

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive Section 8 HCV assistance, the family must submit an application that provides the KHA 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 KHA must select families from the waiting list in accordance with HUD requirements and KHA policies as stated in the administrative plan and the annual plan.

The KHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, selecting families from the waiting list and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the PHA 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 KHA 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 the KHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

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

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

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

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

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies which guide the KHA'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 KHA'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]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits the KHA to determine the format and content of HCV applications, as well as, how such applications will be made available to interested families and how applications will be accepted by the KHA.

KHA Policy

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

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

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

Families may obtain application forms from the KHA's office during normal business hours. Families may also request – by telephone or by mail – that a form be sent to the family via first class mail.

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

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

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

Limited English Proficiency

KHAs 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 KHA's policies related to ensuring access to people with Limited English Proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

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

KHA Policy

If the KHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the KHA 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).

Eligible for Placement on the Waiting List

KHA Policy

The KHA will send written notification of receipt of completed application 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 the KHA.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

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

In addition, HUD imposes requirements on how a 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 KHA's HCV waiting list must be organized in such a manner to allow the KHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

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

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

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

KHA Policy

The KHA will maintain separate waiting lists for the Klamath County HCV Program and for the Lake County HCV Program.

HUD directs that a family that applies for assistance from the HCV Program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the KHA 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 PHA's 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.

KHA Policy

Applicants with mitigating circumstances will be referred to the HTBA Program, once family has been selected from the Housing Choice Voucher waiting list.

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

Closing the Waiting List

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

KHA Policy

The KHA may stop applications if there are enough applicants to fill anticipated openings for the next 24 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The KHA will announce the closing of the waiting list by public notice.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 24 months. The KHA will give at least 10 days notice prior to closing the list. When the period for accepting applications is over, the KHA will add the new applications to the list by separating into groups based on preferences and ranking applications within each group by date and time of application.

Reopening the Waiting List

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

KHA Policy

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

Herald and News

All local radio stations

All local TV stations

Spanish Radio Stations

Social service agencies (i.e.: DHDS, Spokes, OHCD)

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

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

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

KHA 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

KHA 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

KHA Policy

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

KHA Policy

While the family is on the waiting list, the family must immediately inform the KHA 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 the KHA 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 KHA request for information or updates because of the family member's disability, the KHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

KHA Policy

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

To update the waiting list, the KHA 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 KHA 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 the KHA not later than 15 business days from the date of the KHA 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, the Program Director may reinstate the family if s/he determines the lack of response was due to KHA error, or to circumstances beyond the family's control.

Removal from the Waiting List

KHA Policy

If at any time an applicant family is on the waiting list, and the KHA determines the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because the KHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding the KHA's decision (see Chapter 16) [24 CFR 982.201(f)].

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

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

The order in which families receive assistance from the waiting list depends on the selection method chosen by the KHA and is impacted in part by any selection preferences the family

qualifies for. The source of HCV funding also may affect the order in which families are selected from the waiting list.

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

Targeted Funding [24 CFR 982.204(e)]

HUD may award KHA funding for a specified category of families on the waiting list. The KHA must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

KHA Policy

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system.

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

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

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

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

KHA Policy

The KHA will offer a preference to any family with a verified terminally ill family member.

The KHA will offer a preference to any family where the head of household has successfully completed a self-sufficiency program with the Klamath Housing Authority.

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

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV Program during the KHA's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, 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)].

KHA Policy

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

If a current Public Housing tenant is displaced due to unavailable Public Housing units the family will be offered a Housing Choice Voucher.

Order of Selection

The KHA system of preferences may select families either according to the date and time of application, or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list PHAs are required to use targeted funding to assist only those families who meet the specified criteria, and PHAs are 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)].

KHA Policy

Families will be selected from the waiting list based on a first-come, first-served basis according to the date and time their complete application is received by the KHA.

4-III.D. NOTIFICATION OF SELECTION

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

KHA Policy

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

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

Who is required to attend the interview;

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

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

If a notification letter is returned to the KHA with no forwarding address, the family will be removed from the waiting list.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends the KHA obtain the information and documentation needed to make an eligibility determination through a private interview [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

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

KHA Policy

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

All adult family members are required to attend the interview.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

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 KHA will provide the family with a written list of items that must be submitted.

Any required documents or information the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an additional 10 day extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

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

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the KHA will provide translation services in accordance with the KHA's LEP plan.

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

4-III.F. COMPLETING THE APPLICATION PROCESS

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

KHA Policy

If the KHA determines the family is ineligible, the KHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. The KHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

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