

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

When a family wishes to receive assistance under the HCV program, the family must submit an application that provides the PHA with the information needed to determine the family's eligibility. HUD requires the PHA to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, the PHA must select families from the waiting list in accordance with HUD requirements and PHA policies as stated in the administrative plan and the annual plan.

The PHA is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the PHA that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that the PHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and PHA policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide the PHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that the PHA has the information needed to make a final eligibility determination.

## **PART I: THE APPLICATION PROCESS**

### **4-I.A. OVERVIEW**

This part describes the PHA policies for making applications available, accepting applications making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes the PHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

### **4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]**

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits the PHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by the PHA. The PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's application.

#### PHA Policy

#### Historical Information

On March 31, 2014 the City of Dubuque, Iowa and the U.S. Department of Housing and Urban Development (HUD) entered into a Voluntary Compliance Agreement outlining remedies to address the findings of noncompliance identified in HUD's letter to the City dated June 17, 2013. In its letter of findings to the City, HUD found that the City's process of purging applicants from the waiting list resulted in disparaging impact and kept people out of the program, specifically African-Americans. The City contends there was no such intent with this process; however, did agree to notify all applicants on the waiting list in November and December 2009 to invite all applicants to apply. On April 9, 2015 HUD granted permission to close the HCV waiting list effective April 30, 2015. As of April 1, 2015, the HCV waiting list consisted of 1500 applicants. As of April 2016, the HCV waiting list consisted of 466 applicants. In April 2016, 1021 applicants from the November and December 2009 "purge group" were notified and invited to apply for the HCV waiting list. Upon exhaustion of the current HCV waiting list, the applicants invited to apply who responded were placed on a special HCV waiting list which was processed prior to opening the HCV waiting list for applications as described in this chapter utilizing the marketing and outreach plan identified in the Administrative Plan.

#### Program Specific Waiting List

The City of Dubuque shall maintain waiting lists for the Moderate Rehabilitation Program; the Project Based Voucher Program and the Housing Choice Voucher Program.

#### Pre-Application

**Moderate Rehabilitation Program Waiting List:** The Moderate Rehabilitation Program shall be a separate waiting list. The Moderate Rehabilitation program provides project-based rental assistance to very low-income families. The City of Dubuque currently has two properties with Moderate Rehabilitation contracts. Eligible families are placed on the Moderate Rehabilitation waiting list upon request by the family. When vacancies occur in Mod Rehab projects, the City refers income eligible families for participation in

the Mod Rehab program from its waiting list to the owner. Owners select a family for occupancy of a particular unit after screening the family. Once the owner selects a family and notifies the City, the City shall determine final eligibility based upon the same criteria for eligibility as the Housing Choice Voucher program.

Project-Based Voucher Program Waiting List: The Project-Based Voucher Program Waiting List shall be a separate waiting list. The City of Dubuque currently has one project-based voucher contract in a selected affordable assisted living residential facility. All families selected for occupancy must qualify according to the very low-income guidelines. The project-based voucher units are designated for occupancy by elderly or disabled families requiring assisted living services. Prior to and as a condition of occupancy, the Owner or its designated service provider shall evaluate the proposed applicant's status to determine the qualification for residency of the assisted living facility. When vacancies occur in the project-based voucher program, the City refers income eligible families for participation in the project-based voucher program from its waiting list to the owner. The owner selects a family for occupancy of a particular unit after screening the family. Once the owner selects a family and notifies the City, the City shall determine final eligibility based upon the same criteria for eligibility as the Housing Choice Voucher program.

Housing Choice Voucher Program Waiting List(s):

The City of Dubuque shall open the Housing Choice Voucher waiting list when it is reduced to less than 50 applications, on the 2<sup>nd</sup> Tuesday of each month. However, if the need identified for the month is greater than 50 applicants, the waiting list may be reopened with more than 50 applicants on the waiting list. The current (Established Feb. 2018) waiting list will be completely exhausted prior to selecting applicants from the new waiting list. The new HCV waiting list will be opened to accept applications for one (1) calendar day. Interested individuals/families will be required to complete a written pre-application form for admission and placement on the waiting list. Applications submitted online shall be considered written applications. The City of Dubuque will use the pre-application form to collect only the information necessary to make a preliminary determination of eligibility.

