

## 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 COC with the information needed to determine the family's eligibility. HUD requires COC to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, COC must select families from the waiting list in accordance with HUD requirements and COC policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

COC 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 COC to receive preferential treatment.

HUD regulations require that COC 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 COC will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and COC policies for accepting applications, managing the waiting list and selecting families from the waiting list. COCs policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise COC'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 COC will handle the applications it receives.

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

Part III: Tenant Selection. This part describes the policies that guide COC in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that COC 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 COC'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 COC'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 COC 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 COC. However, COC must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of COC's application [Notice PIH 2009-36].

#### COC Policy

Depending upon the length of time between the date of application and the availability of housing, COC 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 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, COC 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 the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from COC's website, or from COC's office during normal business hours. Families may also request applications by telephone, ~~or by~~ mail, ~~or email~~—that an application form be sent the family via first class mail or via email.

Completed applications must be returned to COC by mail, ~~electronically via~~ email, by fax, or submitted in person during normal business ~~hours~~. Applications must be filled out completely in order to be accepted by COC for processing. If an application is incomplete, COC will notify the family of the additional information required.

An applicant whose application has been denied for being incomplete or for not meeting the published application criteria will be provided with the opportunity to appeal COC's decision that the application was incomplete or for not meeting the published application criteria within 10 business days of the notice of application denial.

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

COC 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 COC application process.

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

COC 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 COC must provide an alternate approach that provides equal access to the program. Chapter 2 provides a full discussion of COC's policies related to providing reasonable accommodations for people with disabilities.

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

COCs 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 COC's policies related to ensuring access to people with limited English proficiency (LEP).

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

COC 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 COC determines the family to be ineligible. Where the family is determined to be ineligible, COC 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**

###### COC Policy

If COC determines 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, COC will send written notification of the ineligibility determination within 30 business days of receipt of the completed application. 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**

###### COC Policy

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

COC Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, COC will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

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

COC may opt to place applicants on the waiting list according to COC preference(s) and a lottery system. Once each application has been randomly assigned a number, the applications will be placed on the waiting list in order of the assigned numbers within their respective preference categories.

COC 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). Families may request 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 COC standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

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

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

COC 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 COC may structure its waiting list and how families must be treated if they apply for public housing at a COC that administers more than one assisted housing program.

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

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

#### COC 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 COC offers site-based waiting lists)

COC may adopt one community-wide waiting list or site-based waiting lists. COC 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)].

#### COC Policy

COC will maintain a site-based waiting list system, with separate waiting lists for each of the following sites within COC's public housing stock:

- Stamford Manor
- Rippowam Manor
- Glenbrook Manor
- Federal Family Developments (Connecticut Avenue, Lawn Avenue Townhouses, Ursula Park Townhouses, Sheridan Mews)
- Oak Park
- Clinton Manor
- Quintard Manor
- Taylor Street
- Post House
- Fairgate
- Westwood
- Palmer Square
- Greenfield
- Summer Place
- LawnHill Terrace LP (1-4)
- Park 215

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 COC 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 COCs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

#### COC Policy

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

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

##### Closing the Waiting List

COC 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 of its developments. COC 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].

##### COC Policy

COC will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where COC has particular preferences or other criteria that require a specific category of family, COC may elect to continue to accept applications from these applicants while closing the waiting list to others.

COC will announce by public notice the closing of the waiting list. If the list remains open to certain categories of families, this information will be contained in the notice. The notice will be published at least 14 days prior to COC closing the list.

COC will announce by public notice the closing of the waiting list only if the list remains open to certain categories of families, this information will be contained in the notice. The media outlets may include, but are not limited to:

*Stamford Advocate*  
*Local community service providers*  
*Local Community Centers*  
*COC web site*

##### Reopening the Waiting List

If the waiting list has been closed, it may be reopened at any time. COC 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. COC should specify who may apply, and where and when applications will be received.

##### COC Policy

COC will announce the reopening of the waiting list at least 10 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, method, and place applications can be obtained and submitted, how blank applications may be obtained (e.g., from what addresses, community sites, and websites), all methods by which applications will be accepted (e.g., in person, by phone, by fax, by email), 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. COC will describe its prioritization system or whether it uses a lottery and will clearly state that this system will be used to place applicants on the waiting list.

