposed change and their alternatives. As shown above, there were 97 total responses collected during the public comment period. A summary of public responses are as follows:

- **Lookback Period:** Most (34%) preferred a 1-year lookback period.
- **Start of Lookback Period:** Just over half (51%) preferred a lookback period based on the date of release vs. the date of conviction.
- **Scope of Review:** Most (42%) preferred the scope to be limited to just felonies for drug-related, violent or threatening offenses.
- **Automatic Case Management Referrals:** Nearly all (91%) supported automatic case management referrals in which participation is *voluntary*.
- **Lenient vs. Same Criteria for Add-ons:** Most of the public voiced strong support for family reunification with 60% preferring a more lenient screening policy for add-ons.

Nearly half of all respondents believed that punitive responses (in general) are appropriate for violent offenses yet for drug-related and property crimes most favor a more restorative approach. This provides a sense of the public's opinions about which types of offenses should or should not be considered in review. Many responded that housing, employment and community support were the top 3 factors to support successful re-entry.

Survey results also showed that past evictions, past criminal history and income were the top 3 criteria landlords considered when screening applicants. However, the landlord survey results communicated that income, past evictions and credit and references were the top 3 factors considered by landlords when screening applicants.

Overall, the public supported the proposed changes as presented and these responses do not strongly suggest revising the recommendations. Most (76%) strongly believed that once a person has finished serving their

sentence, they should have a fair shot at getting a job, housing and other opportunities that will help them succeed.

## 9.2 Resident Survey Responses

PIE received 153 responses with 74% representing residents from THA's senior/disabled buildings and 26% from THA's family sites. PIE sought to gauge the resident's perception of safety on THA properties to determine if it would impact their preferences. Generally, THA residents feel safe on THA properties during the day (79%) and at night (57%). However, a resident's perception of safety did not seem to be correlated with their preferences related to THA's criminal screening policy.

**Lookback Period:** Only 18% of resident respondents supported a one-year lookback period with the majority (55%) supporting a five-year lookback period.

**Scope of Review:** Like the public, residents support limiting the scope of review to felony convictions. However, residents prefer to review for **all** types of felony convictions (34%) vs. the public's support of limiting the scope to drug-related, violent or threatening felony offenses.

**Lenient vs. Same Criteria for Add-ons:** Most (71%) residents preferred a screening policy that was the same for waitlist applicants and for add-ons.

Overall, THA residents prefer to keep THA's policies as they are.

## 9.3 Landlord Advisory Group

PIE participated in THA's July Landlord Advisory Group meeting during which the group shared their experiences and best practices for screening applicants for criminal history. Listed below are some key takeaways:

- It is important for screening criteria to be clear, predictable and consistent.
- It is unnecessary to conduct a criminal background check if the applicant is otherwise unqualified.
- It is important to use the right screening company. There are many third-party screening companies that rely on instant databases which are unreliable and often provide inaccurate, incomplete and/or outdated



information. TCC's Re-Entry Navigator shared that in his personal experience, and his work with others, that this is a common problem.

- Landlord references is an important indicator and high credit scores “almost always means they’re going to be a good tenant.”
- Fair Housing guidelines require that there is a “legitimate business reason” to deny an applicant based on criminal history. And legitimate business reasons may be different based on the property (e.g. multi-family property vs. single homes). As a screening company, they only share housing-related offenses when passing off the screening results to the housing provider. Limiting review in that way also helps reduce discrimination.

One housing provider spoke on how the implementation of Seattle's Fair Chance Ordinance increased the cost of business for their tax-credit building located in the heart of downtown Seattle. They reviewed data two years prior to the legislation to two years post and found significant increases in the number of evictions, 911 calls, eviction expenses, vacancy losses, security expenses and recurring capital expenses. Another housing provider made a similar correlation between increased likelihood of property damage and past criminal history.

#### **9.4 Letters of Support**

PIE received letters of support and feedback from four other organizations providing housing or services to low-income individuals and families.

The Low-Income Investment Fund (LIIF) is a CDFI (Community Development Financial Institution) that invests capital to support healthy families and communities. They provided the following feedback:

- Supports reducing lookback period: “Supportive of flexible policies that reduce the lookback period and even eliminate the lookback period for certain crimes.”
- Supports broader scope of review: Supports proposal to review for felony violent, drug related or threatening offenses within a 12 month lookback period, but also asks THA to consider the report (see Section 4.1.1) that finds fraud, assault, property offense and major drug-related offenses showed an increased risk of negative housing outcomes. THA

should consider other offenses and continue to take recovery and length of sobriety into account.

- Supports individualized reviews and encourages THA to cultivate guidance and best practices.
- Supports automatic referrals but cautions against making service engagement a requirement.
- Supports a more lenient alternative for add-ons.

“As you move towards implementing these and other new policies, we strongly encourage you to share with the field the complexities, best practices and lessons you have learned in pursuit of greater housing justice. In addition, LIFF encourages THA to couple its efforts with outreach to other affordable housing providers in the Tacoma market, both for-profit and non-profit, to encourage broader and simultaneous adoption of similar practices that move the region’s affordable housing system towards justice.”

The Northwest Justice Project (NJP) provided the following recommendations:

- Lookback should be based on date of conviction: Supportive of reduced lookback, individualized reviews and prefers that the length is based on date of conviction rather than release as it “would undermine much of the benefit that stable housing can provide to former prisoners and their families during the first 12 months after reentry.”
- In terms of individualized review, NJP would like to see that those who do not complete the application would be given the opportunity for an informal review rather than having the application withdrawn.
- NJP also commented on THA’s work on “strengthening lease enforcement” and shared these concerns with THA when consulted during the drafting period of THA’s recently revised Grievance Process. “Obviously, NJP would be uncomfortable if the results of this process are inconstant with our prior comments to and discussions with THA.”

For more than four decades, Pioneer Human Services (PHS) has served people who are involved with the criminal justice system and who are in recovery from substance abuse and mental health conditions. They offered the following recommendations:

- Do not consider drug-related offenses: “We do not support a lookback for drug-related behavior. If moving to no lookback period is not possible, we support the most limited lookback period and advocate for removal of the drug-related behavior clause. In our experience, we have had many successful tenants who have had past drug-related behavior and have not found it to be a reliable indicator of future behavior. There is still a lot of societal prejudice associated with mental health conditions and substance use disorders, and we agree with the Washington Recovery Alliance that recovery is not only possible but expected.”
- Supports most limited scope of review and lookback: “We advocate for the most limited lookback period in general and for eliminating the lookback period for misdemeanor and drug-related behavior. A lookback period often impacts the most vulnerable residents - those charged with low-level crimes, and those experiencing homelessness and cycling in and out of municipal court and county jails.”
- Supports more lenient policies for add-ons: “We believe that family reunification and keeping families together are significant goals. We advocate for an individualized case-by-case approach, and in some instances allowing for a more lenient criteria when families are involved.”

The Tacoma-Pierce County Health Department also offered support and the following recommendations:

- Supports lookback based on date of conviction: Supports proposed changes but advocates for date of conviction vs. release. “We are concerned requiring 12 months without incarceration would perpetuate the systemic and racist policies that result in inequitable incarceration rates.”
- Supports broader scope of review: Advocates for a broader scope for all offenses. “We agree with the one-year lookback period. However, racial bias in sentencing disproportionately affects people of color, particularly Black males. Therefore, the classification of a crime may not be the best predictor of risk to the community. A broader review of criminal history may find violence, drug-related, or threatening offenses that are less or equal to the severity of a felony but charged as a

misdemeanor. Including all criminal history would support a more equitable review of applications.”

- Supports applying same criteria to waitlist and add-ons.

## **9.5 General Written Comments**

PIE received 38 written comments through e-mail submission.

Respondents were incredibly supportive of THA’s efforts to relax its criminal screening criteria with many supporting to reduce them to the most lenient standards as possible.

Some expressed that drug-related crimes should not be treated as seriously as other offenses. Some comments suggested that THA should not screen for drug-related crimes at all.

One commenter advocated for a restorative and holistic approach:

“When I look at someone’s background and credit score the emphasis should be put on the last year or two. Someone may have a low credit score, but they have been making the right financial decisions over the last year or two. It is the same with criminal history. If the report shows improvement we need to ignore the fact that the person has a criminal blemish. Most people that have a rough history want to change their trajectory. Helping them find a job, be successful at the job, find a home, pay their bills, then you have a happy, engaged person. We need to help people be successful.”

Another e-mail highlights how increasing access to housing can help change the course of a person’s life and how housing provides them that opportunity:

“I believe that formerly incarcerated individuals need housing too. Housing is needed for a person to have stability, makes finding employment easier and makes out communities safer. If someone has a charge for manufacturing narcotics it should not follow them forever. They served their time in prison. Barring certain groups from housing only hurts our communities and provides an additional barrier to someone who may be trying their best to give back to society. I’m also fine with people that

have violent offenses. People change, but it is really hard to be successful if you cannot obtain affordable housing.