A lottery system will be used to determine which applicants are placed on the new waiting list once the waiting list is closed. Using the lottery system, the number of applicants selected to be placed on the waiting list will be determined based on anticipated need of applicants using HUD's two-year tool. Only the head of household should apply. Duplicate applications will not be allowed. Each household has an equal chance of being selected. Applicants that are not selected to be placed on the waiting list will be notified and will need to re-apply to the waiting list the next time the waiting list is open.

The family will be required to provide all of the information necessary to establish final family eligibility and level of assistance when the family is selected from the waiting list.

When the waiting list is open, individuals/families may obtain pre-application forms from the PHA's office during normal business hours or may complete online applications at the City of Dubuque website at [www.cityofdubuque.org/hcv](http://www.cityofdubuque.org/hcv). Applicants may also request – by telephone, mail or e-mail– an application be sent to them via first class mail or FAX or e-mail.

Applications must be received during the time the waiting list is open to the general public. For applications received by mail, the received date shall be determined by the date the application has been post marked. For applications received by Fax or e-mail, the received date shall be determined by the date the FAX or the e-mail is received by the City of Dubuque. The City of Dubuque shall open the waiting list for one (1) calendar day with the last day of acceptance on a business day to allow applicants the opportunity to contact the City of Dubuque Housing Authority staff if the applicant has questions.

If the pre-application is incomplete, the PHA will notify the family of the additional information required. HA staff will make reasonable efforts to contact the applicant and inform him/her of the additional information required and provide the applicant seven (7) calendar days to correct the deficiency. Reasonable efforts shall be in the form of one letter, one telephone call or one e-mail. If the HA staff is unable to contact the applicant, the application will be removed from the lottery selection process or if the applicant is contacted and fails to respond within the time period specified or any extensions of time, the applicant will be removed from the lottery selection process. A record of those efforts shall be maintained with the application.

#### Final Application

On an ongoing basis, the PHA will select a number of households from the waiting list based upon the number of Vouchers that may be issued by utilizing leasing data and turnover rates and selecting the applicants from the HCV waiting list based on date and time of application. The applicants selected from the waiting list will be mailed a full application packet to determine final eligibility.

Completed applications must be received by the PHA by mail, FAX, e-mail or submitted in person during normal business hours within 15 business days of the date on the PHA letter requesting the updated application. For applications received by mail, the received date shall be determined by the date the application has been post marked. For applications received by Fax or e-mail, the received date shall be determined by the date the FAX or the e-mail is received by the City of Dubuque. Applications must be complete in order to be accepted by the PHA for processing. An application shall only be considered complete if accompanied by proof of identity; copy of SSN; citizenship, eligible immigration status or non-contending declaration; and all mandatory release forms along with a completed application. The final "Application" form must be completely filled out and must not contain any blanks or unanswered questions.

All applications must be accompanied by proof of identity from a third party for all household members. Acceptable forms shall include birth certificates; current driver's license; identification card issued by a federal, state, or local agency; identification card issued by a medical insurance company or provider (including Medicare and Medicaid);

or Court records. All applications must be accompanied by copies of social security cards of all household members.

If the applicant is unable to provide documentation/verification of the SSN but is otherwise determined eligible, the applicant may retain the applicant's place on the waiting list for the program but cannot become a participant until the applicant provides the required verification. The applicant will be provided 30 days to obtain the required verification while retaining the applicant's place on the waiting list.

However, if a child under the age of 6 years was added to the applicant household within the 6-month period prior to the household's date of voucher issuance, the applicant may become a participant, so long as the documentation/verification is provided within 90 calendar days from the date of admission to the program. One additional 90-day extension period will be granted if the PHA determines that the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were not due to the fault of the applicant.

If the applicant family fails to produce the required documentation/verification required within the allotted time period as stated above, the PHA shall follow the policies as stated in Chapter 3, Part III: Denial of Assistance if the applicant has not become a participant of the program or Chapter 12, 12-I.D. Mandatory Termination of Assistance if the applicant has been admitted to the program.

If the final application is incomplete, the PHA will notify the family of the additional information required. HA staff will make reasonable efforts to contact the applicant and inform him/her of the additional information required and provide the applicant 15 business days to correct the deficiency. Reasonable efforts shall be in the form of one letter or, if no address is provided, one telephone call or e-mail. If the HA staff is unable to contact the applicant, the application will be removed from the waiting list or if the applicant is contacted and fails to respond within the time period specified or any extensions of time, the applicant will be removed from the waiting list. A record of those efforts shall be maintained with the application. A record of all applications received (even incomplete applications) shall be maintained by the PHA indicating all attempts to contact the applicant.

