

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

When a family wishes to reside in public housing, 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 eligible families that apply for public housing on a waiting list. When a unit becomes available, the PHA must select families from the waiting list in accordance with HUD requirements and PHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The PHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and 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 PHA to receive preferential treatment.

HUD regulations require that the PHA comply with all equal opportunity requirements, and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. 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 accepting applications, managing the waiting list, and selecting families from the waiting list. The PHAs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the PHA's Tenant Selection and Assignment Plan (TSAP).

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 public housing. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide the PHA in selecting families from the waiting list as units become 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 policies that guide the PHA'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 PHA's obligation to ensure the accessibility of the application process.

### **4-I.B. APPLYING FOR ASSISTANCE**

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the PHA to determine the format and content of its 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 [Notice PIH 2009-36].

#### CDA Policy

Depending upon the length of time that applicants may need to wait to be housed, the CDA 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. A full-application will be used and the family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

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 CDA will require a pre-application and the family will be required to provide only the information needed to assess project eligibility and to determine the family's placement on the waiting list. When selected from the waiting list, the family will be required to complete a full-application and provide all of the information necessary to establish family eligibility and the amount of rent the family will pay. The CDA will accept full-applications in person or by mail, and not by fax. The CDA will accept full-applications via the internet through its applicant portal system from applicants who create a CDA MyHousing portal account.

Families may initially apply to the CDA through an on-line application system. Access to the CDA's on-line application system will be made available through the CDA's Housing website. When the CDA accepts applications via an on-line system, special provisions will be made to ensure that those who are disabled and cannot utilize a computer can apply. An exception to the online submittal process will be made for disabled families through an accommodation request. An accommodation request may be made in writing or verbally presented to the CDA's central office. All applications must be complete in order to be accepted by the CDA for processing. The CDA will not accept applications by fax.

The CDA will utilize digital or electronic signature alternatives as HUD permits.

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

The PHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard PHA application process.

##### **Disabled Populations [24 CFR 8; PH Occ GB, p. 68]**

The PHA must provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process must be fully accessible, or the PHA must provide an alternate approach that provides equal access to the program. 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 meaningful 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 completed application received and make a preliminary assessment of the family's eligibility. Applicants for whom the waiting list is open must be placed on the waiting list unless the PHA determines the family to be ineligible. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41].

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

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

###### CDA Policy

Before the CDA places an applicant on the waiting list, the CDA will review the application for errors and determine if documentation is required to meet open waiting list or project eligibility requirements. If the CDA determines that a family is ineligible for placement on the waiting list, the family will not be placed on the waiting list. Where a family is determined to be ineligible for placement on the waiting list, the CDA will send written notification.

If at any time the CDA determines an applicant is not eligible for admission to the Public Housing program, the CDA will send notice to the applicant. Applicants who are denied admission will be granted appeal rights of the ineligibility determination within 10 business days from the date of the denial notice. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

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

###### CDA Policy

The CDA will issue confirmation of placement on the waiting list upon receiving a completed application. Families will also be provided information on the CDA's waiting list preference(s).

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

Applicants will be placed on the waiting list according to CDA preference(s) and the date and time their complete application is received by the CDA.

The CDA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). On a case-by-case basis, the CDA may permit a family who requests to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to CDA standards and local codes). If the request is approved, the family must agree not to request a transfer for two years after admission, unless they have a subsequent change in family size or composition.



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

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

The PHA must have policies regarding the type of waiting list it will utilize as well as how the waiting list will be organized and managed. This includes policies on notifying the public on the opening and closing of the waiting list to new applicants, updating family information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

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

### **4-II.B. ORGANIZATION OF THE WAITING LIST**

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

#### CDA Policy

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

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household
- The specific site(s) selected (only if the CDA offers site-based waiting lists)

The PHA may adopt one community-wide waiting list or site-based waiting lists. The PHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

#### CDA Policy- Single Wait List

The CDA received approval from HUD to utilize a site-based waiting system. When the CDA is ready to implement a change to site-based waiting lists, it will follow the site-based waiting list policy below. Until such time, the CDA will continue to maintain its single community wide wait list. Within the list, the CDA will designate subparts to easily identify who should be offered the next available unit (i.e. mixed populations, general occupancy, unit size, and accessible units).

