

**HOUSING AUTHORITY OF THE COUNTY OF KING**

**RESOLUTION NO. 5432**

**EVIDENCING THE INTENT OF THE HOUSING AUTHORITY TO OPERATE  
TWO MULTI-FAMILY PROPERTIES, NORTHWOOD AND BURIEN PARK,  
AS HOUSING FOR OCCUPANCY BY PERSONS AGE 55 OR OLDER**

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**WHEREAS**, the Housing Authority of the County of King (the “Authority”) seeks to encourage the provision of long-term housing for low-income persons, including seniors, residing within King County, Washington; and,

**WHEREAS**, RCW 35.82.070(2) provides that a housing authority may “prepare, carry out, acquire, lease and operate housing projects. . .”; and,

**WHEREAS**, the Authority owns two multifamily housing projects, one located at 18128 73rd Ave. N.E., Kenmore, WA 98028 and commonly known as Northwood (“Northwood”) and another located at 500 S.W. 148th St., Burien, WA 98166 and commonly known as Burien Park (“Burien Park”), both of which are occupied primarily by senior residents; and,

**WHEREAS**, the Authority has received approval from the U.S. Department of Housing and Urban Development (“HUD”) to opt-out of the Section 8 New Construction contracts for Northwood and Burien Park. The conversion of these properties to project-based Section 8 subsidy is scheduled to occur in July of 2013; and,

**WHEREAS**, Title VIII of the Civil Rights Act of 1968, as amended (the “Fair Housing Act”) prohibits discrimination against persons because of race, color, religion, sex, national origin and handicap in the provision of housing and housing-related services, with certain exemptions from the ban against discrimination based on familial status for

housing that is intended and operated for occupancy by persons age 55 or older if the housing satisfies criteria under the Housing for Older Persons Act (“HOPA”); and,

**WHEREAS**, the Authority has aggressively pursued and successfully procured a significant supply of Section 8 Housing Choice Vouchers which are dedicated to expanding housing choices for disabled households; and

**WHEREAS**, the Fair Housing Act exemption applicable to Northwood and Burien Park are applicable so long as the properties were part of the Section 8 New Construction program and terminates when the federal contract ends; and,

**WHEREAS**, in order to claim exemption from the familial status provision of the Fair Housing Act for housing intended and operated for occupancy by persons 55 years of age or older, a housing program must meet the following requirements: (i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older (24 CFR 100.305); (ii) the housing facility must publish and adhere to policies and procedures that demonstrate [such] intent (24 CFR 100.306); and (iii) the housing facility must comply with rules issued by the Secretary [of HUD] for verification of occupancy (24 CFR 100.307).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF KING:**

**Section 1: Intent to Operate Northwood and Burien Park as Housing for Older Persons.** The Authority intends to operate Northwood and Burien Park for occupancy by persons 55 years of age or older, and otherwise in the fullest practical conformance with the provisions of the HOPA, from and after the applicable expiration date of the

property's HUD-assisted Section 8 New Construction contract. In that regard, from and after the expiration date of such contract, the Authority shall:

i) maintain an up-to-date database containing the name, address and date of birth of all owners/occupants in the residential units, with the age of each owner/occupant to be verified by driver's license, passport, birth certificate, military record or other allowable document;

ii) every two years, conduct a verification survey of the age of all owners/occupants based on the information contained in the resident file and produce a written report accurately representing the number and percentage of owners/occupants conforming to the Authority's age restriction criteria;

iii) ensure that no less than 80 percent of the residential units are occupied by one or more persons 55 years of age or older;

iv) publish and adhere to policies that demonstrate the Authority's intent to primarily provide housing for persons 55 years of age or older; and

v) ensure that Northwood and Burien Park are represented, through signage and internal and external communications, as housing primarily for older persons.

The Authority is authorized to take such other actions as may be necessary or advisable to give effect to these resolutions.

**Section 2. Opt Out Timing.** The effective date of the contract opt-outs for Northwood and Burien Park may occur at any appropriate time during the summer of 2013.

**Section 3. Miscellaneous.** Under 24 CFR 100.308, HOPA regulations allow for immunity from civil damages to commissioners who in good faith rely on an officer's

statement that a property qualifies for the HOPA exemption from family discrimination under the Fair Housing laws. For this purpose, written confirmation to the Board by Stephen Norman, the Authority's Executive Director, is attached to this Resolution.

**Section 4. Governmental Filings; Other Agreements.** The Executive Director is further authorized to execute, deliver and, if applicable, file (or cause to be executed, delivered and, if applicable, filed), on behalf of the Authority, any government forms, affidavits, certificates, letters, documents, agreements and instruments that he determines to be necessary or advisable to give effect to this resolution and to consummate the transactions contemplated herein,.

**Section 5. 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 COUNTY OF KING AT AN OPEN PUBLIC MEETING THIS 17TH DAY OF JUNE, 2013.**

**HOUSING AUTHORITY OF THE COUNTY OF KING**

  
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**Doug Barnes, Chair**

ATTEST:

  
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**Stephen Norman, Secretary**

## HOPA Confirmation

This will confirm to the Commissioners of the Housing Authority of King County that Northwood and Burien Park qualify for exemption from familial discrimination under the Housing for Older Persons Act (HOPA) and that the Authority intends to continue operating the property as housing primarily for persons aged 55 and older pursuant to HOPA requirements.



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Stephen J. Norman  
Executive Director

June 17, 2013