#### **4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

##### **Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]**

The PHA must take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard PHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). The PHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the PHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of the PHA's policies related to providing reasonable accommodations for people with disabilities.

##### **Limited English Proficiency**

PHAs are required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the PHA's policies related to ensuring access to people with limited English proficiency (LEP).

#### **4-I.D. PLACEMENT ON THE WAITING LIST**

The PHA must review each complete application received and make a preliminary assessment of the family's eligibility. The PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

##### **Ineligible for Placement on the Waiting List**

###### PHA Policy

During the pre-application, if the PHA can determine from the information provided that a family is ineligible, the family will be notified according to the procedures stated in Chapter 3, Part III: Denial of Assistance. Where a family is deemed to be ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of its decision to deny the application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16). Any previous applicant/participant that had been determined to be ineligible for an assisted housing benefit/subsidy that was notified in writing of the reason for his/her ineligibility and of his/her right to request an Informal Hearing shall be held accountable to the terms and time limits of the previous notice or hearing.

##### **Eligible for Placement on the Waiting List**

###### PHA Policy

###### Housing Choice Voucher Waiting List(s):

The PHA will send written notification of the preliminary eligibility determination within 15 business days of completing the lottery selection of those applicants selected to be placed on the waiting list. Applicants will be selected to be placed on the waiting list according to a computer-generated Lottery/random selection process.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Also see **4-I.B. APPLYING FOR ASSISTANCE** for placement on the Moderate Rehabilitation or Project-Based Voucher Waiting Lists.

## **PART II: MANAGING THE WAITING LIST**

### **4-II.A. OVERVIEW**

The PHA must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how a PHA may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

#### PHA Policy

The waiting list shall remain open for receipt of applications for time periods of one (1) calendar day according to the policy as stated in Chapter 4, Section 4.I.B. Applying for Assistance.

### **4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]**

The PHA's HCV waiting list must be organized in such a manner to allow the PHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

HUD requires the PHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

#### PHA Policy

The PHA will maintain the waiting list(s) for the HCV program according to the policy stated in Chapter 4, Section 4.I.B. Applying for Assistance. The PHA will maintain a separate waiting list for the Moderate Rehabilitation and Project Based Voucher programs. Applicants will be asked to identify and indicate their interest in applying for the Moderate Rehabilitation and Project Based Vouchers and will be maintained on all lists according to their preference and qualifications.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the PHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

#### PHA Policy

The PHA will not merge the HCV waiting list with the waiting list for any other program the PHA operates.

### **4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]**

#### **Closing the Waiting List**

A PHA is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, the PHA may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

HUD permits the PHA to close the waiting list if it has an adequate pool of families to use its available funding, but does not define what constitutes an "adequate pool." The HCV Guidebook suggests that application-taking should stop when the anticipated wait reaches between 12 and 24 months.

#### PHA Policy

The PHA will open and close the HCV waiting list periodically as defined in Chapter 4, Section 4.I.B. Applying for Assistance. Once the waiting list is closed according to the procedure in the section noted above, the PHA shall utilize a lottery system to randomly select applicants to be placed on the waiting list. Where the PHA has particular selection or funding criteria (Project Based Vouchers, Tenant Protection Vouchers or Moderate Rehabilitation Programs) that require a specific category of family, the PHA may elect to continue to accept applications from these applicants while closing the HCV waiting list to others.

#### **Reopening the Waiting List**

If the waiting list has been closed, it cannot be reopened until the PHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

#### PHA Policy

The PHA will announce the reopening of the HCV waiting list at least 10 business days prior to the date applications will first be accepted. The PHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

*City of Dubuque Website*

*Telegraph Herald*

*Also see Section 02 Fair Housing Outreach*

#### **4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]**

The PHA must conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires the PHA to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

PHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

PHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low-income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

##### PHA Policy

The PHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved. Outreach activities will include surrounding housing authorities, local chapters of the NAACP within 200 miles, outreach to agencies assisting persons with disabilities and organizations for persons with limited English proficiency.

Also see Chapter 2 Adm Plan Fair Housing for additional outreach

#### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

##### PHA Policy

While the family is on the waiting list, the family must immediately inform the PHA of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing, whenever possible.

#### **4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]**

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list.