#### CDA Policy- Site-Based Waiting Lists

When the CDA is ready to implement a change to site-based wait list system, it will provide 10-days notice on its website and through local area social service agency list serve. Under a site-based waiting list system, the CDA will maintain a separate waiting lists for each of the following sites within the CDA's Public Housing inventory:

CDA Site-Based Waiting Lists Public and Multifamily Housing Programs City of Madison					
Region (0 - 1 Bedroom)			Region (2 – 5 Bedroom)		
Central	East	West / Southwest	Central	East	West/Southwest
Brittingham	Tenney Park	Fisher	Parkside ◇	Truax Park	Baird
Gay Braxton	Truax Phase 2	Romnes		Truax Phase 1 ★	Britta Park
Karabis ◇	Wright Street			Truax Phase 2	Chester
Parkside ◇				Webb Rethke	Frazier
				Williamson	West Scattered
				Wright Street	
◇ Multifamily Housing ★ Public Housing and Section 8 Project-Based Assistance					

In the administration of its site-based waiting lists, the CDA will fully comply with all Federal, State and Local nondiscrimination laws; the Americans with Disabilities Act; and HUD regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, color, sex, religion, age, national origin, familial status, disability, marital status, gender identity, or sexual orientation be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the CDA's Public Housing program.



The CDA will regularly monitor its waiting lists to ensure equal program access to all families in compliance with federal, state and local fair housing laws and regulations. Where necessary, the CDA will affirmatively implement additional steps (such as targeted marketing, suspension of the waiting list or housing incentives) to encourage applications from families whose classification would help to meet deconcentration goals of a particular development. While various methods to affirmatively market its developments may be used at different times, or under different conditions, such methods will always be completed in a consistent and nondiscriminatory manner.

Marketing materials shall accurately describe each development, its apartments by size and type, name of waiting list, estimated wait time, amenities, available waiting list preferences, and the availability of apartment with accessible features, and any designation that applies to the property.

Applicants will be given an opportunity to apply for CDA developments for which they meet the occupancy standards and any other minimum threshold requirements, and only when the development waiting list is open. Applications will be organized on the waiting lists according to bedroom size needed, awarded preference(s), and date and time of application.

As applicants reach the top of a site-based waiting list, they will be contacted to determine if they are interested in moving forward with an eligibility determination for an offer at that site, or if they wish to decline that location and remain on any other site-based wait lists for which they already applied for. An applicant who declines the first available offer, will be removed from that development waiting list. The CDA will make sure that an applicant receives no more than one offer.

Approved applicants will be given one offer, unless the applicant has good cause for refusing the unit offer. Examples of “good cause” include, but are not limited to:

- The applicant is unable to accept the unit, because they are tied to an existing lease commitment, as verified by the CDA.
- The applicant cannot move into the unit due to a verified hospitalization.
- The unit being offered does not meet the verified accessibility needs of the applicant.

Units available will be occupied in accordance with the CDA’s occupancy guidelines and other goals, consistent with applicable Civil Rights requirements. An approved applicant of the right size in family composition will receive an offer of a unit before another family of an alternative size.

The CDA shall remove applicants from waiting lists when an applicant has been housed by the CDA; the applicant requests their name be removed; the application is withdrawn or rejected; the applicant refuses an offer of housing without good cause; or the applicant fails to respond to CDA notice, or cancellation for failure to complete any part of the application process, or there is a non-response event such as a waiting list purge, mail returned, or failed attempt to contact by CDA Staff.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program

that the PHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

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 [24 CFR 982.205(a)(1)].

