

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

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

SAHA is required to adopt clear policies and procedures for accepting applications, placing families on the Waiting List, and selecting families from the Waiting List, and must follow these policies and procedures consistently. The actual order in which families are selected from the Waiting List can be affected if a family has certain characteristics designated by HUD or SAHA that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that SAHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that SAHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and SAHA 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 SAHA will handle the applications it receives.

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

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

## **PART I: THE APPLICATION PROCESS**

### **4-I.A. OVERVIEW**

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

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

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

#### SAHA Policy

During application intake SAHA will initially 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 at the eligibility interview.

During application intake, applications will only be available online. Staff will be available to assist with online applications after receiving a request for reasonable accommodation.

Completed applications must be submitted online. Applications must be completed in order to be accepted by SAHA for processing. Incomplete or duplicate applications will be rejected without further notification.

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

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

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

## **Limited English Proficiency**

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

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

SAHA must review each complete application received and make a preliminary assessment of the family's eligibility. SAHA 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, SAHA 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**

##### SAHA Policy

If SAHA 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, SAHA will send written notification of the ineligibility determination. 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**

##### SAHA Policy

SAHA will send written notification of the preliminary eligibility and placement on the Waiting List. 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 claimed.

SAHA has the option of limiting the number of applications accepted and/or performing a lottery in preference categories.

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

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

SAHA 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]**

SAHA's HCV Waiting List must be organized in such a manner to allow SAHA 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 SAHA to maintain a single Waiting List for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate Waiting List for each county or municipality served.

#### SAHA Policy

SAHA maintains a single Waiting List for the HCV program. However a separate Waiting List may be established for project based vouchers that are designated for a specific target population or a site.

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 SAHA 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 PHAs 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.

#### SAHA Policy

SAHA will not merge the HCV Waiting List with the waiting list for any other program they operate.

### **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, SAHA may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

#### SAHA Policy

SAHA may close the Waiting List when the estimated waiting period for housing assistance for applicants on the list exceeds 24 months or may open for a limited timeframe. Where SAHA has particular preferences or funding criteria that require a specific category of family, SAHA may elect to continue to accept applications from these applicants while closing the Waiting List to others.

SAHA may determine after reviewing the community need and available funding that it may be beneficial for the Waiting List to remain open indefinitely or for the Waiting List to remain open for special purpose vouchers or specific preferences.

#### **Reopening the Waiting List**

If the Waiting List has been closed, it cannot be reopened until SAHA 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.

#### SAHA Policy

SAHA will announce the reopening of the Waiting List through a public notice 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.

SAHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to: The Orange County Register, Miniondas, La Opinion, Unidos, and Nguoi Viet newspaper. Other publications may be used if it is determined that it would be beneficial in reaching specific populations.

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

SAHA must conduct outreach as necessary to ensure that SAHA has a sufficient number of applicants on the Waiting List to use the HCV resources it has been allotted.

Because HUD requires SAHA to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), SAHA 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].

SAHA 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

SAHA 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

##### SAHA Policy

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

##### SAHA Policy

While the family is on the Waiting List, the family must immediately inform SAHA of changes in mailing address and number of family members. The changes must be submitted online. Any requests to add additional family members to the application must be received prior to SAHA mailing an invitation for an orientation or the eligibility interview. The final approval will be determined at the eligibility interview.

Failure to report address changes online that result in mail being returned will be cause for removal from the Waiting List.

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

HUD requires SAHA 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 PHA request for information or updates, and SAHA determines that the family did not respond because of the family member's disability, SAHA must reinstate the applicant family to their former position on the Waiting List [24 CFR 982.204(c)(2)].

##### SAHA Policy

The Waiting List will be purged as necessary to ensure that all applicants and applicant information is current and timely. To purge the Waiting List, SAHA 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 SAHA has on record for the family from the family's online application. 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 SAHA no later than the date specified on the SAHA letter.

If the family fails to respond within the specified date on SAHA's letter, 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 and the applicant has not notified SAHA of the address change, the applicant will be removed from the Waiting List without further notice.

If a family is removed from the Waiting List within the last twelve months for failure to respond, SAHA may reinstate the family if it determines the lack of response was due to SAHA error, or to circumstances beyond the family's control.

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

##### SAHA Policy

If at any time an applicant family is on the Waiting List, SAHA determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the Waiting List. If a family is removed from the Waiting List because SAHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record provided on the initial application. e-. 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 SAHA'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 are selected from the Waiting List depends on the selection method chosen by SAHA and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the Waiting List.

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

### **4-III.B. SELECTION AND HCV FUNDING SOURCES**

#### **Special Admissions [24 CFR 982.203]**

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

#### **Targeted Funding [24 CFR 982.204(e)]**

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

#### SAHA Policy

SAHA administers Non-Elderly Disabled vouchers (NED).

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

##### SAHA Policy

Local preferences will be numerically ranked, with number 1 being the highest preference, in the following order:

1. **United States Military Veteran Preference:** United States military veterans or surviving spouses and dependent children of a United States military veteran, or active military personnel, their spouse and their dependent children who live or work in the City of Santa Ana at the time of application. The veteran must have been discharged under conditions other than dishonorable and were/is eligible to receive veteran's benefits. Form DD-214 with a discharge status of other than dishonorable, or equivalent verification, must be provided at their eligibility interview appointment. The individual must have served a minimum of 90 days to qualify for the preference. "Surviving spouse" means not divorced from, or not remarried prior to or after the death of the veteran. A marriage and death certificate will be required for a surviving spouse.
2. **Residency Preference:** Residency preference for families who live or work in the City of Santa Ana at the time of application. At least two pieces of evidence must be provided for families who live or work in the City of Santa Ana including but not limited to a lease, utility bills, bank statements, or paycheck stubs.

