

## CHAPTER 4

### ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

#### **INTRODUCTION**

It is the HA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the two (2) local preferences (in addition to mandated Income Targeting requirements) which the HA has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the HA's system of applying them.

By maintaining an accurate waiting list, the HA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

#### **A. WAITING LIST** [24 CFR 982.204]

The HA uses a single waiting list for admission to its Section 8 tenant-based assistance program. Except for Special Admissions, applicants will be selected from the HA waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The HA will maintain information that permits proper selection from the waiting list.

The waiting list contains the following information for each applicant listed:

- Applicant Name
- Family Unit Size (number of bedrooms family qualifies for under HA subsidy standards)
- Date and time of application
- Qualification for any local preference
- Racial or ethnic designation of the head of household

#### **B. SPECIAL ADMISSIONS** [24 CFR 982.54(d)(e), 982.203]

HUD may award an HA program funding that is targeted for specifically named families; the HA will admit these families under a Special Admission procedure.

There are currently no such programs funded in Albemarle.

#### **C. WAITING LIST PREFERENCES** [24 CFR 982.207]

The HA may from time to time adopt local preferences to address local critical housing issues.

An applicant will not be granted any Local preference if any member of the family has been evicted from housing assisted under a 1937 Housing Act program during the past three years because of drug-related criminal activity.

The HA may grant an exception to such a family if the responsible member has successfully completed a rehabilitation program.

If an applicant makes a false statement in order to qualify for a Local preference, the HA may deny admission to the program for the family.

#### **D. LOCAL PREFERENCES** [24 CFR 5.410]

*Note: HUD Notice PIH 98-64 eliminated the requirement for public notice and a period for public comment when changing the HA's preference system. However, the HA must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences. If it is impracticable to do so because of the length of the waiting list, the HA may provide notification to fewer than all applicants at any given time. [24 CFR 5.410(g)(h)]*

The HA will offer public notice when changing its preference system with the notice as described in Chapter 3, Section B.

The HA uses the following Local Preference system:

- ◆ Live and/or works in Albemarle County

#### **E. INCOME TARGETING** [24 CFR 882]

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the HA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median

## CHAPTER 4

income. HUD refers to these families as “extremely low-income families.” The HA will admit families who qualify under the Extremely Low-Income limit to meet the income targeting requirement, regardless of preference.

At Moderate Rehabilitation properties and projects with project-based certificates at least forty-percent of new admissions in each fiscal year must be families with income levels at or below 30 percent of the area median income.

The HA’s income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The HA is also exempted from this requirement where the HA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

### **Jurisdictions Served By More Than One HA**

HUD will treat multiple HA’s serving one jurisdiction as a single HA for income targeting purposes. The Albemarle County Office of Housing will cooperate with the Virginia Housing Development Authority (VHDA), also serving Albemarle County, to assure that aggregate admissions comply with the 75% targeted income requirement for the jurisdiction.

### **F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION** [24 CFR 5.415]

At the time of application, an applicant's entitlement to a Local Preference may be made on the following basis:

- *An applicant's certification that they qualify for a preference will be accepted without verification at the initial application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.*
- *If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for an informal hearing.*
- *If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family at the time of selection from the waiting list cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.*

### **G. EXCEPTIONS FOR SPECIAL ADMISSIONS** [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a HA program funding that is targeted for specifically named families, the HA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The HA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

### **H. TARGETED FUNDING** [24 CFR 982.203]

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

Applicants who are admitted under targeted funding which are not identified as a Special Admission. The HA has the following "Targeted" Programs:

- Family Unification Program

## CHAPTER 4

### I. **PREFERENCE AND INCOME TARGETING ELIGIBILITY** [24 CFR 5.410]

#### 1. **Change in Circumstances**

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the HA in writing when their circumstances change.

When an applicant claims an additional preference, s/he will be placed on the waiting list in the appropriate order determined by the newly claimed preference.