Receiving low income housing changed my life. I was able to get my ged, Eventually went to college and in August I will have a bachelors degree and hopefully soon be able to break the cycle of poverty in my family. I want others to have the same opportunity even if they have been justice involved.

I do not feel that sex offenders should live in properties with children or vulnerable adults though.”

While some posed questions about ensuring accountability or had concerns about families with domestic violence issues, most communicated the belief that everyone deserves equal access to housing.

## 10. SUMMARY OF PURPOSES AND SUPPORT FOR PROPOSED RECOMMENDATIONS

The United States is the world's leader in incarceration. Persons coming out of prison face enormous barriers to economic, social and personal stability. This disproportionately affects people of color, particularly Black men and their families. PIE supports policies that reduce those barriers and allows access to housing, employment, education, and family bonds that are essential to reducing recidivism. People exiting incarceration have served their time and should be allowed to rebuild their lives. The national research and personal stories demonstrate how a conviction record keeps individuals out of housing and becomes a significant barrier to addressing stability, self-sufficiency and safety. The policies that keep these households out of housing serve as a second sentence, locking individuals out of the support and opportunities needed to live full, healthy lives. *"A prison sentence is not the only debt one has to repay. For a lot of people, it's a debt that can't be repaid, a permanent status that we live with forever."*<sup>68</sup> The research literature on criminal justice widely discusses this permanent branding as a modern day "scarlet letter" that ex-offenders must wear. Society asks them to show their rehabilitation while also giving them little opportunity to do so.

At the same time, it is THA's priority to reasonably protect its current residents from anyone who poses an undue threat to the health, safety or peaceful enjoyment of their home. The criminal justice literature does indicate that people with past criminal history are at-risk to re-offend. While housing does reduce the risk of recidivism, it does not eliminate it. In this, there is some risk that they may do so within THA's communities.

However, PIE's literature review and discussions with other housing authorities indicate that criminal history is not a strong predictor of whether someone will be a good tenant. For this reason, PIE proposes to lower, but not eliminate, these barriers to housing. THA can still rely on its other suitability criteria to help make decisions to admit or deny.

Criminal reform is a bi-partisan effort recognizing that communities are safer when everyone has access to housing. Fair Housing regulations, and even the opinions of the court, indicate that broad generalizations are unwarranted and are often rooted in fear and prejudice. Local and national laws and regulations are changing and are

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<sup>68</sup> Deputy Director of ACLU's Campaign for Smart Justice speaks on the lifetime debt of incarceration despite being more than 18 years removed from prison. See Cobb, B. (2018). *18 Years Removed from Prison, and I'm Still a 'Returning Citizen'*. ACLU Campaign for Smart Justice. Retrieved from [here](#).

moving away from the notion that criminal history is a reliable predictor of a person's future behavior.

After thorough review and consultation, PIE recommends accepting all of the proposed changes to THA policies and practices as outlined in Section 3 of this report. Overall, the risks that seem to be associated with past criminal history and unsuccessful tenancy are minimal compared to the benefits that housing can provide.

## 11. NEXT STEPS

After review and approval from THA leadership, the recommendations will be presented for approval to THA's Board of Commissioners. Upon Board approval, PIE will begin implementation of the new criminal screening policies. Implementation will include:

- Updating and training THA staff
- Updating the Administrative Plan
- Revising all related forms and letters
- Coordinating with THA's screening company
- Coordinating with the operational departments to bring the Application Review Panel online
- Create the evaluative framework to track policy application and outcomes

PIE also seeks to organize an event open to all THA residents to hear from a community leader about the relationship among community safety, the criminal justice system and fellow community members impacted by the criminal justice system. There is value in creating space where people can express concerns, ask questions and hear from those with experience and knowledge. The goal is to share knowledge and experience to break down barriers between "us" and "them" and create an understanding that communities that support and welcome each other are stronger and safer.

PIE seeks to collect data and outcomes that result from this policy change and share its findings with other housing providers.

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PIE seeks to collect data and outcomes that result from this policy change and share its findings with other housing providers.

## Appendix A: Insurance and Risk Considerations of Housing Sexual Offenders on THA Properties

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To: Ava Pittman, Policy and Planning Analyst; and  
Policy Report about Sexual Offender Tenancy  
From: Risk Management  
Date: May 1, 2019  
Subject: Insurance and Risk Considerations of Housing Sexual Offenders on  
THA Properties

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### INSURANCE AND EXPOSURES

Philadelphia Insurance insures THA with \$1 million of sexual abuse and molestation coverage. We asked our broker and insurance underwriters about insuring THA if we were to house Level 2 and Level 3 sex offenders on THA properties. Philadelphia Insurance sent this answer.

*“We do not like these exposures and it makes us uncomfortable as these individuals would be housed with other tenants in their complexes who are either seniors and families with children. It sounds like the insured has not committed to this but if they decide to move forward we would like to know details and would probably have loss control go out to make sure their controls are tight. Currently abuse coverage is excluded in the umbrella and we would not entertain providing any abuse coverage into the excess if they decided to move forward with a program like this.”*

Our broker, Alliant Insurance Services, a national level broker, gave us this advice about approaching Philadelphia and the exposure of housing sex offenders.

*“I’m sharing input from Philadelphia about the possibility of THA housing sex offenders. Their response is important to evaluate. Philadelphia is a very specialized market for affordable housing risks and we are pleased to have them as a proactive partner for THA. We want them to remain aware of any new risks THA is considering as a way to incorporate their considerations into your risk management decisions.*

*Please let us know if THA is still evaluating housing sex offenders. We'll need to keep Philly aware of your decision."*

We would have to comply with Philadelphia's "tight controls" to maintain our basic \$1million sexual abuse policy if we were to house sex offenders. Philadelphia will monitor our compliance. Examples of controls:

- Plans and educational programs to address issues before they happen.
- Training that teaches staff to prevent, recognize and react responsibly to child sexual abuse
- Presentations and workshops on mistreatment required for all staff
- A vulnerable persons neglect policy
- Procedures to protect residents from known risks
- Procedures to quickly react to complaints and risks
- Procedures for a person found to be a current health or safety risk to others that person

Follows are examples that demonstrate how two other organizations perceive exposure to sexual abuse claims.

1. HARRP, our past underwriter, provided no sexual abuse or molestation coverage except for a very restricted policy for vicarious liability.
2. THA received a community builder grant from the City of Tacoma in 2018. The required \$2million of sex molestation coverage to have the community builder grant. THA had \$1million of coverage. The city would not relax their requirement of \$2million although they've relaxed other kinds of insurance requirements. THA, therefore, had to acquire an extra \$1million in coverage. We could get a policy for 6 community builder employees. The cost is \$900 per year.

Follows are six reasons why sexual abuse and molestation exposures are distinguished from others.

1. **Increased Statute of Limitations:** We are seeing legislation across the country to increase the statute of limitations around sexually related crimes both from a civil and criminal standpoint. In Washington, HB1234 eliminates the statute of limitation for certain felony sexual abuse and molestation offenses. This is laudable from the standpoint of criminal proceedings and protecting victims, but it makes it harder for organizations to defend themselves against civil suits for accusations of negligence that result in improper sexual conduct. Nonprofits can find themselves accused of negligence if they were in anyway involved in the care of the person, even if they were completely unaware of the abuse. The more time between the alleged bad act and the time that a claim is made, the more there is staff turnover, the more records are lost or destroyed (records retention guidelines are increasingly less than the applicable statute of limitations), the more memories fade and even the possibly that the nonprofit has ceased operations. What the nonprofit is left with is an accusation from a plaintiff and not much in the way of witness corroboration or documentation.
2. **Inflation of Jury Awards:** Increasingly, juries are not finding the offender as the most responsible party. They are increasingly sophisticated and know the person who commits the improper sexual conduct probably has no money. It has become common for the bad actor to be allocated 10–15% of the responsibility for the sexual molestation or improper sexual conduct, with the remaining majority of responsibility awarded against an organization who had oversight of the victim or property involved in the improper sexual conduct.  
  
The fear of losing a lawsuit and having to pay an exorbitant award leads many insurance companies and nonprofits to opt for settlement as opposed to fighting a civil lawsuit. Often the consideration of actual negligence of the organization has less relevance than it should otherwise have in the decision to settle. This

phenomenon leads to predatory lawyers filing law suits that would not otherwise be filed in the hopes of getting a quick settlement.

