

CHAPTER 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

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

The PHA is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or OHCD 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 that all families have an equal opportunity to apply for and receive housing assistance, and that the PHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that OHCD will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

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

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

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

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

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PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

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

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

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

OHCD Policy

OHCD will utilize a two-step application process.

Under the two-step application process, OHCD 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 information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families submit application to OHCD in person or on-line, via OHCD's web-based Applicant Portal. As a reasonable accommodation to applicants with disability, OHCD will accept applications via telephone during normal business hours.

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

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4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

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

Limited English Proficiency

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

4-I.D. PLACEMENT ON THE WAITING LIST

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

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

Ineligible for Placement on the Waiting List

OHCD Policy

If OHCD can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, OHCD will send written notification of the ineligibility determination within 10 business days of receiving a complete 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).

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Eligible for Placement on the Waiting List

OHCD Policy

OHCD's Applicant Portal will provide an automated written notification of the preliminary eligibility verification at the time the application is completed and submitted.

For phone and walk-in applications submitted as a reasonable accommodation for persons with disability, OHCD will provide a written determination of preliminary eligibility within 10 business days of receiving a complete application. The written verification may be provided via U.S. Mail, e-mail, or fax.

Placement on the waiting list does not indicate that the family is 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 OHCD.

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PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

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

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

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 OHCD 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 (PBV only);
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

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

OHCD Policy

OHCD will maintain a **single** waiting list **for the HCV Program which includes** Prince William County the towns of Dumfries, Haymarket, Occoquan and Quantico.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the PHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs. The PHA does not offer these 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.

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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.

OHCD Policy

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

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

Closing the Waiting List

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

OHCD Policy

The OHCD 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 OHCD has particular preferences or funding criteria that require a specific category of family, the OHCD 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 PHA publishes a public 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.

OHCD Policy

OHCD 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.

OHCD will affirmatively market the availability of wait list opportunities through print media, radio, online sources and other suitable media outlets.

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

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

Because HUD requires the PHA to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 421].

The 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

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

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

OHCD Policy

OHCD will monitor the characteristics of the population being served and the characteristics of the population as a whole in OHCD's jurisdiction. Targeted outreach efforts will be undertaken when it is determined that certain populations are being underserved.

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4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

OHCD Policy

While the family is on the waiting list, the family must immediately, no later than 10 business days from the date of change, inform OHCD of changes in contact information, including current residence, mailing address, and phone number; family composition; income; or other information necessary to determine their preference status. The changes must be submitted in writing by mail, fax, or e-mail. The OHCD will update the pre-application with the change. If there is a change in preference status, the family's order on the waiting list will change.

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

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

Purging the Waiting List

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

OHCD Policy

The waiting list may be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the OHCD will send an update request via first class mail **or email** 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 **or email** that the OHCD has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person, by mail, by email or by fax. Responses **should be postmarked or** received by the OHCD no later than the due date listed on the notice from OHCD.

If the family fails to respond by the due date, the family will be removed from the waiting list **without further notice**.

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

If the post office provides a forwarding address on the return notice, the notice will be re-sent to the address indicated. The family will be notified of the due date to respond to in the letter.

If a family is removed from the waiting list for failure to respond, the Director of OHCD may reinstate the family if he/she determines the lack of response was due to OHCD error, **family member's disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking or human trafficking, including an adverse factor resulting from such abuse.**

Removal from the Waiting List

OHCD Policy

If at any time an applicant family is on the waiting list and OHCD 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 OHCD 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 OHCD's decision (see Chapter 16) [24 CFR 982.201(f)].

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PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

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

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

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

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

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

Targeted Funding [24 CFR 982.204(e)]

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

OHCD Policy

OHCD administers the following types of targeted funding:

- Non-Elderly Disabled (NED)
- Veterans Affairs Supportive Housing (VASH) voucher

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.

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4-III.C. SELECTION METHOD

The PHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that OHCD 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 plan and the consolidated plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

OHCD Policy

OHCD will assist any family terminated from its HCV program due to insufficient program funding and then assist families that qualify for local preferences.

