



# Admissions and Occupancy Policy

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# About THA

- Affordable Training and Annual Conference
- Advocacy and Technical Assistance
- Ongoing Email News Updates
- Free Ads and RFPs
- State Certification Programs
- Website Resources: 100s of links including Sample Policies/Forms; Vendor Lists; Laws and Regulations
- Scholarships for PHA Employees' Children
- Endorsement of TML Intergovernmental Risk Pool (Prop/Liability/Workers Comp Insurance)



# What is the ACOP

- ▶ Admissions and Continued Occupancy Policy
- ▶ Designed to ensure that the Housing Authority will meet its responsibilities under federal and state laws
  - ▶ United States Housing Act of 1937
  - ▶ Civil Rights Act of 1964
  - ▶ HUD Regulations
  - ▶ Annual Contributions Contract
  - ▶ Texas State Laws – landlord laws
  - ▶ Local Laws



# ACOP

- ▶ PHA must adopt a written ACOP – requires board approval
- ▶ Any discretionary policies must be included in the PHAs annual plan
- ▶ ACOP does not have to be approved by HUD except
  - ▶ Tenant Selection Plan – must be reviewed and approved by HUD's office of Fair Housing and Equal Opportunity
- ▶ ACOP must be revised to comply with HUD requirements
  - ▶ Should be reviewed annually



# Tenant Selection and Assignment Plan

- ▶ The organization of the waiting list
- ▶ The method by which applicants will be chosen from the waiting list and offered available dwelling units
- ▶ The circumstances under which a transfer would take precedence over an admission



# HUD Regulations

- ▶ 24 CFR Part 5, 8 and 100
- ▶ 24 CFR Part 902 & 903
- ▶ 24 CFR Part 960 and 966
  - ▶ READ – 5, 960 and 966
- ▶ Guidance is published ongoing in PIH Notices
- ▶ [PIH One Stop Tool \(POST\) for PHAs](#)
- ▶ Following HUD's guidance creates "safe harbor"



# Civil Rights!

- ▶ Fair Housing
- ▶ VAWA – 2013 Reauthorization
- ▶ Responsibility to affirmatively further fair housing, addressing and removing the impediments to housing
- ▶ Reasonable Accommodations
  - ▶ Medically verified assistance animals
- ▶ Limited English Proficiency



