

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive Section 8 HCV assistance, the family must submit an application that provides the HACEP with the information needed to determine the family's eligibility. HUD requires the HACEP to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, the HACEP must select families from the waiting list in accordance with HUD requirements and HACEP policies as stated in the administrative plan and the annual plan.

The HACEP is required to adopt a clear approach to accepting applications, placing families on the waiting list, selecting families from the waiting list and must follow this approach 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 HACEP to receive preferential treatment. Funding earmarked exclusively for families with particular characteristics may also alter the order in which families are served.

HUD regulations require all families have an equal opportunity to apply for and receive housing assistance, and that the HACEP affirmatively furthers 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 the HACEP will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

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

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

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

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide the HACEP's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the HACEP'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. However, the PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's application.

HACEP Policy

Depending upon the length of time that applicants may need to wait to receive assistance, the HACEP may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the HACEP 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 only when the HACEP "waiting list is open".

Completed applications must be returned to the HACEP by mail, by fax, online or submitted in person by the HACEP determined due date. Applications must be complete in order to be accepted by the HACEP for processing. If an application is incomplete, the HACEP will discard the application.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

The HACEP must take a variety of steps to ensure the application process is accessible to people who might have difficulty complying with the normal, standard HACEP application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). The HACEP 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 HACEP must provide an alternate approach that provides full

access to the application process. Chapter 2 provides a full discussion of the HACEP's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

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

4-I.D. PLACEMENT ON THE WAITING LIST

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

HACEP Policy

If the HACEP 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 HACEP will send written notification of the ineligibility determination within 30 business days of receiving a complete application. The notice will specify the reasons for ineligibility, 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

HACEP Policy

The HACEP will send written notification of the preliminary eligibility determination within 30 business days of receiving a complete application.

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-II.A. OVERVIEW

The HACEP 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 PHA's 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.

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;
- 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 the PHA is permitted, but not required, to maintain a separate waiting list for each county or municipality served.

HACEP Policy

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

HUD permits, but does not require the HACEP to 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.

HACEP Policy

The HACEP may merge the HCV waiting list with the waiting list for any other program the HACEP operates.

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

Closing the Waiting List

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

HACEP Policy

The HACEP will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 24 months for the most current applicants. Where the HACEP has particular preferences or funding criteria that require a specific category of family, the HACEP 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 HACEP 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.

HACEP Policy

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

- Atlanta Journal-Constitution Newspaper
- Mundo Hispanico Atlanta
- South Fulton Neighbor

4-IL.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

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

Because HUD requires the HACEP to serve a specified percentage of extremely low income families (see Chapter 4, Part III), the HACEP 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].

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

- Ensuring outreach efforts are targeted to media outlets that reach eligible populations who are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

HACEP 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

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

HACEP Policy

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

4-IL.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 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)].

HACEP Policy

The waiting list will be updated every even fiscal year to ensure all applicants and applicant information is current and timely.

To update the waiting list, the HACEP 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, the program. This update request will be sent to the last address the HACEP has on record for the family. The update request will provide a deadline by which the family must respond and will state 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, or by fax. Responses should be postmarked or received by the HACEP not later than 15 business days from the date of the HACEP letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with or without a forwarding address, the applicant will be removed from the waiting list without further notice.

If a family is removed from the waiting list for failure to respond, the Executive Director may reinstate the family if he/she determines the lack of response was due to HACEP error, or to circumstances beyond the family's control.

Removal from the Waiting List

HACEP Policy

If at any time an applicant family is on the waiting list, the HACEP 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 HACEP has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. 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 HACEP'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 receive assistance from the waiting list depends on the selection method chosen by the HACEP and is impacted in part by any selection preferences that the family qualifies for. The source of HCV funding also may affect the order in which families are selected from the waiting list.

The HACEP must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the HACEP'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 HACEP may admit families that are not on the waiting list, or without considering the family's position on the waiting list. The HACEP must maintain records showing such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award HACEP funding for a specified category of families on the waiting list. The HACEP must use this funding only to assist the families within the specified 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.

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

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

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

The PHA is 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 agency and consolidated plans, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

HACEP Policy

The HACEP will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.

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 at or below 30% of the area median income. To ensure this requirement is met, the 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)].

HACEP Policy

The HACEP will monitor progress in meeting the ELI 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 either according to the date and time of application or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list the PHA is required to use targeted funding to assist only those families who meet the specified criteria, and is not permitted to skip down the waiting list to a family 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)].

HACEP Policy

Families will be selected from the waiting list based on a random selection process and the targeted funding for which they qualify. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so the HACEP does not have to ask higher placed families each time targeted selections are made.

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, the HACEP must notify the family.

HACEP Policy

The HACEP 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

- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

- Other documents and information that should be brought to the interview

If a notification letter is returned to the HACEP 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.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that the HACEP obtain the information and documentation needed to make an eligibility determination through a private interview [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 HACEP 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 HACEP [Notice PIH 2010-3].

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

HACEP Policy

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

The head of household and all family members 18 years of age and older should attend the interview together. However, if either the head of household or the spouse/cohead attends 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 HACEP.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate 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, the appointment may be rescheduled to occur with 15 calendar days.

Pending disclosure and documentation of social security numbers, the HACEP will allow the family to retain its place on the waiting list for **10 business days**. If not all household members have disclosed their SSNs at the next time the HACEP is issuing vouchers, the HACEP 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 HACEP will provide the family with a written list of items that must be submitted.

Any required documents or information 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 Social Security numbers and 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 HACEP will provide translation services in accordance with the HACEP's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the HACEP in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the HACEP will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without HACEP 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 HACEP must verify all information provided by the family (see Chapter 7). Based on verified information, the HACEP must make a final determination of eligibility (see Chapter 3) and must confirm the family qualified for any special admission, targeted admission, or selection preference that affected the order in which the family was selected from the waiting list.

HACEP Policy

If the HACEP determines the family is ineligible, the HACEP 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 HACEP will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

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