

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

This chapter describes the NBHA's policies with regard to local preferences, management of the waiting lists, and the number of unit offers that will be made to qualified applicants selected from the wait pool. NBHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is the NBHA's policy that each applicant is assigned an appropriate place on the centralized wait list. Applicants will be listed in sequence based upon the waiting list guidelines stated in this chapter. In filling an actual or expected vacancy, the NBHA will offer the dwelling unit to an applicant in the appropriate sequence.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

The NBHA will administer its waiting list, accept applications and offer units as required by 24 CFR Part 5, Part 945 and 960 subparts A and B.

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),

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 NBHA initially will require families to complete a pre-application only to determine the family's placement on the waiting list. This process establishes the eligibility of the applicant for the wait-list only). The family's eligibility for public housing will be determined when they reach the top of the wait-list

Families may obtain application forms from the NBHA's office during normal business hours or draw down from the NBHA Website Families may also request – by telephone or by mail – which a form be sent to the family via first class mail. Applications can be drawn down from the Nbhact.org website.

Completed applications or pre-applications must be returned to the NBHA as noted or instructed on the front page of the application, during normal business hours. If an application is incomplete, the NBHA will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

The NBHA 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 NBHA application process.

Disabled Populations [24 CFR 8; PH OCC GB, p. 68]

The NBHA shall provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process is fully accessible. The application may be mailed or faxed. Chapter 2 provides a full discussion of the NBHA's policies related to providing reasonable accommodations for people with disabilities.

4-I.D. PLACEMENT ON THE WAITING LIST – PRE-APPLICATION:

TWO-STEP PROCESS:

Under the two-step application process, the NBHA initially will require families to complete a pre-application only to determine the family's placement on the waiting list.

Placement – Pre-application:

The NBHA reviews each pre-application received to make a preliminary assessment of the family's eligibility. The NBHA shall place on the waiting list families for whom the list is open unless the NBHA determines the family to be ineligible placement. Where the family is determined to be ineligible for placement, the NBHA shall notify the family in writing [24 CFR 960.208(a);]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. The pre-application process determines the eligibility of the applicant for the waiting list only.

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

Eligibility of applicant may change before the applicant is leased or during the lease-up process it may be determined the applicant is ineligible. If the NBHA 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 NBHA will send written notification of the ineligibility determination within 10 calendar days of receiving a 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

The NBHA will send written notification of the preliminary eligibility determination within 10 calendar days of receiving an application.

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

While the family is on the waiting list, the family shall inform the NBHA, within 10 calendar 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.

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

The NBHA 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 NBHA standards and local codes). However, in these cases, the family must agree not to request a transfer for three (3) years after admission.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The NBHA will administer its wait list as required by 24 CFR Part 945 and CFR 960. 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 public housing, and conducting outreach to ensure a sufficient number of applicants.

4-II.B. ORGANIZATION OF THE WAITING LIST

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

The waiting list will contain the following information for each applicant pre-application:

- Name and social security number of every household member
- Photo I.D. for every household member 18 years old
- Unit size required (number of family members)
- Amount and source of annual income of all household members
- Accessibility requirement, if any
- Date and time of application
- Household type (family, elderly, disabled)
- Admission preference, if any

Race and ethnicity of the head of household

The NBHA will maintain one single community-wide waiting list for its developments. Within the list, the NBHA will designate subparts to easily identify who should be offered the next available unit (i.e., general occupancy, unit size, and accessible units).

A family that applies to reside in the NBHA public housing will be offered the opportunity to be placed on the waiting list if, (1) the programs' waiting lists are open, and (2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

The NBHA will not merge the public housing waiting list with the waiting list for any other program the NBHA operates [24 CFR 982.205(a)(1)].

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

Closing the Waiting List

The NBHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments.

The NBHA may close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants.

Reopening the Waiting List

The NBHA shall publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that the NBHA is reopening the waiting list. Such notice shall comply with HUD fair housing requirements.

The NBHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

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

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

NBHA outreach efforts shall 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

NBHA outreach efforts shall 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

The NBHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the NBHA’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

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

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

4-II.F. UPDATING THE WAITING LIST [24 CFR 960.202(a)(2)(iv)].

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 the NBHA’s request for information or updates because of the family member’s disability, the NBHA shall, upon the family’s request and verified reason for lack of response, 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.

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

To update the waiting list, the NBHA will annually 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 NBHA 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, or mailed. Responses should be postmarked or received by the NBHA not later than 30 business days from the date of the NBHA letter.

If the family fails to respond within 60 calendar days, the family will be removed from the waiting list without further notice and the envelope and letter will be maintained in the file.

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 60 calendar 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, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the NBHA from making an eligibility determination; therefore no informal hearing is required.

The NBHA allows a grace period of ninety (90) days after completion of the purge. Applicants who respond during this grace period will be reinstated.

Removal from the Waiting List

- The NBHA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.
- If the NBHA 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 applicant was clearly advised of a requirement to notify the NBHA of his/her continued interest by a particular time and failed to do so.
- If the NBHA has made reasonable efforts to contact the applicant to determine if there is continued interest, but has been unsuccessful.
- If a family is removed from the waiting list because the NBHA 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 the NBHA's decision (see Chapter 14) [24 CFR 960.208(a)].
- 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 the NBHA's request for information or updates because of the family member's disability, the NBHA shall, upon the family's request and verified reason for lack of response, 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.

