

## Chapter 4

### **TENANT SELECTION AND ASSIGNMENT PLAN** (Includes Preferences and Managing the Waiting List) [24 CFR 960.204]

#### **INTRODUCTION**

It is IHA's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide Waiting List. Applicants will be listed in sequence based upon size and type of unit required, preference, date and time the application is received. In filing actual or expected vacancies, IHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. IHA will offer the unit in the proper applicant sequence until it is accepted. This chapter describes IHA's policies with regard to the number of unit offers' that will be made to applicant's selected from the Waiting List.

#### **IHA's Objectives**

IHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is IHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

When appropriate units are available, families will be selected from the waiting list in their preference-determined and date and time sequence.

By maintaining an accurate waiting list, IHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the IHA's turnover and the availability of appropriately sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.

#### **Site-Based Waiting Lists**

Per the Quality Housing and Work Responsibility Act of 1998, IHA is now allowed to implement site-based waiting lists upon approval of the Annual Plan or upon HUD's approval to the PHA's request before the submission of the Annual Plan.

IHA currently uses site-based waiting lists.

### **A. MANAGEMENT OF THE WAITING LIST**

IHA will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent part of the file.
- All applicants in the pool will be maintained in order of preference and in order of date and time of application receipt.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income and other eligibility requirements as established by HUD and IHA.

#### **Opening and Closing the Waiting Lists**

IHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of IHA to house an applicant in an appropriate unit within a reasonable period of time.

The waiting list generally remains open on the IHA website. If IHA was to close or open the waiting list, IHA will advertise through public notice on IHA's website under Public Notices section of IHA News tab.

To reach persons with disabilities, IHA can provide notice to local organizations representing the interests and needs of the disabled. Local organizations serving the disabled population include, but are not limited to, the following:

- Office of Disabled Resources
- Department of Social Services
- Coalition for Independence
- Area Churches
- Developmental Disability Services of Jackson County
- Center for Developmentally Disabled
- Community Services League
- Area Council on Aging

The notice at a minimum will contain:

- The dates, times, and the website where families may apply for a pre-application.
- Any system of site-based waiting list offered by IHA.
- The programs for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the IHA address and telephone number, how to submit an application, and information on eligibility requirements.

Upon request from a person with a disability, additional time, not to exceed 30 days, will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

### **When Acceptance of Applications are Suspended**

IHA may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twenty-four (24) months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, IHA **will not maintain** a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list, such as utilizing the IHA website only or utilizing other media sources as well as the IHA website and City of Independence website.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next twenty-four (24) months. IHA will give at least ten (10) days' notice prior to closing the list. When the period for accepting applications is over, IHA will add the new applicants to the list by:

Unit size, local preferences priority scores and date and time of application receipt.

IHA will update the waiting list at least every twelve (12) months by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail, email or telephone. At the time of initial intake, IHA will advise families of their responsibility and requirement to set up an online account when they put the online pre-application and update mailing address or telephone numbers as well as any other information such as income. It is the responsibility of each applicant to update the online pre-application. Reasonable accommodations are available for those that cannot read, write, or use computers.

### **Reopening the List**

If the waiting list is closed and IHA decides to open the waiting list, IHA will publicly announce the opening via the IHA website by the public notice tab.

Any reopening of the list is done in accordance with the HUD requirements. The waiting list can also be open for specific bedroom sizes or to address special need or underserved populations.

### **Limits on Who May Apply**

When the waiting list is open,

Any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete a pre-application.

When the pre-application is submitted to IHA:

It establishes the family's date and time of pre-application for placement order on the waiting list.

### **Multiple Families in Same Household**

When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

## **B. SITE BASED WAITING LISTS**

**IHA does offer a system of site-based waiting lists. IHA does not have a system of preference for designated housing, but does have preferences for elderly and disabled at the high-rise sites.**

## **C. WAITING LIST PREFERENCES**

A preference does not guarantee admission to the program. Preferences are used to establish the

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order of placement on the Waiting List. Every applicant must meet IHA's Selection Criteria as defined in this policy.