##### **Purging the Waiting List**

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates, and the PHA determines that the family did not respond because of the family member's disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

##### PHA Policy

The waiting list will be updated annually to ensure that all applicants and applicant information is current and timely. Each applicant on the waiting list will be notified of the necessity to update their information and/or to notify the PHA of their continued interest to remain on the waiting list.

To update the waiting list, the PHA will send an update request via first class mail to each family on the waiting list at the same time to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the PHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing whenever possible and may be delivered in person, electronically, by mail, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice. However, if the notice is returned by the post office with no forwarding address, the applicant will be contacted by telephone call, e-mail or by applicant's authorized additional contact person and provided an additional 15 business days to respond.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond to the purge notice, the PHA may reinstate the family if it is determined that the lack of response was due to PHA error, or to circumstances beyond the family's control that can be verified by the applicant.

## **Removal from the Waiting List for Ineligibility**

### PHA Policy

If at any time an applicant family is on the waiting list, the PHA determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because the PHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as provided on the most recent application. If the letter is returned with a forwarding address, the letter will be resent to the new address. If the letter is returned without a forwarding address, the applicant will be contacted by telephone call, e-mail or by applicant's authorized additional contact person. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding the PHA's decision (see Chapter 16) [24 CFR 982.201(f)].

## **Removal from Waiting List During Final Eligibility Application**

### PHA Policy

Once the applicant family reaches the top of the waiting list, a letter along with the Final Application packet will be sent by first class mail to notify the applicant family and to request updated information. If the applicant family fails to respond to the letter within 15 business days from the date of the letter, staff will make a reasonable effort by telephone call, e-mail or by applicant's authorized additional contact person to request updated information. If the applicant fails to respond to the 2<sup>nd</sup> request within the time frame specified by staff (normally 15 business days) or any extension of time granted by staff the applicant family will be removed from the waiting list without further notice.

If the family responds with the updated information within the time lines set above, the PHA will proceed with processing the application to determine final eligibility and schedule the interview/briefing appointment. Also see 4-III.D. NOTIFICATION OF SELECTION.

## **PART III: SELECTION FOR HCV ASSISTANCE**

### **4-III.A. OVERVIEW**

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families are selected from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

## **4-III.B. SELECTION AND HCV FUNDING SOURCES**

### **Special Admissions [24 CFR 982.203]**

HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, the PHA may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The PHA must maintain records showing that such families were admitted with special program funding.

### **Targeted Funding [24 CFR 982.204(e)]**

HUD may award a PHA funding for a specified category of families on the waiting list. The PHA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the PHA may skip families that do not qualify within the targeted funding category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

#### PHA Policy

The PHA administers the following types of targeted funding:

- 2008 and 2009 Non-Elderly Disabled Participants
- Vouchers covered by Project-Based HAP Contract
- Tenant Protection
- Moderate Rehabilitation Program

### **Regular HCV Funding**

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

#### **4-III.C. SELECTION METHOD**

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

##### PHA Policy

The PHA will select any family that has been terminated from its HCV program due to insufficient program funding or to any family that had been issued a voucher and the voucher was suspended or withdrawn or the briefing appointment that had been scheduled was canceled due to insufficient funding prior to selecting others from the waiting list- whether the waiting list is opened or closed. Assistance shall be offered in the order listed in the previous sentence- terminated families, vouchers issued and withdrawn, applicants scheduled for briefing appointment without regard to the waiting list position.

All other applicant households will be selected for the HCV program by date and time of their application. Failure to respond within 15 business days to the PHA request to update the application during the final application process to determine final eligibility or incomplete applications returned will result in a denial or delay in the final processing/voucher issuance according to the policy previously stated in Section 4.I.B. Applying for Assistance in this chapter.

HUD requires that at least 75% of households admitted into the program during the year must be extremely low income. Extremely low-income is defined as a very low-income family whose annual income does not exceed the higher of:

- (1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or
- (2) Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

The PHA reserves the right to skip over or re-select applicants, if the PHA determines that it is necessary to reach the HUD requirement that at least 75% of households admitted into the program during the year must be extremely low income.

If the available Voucher is designated as a special purpose Voucher allocated for disabled families such as NED (Non-Elderly Disabled), applicants qualifying for the special purpose Voucher will be selected by date and time of application. Other applicants that do not qualify for the special purpose Voucher will not be selected to receive the Voucher. Special purpose Vouchers identified as Tenant Protection shall be according to the HUD contract (Example: Opt-Out or Mod Rehab participants converting to the Voucher program.)