3. Cost to defend: Abuse or molestation claims often require the hiring of experts and specialized legal representation which is very costly. Claims related to abuse or molestation acts can incur high costs, including settlements, judgments and other obligations. Once you add in defense costs, the policy's limit can quickly erode. This is especially true if the claim requires special defense experts. THA now has a \$1Million sexual abuse policy
4. Me Too Movement: This movement led to the introduction of 261 bills in 32 states to encourage reporting of sex-related offenses and make it harder to silence victims by adding restrictions on confidentiality and testimony provisions in settlement agreements. These new laws include measures to eliminate or greatly limit nondisclosure agreements that prohibit transparency, require mandatory reporting in cases of sexual harassment or sexual assault of children and also measures that change the "severe and pervasive" legal standard of sexual harassment so that a single incident of harassment could be sufficient to satisfy the standard.
5. Definitions of Sexual Abuse and Molestation: Definitions are broad. Great American Insurance Group gives these definitions. This is relevant because the ambiguous expands the range of our exposure to claims and management errors. Definitions include:
  - Physical abuse, such as sexual or other bodily harm;
  - Non-physical abuse, such as verbal, emotional or mental abuse;
  - Any actual, threatened or alleged act; and
  - Errors, omission or misconduct.

Examples of abuse claims encountered by Great American Insurance Group, an A+ A.M. Best rated company:

- Group home placement of a child with older youths resulted in rape
- Counselor inappropriately touched a developmentally challenged adult client
- One tenant assaulted another tenant in one of our insured facilities
- Improper contact occurred between two male toddlers
- Teenage client ran away with a 20-year-old counselor

6. Injury: Sexual abuse and molestation injuries are considered permanent. Permanent injuries have higher settlements and are more expensive to settle.

## **OTHER CONSIDERATIONS**

What is THA's Duty to Protect Tenants from Risks? A landlord has a duty to protect residents from known risks, or risks that the landlord should have been able to recognize. If a person is found to be a current health or safety risk to others that person will not be protected by [fair housing discrimination laws](#). A landlord also assumes some responsibility and potential liability, for the conduct of its tenants. If he knows of unlawful, obnoxious or other behavior that amounts to an ongoing nuisance, the landlord is required to take steps to protect other tenants, and indeed other people, who are affected by his tenant's unreasonable conduct. This includes evicting the offender, if necessary.

Administrative Infrastructure for Known Conditions: Administrative infrastructure is not in place to support behavior change or expeditious removal of a tenant who is impacting other tenant's safety or well-being.

Does CSE and PM staff feel they have the tools to support an assault victim or support an offender who's threatening others or struggling with recovery?

What actions will THA take if neighbors feel threatened or scared? Feelings don't allow for lease enforcement.

THA doesn't evict quickly. What happens if THA can't evict a sex offender, or any tenant, whose impact on the community is de-stabilizing? Or harmful?

Experience at 6<sup>th</sup> Ave and other properties show us the challenges of lease enforcement for disruptive behaviors. Behavior that has no tangible evidence – the he said, she said kinds of behaviors – is even more challenging to address.

**Prioritizing Community Safety:** THA's social justice mission is important. At the same time, tenants live with the risks and exposures inherent in the decisions made by management and operations. Our more vulnerable tenants are impacted by our policies and their neighbors. How likely is it that our tenants will be exposed to harm or impacted if THA opens its properties to Level 2 and Level 3 sex offenders?

Here are two examples. In 2019, a 3<sup>rd</sup> party agency expressed concern to THA staff that certain senior and disabled tenants at 6<sup>th</sup> avenue are being exploited by young disabled tenants for money, drugs, and favors (reported in 2019). Very young children are regularly unsupervised as documented by security reports and staff. Questions came up for THA staff after the grooming incident of the 5 young girls at a THA property. The groomer nearly completed an offense and was masterful.

Women, and children, experience higher rates of sexual assault than men. Women have strong feelings about sexual offenses and offenders. It would be good to see how the THA women, tenants and staff feel about the possibility of a sexual offender as tenant.

- How will a single mother handle the idea that a sex offender lives in the unit next to her and her children? A neighbor for an unlimited time? Without any particular protections? Without a voice in the matter and without the resources to choose another home?

- How will female staff feel about working alone in a building? De-escalating a client who's angry about tenancy is different than dealing with a person intent on rape. That's a different psychological perspective.
- Will THA have the capacity to match the sexual offender to a community with the least likelihood of harm?

The following is taken directly from a fact sheet issued by The Center for Sexual Offender Management.

*How Common Are Sex Crimes? Sex crimes are unfortunately fairly common in the United States. It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood. One in six adult women and one in 33 adult men experience an attempted or completed sexual assault.*

*How likely is it that an offender will reoffend? About 12 to 24% of sex offenders will reoffend*

*Are Some Offenders More Likely to Reoffend than Others? Some offenders are more likely to reoffend than others. Professionals use science-based assessments to estimate the likelihood that someone may reoffend....*

*Who Are the Victims? Anyone can be a victim of sexual assault, but women and girls are especially at risk. Females are more than six times as likely as males to be victims of sexual assault. Children are particularly vulnerable. Approximately 67% of all victims of reported sexual assaults are under the age of 18, and more than half of these victims are under the age of 12. Approximately one in four girls and one in seven boys are sexually assaulted before the age of 18.*



*Who Are Offenders Likely to Target? About 69% of sexual offenses are committed by someone the victim knows — either a family member, friend, intimate partner, or acquaintance. About 27% of offenders are strangers.*

Ratios: There aren't many locations that accept sex offenders. Will THA communities have a disproportionate number of SO's in our communities? Does that condition increase the likelihood that a tenant or staff will be victimized by a reoffender?

### **OPTIONS**

Are there other ways that THA can lower the housing barrier for sex offenders that present less risk to vulnerable tenants and our liability? For example:

- Partner with Pioneer House to expand their housing program for sex offenders
- Allow vouchers
- Establish a new housing program with a partner

Sources: WA St. Legislature, Non-Profits Insurance Alliance, Great American Insurance Group, Alliant Insurance Services, Philadelphia Insurance, Ken LaMance, Attorney at Law, LegalMatch Law Library; Insurance Journal West, WSCAP, HUD, NMHC, and NAA

## **Appendix B: Summary of Regional Housing Authority Policies & Vera Co-horts**

The Administrative Plan refers to policies that govern a housing authority’s voucher programs—both tenant-based and project-based. The Admissions and Continued Occupancy Policies (ACOP) refers to policies that govern a housing authority’s public housing programs. “Regional Housing Authority” refers to other public housing authorities within the state of Washington. “Vera Co-horts” are public housing authorities that applied for and received technical assistance from the Vera Institute of Justice during the same period as THA. The table follows on the next page.

<b>Housing Authority</b>	<b>Approval Date</b>	<b>Lookback Period</b>	<b>Individualized Review?</b>	<b>Felony/Misdemeanor</b>
Bremerton Housing	2018	ACOP: 5 years; Admin: 3 years	Unknown	Unclear
Pierce County Housing	2016	Admin/ACOP: Within the last year	N	Felony only
Vancouver Housing		5 years	Unknown	Felony only
Seattle Housing Authority	2019	ACOP: 2 years (Limited to eviction from federally assisted housing for drug-related activity drug or violent criminal activity; abuse of alcohol or drugs)  Admin: HUD mandated only.	Y	Felony only
New Orleans (HANO)	2016	Lookback is 10 years for multiple offenses. 3 years of conviction date or 1 year of release from date of screening.  Very serious offenses have indefinite lookback periods.  If there are 2+ convictions for certain crimes, date of review is 10 years from screening date.	Y	Both for certain crime categories

Housing Catalyst (formerly known as Fort Collins (CO)	2012	Determined by category based on type of criminal offense. Crimes in higher categories that occurred more than five years will shift applicant to next lower category. <sup>69</sup>	Y	Unclear
King County Housing	2012	ACOP: Discretionary Changed language in ACOP to allow for individual review of criminal history.  Admin: 12 months	Y	

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<sup>69</sup> (1)Approval: Traffic/DUI offenses. (2) Requires supervisor approval to **deny**. Theft, Mischief, Trespassing and related crimes. (3)Drug-related & Violent crimes require supervisor approval to **approve** applications. Considers mitigating circumstances.

<b>Housing Authority</b>	<b>Approval Date</b>	<b>Lookback Period</b>	<b>Individualized Review?</b>	<b>Felony/Misdemeanor</b>
Bremerton Housing	2018	ACOP: 5 years; Admin: 3 years	Unknown	Unclear
Pierce County Housing	2016	Admin/ACOP: Within the last year	N	Felony only
Vancouver Housing		5 years	Unknown	Felony only
Seattle Housing Authority	2019	ACOP: 2 years (Limited to eviction from federally assisted housing for drug-related activity drug or violent criminal activity; abuse of alcohol or drugs)  Admin: HUD mandated only.	Y	Felony only

New Orleans (HANO)	2016	<p>Lookback is 10 years for multiple offenses. 3 years of conviction date or 1 year of release from date of screening.</p> <p>Very serious offenses have indefinite lookback periods.</p> <p>If there are 2+ convictions for certain crimes, date of review is 10 years from screening date.</p>	Y	Both for certain crime categories
Housing Catalyst (formerly known as Fort Collins (CO)	2012	<p>Determined by category based on type of criminal offense. Crimes in higher categories that occurred more than five years will shift applicant to next lower category.<sup>70</sup></p>	Y	Unclear

<sup>70</sup> (1) Approval: Traffic/DUI offenses. (2) Requires supervisor approval to **deny**. Theft, Mischief, Trespassing and related crimes. (3) Drug-related & Violent crimes require supervisor approval to **approve** applications. Considers mitigating circumstances.

