

## **Chapter 4**

# **APPLICATIONS, WAITING LIST AND TENANT SELECTION**

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### 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 CHA with the information needed to determine the family's eligibility. HUD requires the CHA to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, the CHA must select families from the waiting list in accordance with HUD requirements and CHA policies as stated in the administrative plan and the annual plan.

The CHA 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 CHA 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 CHA 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 CHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and CHA 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 CHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the CHA'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 CHA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide the CHA 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 CHA has the information needed to make a final eligibility determination.



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

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

This part describes the CHA 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 CHA'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 CHA 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 CHA. The CHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the CHA's application.

#### CHA Policy

The CHA employs a two-step process for application to and selection from the waiting list. The CHA utilizes an online application process from a link on its website.

Under the two-step application process, the CHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may obtain application forms from the CHA's office during normal business hours. Families may also request – by telephone or by mail – that an application be mailed to them via first class mail.

Completed applications must be returned to the CHA by mail, electronically, by fax, or submitted in person during normal business hours. Applications must be complete in order to be accepted by the CHA for processing. If an application is incomplete, the CHA will notify the family of the additional information required.

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

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

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

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

CHAs 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 CHA's policies related to ensuring access to people with limited English proficiency (LEP).

#### **4-1.D. PLACEMENT ON THE WAITING LIST**

The CHA must review each complete application received and make a preliminary assessment of the family's eligibility. The CHA 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 CHA 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**

##### CHA Policy

If the CHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the CHA will send written notification of the ineligibility determination within 30 business days of the application closing date. 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).

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

##### CHA Policy

The CHA will send written notification of the preliminary eligibility determination within 30 business days of the application closing date and the lottery ranking is completed.

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.

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

### **4-IL.A. OVERVIEW**

The CHA 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 CHA may structure its waiting list and how families must be treated if they apply for assistance from a CHA that administers more than one assisted housing program.

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

The CHA's HCV waiting list must be organized in such a manner to allow the CHA 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 CHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such CHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

#### CHA Policy

The CHA will maintain a single waiting list for the HCV program.

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 CHA 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 CHAs 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.

#### CHA Policy

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

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

### **Closing the Waiting List**

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

#### CHA Policy

The CHA will close the waiting list at the end of the announced application period. The open application period will be not less than 4 weeks followed by a lottery. Where the CHA has particular preferences or funding criteria that require a specific category of family, the CHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

### **Reopening the Waiting List**

If the waiting list has been closed, it cannot be reopened until the CHA 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.

#### CHA Policy

The CHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

The CHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

***Chester Spirit, Chester Housing Authority Website, posting in central office and public housing site offices.***

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

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

Because HUD requires the CHA to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), the CHA 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].

CHA 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

CHA 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

##### CHA Policy

The CHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the CHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

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

##### CHA Policy

While the family is on the waiting list, the family must immediately inform the CHA of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing or self-updated through the applicant access software.

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

HUD requires the CHA 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 CHA request for information or updates, and the CHA determines that the family did not respond because of the family member's disability, the CHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

##### CHA Policy

The waiting list will be updated every two years to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the CHA will send an update request via first class mail to each family on the waiting list 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 CHA 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 and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by the CHA not later than 60 days from the date of the CHA letter.

If the family fails to respond within 60 days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

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 30 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, the CHA may reinstate the family if it is determined that the lack of response was due to CHA error, or to circumstances beyond the family's control, as a result of a family member's disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual

assault, stalking, or human trafficking, including an adverse factor resulting from such abuse.

## **Removal from the Waiting List**

### CHA Policy

If at any time an applicant family is on the waiting list, the CHA 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 CHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record.

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 CHA's decision (see Chapter 16) [24 CFR 982.201(f)].



## **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 CHA 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 CHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the CHA'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 CHA 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 CHA must maintain records showing that such families were admitted with special program funding.

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

HUD may award a CHA funding for a specified category of families on the waiting list. The CHA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the CHA 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.

#### CHA Policy

The CHA administers the following types of targeted funding:

***Non-Elderly Disabled, Mainstreaming Persons with Disabilities, Foster Youth, Special Purpose Vouchers, Local Homeless Set-Aside, Nurse Family Partnership Housing Stability 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**

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

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

CHAs 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 CHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the CHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

##### CHA Policy

The CHA will use the following local preferences:

Public Housing Relocation

Employment/Elderly/Disabled Head of Household

City of Chester Resident

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

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during the CHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, a CHA 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)].

##### CHA Policy

The CHA 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 CHA 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 CHA 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)].

#### CHA Policy

Families will be selected from the waiting list based on lottery ranking and selection preference(s),

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

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

#### CHA Policy

The CHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

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

Who is required to attend the interview

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

If a notification letter is returned to the CHA with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

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

HUD recommends that housing authorities obtain the information and documentation needed to make an eligibility determination through a face-to-face interview with a housing authority 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 CHA 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 CHA [Notice PIH 2018-24].

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

#### CHA Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. 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 CHA.

The head of household or spouse/cohead 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, they will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, the CHA will allow the family to retain its place on the waiting list for **60 days**. If not all household members have disclosed their SSNs at the next time the CHA is issuing vouchers, the CHA 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, and must complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the CHA 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). 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 (See Chapter 3).

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 CHA will provide translation services in accordance with the CHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the CHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the CHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without CHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

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

The CHA must verify all information provided by the family (see Chapter 7). Based on verified information, the CHA 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.

##### CHA Policy

If the CHA determines that the family is ineligible, the CHA 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 its original position on the waiting list. The CHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If the CHA determines that the family is eligible to receive assistance, the CHA will invite the family to attend a briefing in accordance with the policies in Chapter 5.