### **Local Preferences [24 CFR 982.207; HCV p. 4-16]**

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

#### PHA Policy

No local preference points are established.

When a local preference change is being sought, the PHA must seek approval from HUD and provide evidence supporting the need for the change from generally accepted data sources, i.e. census data, indicating a change in local demographics or the identification of need not previously met, thus necessitating additional assistance for an expanding or newly identified demographic.

### **Income Targeting Requirement [24 CFR 982.201(b)(2)]**

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during the PHA's fiscal year. ELI families are those with annual incomes that do not exceed the higher of the Federal poverty level or 30% of the area median income. To ensure this requirement is met, a PHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

### PHA Policy

The PHA will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

### **Order of Selection**

The PHA system of preferences may select families based on local preferences according to the date and time of application or by a random selection process (lottery) [24 CFR 982.207(c)]. If a PHA does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

### PHA Policy

If the available Voucher is designated as a special purpose Voucher allocated for disabled families such as NED (Non-Elderly Disabled), applicants qualifying for the special purpose Voucher will be selected based on date and time of application. Other applicants that do not qualify for the special purpose Voucher will not be selected to receive the Voucher. Special purpose Vouchers identified as Tenant Protection shall be according to the HUD contract (Example: Opt-Out or Mod Rehab participants converting to the Voucher program.)

Documentation will be maintained by the PHA as to whether families on the list qualify for and are interested in special purpose vouchers. If a higher placed family on the waiting list is not qualified for the special purpose voucher, there will be a notation maintained so that the PHA does not have to ask higher placed families each time targeted selections are made.

All other HCV applicant families will be selected based on date and time of application and according to the family's response to the final application process once selected.

#### **4-III.D. NOTIFICATION OF SELECTION**

When a family has been selected from the waiting list, the PHA must notify the family.  
[24 CFR 982.554(a)]

##### PHA Policy

Once the applicant family reaches the top of the waiting list, a letter along with the Final Application packet will be sent by first class mail to notify the applicant family and request updated information. If the applicant family fails to respond to the request for the Final Application, the process in Section 4.I.B. Applying for Assistance, Section “Final Application” shall be followed

Once the applicant family responds to the request with updated information and is determined eligible, the PHA will proceed with processing the application.

The PHA will notify the family by first class mail to inform the family of the following:

- Date, time, and location of the scheduled application interview/briefing, including any procedures for rescheduling the interview/briefing

- Who is required to attend the interview/briefing

- All documents that must be provided at the interview/briefing, including information about what constitutes acceptable documentation

If the notice is returned by the post office with no forwarding address, the applicant will be contacted by telephone call, e-mail or by applicant’s authorized additional contact person and provided another scheduled interview/briefing

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will be provided another scheduled interview/briefing.

If a notification letter is returned to the PHA with no forwarding address, and the PHA is unable to contact the applicant utilizing the above methods, the family will be removed from the waiting list. A notice of denial will be sent to the family’s address of record, as well as to any known alternate address, to deny assistance for failure to provide information necessary in the administration of the program. See 4-II.F. Removal from the Waiting List.

#### 4-III.E. THE APPLICATION INTERVIEW

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a face-to-face interview with a PHA representative [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

##### PHA Policy

Families selected from the waiting list are required to participate in an eligibility interview. The eligibility interview may be conducted at the time of the briefing appointment or conducted by mail/person prior to the briefing appointment.

The head of household and the spouse/co-head along with all adult household members will be requested to attend the interview together. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

The head of household or spouse/co-head and all household members must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.) If the family representative does not provide the required documentation at the time of the interview, he or she will be required to provide it within 10 business days or according to Section 4.I.B. Applying for Assistance in this chapter).

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for **30 calendar days**. If not all household members have disclosed their SSNs at the next time the PHA is issuing vouchers, the PHA will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status and Section 4.I.B. of this chapter provides details about SSN verification/documentation). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any

extensions), the family will be sent a notice of denial for failure to provide information necessary in the administration of the program.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the PHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview or arrives more than 15 minutes late for the appointment, the PHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews in a timely manner without PHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility and will be removed from the waiting list.

#### **4-III.F. COMPLETING THE APPLICATION PROCESS**

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information, the PHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

##### PHA Policy

If the PHA determines that the family is ineligible, the PHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to the waiting list. The PHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If the PHA determines that the family is eligible to receive assistance, the PHA will invite the family to attend a briefing in accordance with the policies in Chapter 5 and Section 4.III.E of this chapter.