King County Housing	2012	ACOP: Discretionary Changed language in ACOP to allow for individual review of criminal history.  Admin: 12 months	Y	
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Housing Authority	Approval Date	Lookback Period	Individualized Review?	Felony/Misdemeanor
Providence Housing	2017	5 years (for violent or drug-related criminal activity) <sup>71</sup>	Y	Felony only
Kearney Housing (NE)*		3 years for drug-related or violent offenses.	Unknown	Felony only
Asheville Housing*	2017	5 years for homicide; 4 years for serious offenses; At least 2 offenses within 3 years for misdemeanor possession of marijuana; patterns of theft, prostitution; misdemeanor harassment	Unknown	Unclear Violent/Drug-related offenses
Philadelphia Housing*	2018	ACOP: Drug-Related/Violent crimes 3 year review. Others, varies by crime ranging from 10 years to 3 years	Unknown	Both



Fresno Housing Authority	2019	3 years for drug-related and other crimes. Violent crimes up to 7 years. <sup>72</sup>	Unknown	Felony only
Oklahoma City Housing*	2019	ACOP: 5 years Admin: 3 years;	Unknown	Unclear
Lafayette Housing*	2012	7 Years for 1 felony; 1 year for 1 misdemeanor; date of conviction	Unknown	Both
San Diego Housing*	2019	ACOP: 5 years Admin: 3 years;	Unknown	Unclear

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<sup>71</sup> Part of new Vera cohort (9/2018). In 2017, board approved changes to Admin/ACOP. Board docs indicate that one board member suggests a shorter lookback, as well as groups within the local community.

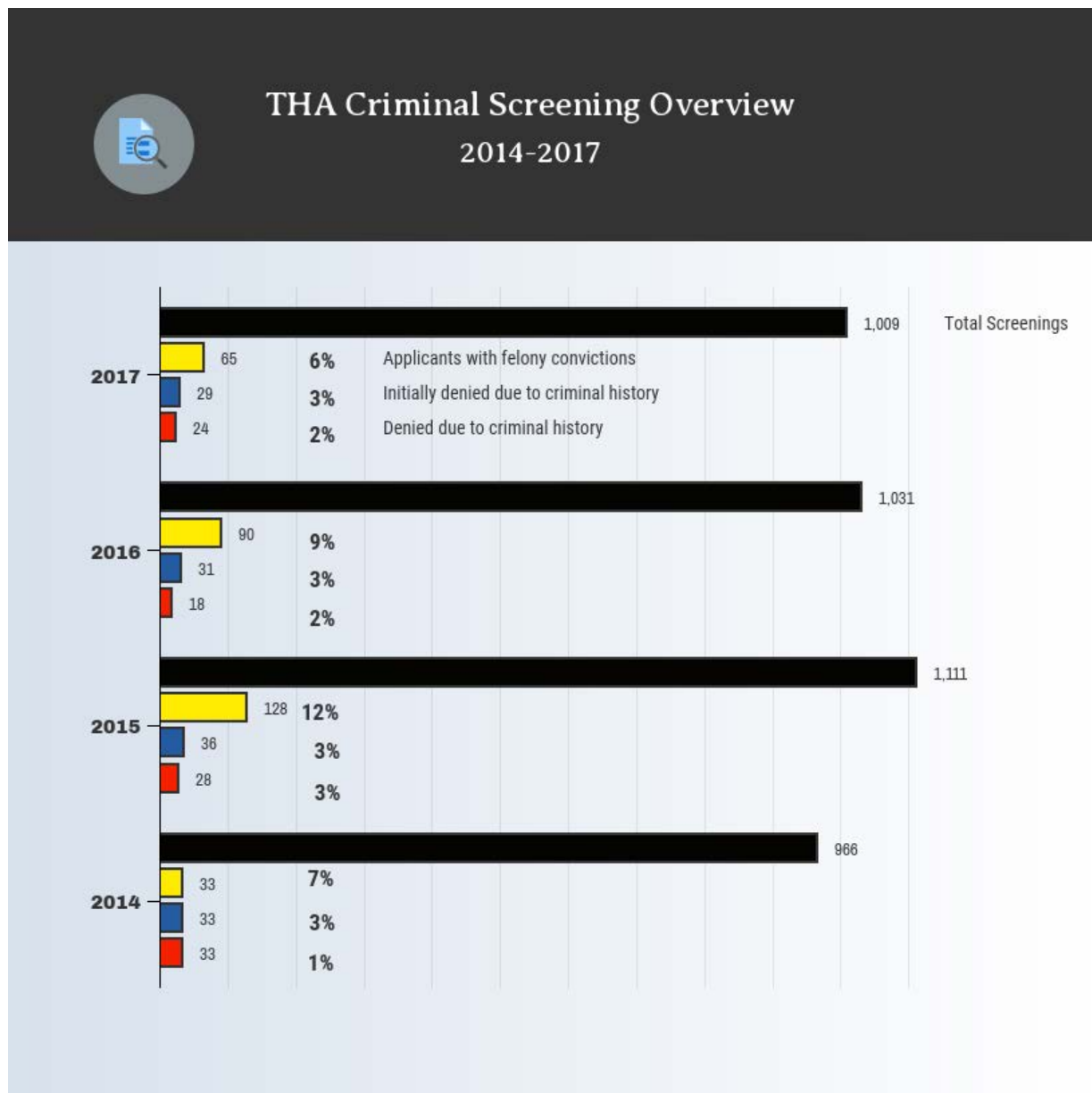
\* Indicates that the housing authority is receiving, has received or will receive technical assistance under the same grant as THA.

<sup>72</sup> In addition to reducing lookback period from 5 to 3 years, language was added to Admin Plan to consider pilot program for housing access and reentry pilot program that may allow formerly incarcerated individuals to reunite with their families in public housing while receiving supportive services.

## Appendix C: THA Denials Summary 2014 – 2017

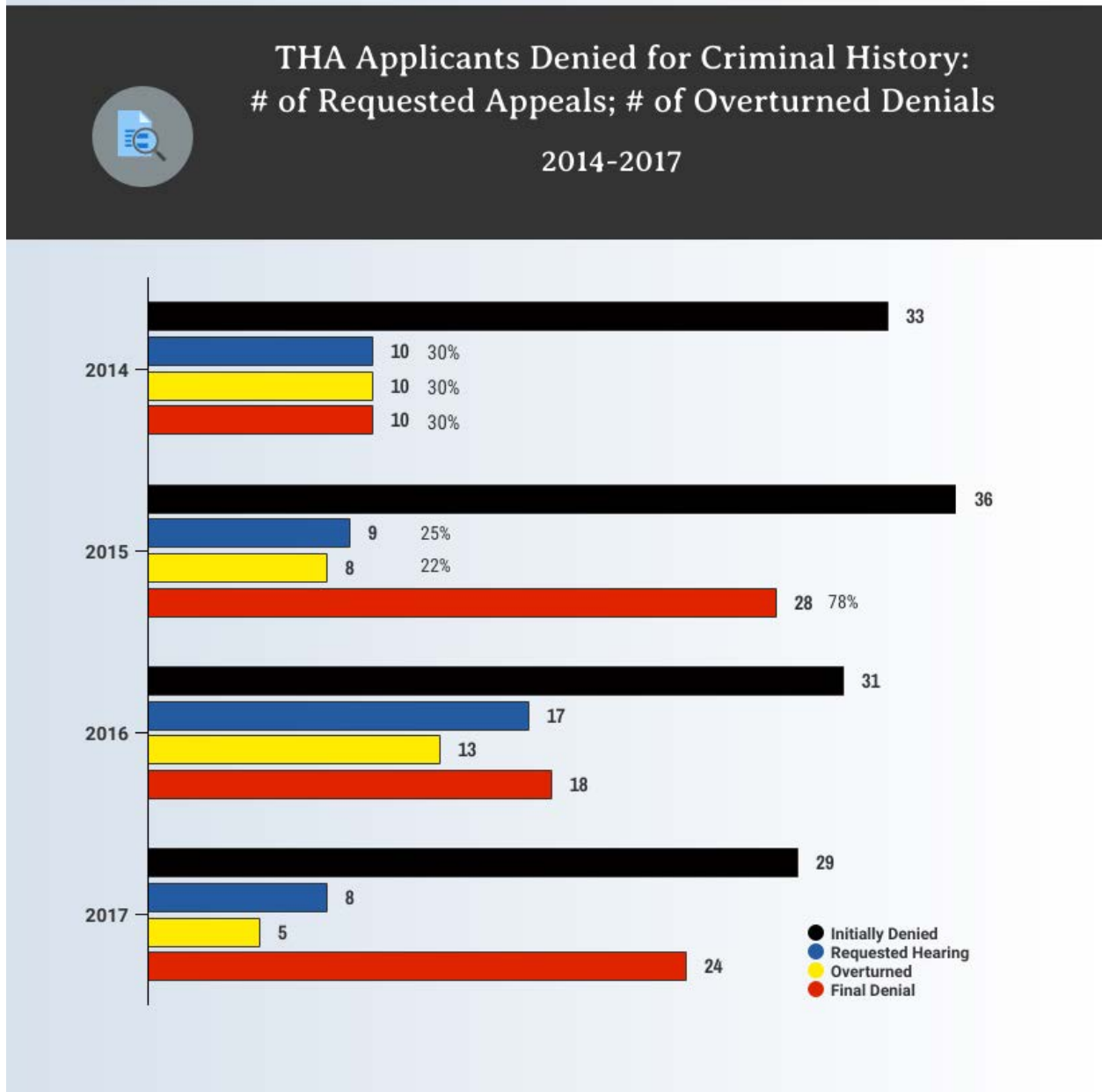
*Graph: THA Criminal Screening Overview for 2014 – 2017*