#### CDA Policy

The CDA will not merge the public housing waiting list with the waiting list for any other program the CDA operates.

## **4-II.C. OPENING AND CLOSING THE WAITING LIST**

### **Closing the Waiting List**

The PHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fully lease units in all its developments. The PHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

#### CDA Policy

The CDA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months or longer for the most current applicants. Where the CDA has particular preferences or other criteria that require a specific category of family, the CDA 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 may be reopened at any time. The PHA should publish a notice announcing the opening of the waiting list in local newspapers of general circulation, minority media, and other suitable media outlets. Such notice must comply with HUD fair housing requirements. The PHA should specify who may apply, and where and when applications will be received.

#### CDA Policy

The CDA 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 notice will inform applicants of the date, time and method for obtaining and submitting applications, a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application.

The CDA will give public notice by publishing the relevant information on the CDA Housing website and through area social service agencies.

#### **4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

The PHA should conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the PHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the PHA to admit a specified percentage of extremely low-income families, the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

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 units 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

##### CDA Policy

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

##### CDA Policy

While the family is on the waiting list, the family must inform the CDA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

#### **4-II.F. UPDATING THE WAITING LIST**

HUD requires the PHA to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

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

The decision to remove 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 the PHA's request for information or updates because of the family member's disability, the PHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

##### CDA Policy

The waiting list or unit-size subpart of the waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the CDA 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 CDA 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 or by mail. Responses should be postmarked or received by the CDA not later than 10 business days from the date of the CDA letter.

If the family fails to respond within 10 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.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the CDA from making an eligibility determination; therefore no informal hearing is required.

If a family is removed from the waiting list for failure to respond, a CDA Supervisor or a qualified CDA eligibility staff person may reinstate the family if they determine the lack of response was due to CDA error, or to circumstances beyond the family's control. A determination of reinstatement will require verification.

The CDA may allow a grace period after completion of a waiting list purge. Applicants who respond to the CDA during this grace period will be reinstated.

Families who wish to re-apply to the waiting list, will have to wait 3 months before doing so, and only if the waiting list is open at that time.

## **Removal from the Waiting List**

### CDA Policy

The CDA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.

The CDA will remove applicants from site-based waiting lists once the applicant moves into a unit.

Families will be removed from the waiting list if they do not respond to CDA requests for information or if any CDA correspondence is returned by the post office with or without a forwarding address. When the family is removed from the waiting list, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the CDA from making an eligibility determination; therefore, no informal hearing is required. In these cases, families who wish to re-apply to the waiting list will have to wait 3 months before doing so, and only if the waiting list is open at that time.

A CDA supervisor or a qualified CDA eligibility staff person may reinstate a family to the waiting list, if it is determined that the lack of response was due to CDA error, or due to circumstances beyond the family's control. A determination of reinstatement will require verifications.

If the CDA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list, the family will be denied admission and removed from the waiting list.

Notice will be sent to the family's address of record. The notice will state the reasons the family was denied admission and removed from the waiting list, and the notice will inform the family how to request an informal hearing regarding the CDA's decision (see Chapter 14) [24 CFR 960.208(a)].

## **PART III: TENANT SELECTION**

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

The PHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The PHA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The PHA must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units 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 960.206(e)(2)]. The PHA's policies must be posted any place where the PHA receives applications. The PHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The PHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

#### CDA Policy

The CDA will make its tenant selection policies available on the CDA website and available for viewing at the CDA's application office. When an applicant or resident family requests a printed copy of the CDA's tenant selection policies, the CDA will provide copies to them at a charge equal to the current rate published under local general ordinance, MGO 3.70.



#### 4-III.B. 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.

##### **Local Preferences [24 CFR 960.206]**

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 [24 CFR 960.206(a)].