To ensure that public notices broadly reach potential applicants in all communities throughout the housing market area, COC will distribute public notices to local community-based organizations, such as social service agencies and religious institutions; distribute the notice online through COC's website or social media platforms and other online platforms for local housing news; and make use of any local newspapers of general circulation, minority media, and other suitable means.

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

*Stamford Advocate*  
*Local community service providers*  
*Local Community Centers*  
*COC web site*

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

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

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

COC 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

COC 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

#### **COC Policy**

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

##### COC Policy

While the family is on the waiting list, the family must inform COC, within 30 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.

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

HUD requires COC 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 COC's request for information or updates because of the family member's disability, COC 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.

##### COC Policy

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

To update the waiting list, COC will send an update request via first class mail and/or by email to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program.

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As part of the initial pre-application or application, COC will ask the family for their preferred methods of communication, which may include mail, phone, text message, email, or contact through a representative or service provider.

This update request will be sent to the last address and/or email address that COC 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 COC not later than 15 business days from the date of COC letter.

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

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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.

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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 the family fails to respond within this time frame, the family 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, COC will contact an unresponsive applicant through all means available, which may include via mail, phone, email, and text message. COC will give that family a reasonable period of time to respond with their interest so as to not inadvertently remove an applicant who remains interested but may have moved, changed their contact information, or otherwise are difficult to reach. No informal hearing will be offered in

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such cases. Such failures to act on the part of the applicant prevent COC making an eligibility determination; therefore, no informal hearing is required.

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

### **Removal from the Waiting List**

#### COC Policy

COC will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required.

If COC 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 removed from the waiting list.

If a family is removed from the waiting list because COC has determined the family is not eligible for admission, 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 hearing regarding COC's decision (see Chapter 14) [24 CFR 960.208(a)].

## PART III: TENANT SELECTION

### 4-III.A. OVERVIEW

COC must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. COC must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. COC 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 COC 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.

COC must maintain a clear record of all information required to verify that the family is selected from the waiting list according to COC's selection policies [24 CFR 960.206(e)(2)]. COC's policies must be posted any place where COC receives applications. COC must provide a copy of its tenant selection policies upon request to any applicant or tenant. COC may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

#### COC Policy

When an applicant or resident family requests a copy of COC's tenant selection policies, COC will provide copies to them for \$0.25 per page.

#### 4-III.B. SELECTION METHOD

COCs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that COC will use.

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

COCs 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 COC to establish other local preferences, at its discretion. Any local preferences established must be consistent with COC 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)].

##### COC Policy

COC will use the following preferences for all programs, unless otherwise noted, in the following order. Preference eligibility must be valid at the time of unit/assistance offer. If a preference is found to no longer be valid, applicants will be placed on the waiting list by date of time of application received.

##### ***Insufficient Funding (HCV Only)***

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

##### ***Displaced Category I***

Families displaced or scheduled for displacement due to COC redevelopment efforts.

##### ***Displaced Category II***

Families displaced due to other state/local governmental action for reasons beyond resident control and/or declared natural disasters within no more than six months from the date of verification by COC.

Families are considered displaced if they are required to vacate housing as a result of one of the following:

A disaster-fire, flood, earthquake, etc. that has caused the unit to be inhabitable.

Federal, state or local government action related to code enforcement, public improvement or development.

##### ***VAWA***

COC will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or is seeking an emergency transfer under VAWA from COC's public housing program or other covered housing program operated by the COC.

COC will work with the following partnering service agencies:

##### **Domestic Violence Crisis Center**

The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval. After six months, COC may require an update of the preference documents.

#### ***Family Protection***

This preference extends to victims of domestic violence and families who must vacate their current unit because a court or law enforcement agency has determined a need for relocation is required as a matter of public safety (includes victims of hate crimes and households that are part of a witness protection program).

A hate crime is an actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability or familial status including sexual orientation, gender identity and marital status occurred within the last 90 days or is of a continuing nature.

#### ***Chronic Homelessness and Other Vulnerable Homeless Persons***

COC will offer a chronic homelessness persons preference to any family that meets the HUD definition of chronic homelessness. If there are no chronic homeless families at the time of vacancy, the opportunity will be offered to the next most vulnerable homeless person in accordance with prioritization established by the Coordinated Access Network "CAN". The family must be referred to COC by a homeless service provider through the CAN based on their vulnerability. Referring agencies must have an executed Memorandum of Understanding with COC in coordination with the Stamford Housing First Collaborative, outlining the provider's responsibility to provide services for the referred household.