This graph shows the number of applicant screenings completed for each year from 2014 – 2017; how many screenings disclosed a felony conviction; how many of those applicants were initially denied due to criminal history under THA’s current policies; and how many were ultimately denied admission due to criminal history.



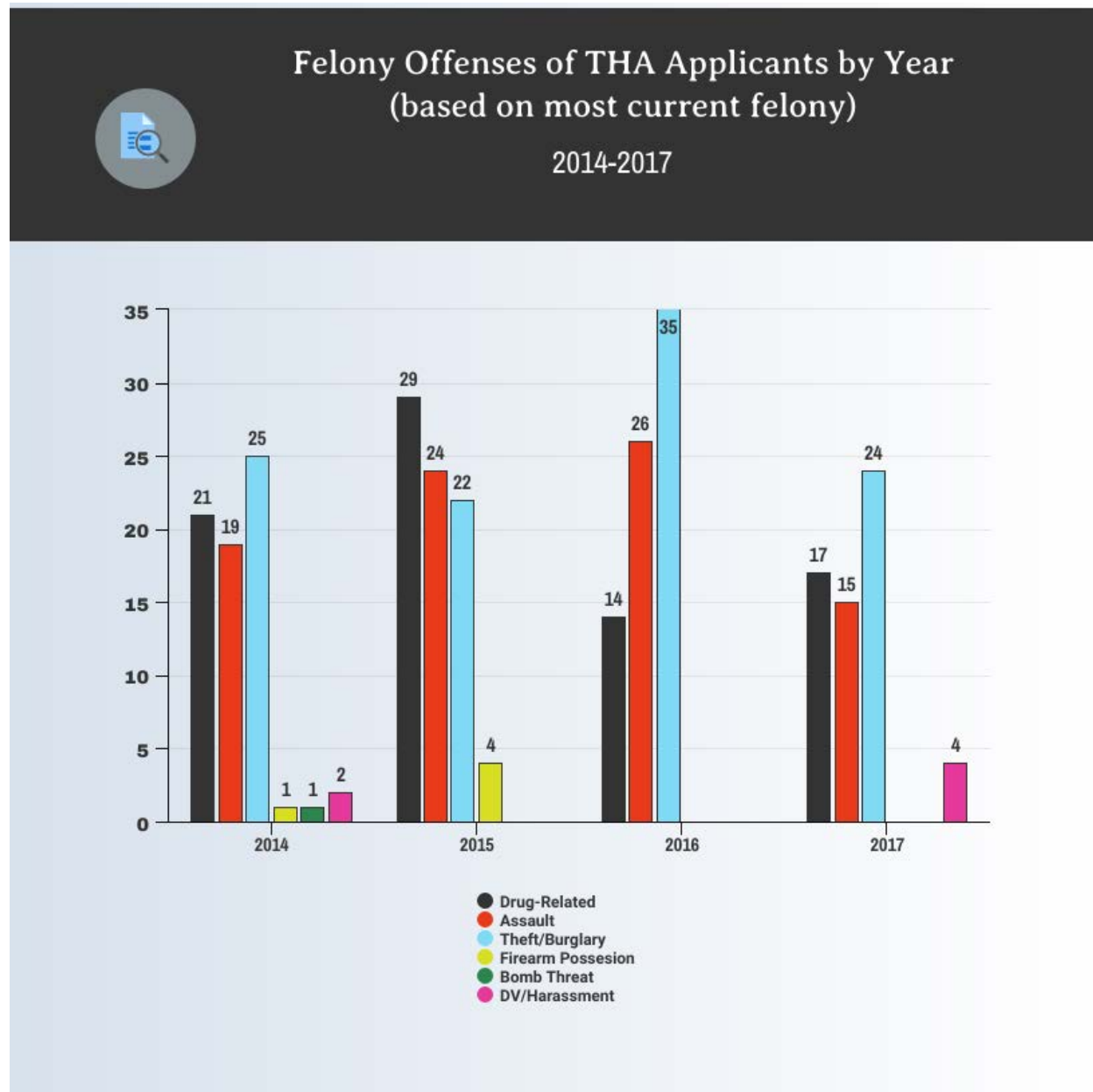
*Graph: Applicants Initially Denied Due to Criminal History*

This graph breaks down the category from above, “*applicants initially denied due to criminal history*” to show how many within that category requested an informal hearing (an applicant’s right to appeal an initial denial); the number of denials that were overturned (of those who went through the informal hearing process); and the number of applicants ultimately denied housing due to their criminal history. This final stat includes those who went through a hearing and their denial was upheld or those who were initially denied and never sought an appeal. All stats are a percentage of the corresponding totals from ‘applicants initially denied due to criminal history’ from the graph above.



*Graph: Felony Offenses of THA Applicants by Year (based on their most current felony conviction)*

Although THA's policies do not explicitly call out felony convictions as the basis for denials, in the past years, staff has been reviewing for applications that show a felony conviction within the five year lookback period. PIE reviewed all available screenings (based on available information) to identify the most common offense types among THA applicants. This helps determine if THA should take an offense-type based approach to its screening policies.





**Tacoma  
Housing  
Authority**

## **Tacoma Housing Authority Is Considering Changes To Its Criminal Background Screening Policies: We Want Your Advice**

June 12, 2020

Tacoma Housing Authority (THA) is considering changes to our current criminal screening policies. We would like your views and advice.

We screen for criminal history as part of our effort to determine if someone would be a good tenant. We do this for people seeking to live in THA properties. We also do it for persons seeking our rental assistance to pay the rent on someone else's housing.

We are considering some changes in our screening rules, for several reasons:

- As a way to predict if someone will be a problem, criminal history has limited value. Data and research suggest we may be screening out good people unnecessarily. Our report on this research is on THA's web site at: <http://www.tacomahousing.net/housingforallreport>. That research suggests changes may avoid these unnecessary exclusions, while still serving our most important purpose of keeping our housing safe.
- Criminal screening excludes persons of color, particularly black applicants, at a higher rate than others. If these exclusions are unnecessary, they are particularly unjust.
- These exclusions deprive families of the chance to reunite with a father, mother, child, or other relative.
- Data shows that depriving a person of housing will make re-offense more likely. Housing makes re-offense less likely, and makes the community safer.

Below we show:

- our current rules, including those that we cannot change because of HUD rules;
- our proposed changes;
- some other possible changes

We would be grateful to receive your comments or advice. We need them by **08/31/2020**.