PART III: TENANT SELECTION

4-III.A. OVERVIEW

The NBHA shall establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The NBHA shall not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The NBHA will 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 NBHA shall maintain a clear record of all information required to verify that the family is selected from the waiting list according to the NBHA's selection policies [24 CFR 960.206(e)(2)].

When an applicant or resident family requests a copy of the NBHA's tenant selection policies, the NBHA will provide copies to them for \$.25 a page. [24 CFR 960.202(c)(2)].

4-III.B. SELECTION METHOD

Local Preferences [24 CFR 960.206]

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the NBHA's selection criteria as defined in this policy. [24 CFR 960.206(a)].

The NBHA will use the following local preferences:

Ranking:

40: PREFERENCE FOR VICTIM(S) OF DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

The NBHA will offer a preference to families that include Victims of Domestic Violence and Human Trafficking, in accordance with NBHA Policies and Procedures.

Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9))”.

35: PREFERENCE FOR THOSE WHO ARE INVOLUNTARILY DISPLACED OR HOMELESS:

The NBHA has a preference for admission for persons who are involuntarily displaced or homeless. [24 CFR 960.206(b) (5)]. Families are considered involuntarily displaced if they are or have been required to vacate housing as a result of (i) a disaster that has caused the unit to be uninhabitable; (ii) government action; (iii) action by the housing owner which is beyond the applicant's ability to control. (iv) victim of Domestic and Domestic violence in accordance with the NBHA policy & practice.

25: PREFERENCE FOR VETERANS:

The NBHA has a preference for veterans. Proper documentation must be provided.

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during the NBHA'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, the NBHA may skip non-ELI families on the waiting list in order to select an ELI family.

Admissions of extremely low-income families to the NBHA's HCV program during a NBHA fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against the NBHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the NBHA fiscal year; (2) ten percent of waiting list admissions to the NBHA's housing choice voucher program during the NBHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of NBHA 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.

The NBHA 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]

Elderly family means a family whose head, spouse, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403]. The NBHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The NBHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

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

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

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

The NBHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income developments and lower income tenants into higher income developments. [24 CFR 903.7(b)].

Gross annual income is used for income limits at admission and for income-mixing purposes. Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

The NBHA will gather data and analyze, at least annually, the resident characteristics of its public housing stock, including information regarding resident incomes, to assist in the NBHA's deconcentration efforts.

The NBHA will use the gathered resident income information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the developments for the purpose of assisting the NBHA in its deconcentration goals.

Deconcentration and Income-Mixing Goals

Admission policies related to the deconcentration efforts of the NBHA do not impose specific quotas. Therefore, the NBHA will not establish specific quotas, but will strive to achieve deconcentration and income mixing in its developments.

Development Designation Methodology

The NBHA will determine and compare resident incomes at all multi-unit developments including, but not limited to, the following developments:

- MT. Pleasant
- Oval Grove

Upon analyzing its findings the NBHA will apply the policies, measures and incentives listed in this chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The NBHA's goal is to have eligible families having higher incomes occupy dwelling units in developments predominantly occupied by families with lower incomes, and eligible families having lower incomes occupy dwelling units in developments predominately occupied by eligible families having higher incomes.

Families having lower incomes include very low and extremely low-income families, skipping of families for deconcentration purposes will be applied uniformly to all families.

Income Limit Method

The NBHA will compare the gross annual income of all families in all multi-unit developments to the jurisdiction income limits.

The NBHA will designate as higher income those developments where twenty (20%) percent or more of the families residing in the development have incomes at or below the extremely low and very low-income families.

NBHA Incentives for Higher and Lower Income Families

Depending on local circumstances the NBHA'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
- NBHA may provide after school programs
- NBHA may provide a child care facility on site
- NBHA may provide training opportunities for adults
- NBHA may provide programs for youth

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

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

Order of Selection [24 CFR 960.206(e)]

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

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

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

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 NBHA policy.

4-III.C. NOTIFICATION OF SELECTION

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

The NBHA 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
- Documents that must be provided at the interview to document eligibility for a preference, if applicable

If a notification letter is returned to the NBHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the NBHA from making an eligibility determination; therefore an informal hearing may not be offered.

4-III.D. THE APPLICATION INTERVIEW

The NBHA shall 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.

Reasonable accommodation shall 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)].

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

The head of household and the spouse/cohead must attend the interview together. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the NBHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate 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.

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, the NBHA will proceed with the interview. If the NBHA 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, the NBHA 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. 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 NBHA will provide translation services in accordance with the NBHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the NBHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the NBHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews with the NBHA will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their application will be made inactive. Such failure to act on the part of the applicant prevents the NBHA from making an eligibility determination, therefore the NBHA will not offer an informal hearing.

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

The NBHA *must* verify all information provided by the family. Based on verified information related to the eligibility requirements, including NBHA suitability standards, the NBHA 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)].

The NBHA will notify a family in writing of their eligibility within 10 business days of the determination.

The NBHA 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)].

If the NBHA determines that the family is ineligible, the NBHA 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)

If NBHA uses a criminal record and or the sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial the applicant may dispute the accuracy and relevance of the information *by* requesting an Informal Hearing.