Additionally, SAHA will offer priority to any family that has been terminated from its HCV program due to insufficient program funding.

##### *Homeless Individuals and Families Set-Aside Preference*

In accordance with PIH Notice 2013-15, SAHA will accept direct referrals to the HCV Program for the following target population:

- **Homeless Individuals and Families:** The number of homeless individuals and families who can qualify for this preference and successfully lease a unit with their voucher will be limited to 50% of the total number of vouchers that become

available through annual turnover in the previous calendar year. To qualify for this preference, homeless individuals and families must be referred by agencies with a contract or Memorandum of Understanding (MOU) in place with the Housing Authority, or by Community Based Organizations (CBO's) contracted with the Housing Authority. The referring agency must provide a certification of the family's homeless status. Additionally, families already registered on the Waiting List who declare themselves as homeless, but are not referred by a CBO must provide a certification of their homeless status from an agency that has an MOU in place with the Housing Authority. This set-aside preference has been documented by SAHA using generally accepted data sources.

The term, "residence," includes homeless shelters and other dwelling places where homeless people may be living, sleeping or receiving services in the City of Santa Ana. Therefore, homeless individuals and families who qualify for this preference will qualify as residents.

#### *Foster Youth to Independence Vouchers (FYI)*

The waiting list for FYI vouchers is continually open for referrals from Orange County Social Services Agency as long as there are FYI vouchers available.

PHAs may choose to create a preference in their regular HCV program for persons whose FYI assistance is expiring and will lack adequate housing as a result of their termination from the program, or other similar category.

As required by statute, an FYI voucher may only be used to provide housing assistance for youth for a maximum of 36 months. However, youth who first lease a unit with an FYI voucher after the date of enactment of the Fostering Stable Housing Opportunities (FSHO) amendments may receive an extension of the 36-month time limit of assistance for up to an additional 24 months if they meet the requirements of FSHO. FSHO applies to eligible youth who first leased or leases a unit after the date of enactment of FSHO, December 27, 2020, which includes youth who will be assisted with funding under this Notice. See HUD's FSHO implementation notice published in the Federal Register on January 24, 2022 (87 FR 3570).

SAHA will provide a selection preference for FYI voucher holders who are terminated due to the time limit on assistance in accordance with this policy.

All preferences must be applicable and verifiable at the time of selection from the Waiting List.

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

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during SAHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, 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)].

#### SAHA Policy

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

### **Order of Selection**

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

#### SAHA Policy

Families will be selected from the Waiting List based on the local preference(s) for which they qualify, and in accordance with SAHA's hierarchy of preferences. Within each preference category, families will be selected by assigned lottery number (score), if lottery was performed when placed on the Waiting List. Documentation will be maintained by SAHA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the Waiting List is not qualified or not interested in targeted funding, there will be a notation maintained so that SAHA does not have to ask higher placed families each time targeted selections are made.

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

When a family has been selected from the Waiting List, SAHA must notify the family [24 CFR 982.554(a)].

#### SAHA Policy

SAHA 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 orientation or application interview, including any procedures for rescheduling the interview.
- Who is required to attend the interview.
- Documents that must be provided at the interview, 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 SAHA with or without a forwarding address from the US Postal Service, the family will be removed from the Waiting List.

#### 4-III.E. THE APPLICATION INTERVIEW

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

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if SAHA 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 SAHA [Notice PIH 2012-10].

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

##### SAHA Policy

SAHA may invite applicants to an orientation prior to the family's eligibility appointment. The purpose of the Orientation is to:

- Verify that the family meets the preference qualification. This means that the family is being called from the Waiting List in the proper order. If a family is invited to attend an Orientation based on a preference stated on the Waiting List application and the family no longer meets the preference, the family will be removed from the Waiting List.
- Provide the family with information on documents and forms they will need to bring to the eligibility interview.
- Explain the important features of the Housing Choice Voucher Program.
- Schedule an appointment for the family to come back with all the required forms and information. This appointment is a one-on-one meeting with a Housing Specialist referred to as an Eligibility Interview.

SAHA offers Orientations in three languages: English, Spanish, and Vietnamese.

During the Orientation, SAHA provides several forms and documents for the family to review and/or sign and submit to SAHA.

Families selected from the Waiting List are required to participate in an Eligibility interview. The head of household, the spouse/co-head, and all adult household members must attend the interview together.

The interview will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the applicant does not provide the required documentation, the appointment will be rescheduled for a Second and Final appointment.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as complete required forms, provide required signatures, and submit required documentation. If any materials are missing, SAHA 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 14 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 required documents and information are not provided within the required time frame, 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 may be conducted in English, Spanish or Vietnamese.

If the family is unable to attend a scheduled interview, the family must contact SAHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a second and final scheduled interview, SAHA will send another notification letter removing the family from the Waiting List. The family will have 14 days to request a review if they do not agree with the decision. Applicants who fail to attend a scheduled eligibility interview without SAHA 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**

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

##### SAHA Policy

If SAHA determines that the family is ineligible, SAHA will send written notification of the ineligibility within 14 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 SAHA determines that the family is eligible to receive assistance, SAHA will invite the family to attend a voucher briefing in accordance with the policies in Chapter 5.