If the PHA has a Housing Choice Voucher program, the PHA must offer, and if accepted, provide the family a selection preference for an appropriate-sized public housing unit that first becomes available for occupancy after the time period expires for an HCV family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who are unable to lease a new unit within the term of the voucher [24 CFR 982.404(e)(2)].

##### CDA Policy

When the waiting list is open, the CDA will place eligible applicants on the waiting list based upon their awarded preference(s) and the date and time a complete application is received by the CDA. Preferences are categories for people with priority status and determine how quickly an applicant may move to the top of the waiting list. Claiming a preference does not automatically grant an applicant a preference. Obtaining a preference does not guarantee admission into the Public Housing program. Applicants must meet all qualifications in order to receive assistance, regardless of preference status. Preferences may be claimed at the time of application or at any time prior to admission. The CDA will use the following local preferences:

##### Residency Preference

An applicant receives a *City of Madison* preference when the applicant can provide verification that the head-of-household, spouse, or co-head lives, works, or has been hired to work or is attending school or is participating in training programs in the CDA's jurisdiction (City of Madison, Wisconsin).

If an applicant does not live in the City of Madison, but lives within the County of Dane, the applicant will receive a *Dane County* preference when the applicant provides verification that the head-of-household, spouse, or co-head lives, works, has been hired to work, attends school, or participates in a training program in Dane County, Wisconsin.

##### Elderly/Disabled/Family

An applicant may receive the *Elderly/Disabled/Family* preference, if the head-of-household, spouse, or cohead is 62 years of age or older; or the head-of-household, spouse, or cohead meets the HUD definition of disabled; or if the household composition includes any minor children (under the age of 18).

### **Income Targeting Requirement [24 CFR 960.202(b)]**

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during the PHA'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 [*Federal Register* notice 6/25/14]. To ensure this requirement is met, the PHA may skip non-ELI families on the waiting list in order to select an ELI family.

If a PHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the PHA's HCV program during a PHA fiscal year that exceed the 75 percent minimum target requirement for the voucher program, shall be credited against the PHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the PHA fiscal year; (2) ten percent of waiting list admissions to the PHA's housing choice voucher program during the PHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

#### CDA Policy

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

### **Mixed Population Developments [24 CFR 960.407]**

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the PHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403]. The PHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The PHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the PHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The PHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

### **Units Designated for Elderly or Disabled Families [24 CFR 945]**

The PHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The PHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the PHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the PHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the PHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

### **Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

The PHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

### ***Steps for Implementation [24 CFR 903.2(c)(1)]***

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the PHA must comply with the following steps:

Step 1. The PHA must determine the average income of all families residing in all the PHA's covered developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

#### **CDA Policy**

The CDA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

#### **CDA Policy**

The CDA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The PHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. The PHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the PHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR

- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the PHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

### CDA Policy

For developments outside the EIR the CDA will take the following actions to provide for deconcentration of poverty and income mixing:

Provide incentives to encourage families to accept units in developments where their income level is needed, including rent incentives or added amenities. The CDA may offer one or more incentives for a particular development. Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

Identify any impediments to fair housing within the program and use affirmative marketing plans to encourage families to accept units in developments where their income level is needed.

Target investment and capital improvements toward developments with an average income below the established income range (EIR) to encourage families with incomes above the EIR to accept units in those developments

Skip a family on the waiting list to reach another family with income above the EIR. Skipping families for deconcentration purposes will be applied uniformly to all families. A family will have the sole discretion whether to accept an offer of a unit made under the CDA's deconcentration policy. The CDA will not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the CDA's deconcentration policy. However, the CDA will uniformly limit the number of offers received by applicants [and transfer families] as described in Part III: Tenant Selection.

Assign transfers for a designated project that will contribute to the CDA's deconcentration goals.

Provide other strategies permitted by statute and determined by the CDA in consultation with the community through the annual plan process to be responsive to local needs and CDA strategic objectives

## Order of Selection [24 CFR 960.206(e)]

The PHA system of preferences may select families either according to the date and time of application or by a random selection process.