Please send them to:

**Ava Pittman**  
 Planning and Policy Analyst  
 Tacoma Housing Authority  
 902 S. L Street  
 Tacoma, WA 98405  
[apittman@tacomahousing.org](mailto:apittman@tacomahousing.org)

<b>HUD Prohibits Admission For:</b>	
THA must comply with HUD's requirements. These are policies we cannot make more lenient. In some cases, we expanded the exclusion in ways we do not propose to change.	
<b>Lifetime Ban</b>	Anyone who must register as a lifetime sex offender
<b>Lifetime Ban</b>	Anyone who has ever manufactured methamphetamine in federally subsidized housing. <i>NOTE: THA expands this exclusion to deny admission of anyone who made meth anywhere, whether in or out of federally subsidized housing.</i>
<b>Required Denial</b>	<p>Anyone evicted from federally subsidized housing because of unlawful drug activity within the previous three years.</p> <p>Anyone who demonstrates a current, or pattern of drug or alcohol abuse that would threaten the health, safety and peaceful enjoyment of the premises by other residents and others in the immediate vicinity. <i>NOTE: THA interprets this to include anyone who is engaged in any such use of illegal drugs during the previous 12 months.</i></p> <p>Under HUD's rules THA can still rent to such persons if they show: (i) that they are currently participating in, (ii) have completed a supervised rehabilitation program; or (iii) successful rehabilitation. A family can also remove the family member if would cause the entire family to be denied housing.</p>

**Of the rules that THA can control, we are considering the following changes:**

<b>1. Reduce Criminal History Lookback Period</b>	
Lookback period refers to the time THA will review for a disqualifying criminal history to determine whether to rent to a person. The review starts from the date THA is reviewing the application. It will look back to a specified length of time. (see options below).	
<b>Current</b>	Review for criminal convictions or evictions for drug-related, violent or threatening behavior over the past <b>five</b> years
<i>Proposed</i>	For voucher programs only, <b>no longer review</b> for criminal history beyond those required by HUD. The voucher program is designed to have the private landlord chose the tenant.
<i>Proposed</i>	For THA's housing, look back <b>12 months</b> from the date of the application review to the applicant's date of conviction for a felony conviction for violent, drug-related or threatening criminal behavior. An applicant with such a conviction will receive an individualized review before THA decides whether to admit or deny the applicant.

<i>Alternative</i>	Require that the 12 month look back period be <b>12 months without incarceration</b> .
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<b>2. Reduce the Scope of Criminal History Review</b> A criminal conviction can be classified as a <i>felony</i> or a <i>misdemeanor</i> depending on the seriousness of the offense. A misdemeanor is a less serious offense, which can result in a jail time of up to one year and/or a fine of no greater than \$5,000. A felony is a more serious offense, which can result in significantly longer sentences and/or greater fines.	
<b>Current</b>	Review for criminal convictions, <b>felony or misdemeanor</b> , for violent, drug-related, or threatening offenses within the <b>five-year</b> lookback period
<i>Proposed</i>	Review for <b>felony</b> convictions for violent, drug-related, or threatening offenses within the <b>one-year</b> lookback period
<i>Alternative 1</i>	Review for all felony convictions for violent, drug-related, or threatening offenses within a five-year lookback period
<i>Alternative 2</i>	Review for all felony convictions within a five-year lookback period
<i>Alternative 3</i>	Review for all felony convictions within a one-year lookback period
<i>Alternative 4</i>	Review for all criminal convictions within a five-year lookback period
<i>Alternative 5</i>	Review for all criminal convictions within the one-year lookback period

<b>3. Individualized Reviews</b>	
<b>Current</b>	If THA denies an applicant, the applicant may request an informal review using THA's grievance process.
<i>Proposed</i>	Before THA decides about an applicant with a disqualifying criminal history, the applicant would meet with THA staff for an individualized review. The review is an opportunity to consider an applicant's individual circumstances and any mitigating circumstances. THA will base the final decision on the information presented and considered during the review. If THA denies the application, the applicant may still request an informal review of the denial through THA's grievance process. THA will withdraw the applicant of an applicant who fails to participate in the individualized review.

<b>4. Automatic Case Management Referrals</b> A THA staff member may refer a tenant to THA's Client Support and Empowerment staff. department for case management services. The services may come directly from THA staff or a service partner.	
<b>Current</b>	THA staff refers current tenants for services upon request or as needed to address issues relating to the family's ability to comply with program obligations.

<i>Proposed</i>	Automatic case management referral for applicants admitted with criminal histories through the individualized review process. Participation in services will be voluntary
<i>Alternative</i>	In such cases, or in some cases, require participation in services as a condition of tenancy.

#### 5. **Additions to Participating Families**

Waitlist applicants are those THA pulls from the waitlist. Current THA families may request to add a family member to their household. New arrivals are not permitted to reside in the unit without THA's approval. The new arrival not need to go through the wait. But the new arrival and the newly composed family must meet the same eligibility requirements as waitlist list applicants.

<b>Current</b>	Screening requirements apply for both types of admissions, those from the waitlist and current tenants seeking to add a family member.
<i>Proposed</i>	Adopt the same new screening criteria to both types of new admissions.
<i>Alternative</i>	Adopt some more lenient screening criteria for family members who are joining current THA families.

**Anyone denied due to their criminal history (except for HUD lifetime bans) are entitled to request an informal review. The informal review is a chance to meet with THA staff s as appeal of the denial.**

We would be grateful to receive your comments or advice. We need them by **08/31/2020**.

Please send them to:

**Ava Pittman**  
 Planning and Policy Analyst  
 Tacoma Housing Authority  
 902 S. L Street  
 Tacoma, WA 98405  
[apittman@tacomahousing.org](mailto:apittman@tacomahousing.org)



# **Resolution 2**



# TACOMA HOUSING AUTHORITY

## RESOLUTION 2021-04 -28 (2)

**Date:** April 28, 2021  
**To:** THA Board of Commissioners  
**From:** Michael Mirra  
Executive Director  
**Re:** Agency-Wide \$500 support payment

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*This resolution would authorize Tacoma Housing Authority's (THA) Executive Director to recognize the exceptionally hard work and additional personal cost of maintaining THA operations through the 2020/2021 COVID-19 pandemic.*

### Background and Recommendations

As the COVID-19 pandemic continues THA has taken additional measures in 2021 to keep staff and their families safe during this difficult time, THA has required most staff employees to work from home. Other staff has been required to return to work to continue to provide support for THA's customers. Asking this of staff has required staff to set up offices in their homes, increase their internet and cell phone plans, and equip themselves to safely enter the office. Staff are also dealing with the stress, and in some cases additional expense, of having limited day care and in-person school for their children, caring for aging parents and relatives, and supporting family members who have lost their jobs. For these reasons, and as an acknowledgement of the excellent work our team continues to do through this difficult time, we are recommending a one-time \$500 Employee Support payment.

### Eligibility

All THA staff will be eligible for this one-time payment, including new hires who are onboarded during THA's office closures per Executive Order. Temporary employees working through a staffing agency are not eligible for this payment.

### Recommendation

Authorize THA's Executive Director to provide a \$500 one-time Employee Support payment to all regular THA staff.



# TACOMA HOUSING AUTHORITY

## **RESOLUTION 2021-04-28 (2)** **(Agency-Wide Employee Support Payment)**

**WHEREAS**, During the pandemic, following state guidelines and for the safety of all employees, the agency has required employees to telework and to attend to work responsibilities which may have exposed those employees to the virus; and

**WHEREAS**, There are additional personal costs employees are incurring in reporting to work and/or equipping their homes to conduct THA work from home; and

**WHEREAS**, In response to these greater expenses; now, therefore, be it

***Resolved by the Board of Commissioners of the Housing Authority of the City Of Tacoma, Washington, that:***

THA's Executive Director is authorized to provide a \$500 one-time Employee Support payment to all regular THA staff.

**Approved: April 28, 2021**

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Stanley Rumbaugh, Chair

# **Resolution 3**



# TACOMA HOUSING AUTHORITY

## RESOLUTION 2021-04-28 (3)

**Date:** April 28, 2021

**To:** THA Board of Commissioners

**From:** Michael Mirra  
Executive Director

**Re:** 902 Administrative Office Building 1<sup>st</sup> Floor TI Contractor and FF&E Purchase

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*This resolution would authorize Tacoma Housing Authority's (THA) Executive Director to finalize the selection of the General Contractor for the 902 Administrative Office Building 1<sup>st</sup> Floor Tenant Improvement to Berschauer Construction Inc. and approve the budget expenditure for the Furniture, Fixtures and Equipment (FF&E.)*

### Background

On March 24, 2021, THA staff notified interested General Contractors and publicly advertised an Invitation to Bid (ITB) for the 902 Administrative Office Building 1<sup>st</sup> Floor Tenant Improvement (TI) project. The ITB requests competitive bids to perform the construction.

The ITB was posted on Washington Electronic Business Solutions (WEBS) and THA's website. A notice of opportunity was sent to prospective bidders, the small business incubator, plan centers and advertised in the *Tacoma News Tribune*. WEBS notified 353 interested parties. Six (6) firms responded to the ITB by the due date of April 21, 2021. THA RED staff reviewed the proposals.

The results are as follows:

American West Construction LLC	\$787,720.41
Berschauer Construction Inc.	\$659,500.00
Charter Construction	\$887,000.00
Christensen Inc.	\$763,500.00
JA Morris Construction	\$764,000.00
Marpac Construction	\$1,319,000

The apparent low bidder at bid opening is Berschauer Construction Inc. On April 21, 2021, THA notified Berschauer Construction Inc. that it is the apparent low bidder, THA intends to award the bid to Berschauer Construction Inc. pending THA's Board of Commissioner's approval and further negotiations.