**Broad Range of Income/Deconcentration of Poverty**

IHA's preference system will work in combination with requirements to match the characteristics of the family to the type/size of unit available. Order of preference of applications on the Waiting List will be applied to selection as follows, except those persons requiring units with accessibility features for person with disabilities. (See Chapter 1, E, Other Accommodations.)

IHA shall assure a mixed range of incomes and deconcentration of its public housing units by selecting from the list of qualified applicants, households whose incomes would promote deconcentration of poverty. As such, IHA shall select from the list of qualified applicants, those applicants whose income reflect a Broad Range of Income as defined by IHA's most current Broad Range of Income/Rent Range policy promoting deconcentration and income targeting requirements.

IHA shall admit to public housing in each fiscal year, at least forty percent (40%) of households whose income does not exceed 30% of the area median income.

Gross annual income is used for income limits at admission, income targeting, and for income-mixing purposes.

Skipping 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.

Admission policies related to the deconcentration efforts do not impose specific quotas since Broad Range of Income imposes specific quotas aimed at maintaining a mix of incomes within each development in order to achieve budgetary viability.

**Singles Preference and Designated Senior Units**

Although no longer mandated by statute, IHA will continue to select applicants from the Waiting List in the following order in regard to single person households. Preference for available units shall be given to:

A family whose Head or spouse or single member is an elderly or disabled person over a single person who is not elderly or disabled.

Furthermore, IHA shall not admit single person households consisting of non-elderly, non-disabled persons before other single person households in designated senior units within family public housing developments. A mixed population development is a public housing development, or portion of a development, that is reserved for elderly families and disabled

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families at its inception and has retained that character.) In accordance with a local preference, elderly families whose Head, spouse or sole member is at least 62 years of age, and disabled families whose Head, co-head, spouse, or sole member is a person with disabilities, will receive preference to such units.

IHA has the following properties that have been designated elderly only properties:

- none

Designated senior public housing developments and units are subject to HUD's definition of "senior" and may include (1) age-qualified elderly, and (2) disability qualified "elderly". In the designated elderly only developments, new admission priority shall be given to Elderly Families that qualify for the unit over non-elderly families. If no Elderly Families are on the waiting list, then the IHA will prioritize the "near elderly" for the development in accordance with the elderly only designation plan.

#### **D. DENIAL OF PREFERENCE**

IHA shall not give preference and shall permanently deny admission to public housing units and other federally assisted housing programs, individuals convicted of manufacturing or producing methamphetamine ("speed") as required by the Quality Housing and Work Responsibilities Act of 1998 on federally subsidized property.

Furthermore, if IHA denied a preference, IHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant will have ten (10) working days to request the meeting in writing. 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 an applicant falsifies documents or makes false statements in order to qualify for a preference, they will be denied housing and withdrawn from the Waiting List with notification to the family.

#### **E. INCOME TARGETING**

IHA will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of IHA's jurisdiction or the poverty rate.

Hereafter families whose incomes do not exceed 30% of area median income or the poverty rate will be referred to as "extremely low income families."

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of:

The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or

Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes

#### **Very Low-Income Family Admissions**

As long as IHA has met the 40% targeted income requirement for new admissions of extremely low-income families, IHA will fill the remainder of its new admission units with families whose incomes do not exceed 80% of the HUD approved area median income.

#### **F. MIXED POPULATION UNITS**

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). In accordance with local preferences, elderly families whose head spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. IHA maintains no mixed population development:

- none

#### **G. GENERAL OCCUPANCY UNITS**

General occupancy units are designed to house all populations of eligible families. In accordance with IHA's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to IHA's general occupancy units.

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 and in order to comply with IHA's Broad Range of Income policy.

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## **H. DECONCENTRATION OF POVERTY AND INCOME-MIXING**

IHA's admission policy is designed to provide for deconcentration of poverty and income-mixing. It is the intent of IHA to promote adequate and affordable housing, economic opportunity and a suitable living environment free of discrimination. Tenant selection and assignment for federal public housing shall be made without regard to race, color, religion, ancestry/national origin, sex familial status, physical or mental disability, marital status age, or HIV infection.

