

CHAPTER 4

TENANT SELECTION AND ASSIGNMENT PLAN

(Includes Preferences and Managing the Waiting List)

[24 CFR 960.203, 960.204, 960.205, 960.206]

A. INTRODUCTION

It is the PHA's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide waiting list.

A waiting list will be maintained for the following types of properties within the PHA's jurisdiction, which are listed below:

High Rise Apartments Homes (Towers)

Non-elderly towers for all one or two persons with at least one adult family member. These include: Jackson, Benson, Pine, Highland, Park North, Park South, Florence

Elderly only towers- or one or two adult family members where at least one head of the household is 62 years of age or older. These include: Evans, Crown, Kay Jay, and Underwood

Multifamily Apartment Homes- One to seven bedroom apartment homes: Pleasantview/Spencer, Southside Terrace Apartments, Timber Creek Apartments

Scattered Sites- are based upon Public Housing eligibility requirements.

Tax Credits-Scattered Sites- are based upon dual eligibility requirements (Public Housing and Tax Credit).

Applicants will be offered the opportunity to select-whatever property type for which they are eligible. All applications will be processed for both Tax Credit and Public Housing Programs (dual requirements), so that when you reach the top of the waiting list you will be able to select from all types of properties listed above. When an applicant is housed their name will be removed from the low-income public housing waiting lists. Applicant may, however, choose to remain on the Section Eight Housing Choice Voucher Program waiting list after being housed in public housing.

Applicants will be listed on the waiting list(s) as indicated on the application in sequence based upon:

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- Preference
- date and time the application is received,
- Size determined by eligibility

In filling an actual or expected vacancy, the PHA will offer the dwelling unit to an applicant in the appropriate sequence. The PHA will continue to offer the first units available based on vacancy date until it is accepted. This Chapter describes the PHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

PHA's Objectives

It is the PHA'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.

By maintaining an accurate waiting list, the PHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the PHA's turnover and the availability of appropriate 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-application process.

B. MANAGEMENT OF THE WAITING LIST

The PHA will administer its waiting list as required by 24 CFR Part 5, Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

The application will be a permanent file.

Preferences are used to establish the order of placement on the waiting list. All applicants in the pool, with or without preference will be maintained in order of date and time of receipt of application.

All applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Waiting Lists

The PHA, 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 the PHA to house an applicant in an appropriate unit within a reasonable period of time.

When the PHA opens the waiting list, the PHA will advertise through public notice in the following newspapers, minority publications and media entities. location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media including:

To reach persons with disabilities, the PHA will provide separate notice to local organizations representing the interests and needs of the disabled.

The notice will contain:

The dates, times, and the locations where families may apply.

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 PHA address and telephone number, how to submit an application, information on eligibility requirements.

Upon request from a person with a disability, additional time not to exceed 30 days may be granted as an accommodation for submission of an application after the waiting list closing date. 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 Application Taking is Suspended

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, the PHA 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.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 12 months. The PHA will give at least three days' notice prior to closing the list. When the period for accepting applications is over, the PHA will add the new applicants to the list by:

Separating the new applicants into groups based on unit size and ranking applicants within each bed room size, preference and then by date and time of application.

The PHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the PHA will advise families of their responsibility to notify the PHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the PHA decides to open the waiting list, the PHA will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements.

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 an application.

When the application is submitted to the PHA:

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

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.

C. WAITING LIST PREFERENCES

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 PHA's Selection Criteria as defined in this policy.

The PHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the PHA will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the PHA to verify their preference and, if verified, the PHA will complete a full application for occupancy. Applicants must complete the application for occupancy and continue through the application processing and may not retain their place on the waiting list if they refuse to complete their processing when contacted by the PHA.

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

Local Preferences

Local preferences will be used to select among applicants on the waiting list. Public notice with opportunity for public comment will be held before the PHA adopts any local preference.