### CDA Policy

Families will be selected from the waiting list based on the CDA's local preferences. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the CDA.

All families with the *Elderly/Disabled/Family* preference will have admission preference over "Other Singles." *Other Singles* is defined as a family in which the head-of-household, spouse, and cohead are not disabled or elderly and the family's composition does not include any minor children.

- |                          |  |
|--------------------------|--|
| 1 <sup>st</sup> Priority | Elderly or disabled families or families with minor children, who live, work, or attend school within the City of Madison                                  |
| 2 <sup>nd</sup> Priority | <i>Other Singles</i> who live, work, or attend school within the City of Madison,  |
| 3 <sup>rd</sup> Priority | Elderly or disabled families or families with minor children, who live outside of the City of Madison, but who live, work, or attend school in Dane County |
| 4 <sup>th</sup> Priority | <i>Other Singles</i> who live outside of the City of Madison, but who live, work, or attend school in Dane County  |
| 5 <sup>th</sup> Priority | Elderly or disabled families or families with minor children, who live outside of Dane County  |
| 6 <sup>th</sup> Priority | <i>Other Singles</i> who live outside of Dane County   |

When selecting applicants from the waiting list, the CDA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The CDA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and CDA policy.

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

When the family has been selected from the waiting list, the PHA must notify the family [24 CFR 960.208].

##### CDA Policy

The CDA will notify the family by first class mail when it is selected from the waiting list. The selection notice will inform the family of any final application requirements and may include an application interview.

If a notification letter is returned to the CDA, with or without a forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the CDA from making an eligibility determination; therefore no informal hearing will be offered.

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

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview. 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 2018-24].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

##### **CDA Policy**

Families selected from the waiting list will be required to complete the CDA's final application process and may be required to participate in an eligibility interview.

In the final application process, the family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as the completion of required forms and documentation. The CDA will require the family to submit final application materials within 10 business days.

If the family does not meet the final application requirements, because the family submits only some of the required materials, the CDA will provide the family with a written list of missing items that must be submitted within 10 business days (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. Extensions may be provided for circumstances beyond the applicant's control and verification may be required before the CDA grants an extension. If the required documents and information are not provided within the required time frame (plus any extensions granted by the CDA), the family will be canceled from the waiting list. Such failure to act on the part of the applicant prevents the CDA from making an eligibility determination; therefore no informal hearing will be offered.

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

Depending on staff resources, the CDA may require families who are selected from the waiting list to participate in an eligibility interview. The head of household and the spouse/co-head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head 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 CDA.

The interview will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity).



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 CDA 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 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. Extensions may be provided for circumstances beyond the applicant's control and verification may be required before the CDA grants an extension. If the required documents and information are not provided within the required time frame (plus any CDA granted extension), the family will be canceled from the waiting list. Such failure to act on the part of the applicant prevents the CDA from making an eligibility determination; therefore no informal hearing will be offered.

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

If the family is unable to attend a scheduled interview, the family should contact the CDA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the CDA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without CDA approval will be canceled from the waiting list based on the family's failure to supply information needed to determine eligibility. Such failure to act on the part of the applicant prevents the CDA from making an eligibility determination; therefore no informal hearing will be offered.

#### **4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]**

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including PHA suitability standards, the PHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

##### CDA Policy

The CDA will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The PHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

##### CDA Policy

If the CDA determines that the family is ineligible, the CDA will send written notification of the ineligibility determination (see 3-III.G. of Chapter 3, Notice of Eligibility or Denial). The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing (see Chapter 14).

If the PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. See Section 3-III.G for the PHA's policy regarding such circumstances.

The PHA must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act, and as outlined in 16-VII.C, at the time the applicant is provided assistance or at the time the applicant is denied assistance. This notice must be provided in both of the following instances: (1) when a family actually begins receiving assistance (lease execution); or (2) when a family is notified of its ineligibility.