

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

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

CKHA is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, 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 CKHA 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 CKHA 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 CKHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

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

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

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

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

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

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

#### CKHA Policy

A two-step application process will be used. Under the two-step application process, CKHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, through a paper or online pre-application, 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 a paper pre-application form from CKHA's office during normal business hours. Families may also request – by telephone, email, or by mail – for a form to be mailed to them via first class mail.

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

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

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

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

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

CKHA is required to take reasonable steps to ensure equal access to their programs and activities by persons with LEP [24 CFR 1]. Chapter 2 provides a full discussion on CKHA's policies related to ensuring access to people with LEP.

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

CKHA must review each complete application received and make a preliminary assessment of the family's eligibility. CKHA must accept applications from families for whom the list is open unless there is good cause for not accepting the pre-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, CKHA 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**

###### CKHA Policy

If CKHA 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, CKHA will send written notification of the ineligibility determination within 10 business days of receiving a complete pre-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).

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

###### CKHA Policy

CKHA will send written notification of the preliminary eligibility determination within 10 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.

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the date and time their complete application is received by CKHA.

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

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

CKHA 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 CKHA 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]**

CKHA's HCV waiting list must be organized in such a manner to allow CKHA 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; and
- Racial or ethnic designation of the head of household.

HUD requires CKHA 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.

#### CKHA Policy

CKHA 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 CKHA 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.

### CKHA Policy

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

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

### **Closing the Waiting List**

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

### CKHA Policy

CKHA 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 CKHA has particular preferences or funding criteria that require a specific category of family, CKHA 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 CKHA 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.

### CKHA Policy

CKHA 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.

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

Charleston daily newspapers, community, and neighborhood weekly newspapers.

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

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

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

CKHA 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

CKHA 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

##### CKHA Policy

CKHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in CKHA'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**

##### CKHA Policy

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

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

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

##### CKHA Policy

The waiting list will be updated at least annually to ensure that all applicants and applicant information is current and timely.

To update the waiting list, CKHA 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 CKHA 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, or by fax. Responses should be postmarked or received by CKHA not later than 15 business days from the date of the CKHA 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 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 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, CKHA may reinstate the family if it is determined that the lack of response was due to CKHA error, or to circumstances beyond the family's control.

## **Removal from the Waiting List**

### CKHA Policy

If at any time an applicant family is on the waiting list, CKHA 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 CKHA 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 CKHA'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 CKHA and is impacted in part by any selection preferences for which the family qualifies for. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

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

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

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

#### CKHA Policy

CKHA administers the following types of targeted funding: VASH, Tenant Protection, and Shelter Plus Care (S+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**

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

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

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

##### CKHA Policy

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

Working preference. Families where the head, spouse or sole member is employed at least 20 hours per week. An applicant must be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities

Residency preference. Families who live, work or have been hired to work in Kanawha, Clay, or Putnam counties. The residency preference will not be based on how long an applicant has resided or worked in the residency preference area.

Non-Elderly Disabled. Non-elderly persons with disabilities transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.

##### **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 CKHA'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 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)].

##### CKHA Policy

CKHA 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 incometargeting requirement is met.

## **Order of Selection**

CKHA 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 CKHA 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)].

### CKHA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with CKHA's hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by CKHA.

Documentation will be maintained by CKHA as to whether families on the waiting list qualify for and are interested in targeted funding. 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 that CKHA 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, CKHA must notify the family.

### CKHA Policy

CKHA 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 CKHA 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 CKHA obtain the information and documentation needed to make an eligibility determination through a face-to-face interview with a CKHA 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 Social Security Number (SSN) documentation requirements are met. However, if CKHA 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 CKHA [Notice PIH 2012-10].

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

##### CKHA 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 CKHA.

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, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of SSNs, CKHA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time CKHA is issuing vouchers, CKHA 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, CKHA 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 LEP applicants, CKHA will provide translation services in accordance with CKHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact CKHA in advance of the interview to schedule a new appointment. In all circumstances if a family does not attend a scheduled interview, the applicant has 10 business days after the interview to request a make-up appointment. Applicants who fail to request a make-up interview and/or attend two scheduled interviews 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**

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

##### CKHA Policy

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

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