Selection Preferences. OHA gives a higher priority to all applicants who are currently eligible for one or more preferences. A family qualifying for one of the preferences listed below is given the same priority as a family qualifying for more than one preference. After receiving preference, the applicant is placed at the top of the waiting list. OHA will determine priority based upon the date and time of application. The preferences are listed below in random order with no hierarchical system. A family may qualify for a preference at anytime they are on the waiting list, but must also qualify for the preference at the time a unit is offered. A family must provide third party verification that they are eligible for a preference. Written third party verification can come from a government agency, law enforcement agency, public or private shelter, clergy, or social service agency. The verification is valid for 90 days, unless OHA receives additional information invalidating the verification. If the applicant is not offered a unit within 90 days, the preference must be re-verified at the time the family is offered assistance.

Displaced by fire Preference: (excluding tenant caused fires), flood or storm. This preference must be verifiable by Red Cross or other government agency.

Upward Mobility Preference: In accordance with *24 CFR 960(2)*, OHA will provide a working preference for a family with at least one adult member whom is currently employed at least 20 hours per week for six consecutive months prior to the date of application, or is an active participant in an accredited educational and

training program designed to prepare the individual for the job market. A family whose head, spouse, sole member is 62 years of age or older, or is a person with disabilities also qualifies for this Upward Mobility Preference.

D. APPLICANT SCREENING

Applicants will be screened to determine their demonstrated ability to pay rent on time and meet the requirements of lease and suitability for the Public Housing Program. Screening procedures are also intended to provide guidance to staff on the evaluation of verified information and initial recommendation to accept or reject the applicant. All applicants will be screened with sound management practices. OHA's screening process will focus on the following areas.

SUITABILITY - OHA has the obligation to protect its properties, its financial stability, its residents, its staff and its community. OHA will deny admission to any applicant who is not suitable for public housing, who's past history and unwillingness or inability to abide by the terms of the lease or whose habits or practices may be expected to have an adverse effect on OHA property. OHA will apply the same standards of tenant suitability when evaluating a person who wishes to join a family already in occupancy.

CREDIT - Credit Reports may be run on each individual applicant age 19 and older. No credit shall be considered as good credit. OHA is less concerned about the financial history information of the credit report and more concerned about the corroboration of family members names, dates and addresses of former housing, and records of outstanding judgments, liens, etc. that are related to current and former housing. Each credit report will be reviewed based on the following criteria as a basis for denial:

- An open judgment by a creditor related to housing.
- Any unpaid utility charges. NOTE: If the resident is required to pay utilities directly to the utility company, applicant must provide proof they can secure utilities in their name.

If the credit report reflects one or more negative histories related to housing and or rental history, the applicant will be denied based on that information. The applicant will be notified in writing and offered their right to an informal hearing. **(See Chapter on Compliance, Grievances, and Appeals).**

RENTAL HISTORY - Each applicant must provide the most recent five years verifiable rental history, or the last three consecutive places of residence, whichever is greater. The age of younger adults' will be considered. The rental history of each adult household member will be reviewed using the following minimum requirements:

- No evictions for non-payment of rent where a current balance remains owing to a previous landlord.
- No history of disturbances or behavior that interfered with the landlord or the rights of other residents/neighbors.
- If previously evicted for other than non-payment of rent, each situation will be reviewed on an individual basis to determine merit for possible denial.

CRIMINAL HISTORY - A criminal background check shall be completed on all applicants during the application process, as authorized by the current or updated application on file and the required release of information authorizations signed by each anticipated household member 18 years of age or older (including live-in aides).

HOUSEHOLD INCOME - OHA will verify all source of income, and insure the applicant is within the income levels for Public Housing. OHA may verify zero income head of household hand family members 19 years of age and older without income every 90 days, with the release of records through the EIV (Enterprise Income Verification) Program. Applicant families with children claiming zero income must request and produce proof of Public Assistance or non-Public Assistance from Nebraska Health & Human Services.

VERIFICATION OF INCOME - All Verification of information used in determining approval for occupancy and calculating the tenant's portion of rent will be sought in writing from third party after receiving written authorization from the applicant using the required HUD approved release of information form, (HUD 9886). Other forms may be used in conjunction with required forms. OHA will seek income verification through the use of (EIV) Enterprise Income Verification and other shared information based on HUD agreements with other state and federal government agencies, who maintain data bases of reported information.

There are five essential questions that OHA will try to answer about each applicant to determine suitability. Can OHA reasonably expect the applicant to?