In conjunction with the construction and the architect's design, the project requires Furniture, Fixtures and Equipment (FF&E) to be sourced by the FF&E consultant, Objekts. The FF&E consultant solicits vendors to source furniture that will fit with the Architect's design for the project and to accommodate the working spaces for THA's staff. The TI will expand office space, provide efficient workflow and include improvements for a healthy and safe environment. Objekts solicits vendors to obtain quality products at competitive pricing, manages the FF&E deliveries and installation for a total proposal of \$271,612.

Budget authority for the project as previously approved by the Board of Commissioners (BOC) is \$1,500,000. The actual anticipated project budget is estimated at \$750,000 for construction and \$350,000 for FF&E. The amount of the contract to be executed with Berschauer Construction Inc. of \$659,500 and FF&E of \$271,612 falls within both the budget previously authorized by the BOC and the anticipated project budget estimates.

The remaining project budget will cover any contingencies for unexpected construction costs, potential FF&E overruns, architectural and engineering costs and testing and moving services. Should unexpected construction costs in the form of change orders exceed THA's construction budget estimate of \$750,000 and/or unexpected FF&E costs in the form of additional freight or material overruns exceed THA's budget estimate of \$350,000, a Resolution(s) will be presented to the BOC to request approval.

### **Recommendation**

Approve Resolution 2021-04-28 (3) to authorize THA's Executive Director to execute a construction contract with Berschauer Construction Inc. in the amount of \$659,500.00 and approve the budget expenditure and purchase of FF&E from Objekts in the amount of \$271,612.00.



# TACOMA HOUSING AUTHORITY

## **RESOLUTION 2021-04-28 (3)** **(902 Administrative Office Building 1<sup>st</sup> Floor TI Contractor and FF&E Purchase)**

A **RESOLUTION** of the Board of Commissioners of the Housing Authority of the City of Tacoma

**WHEREAS**, On March 24, 2021, THA staff notified interested General Contractors and publicly advertised an Invitation to Bid (ITB) for the 902 Administrative Office Building 1<sup>st</sup> Floor Tenant Improvement project; and

**WHEREAS**, The ITB was posted on Washington Electronic Business Solutions (WEBS) and THA's website and a notice of opportunity was sent to prospective bidders, the small business incubator, plan centers, and advertised in the Tacoma News Tribune; and

**WHEREAS**, Six firms submitted proposals by the deadline of April 21, 2021; and

**WHEREAS**, The lowest responsive and responsible bidder is Berschauer Construction Inc. in the amount of \$659,500.00; and

**WHEREAS**, The Furniture, Fixtures & Equipment (FF&E) purchase for the project is sourced to accommodate construction design by the consultant, Objekts; and

**WHEREAS**, Objekts solicits vendors to obtain quality products at competitive pricing, manages the FF&E deliveries and installation for a total proposal of \$ 271,612.00; now, therefore, be it

***Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington as follows:***

THA's Executive Director is authorized to execute a construction contract with Berschauer Construction Inc. in the amount of \$659,500.00 and approve the budget expenditure and purchase of FF&E from Objekts in the amount of \$271,612.00.

**Approved: April 28, 2021**

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Stanley Rumbaugh, Chair

# **Resolution 4**





# TACOMA HOUSING AUTHORITY

## RESOLUTION 2021-04-28 (4)

**Date:** April 28, 2021  
**To:** THA Board of Commissioners  
**From:** Michael Mirra  
Executive Director  
**Re:** Hilltop Lofts Omnibus

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*This resolution will authorize Tacoma Housing Authority (THA) to serve as special member of Hilltop Lofts Housing, LLC (the “Company”), lease property to the Company, make a loan to the Company, and execute documents related to the closing with the investor member and various funders in connection with the development of Hilltop Lofts.*

### Background

THA has partnered with Horizon Housing Alliance (the “Sponsor”) in connection with the development of the Hilltop Lofts Apartments to be located at 1120-1124 Martin Luther King Way, in Tacoma, Washington. This is a 57-unit permanent supportive housing project for individuals exiting homelessness. The community prioritized permanent supportive housing in THA’s 2019 #DesigntheHill community engagement process.

The Hilltop Lofts Apartments will be owned and operated by the Company and located on land leased to the Company by THA. THA will serve as the special member of the Company. THA and the Sponsor will share a right of first refusal to acquire the Hilltop Lofts Apartments following the end of the 15-year tax credit compliance period. In exchange for an expected allocation of federal low-income housing tax credits and other federal tax benefits, Wells Fargo Affordable Housing Community Development Corporation (the “Investor”) is expected to make capital contributions to the Company, which will be used by the Company to establish reserves, pay construction costs, and retire a portion of the Company’s debt. Construction financing for the Hilltop Lofts Apartments will be provided by Wells Fargo Bank, National Association. Other anticipated funding sources include loans from the Washington State Department of Commerce, Pierce County, and the Tacoma Community Development Authority. THA will also provide the Company one or more additional loans in an amount not to exceed \$3,000,000 for the purpose of financing or refinancing costs associated with the development of the Hilltop Lofts Apartments, which will be payable from available cash flow, and which will be guaranteed by the Sponsor.

### Recommendation

Approve Resolution No. 2021-04-28 (4).



# TACOMA HOUSING AUTHORITY

## RESOLUTION 2021-04-28 (4) (Hilltop Lofts Omnibus)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF TACOMA, authorizing the Authority to serve as special member of Hilltop Lofts Housing, LLC; authorizing the lease of Authority property to Hilltop Lofts Housing, LLC; authorizing a loan to be made to Hilltop Lofts Housing, LLC to finance or refinance a portion of the costs associated with the development of a housing project to be located in the vicinity of 1120 to 1124 Martin Luther King Way, in Tacoma, Washington, to be known as Hilltop Lofts; approving the execution and delivery of documents relating to Hilltop Lofts Housing, LLC, the lease, the loan, and otherwise in connection with the development of the Hilltop Lofts housing project; and determining related matters.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF TACOMA as follows:

Section 1. Recitals and Findings. The Board of Commissioners (the “Board”) of the Housing Authority of the City of Tacoma (the “Authority”) finds and determines that:

(a) Statutory Authorization. The Authority is authorized by the Housing Authorities Law (chapter 35.82 RCW) to, among other things: (i) “make and execute contracts and other instruments, including but not limited to partnership agreements” (RCW 35.82.070(1)); (ii) “delegate to one or more of its agents or employees such powers or duties as [the Authority] may deem proper” (RCW 35.82.040); (iii) “make . . . loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing or refinancing of land, buildings, or developments for housing for persons of low income” (RCW 35.82.070(18)), and (iv) “prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof” (RCW 35.82.070(2)). The phrase “housing project” is defined by RCW 35.82.020 to include, among other things, “any work or undertaking . . . to provide decent, safe and sanitary urban or rural dwellings, apartments, mobile home parks or other living accommodations for persons of low income.” The Uniform Electronic Transactions Act (chapter 1.80 RCW) provides that each governmental agency of the State of Washington “shall determine whether, and the extent to which, a governmental agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures” (RCW 1.80.170(1)).

(b) The Company. Horizon Housing Alliance, a California nonprofit public benefit corporation (the “Sponsor”) formed Hilltop Lofts Housing, LLC (the “Company”) by filing a Certificate of Formation with the Secretary of State of the State of Washington on January 13, 2020. Pursuant to an Operating Agreement for Hilltop Lofts Housing, LLC dated as of January 21, 2020 (the “Original Operating Agreement”), Hilltop Lofts Manager, LLC (the “Manager”), a Washington limited liability company of which the Sponsor is the sole member and manager, is the managing member of the Company, and the Authority is the initial investor member of the Company. Wells

Fargo Affordable Housing Community Development Corporation (or one or more of its affiliates) (collectively, the “Investor”) is willing to be a special investor member in the Company and to make capital contributions to the Company if the Authority becomes a special member in the Company and relinquishes its investor member interest. In connection with the admission of the Investor as a special investor member, it is necessary to amend and restate the Original Operating Agreement, and to execute and deliver certain other agreements, certificates and documents relating to the Company and the Project (as defined below).

(c) The Project. The Sponsor formed the Company to finance the acquisition, construction, and equipping of an approximately 57-unit residential rental project located in the vicinity of 1120 to 1124 Martin Luther King Way, in Tacoma, Washington (the “Project”). The Authority owns the fee simple interest in the land on which the Project is to be located. To facilitate the Borrower’s development of the Project, the Authority will lease its interest in the land on which the Project is to be located to the Borrower, and will encumber the Authority’s fee interest with certain regulatory covenants and use restrictions. The land lease and real property encumbrances are necessary to support the poor and infirm and are important for the feasibility of the Project and are necessary to enable the Authority to carry out its powers and purposes under the Housing Authorities Law.