The exception to this is, if at the time the family applied, the waiting list was only open to families who claimed that preference. In such case, the applicant must verify that they were eligible for the first preference before they are returned to the waiting list with the new preference.

If the family's verified annual income, at final eligibility determination, does not fall under the Extremely Low Income limit AND the family was selected for income targeting purposes before family(ies) with a higher preference, the family will be returned to the waiting list.

#### 2. **Cross-Listing of Different Housing Programs and Section 8** [24 CFR 982.205(a)]

The HA will not merge its waiting lists.

If the waiting list for the HA's moderate rehabilitation and VHDA Housing Choice voucher programs are open at the time that an applicant applies for an Albemarle tenant-based voucher, the HA must offer to place the family on its waiting lists for the other programs.

#### 3. **Other Housing Assistance** [24 CFR 982.205(b)]

Other housing assistance means a federal, State or local housing subsidy, as determined by HUD.

The HA may not take any of the following actions because an applicant has applied for, received, or refused other housing [24 CFR 982.205(b):

- Refuse to list the applicant on the HA waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified;
- Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the HA selection policy; or
- Remove the applicant from the waiting list.

However, the HA may remove the applicant from the waiting list for tenant-based assistance if the HA has offered the applicant assistance under the voucher program.

### J. **ORDER OF SELECTION** [24 CFR 982.207(e)]

The HA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

#### a) **Local Preferences**

Local preferences will be used to select families from the waiting list.

The HA has selected the following system to apply local preferences and local preferences will be aggregated using the following system:

Each preference will receive an allocation of points. The more preference points an applicant has the higher the applicant's place on the waiting list.

#### b) **Among Applicants with Equal Preference Status**

Among applicants with equal preference status, the waiting list will be organized by date and time.

### K. **FINAL VERIFICATION OF PREFERENCES** [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the HA will obtain necessary third-party verifications of preference at the interview.

### L. **PREFERENCE DENIAL** [24 CFR 5.415]

## CHAPTER 4

If the HA denies a preference, the HA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for **an informal hearing with the Hearing Officer**. If the preference denial is upheld, as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

**If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.**

### **M. REMOVAL FROM WAITING LIST AND PURGING** [24 CFR 982.204(c)]

The Waiting List will be purged a minimum of once every 12 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant which request a response must be answered within 30 calendar days, from the correspondence postmark date, the client's application will be denied/terminated. If an applicant is notified of an available voucher and fails to correspond within 30 calendar days from the mailing date, their application will be denied/terminated. Applicants will have 30 calendar days from notice of program participation denial/termination to file an appeal. They may call the Housing Office or write a letter requesting an appeal. Initial appeals must be directed to the Section 8 Rental Assistance Coordinator. Any subsequent appeals will be handled by the Director of the Housing Office and are final.

An extension of 14 calendar days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability. If applicant fails to respond within the term of the extension, their application will be terminated and the applicant will have 30 calendar days from notice of program participation termination to appeal the termination.

If a letter is returned by the Post Office *without* a forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file.

If a letter is returned *with* a forwarding address, it will be re-mailed to the address indicated.

Applicants removed from the waiting list for failure to respond, will not be entitled to reinstatement without a loss of waiting list ranking unless the Rental Assistance Coordinator determines there are extenuating circumstances that preclude program termination. The determination will be made on a case by case basis.

Terminated applicants denied reinstatement, and seeking a voucher, must reapply to the program and will be added at the end of the waiting list as they are a first-time applicant.

### **N. DISPUTE RESOLUTION**

All disputes will be handled on a case-by-case basis. People may dispute terminations and/or decisions submitting a written request to the Housing Office and requesting a review of the dispute. Disputes will be handled by the Section 8 Rental Assistance Coordinator. People may submit a second written request for a final review of their dispute by the Director of the Housing Office. All decisions rendered by the Director are final. *Please see Chapter 19 for further information on "Complaints and Appeals."*