- Pay rent, utilities, and other charges under the lease, in a timely manner.
- Care for and avoid damaging the unit and the common areas. Use facilities and equipment in the manner in which they were intended, create no health or safety hazards, and report maintenance repairs promptly.
- Avoid interfering with the rights and enjoyment of others, and avoid damaging the property of others.
- Refrain from engaging in any drug-related activity and or criminal activity, which

threatens the health, safety, or right to peaceful enjoyment of other residents, neighbors, and staff.

- Comply with OHA Rules of Occupancy, HUD program regulations, and local health and safety codes.

APPLICATIONS DENIED OR DETERMINED INELIGIBLE

In the event of the receipt of unfavorable information with respect to an applicant, OHA will give consideration to the time, nature, and extent of the applicant's conduct and documented factors, which might indicate a reasonable probability of favorable future conduct. The applicant who is ultimately denied or determined to be ineligible will be notified in writing and offered their right to an informal hearing. (See Chapter on **Compliance, Grievances, and Appeals**).

E. INCOME TARGETING

Low Income Family Admissions

The PHA 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 the PHA's jurisdiction.

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

Families whose incomes do not exceed 30% of area median income will be referred to as "extremely low-income families".

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that admissions of extremely low income families to the PHA's voucher program during a PHA fiscal year exceeds the 75 percent minimum targeting requirement for the PHA's Section 8 Voucher Program. This fungibility provision discretion by the PHA is also reflected in the PHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

The number of units equal to 10 percent of the number of newly available vouchers in the fiscal year; or

The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the PHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the PHA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility shall only be utilized if the PHA is anticipated to fall short of its 40% goal for new admissions to public housing.

F. UNITS DESIGNATED FOR THE ELDERLY

In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age will receive a preference for admission to such units or buildings covered by a HUD-approved Allocation Plan, except for the units which are accessible, which may be offered to persons with disabilities.

The PHA will take the following action when processing families for developments designated for the elderly:

When there are insufficient elderly families who wish to reside in a development, near-elderly families (head or spouse ages 50-61) receive a preference for this type of unit.

Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features.

Procedure to Be Used When There Are Insufficient Applicants on the List

When there are insufficient elderly applicants interested in the elderly-designated development, and after conducting outreach, near-elderly applicants who are 50-61 years of age can be admitted to the elderly-designated development.

G. DECONCENTRATION OF POVERTY AND INCOME-MIXING

OHA Methodology

Towers

The Omaha Housing Authority has exempted four High Rise Towers from the deconcentration

applicability because the towers are restricted to elderly and persons with disabilities. The remaining seven High Rise Towers. Will house mixed population at or below the HUD established income Limits and based upon OHA occupancy standards.

Public Housing Scattered Sites

The Housing Authority is following the Hawkins Settlement Agreement, in developing all scattered site homes. These policy places 75% of all public housing developed into higher income census tracts in Omaha, and mixes incomes within each development. Currently, all scattered site housing is primarily duplexes or single-family structures mixed into neighborhoods with no PHA assisted unit being within 900 feet of another in most cases. OHA will offer a full service FSS program and offer many services to assist in credit counseling, family management skills, employment, education, and home ownership. Incomes in scattered site housing are usually 0-50% AMI, but are generally higher than the family developments because OHA offers a homeownership option for all scattered site housing families.

Public Housing, Family Developments

The OHA has three (3) family developments. These developments are Southside (363 units); Pleasant view (171 units); and Spencer (173 units) that are predominantly all extremely low income (AMI) in family income from \$6,006.00-Southside, \$6,906-Spencer, and \$5,579-Pleasantview. Most residents are in the very low, 0-30% AMI income range. It is the policy of OHA to offer residents of the three family developments incentive transfers, counseling, support to assist them to choose scattered site of mixed income mixed finance projects in higher income developments. Within the 3 family developments, the range of incomes is within the 69% to 75% of the average. OHA's average income range is \$8,056.

Policy

It is OHA's policy to use counseling, and incentive transfers to offer increased housing choice to residents. As new housing is made available, residents will be offered housing choices through incentive transfer. These policies are outlined in the Annual and Five-Year Plan goals.

H. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, PHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The PHA shall not require any specific income or racial quotas for any development or developments.

A PHA 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.

I. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

The PHA will not merge the waiting lists for public housing and Section 8. However, if and when the Section 8 waiting list is open the applicant may apply for Section 8.

J. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least annually by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within working, days 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.

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 proscribed period.

The PHA will give written notification to all applicants who fail to respond at the required times. If they fail to respond to this notification, they will be removed from the waiting list.

K. OFFER OF ACCESSIBLE UNITS

The PHA has 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, the PHA will offer such units:

First, to a current occupant of another unit of the same development, or other public housing developments under the PHA's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the PHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

The PHA will make modifications to the unit in keeping with the Section 504 Transition Plan as the need arises and until the agency determines that an adequate number of units have been rehabilitated in numbers sufficient to evidence compliance with the Plan. After such point in time, the PHA may approve the family's plan to make physical modifications at the family's expense and consistent with the terms of the Authority's 504 Plan as it relates to tenant modifications.

See "Leasing" chapter.

L. APPLICANT ASSIGNMENT PLAN

The objective of the assignment policy is to provide a uniform, systematic, and equitable procedure for the assignment of dwelling units. The plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, familial status, disability or national origin.

The selection of applicant families, for the purpose of making offer(s) of dwelling units, shall be performed by matching the appropriate unit size and type to the "applicant family" with the highest priority as defined in this policy. All factors considered are consistent with the objective of Title VI of the Civil Rights Act of 1964 as well as HUD regulations and the requirement pursuant thereof.

The intake department will monitor the distribution of available vacancies, and site managers will be responsible for requesting the offers be sent out to applicants by the intake dept on their behalf as vacancies become available at each location. The intake department will track the applicant's response to all offers sent out.

When an applicant nears the top of the waiting list the PHA will contact the applicant family to:

- Determine continued interest
- Determine eligibility
- Extend an offer

Each month a number of applicants are selected from the waiting list and have a period of time

for which all requested information must be submitted. An offer will be made to the applicants “in the application pool” once the application process has been completed.

In order to assure that vacancy loss will be minimized, the offer will be for THE FIRST AVAILABLE UNIT AT THE SITE WHERE THE OFFER WAS EXTENDED. Once a written offer is made the applicant family has ten (10) days to accept or reject the offer.

All eligible applicants on the waiting list will receive a maximum of (1) ONE OFFER.

The applicant will be allowed to select (2) two different locations from a list of all properties in the public housing program. The location selection will take place during the application process. Each approved applicant will receive an offer, based upon the locations that were pre-selected by the applicant, and the locations that are available for leasing at the time the offer is extended. Rejection of the offer will result in the applicant’s name being removed from the waiting list.

M. CHANGES PRIOR TO UNIT OFFER

Applicants are required to report all changes in income and family compositions while on the waiting list.

Changes that occur during the period between removal from the waiting list and or an offer of a suitable unit may affect the family's eligibility, preference status or Total Tenant Payment. The family will be notified in writing of changes in their eligibility, preference status or level of benefits and offered their right to an informal hearing when applicable (See Chapter on Complaints, Grievances, and Appeals).

N. APPLICANT STATUS AFTER REJECTION OF UNIT OFFER

When an applicant rejects the unit offer the PHA will:

Remove the applicant's name from the waiting list.

Removal from the waiting list means.

The applicant must wait six months before reapplying for the public housing program.

O. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offer within one working day after viewing the unit that was offered, or a unit similar to the one offered. Offers made over the telephone will be confirmed by letter. If unable to contact an applicant by telephone, the PHA will send a letter.

Applicants Unable to Take Occupancy

In cases where the offer has been extended, and the 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 from 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 the PHA'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 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.

Applicants with a Change in Family Size or Status

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. The PHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

In cases where the family composition has increased other than newborn, adoption or foster child: while on the waiting list, the new family member must complete an application.

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

P. REFUSAL OF UNIT OFFERED

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, the PHA will follow the applicable policy as listed in the section for "Applicant Assignment Plan" and the "Applicant Status after Rejection of Offer".