IHA will bring higher income tenants into lower income developments and lower income tenants into higher income developments. Additionally, IHA will support measures to raise the income of households that currently reside in federal public housing. All measures and incentives that are undertaken to accomplish deconcentration and income-mixing will be uniformly applied.

Gross annual income is used for income limits at admission, income targeting, 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 and in order to comply with IHA's Broad Range of Income policy.

IHA will gather data and analyze, at least annually, the tenant characteristics of its public housing stock, including information regarding tenant incomes, to assist in IHA's deconcentration efforts. If IHA's annual review of tenant incomes indicates that there has been a significant change in the tenant income characteristics of a particular project, IHA will evaluate the changes to determine whether, based on the IHA methodology of choice, the project needs to be re-designated as a higher or lower income project or whether IHA has met the deconcentration goals and the project needs no particular designation.

### **Project Designation Methodology**

IHA will use the gathered tenant incomes information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the project for the purpose of assisting IHA in its deconcentrating goals.

IHA's goal is to have eligible families having higher incomes occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and eligible families having lower incomes occupy dwelling units in projects predominantly occupied by eligible families having higher incomes.

Families having lower incomes include very low – and extremely low - income families.

When selecting applicant families and assigning transfers for a designated project, IHA will

determine whether the selection of the family will contribute to IHA's deconcentration goals.

IHA will not select families for a particular project if the selection will have a negative effect on IHA's deconcentration goals. However, if there are insufficient families on the waiting list or transfer list, under no circumstance will a unit remain vacant longer than necessary.

### **Deconcentration and Income-Mixing Goals**

IHA's deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit higher income families to lower income developments, and lower income families to higher income developments.

IHA's income-mixing goal is a long-range goal and may not be achieved in the first year of implementation. IHA will use its annual analysis of its public housing stock and tenant incomes to provide benchmarks for IHA.

## **I. PROMOTION OF INTEGRATION**

Beyond the basic requirement of nondiscrimination, IHA shall affirmatively further fair housing to reduce racial and national origin concentrations. IHA shall not require any specific income or racial quotas for any development or developments.

IHA shall 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.

## **J. PREFERENCE DENIAL**

If IHA denies a preference, IHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. The applicant will have ten (10) working days to request the meeting in writing. 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 denied housing and removed from the waiting list with notification to the family.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given

an opportunity for an informal review.

#### **K. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST**

The IHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open, the applicant will have the option to be placed on the waiting list of either or both of the IHA's programs.

#### **L. REMOVAL FROM WAITING LIST AND PURGING**

The waiting list will be purged at least every six (6) months by a mailing or emailing to all applicants to ensure that the waiting list is current and accurate. The mailing or emailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within 10 working days to the request for confirmation and continued interest, s/he will be removed from the waiting list. 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 and new time frame given to request for Informal Hearing.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the prescribed period and verification of such is received by IHA.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability. It is the plan of IHA to be able to utilize an Applicant Portal module within its housing software to allow applicants to set up a login account and update their application periodically, such as address change, phone number update, family status change or income change.

#### **M. OFFER OF ACCESSIBLE UNITS**

IHA has a limited number of units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, IHA will offer such units:

- First, to a current occupant of another unit of the same development who requires the

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accessible features of the vacant, accessible unit and is occupying a unit not having the features;

- If there is no current resident in the same development that requires the accessible features of the vacant unit, then it will be offered to a resident with disabilities residing in another development under IHA's control, who has a disability that requires the special features of the vacant accessible unit;
- If there is no current resident who requires the accessible features of the vacant, accessible unit, then the vacant accessible unit will be offered to an eligible qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, vacant, accessible unit;
- If there is not an eligible qualified resident or applicant with disabilities, needing the features of the vacant available unit on the waiting list who wishes to reside in the available accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 CFR 8.27. However, the IHA will require the applicant to execute the IHA Addendum Waiver that requires the resident to relocate to a vacant non-accessible unit within thirty (30) days of notice by the IHA that there is an eligible applicant or existing resident with disabilities who requires the accessible features of the unit. The transfer will be at the cost of the non-disabled resident's expense.