The OHCD has the following system to apply local preferences:

Preference 1. Families who live, work, or have been hired to work in the jurisdiction who are:

- Elderly (Elderly family means a family whose head or spouse or sole member is a person who is at least 62 years of age.), or
- Disabled (A disabled family is a family whose head, spouse, or sole member is a person with disabilities as defined by HUD), or
- Non-elderly person with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, currently experiencing homeless, previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project, or those at risk of experiencing homelessness, or
- Homeless (HUD Final Rule Defining Homeless 76 FR 75994 [12-5-11]), or
- Graduates of Transitional Housing Program (as certified by local service provider or appropriate agency), or
- Victim(s) of Domestic Violence. Families that have been subjected to or victimized by a member of the family or household within the past 6 months. OHCD will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home. The following criteria are used to establish a family's eligibility for this preference:
 - Actual or threatened physical violence directed against the applicant or the applicant's family by spouse or other household member who lives in the unit with the family,
 - The actual or threatened violence must have occurred within the past 120 days or be of a continuing nature,

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- An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced,
- To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser will not reside with the applicant unless OHCD gives prior written approval.
 - Approval is only granted if the abuser has received therapy or counseling that appears to minimize the recurrence of violent behavior or a counselor, therapist or other appropriate professional recommends in writing that the individual be allowed to reside with the family. If the abuser returns to the family without OHCD approval OHCD will deny or terminate assistance

Preference 2. Applicants who live or work in the County of Prince William.

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 OHCD'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, 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)].

OHCD Policy

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

Order of Selection

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

OHCD Policy

Families will be selected from the waiting list based on the targeted funding or selection

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preference(s) for which they qualify, and in accordance with the OHCD'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 the OHCD. Documentation will be maintained by the OHCD as to whether families on the 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 the OHCD does not have to ask higher placed families each time targeted selections are made.

When selecting applicants from the waiting list the selection order will be:

1. Calendar Year;
2. Preference Level; and
3. Date and Time

Verification of Preference

If the applicant claimed a residency preference on their original or updated application, residency preference verification documentation must be received by OHCD at the time the applicant is pulled from the waiting list.

Proof that that the head of household, spouse, or co-head currently lives in the County:

- A copy of a valid driver's license which includes a current address
- A copy of a valid state ID card which includes a current address
- A copy of a valid Medicaid card which includes a current address
- A valid Social Security printout letter which includes a current address
- A copy of a valid voter's registration card which includes a current address
- A letter from the Homeless Shelter, HARA, or Lead Agency indicating residency

Proof that the head of household, spouse, or co-head currently works in the County:

- A letter from the employer stating the applicant is employed in the County.
- A letter from the employer stating the applicant will be employed in the County.
- A copy of a valid paycheck stub with the employer's address showing the business is located in the County.

OHCD's admission income eligibility criteria is that 80% of new admissions must be extremely low-income families and up to 20% of new admissions must be very low-income families.

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4-III.D. NOTIFICATION OF SELECTION

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

OHCD Policy

OHCD will notify the family by first class mail **or email** no later than 10 business days from the date of selection from the waiting list. The notice will inform the family of the date, time and location of the meeting along with information about acceptable documentations required to determine eligibility. OHCD will also conduct a criminal background check and check to see if the family owes money to any federal program.

In the event that the waiting list applicant contacts OHCD for a missed notification of selection from the waiting list the applicant will be provided a second appointment. If the applicant fails to attend the first appointment and does not notify OHCD they will be sent a notice of denial letter.

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

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2018-24].

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

OHCD Policy

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

The head of household and the spouse/co-head and any adult over the age of 18 must attend the eligibility interview. Verification of information pertaining to adult members of the household that are not present at the interview will not begin until signed release forms are returned to the OHCD.

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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). If the family representative does not provide the required documentation **at the time of the interview, they will be required to provide it within 10 business days.**

Pending disclosure and documentation of social security numbers, the OHCD will allow the family to retain its place on the waiting list for 90 calendar days. If not all household members have disclosed their SSNs at the next time the PHA is issuing vouchers, the PHA will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance and must complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the OHCD 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, subject to approval by the OHCD. 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).

Applicants and residents are encouraged to provide their own interpreters. If they are unable to do so, the OHCD will endeavor to have a sign language interpreter or bilingual staff or access to people who speak languages other than English in order to assist non-English speaking families. (Executive Order 11063)

If the family is unable to attend a scheduled interview, the family should contact the OHCD in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the OHCD will send a notice of denial in accordance with the policies contained in Chapter 3. The OHCD will consider scheduling another interview if the family can provide documentation showing a justifiable cause for missing the scheduled interview.

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4-III.F. COMPLETING THE APPLICATION PROCESS

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

OHCD Policy

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

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

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