

Source of Income Protection Policy in Town-Supported Housing

Draft Date: May 24, 2023

Department: Affordable Housing & Community Connections



Policy

A key strategic focus area for the Town is to increase housing across a range of income and housing types to achieve equitable housing outcomes for historically marginalized population. This includes increasing the availability of affordable housing.

Housing Choice Vouchers and similar housing subsidy programs administered by the U.S. Department of Housing and Urban Development, the State of North Carolina, or at the local level provide valuable financial assistance for income-eligible families seeking affordable housing. Having a sufficient supply of units that accept these subsidies is an important way to expand the local supply of affordable housing.

As set forth in this policy, residential developments that have received Town funds or have involved the conveyance of Town property for the provision of affordable housing must accept all lawful sources of income, including housing choice vouchers, in the payment of housing costs.

Applicability

Residential development projects constructed, developed, rehabilitated or renovated, in whole or part, with Town funding or other financial incentives including conveyance of real estate.

All applicable developments shall be required to consider housing vouchers and other provable and lawful sources of income as defined herein, and eligible residential tenants for Town-supported units will not be disqualified based on refusal of housing owner, operator or developer to consider lawful sources of income.

Non-Applicability

This policy shall not apply to housing that has not received Town resources. Providers of housing with no Town support will be encouraged to voluntarily accept tenants with all forms of rental subsidies and lawful sources of income.

Enforcement

- The policy will be applicable to the housing owner/provider(s) responsible for making rental eligibility decisions.
- Housing owners/providers will be in violation of this policy if a reason for denying the applicant is an applicant's provable and lawful source of income, including housing vouchers. The Policy is not intended to require terms that prevent a property owner/provider from determining, in a commercially reasonable and non-discriminatory manner, the ability of a housing applicant to afford to rent a property.
- The terms of adherence and enforcement will be spelled out in the Town's funding and/or land conveyance agreement.
- The policy will apply to applicable developments for a term equal to the affordability period of the project, as laid out in the funding agreement or land conveyance agreement.

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Definitions

Affordable Housing means housing that is designed and constructed or renovated to serve eligible households with an income that is no more than 80 percent of the Area Median Income (AMI), as published annually by the U.S. Department of Housing and Urban Development (HUD).

Town Funds include funding from the Town's General Fund, bond funding, as well as funding from state and federal sources that do not have use restrictions contrary hereto.

Lawful Source of Income shall include wages from a lawful profession, occupation, or job; any government or private assistance, grant, loan, or rental assistance program, including vouchers directly or indirectly funded by the federal government or other rental subsidy programs; or any legal, documented gift, inheritance, pension, annuity, alimony, child support, or other consideration or benefit.

Town Supported Developments are those with Town-provided financial assistance or real estate conveyance for the production or preservation of affordable housing or other public benefit.

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