This requirement will be a provision of the lease agreement.

See "Leasing" chapter.

## **N. PLAN FOR UNIT OFFERS**

The IHA plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin is:

IHA shall select, assign and offer the first qualified applicant in sequence based upon BR Size/Preference Score/Date-Time of Application on the waiting list. The applicant will be given up to three offers of a unit of the appropriate size before removal from the waiting list.

If more than one unit of the appropriate type and size is available, **the first unit to be offered will be the first unit that is ready for occupancy and with the most vacant days on that particular unit.** If the unit is rejected, the applicant will be offered the second unit that is ready for occupancy. Failure to accept the second offer will result in the application to remain on the existing waiting list. If a third unit offer is made to said applicant and that offer is refused, then that family will be removed from the waiting list.

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IHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

When the IHA discovers that a unit will become available, the IHA will contact the first qualified applicant on their eligible site-based waiting list whose income category would help to meet the deconcentrating goal and/or the income targeting goal.

The IHA will contact the families by telephone to make the unit offer. If the person's telephone is disconnected, an attempt will be made via email and then mail to offer the unit. The applicant will be given two (2) days from the offer made by phone to contact the IHA regarding the offer. Applicants that fail to respond to the offer will be considered to be noted in the system as having one (1) of their three (3) offers made and refused. This process will continue until said unit has been offered and accepted to move to the next step.

The applicant, after accepting the offer of housing, will be given the opportunity to view the unit at the time of the scheduled lease signing. The move-in inspection will need to be completed prior to signing a lease to ensure that the applicant wants the unit and ensure that everything has been fixed or noted on the inspection form so that the applicant is not charged for something that was not of their fault.

If an accessible unit comes available, then it is appropriate to skip through the waiting list for the first person that requires the need of an accessible unit. If there is no one on the waiting list that requires the need of an accessible unit nor is there anyone on the transfer list that requires that type and size of unit, then the unit can be offered to the next person on the waiting list that is not requiring an accessible unit, but will need to sign a waiver to relinquish the unit if another applicant or tenant is in need of an accessible unit and they would have to move to an alternate unit when available, at their own expense.

If the applicant/family rejects the offer of the unit, the IHA will send the applicant/family a letter documenting the offer and the rejection.

### **Acceptance of Unit**

The family will be required to sign a lease that will become effective the date of acceptance.

The signing of the lease and the review of financial information will be handled privately. The head of household and spouse/co-head will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the IHA will retain the original executed lease in the tenant's file and/or electronically.

The family will pay the security deposit in accordance with the policies of IHA along with any pro-rated rent.

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In the case of a transfer within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

**O. CHANGES PRIOR TO UNIT OFFER**

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment and must be re-verified prior to making the offer. If it changes the preference status, the family will be repositioned and returned to the waiting list. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal review when applicable (See Chapter on Complaints, Grievances, and Appeals)

**P. APPLICANT STATUS AFTER FINAL UNIT OFFER**

When an applicant rejects the final unit offer IHA will:

Remove them from the waiting list.

**Q. TIME-LIMIT FOR ACCEPTANCE OF UNIT**

Applicant must accept a unit offer **within 48 hours** of the date and time the offer is made by phone call, email or mail based upon the postmark date.

**Applicants Unable to Take Occupancy**

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "good cause," the applicant will not be removed or repositioned on the waiting list.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]

Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;

The family demonstrates to IHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The

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family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.

A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.

The unit is inappropriate for the applicant's disabilities.

Otherwise, if the applicant does not meet any of the "good cause" examples, then that applicant's refusal of the offer will be considered one of their three offers allowed before being removed from the waiting list.

### **Applicants With a Change in Family Size or Status**

Changes in family composition, status, or income between the time of the application and the offer of a unit will be processed. **IHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit, otherwise known as Underhoused.**

The family will take the appropriate place on the waiting list according to the date they first applied.

### **R. REFUSAL OF OFFER**

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, IHA will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

Applicants are only allowed three (3) refusals of offers before being removed from the waiting list.