The referral must include a commitment by the homeless service provider to supportive services to help the household transition from homelessness to permanent housing, including tenant selection, eligibility and lease requirements.

One of every five applicants selected from the waiting list will be made available to a chronically homeless applicant or other vulnerable homeless persons.

#### **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 COC'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, COC may skip non-ELI families on the waiting list in order to select an ELI family.

If a COC also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to COC's HCV program during a COC fiscal year that exceed the 75 percent minimum target requirement for the voucher program, shall be credited against COC'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 COC fiscal year; (2) ten percent of waiting list admissions to COC's housing choice voucher program during COC

fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of COC 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.

#### COC Policy

COC 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 COC 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]. COC must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. COC 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, COC 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. COC 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]**

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

Among the designated developments, COC 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, COC 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, COC 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)].

#### COC Policy

COC does have designated elderly or designated disabled housing at this time.

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

COC'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 COC's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

COC'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 COC with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a COC 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, COC must comply with the following steps:

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

#### COC Policy

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

Step 2. COC 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, COC has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

#### COC Policy

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

Step 3. COC 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. COC 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, COC must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances COC'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 COC in consultation with the residents and the community through the annual plan process to be responsive to local needs and COC strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under COC's deconcentration policy. COC must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under COC'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, COC will be considered to be in compliance with the deconcentration requirement and no further action is required.

#### COC Policy

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

Skipping a family on the waiting list or transfer list to reach another family in an effort to further the goals of COC's deconcentration policy:

If a unit becomes available at a development below the EIR, the first eligible family on the waiting list or transfer list with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list or transfer list with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list or transfer list with income over the EIR, or no family with income above the

EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list or transfer list in preference order regardless of income. If a unit becomes available at a development above the EIR, the first eligible family on the waiting list or transfer list with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list or transfer list with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list or transfer list with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list or transfer list in preference order regardless of income.

Skipping of families for deconcentration purposes will be applied uniformly to all families.

A family has the sole discretion whether to accept an offer of a unit made under COC's deconcentration policy. COC shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under COC's deconcentration policy. However, COC shall uniformly limit the number of offers received by applicants and transfer families, described in this chapter.

COC shall establish a preference for admission of working families in covered developments below the EIR. COC shall target investment and capital improvements toward covered developments below the EIR to encourage applicant families whose income is above the EIR to accept units in those developments.

COC shall offer incentives to families with incomes above the EIR willing to move into a development with average income below the EIR and/or to families with incomes below the EIR willing to move into a development with average income above the EIR.

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

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

##### COC Policy

Lottery Method (Random Selection Process):

Families may be selected from the waiting list based on selection preference(s) for which they qualify, and in accordance with COC's hierarchy of those preferences.

Within each preference category, families will be selected in numerical order based on the numbers that were assigned to each application, by lottery, at the time the applications were placed on the waiting list.

First come/First served:

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

When selecting applicants from the waiting list, COC will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. COC 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 COC policy.

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

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

##### COC Policy

COC will notify the family by first class mail and/or by phone and/or by email when selected from the waiting list. If contacted by phone, a notice will also be sent by first class mail.

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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
- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview

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

If a notification letter is returned to COC due to a COC error, the family will be reinstated on the waiting list.

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

HUD recommends that COC 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 COC 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 COC [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)].

##### COC Policy

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

All adult household members are required to attend the interview together. Exceptions may be made for students attending school out of state or for members for whom attendance would be a hardship. The family must provide written documentation providing the reason that prevented them from attending the appointment.

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.

Pending disclosure and documentation of social security numbers, COC will allow the family to retain its place on the waiting list for **90 days**. If not all household members have disclosed their SSNs at the next time a unit becomes available, COC will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, COC will proceed with the interview. If COC determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, COC 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 5 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

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

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

If the family is unable to attend a scheduled interview, the family should contact COC 48 hours in advance of the interview to schedule a new appointment.

Applicants who fail to attend two scheduled interviews without COC approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. Such failure to act on the part of the applicant prevents COC from making an eligibility determination; therefore COC will not offer an informal hearing.

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

COC must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including COC suitability standards, COC 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)].

##### COC Policy

COC 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.

COC will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another COC program.

COC 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)].

##### COC Policy

If COC determines that the family is ineligible, COC 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 hearing (see Chapter 14).

COC will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another COC program.

If COC 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 COC can move to deny the application. See Section 3-III.G for COC's policy regarding such circumstances.

COC 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.