(d) Additional Findings. The Sponsor has requested that the Authority make a loan to the Borrower in the principal amount of not to exceed \$3,000,000 (the “Loan”) to finance or refinance costs associated with the development of the Project, and the Authority has determined that it is in the best interest of the Authority to provide the Loan to the Borrower. The financial assistance to be provided by the Authority pursuant to this resolution is necessary to support the poor and infirm. The Board further finds that the Loan is important for the feasibility of the Project and is necessary to enable the Authority to carry out its powers and purposes under the Housing Authorities Law.

Section 2. Approval of Transaction Documents. The Authority’s Executive Director, the Chair of the Board, and their respective designees (each, an “Authorized Officer” and, collectively, the “Authorized Officers”), and each of them acting alone, are authorized and directed to execute, deliver and, if applicable, file (or cause to be executed and delivered and, if applicable, filed) on behalf of the Authority (i) those documents listed in Exhibit A (collectively, the “Transaction Documents”) in such forms as any Authorized Officer may approve (with the understanding that an Authorized Officer’s signature on a Transaction Document shall be construed as the Authority’s approval of such Transaction Document); and (ii) any other documents reasonably required to be executed by the Authority to carry out the transactions contemplated by the Transaction Documents. The Authorized Officers (and each of them acting alone) are further authorized and directed to take any other action and to execute such other documents as may be required to be taken or executed by the Authority under the provisions of or as necessary to carry out the transactions contemplated by the Transaction Documents (including the amendment of any such documents if necessary to further the purposes thereof or resolve ambiguities therein).

Section 3. Authorization to Lend Money; Authorization for Housing Authority Loan Documents. The Authority is authorized to lend to the Company up to \$3,000,000 of available

Authority funds pursuant to the terms of the Transaction Documents listed in Exhibit A under the heading “Housing Authority Loan Documents” (collectively, the “Housing Authority Loan Documents”). The Authorized Officers, and each of them acting alone, are authorized on behalf of the Authority to determine the source (or sources) of funds for each loan contemplated under the Housing Authority Loan Documents.

Section 4. Approval of Ground Lease and Real Estate Encumbrances. In furtherance of its statutory authority to provide decent, safe and sanitary living accommodations for persons of low income, the Authority is authorized to (i) lease to the Borrower, for a term not exceeding 76 years, the land on which the Project is to be located; (ii) encumber the Authority’s interest in the Project and the land on which it is to be located (including its fee interest therein) pursuant to certain covenant agreements, regulatory agreements, extended use agreements, and other similar encumbrances; and (iii) encumber the Authority’s interest in property adjacent to the land on which the Project is to be located with certain easements necessary or desirable for the construction and operation of the Project (the documents referred to in subsections (i), (ii), and (iii) are collectively referred to as the “Real Estate Documents”); provided, however, the foregoing authorization does not include any encumbrance that provides the grantee or beneficiary the right or potential right to foreclose on (whether by judicial foreclosure, non-judicial foreclosure, deed in lieu, or otherwise), terminate, or otherwise vacate by any means all or any portion of the Authority’s interest in such land, improvements, or property.

Section 5. Authority Regarding Membership Interests. The Authority is authorized to become a special member of the Company and to relinquish its investor member interests, upon the admission of the Investor as the Company’s new investor limited partner. The Authorized Officers (or their designates), and each of them acting alone, are authorized and directed, without further Board approval, to take such actions on behalf of the Authority as are required to be taken by the Authority in its capacity as special member of the Company.

Section 4. Supplemental Authorization. The Authorized Officers, and each of them acting alone, are authorized on behalf of the Authority to: (i) determine that any document authorized by this resolution is, at the time such document otherwise would be executed, no longer necessary or desirable and, based on such determination, cause the Authority not to execute or deliver such document; (ii) execute and deliver and, if applicable, file (or cause to be delivered and/or filed) any government forms, applications, affidavits, certificates, letters, documents, agreements and instruments that such officer determines to be necessary or advisable to give effect to this resolution and to consummate the transactions contemplated herein; and (iii) notwithstanding any other Authority resolution, rule, policy, or procedure, to create, accept, execute, send, use, and rely upon such tangible medium, manual, facsimile, or electronic documents, records and signatures under any security procedure or platform, as in such Authorized Officer’s judgment may be necessary or desirable to give effect to this resolution and to consummate the transactions contemplated herein.

Section 5 Execution of Duties and Obligations. The Board authorizes and directs the Authority’s Executive Director to cause the Authority to fulfill the Authority’s duties and obligations under the Transactions Documents.

Section 6. Acting Officers Authorized. Any action authorized or required by this resolution to be taken by the Authority's Executive Director may, in such person's absence, be taken by the acting Executive Director of the Authority.

Section 7. Changes to Titles or Parties. While the titles of and parties to the Transaction Documents may change, no change to such titles or parties shall affect the authority conferred by this resolution to execute, deliver, file (if required), enforce and perform the documents in their final form.

Section 8. Ratification and Confirmation. All actions of the Authority and its officers prior to the date hereof and consistent with the terms of this resolution (including, without limitation, the Authority's actions in connection with the formation of the Company and the execution of the Original Operating Agreement) are ratified and confirmed.

Section 9. Effective Date. This resolution shall be in full force and effect from and after its adoption and approval.

ADOPTED by the Board of Commissioners of the Housing Authority of the City of Tacoma at an open public meeting held on April 28, 2021.

HOUSING AUTHORITY OF THE CITY  
OF TACOMA

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Chair, Board of Commissioners

ATTEST:

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Executive Director

## **Exhibit A Transaction Documents**

### **Company Documents**

- Amended and Restated Operating Agreement by and among the Authority, the Managing Member, and the Investor;
- Development Fee Agreement by and among the Sponsor, the Authority and the Company; and
- Right of First Refusal, Purchase Option Agreement among the Sponsor, the Authority, the Company, the Managing Member, and the Investor.

### **Housing Authority Loan Documents**

- Loan Agreement between the Authority, as lender, and the Company, as borrower;
- Promissory Note (Hilltop Lofts) by the Company for the benefit of the Authority;
- Leasehold Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing (Hilltop Lofts) by the Company in favor of the Authority;
- Hazardous Substance Warranty/Indemnity Agreement by the Company for the benefit of the Authority;
- Regulatory Agreement between the Company and the Authority;
- Payment and Performance Guaranty made by the Sponsor in favor of the Authority.

### **Commerce Document**

- Low Income Housing Covenant Agreement made by the Company and the Authority for the benefit of the Department of Commerce, a department of the State of Washington.

### **HUD Documents**

- Agreement to Enter into Housing Assistance Payment Contract between the Authority and the Company;
- Housing Assistance Payment Contract between the Authority and the Company; and
- Rider to Agreement to Enter into Housing Assistance Payments Contract and Housing Assistance Payment Contract between the Authority and the Company.

## **Real Estate Documents**

- Regulatory Agreement (Extended Use Agreement) relating to the Project among the Washington State Housing Finance Commission (the “Commission”), the Authority and the Company;
- Ground Lease Agreement between the Authority and the Company;
- Memorandum of Ground Lease between the Authority and the Company;
- Priority and Subordination Agreement (Hilltop Lofts) among the Company, the Sponsor, the Department of Commerce, Tacoma Community Redevelopment Authority, Pierce County, Wells Fargo Bank, National Association, the Authority, and the Commission;
- Restated and Amended Declaration of Covenants and Conditions among the City of Tacoma, the Company, and the Authority;
- Parking Easement Agreement between the Authority and the Company; and
- One or more easement agreements pertaining to utility access.

## CERTIFICATE

I, Michael Mirra, the duly chosen, qualified and Executive Director of the Housing Authority of the City of Tacoma (the "Authority") and keeper of the records of the Authority, CERTIFY:

1. That the attached Resolution 2021-04-28(4) (the "Resolution") is a true and correct copy of the resolution of the Board of Commissioners of the Authority as adopted at a meeting of the Authority held on April 28, 2021 (the "Meeting"), and duly recorded in the minute books of the Authority;

2. That in accordance with RCW 43.06.220, and the Proclamations of the Governor of the State of Washington, as extended by the leadership of the Washington State Senate and House of Representatives (a) one or more options were provided for the public to attend the Meeting remotely, including by telephonic access, and (b) the means of attending the Meeting provided the ability for all persons attending the Meeting to hear each other at the same time;

3. The public was notified of access options for remote participation in the Meeting via \_\_\_\_\_; and

4. The Meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of the Meeting was given; that a quorum was present throughout the Meeting through telephonic and/or internet means of remote access, and a majority of the members of the Board of Commissioners of the Authority present at the Meeting voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand on April 28, 2021.

HOUSING AUTHORITY OF THE CITY  
OF TACOMA

\_\_\_\_\_  
Michael Mirra, Executive Director