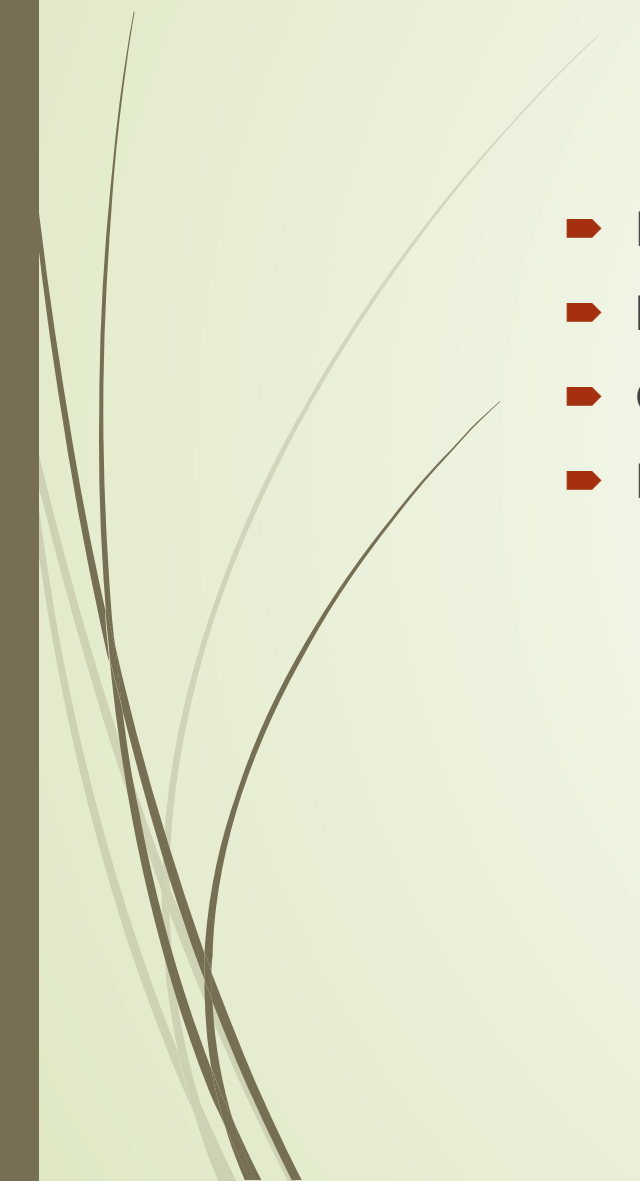


# Affirmative Marketing

- ▶ PHA needs to maintain an adequate application pool representative of the eligible population in the area
  - ▶ Least likely to apply
- ▶ PHA will periodically assess the factors in order to determine the need for and scope of marketing efforts



# Eligibility Criteria

- ▶ Family Definition
  - ▶ Income Limits
  - ▶ Citizenship Status
  - ▶ Eviction for drug-related criminal activity
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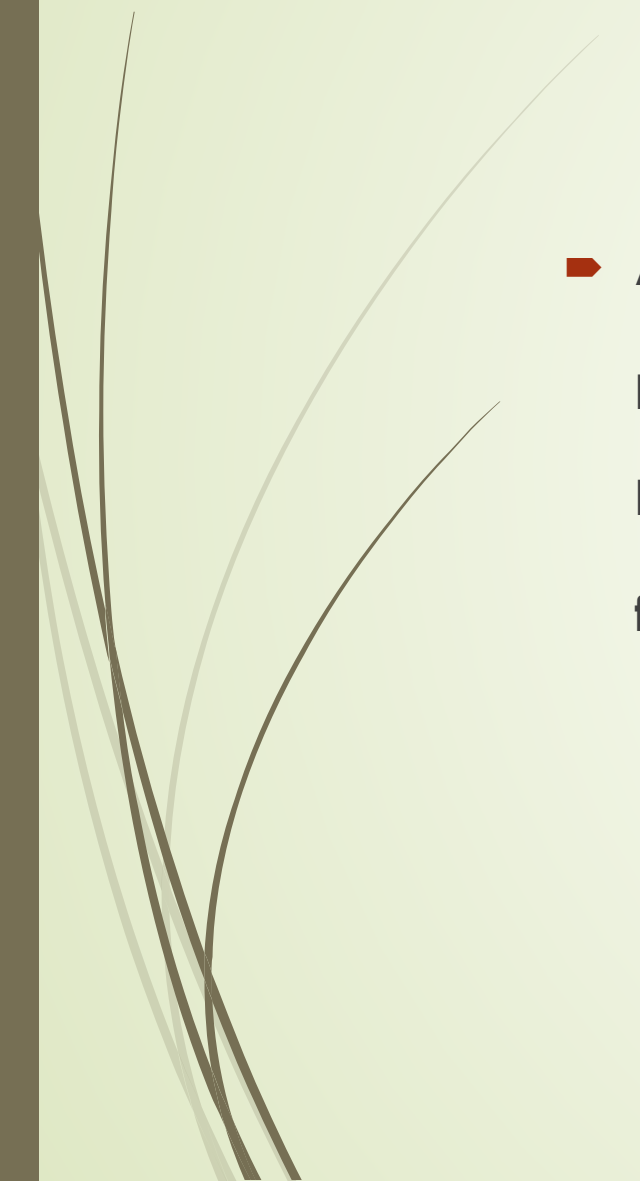


# Definition of Family

- ▶ Must meet a definition of family
  - ▶ Elderly / Disabled family
  - ▶ Near Elderly
  - ▶ Family – with or without children
    - ▶ Child temporarily away from the home because of foster care is considered a member of the family
  - ▶ Single person
  - ▶ Displaced Family
  - ▶ Remaining member of a family



# PHA Definition of Family

- ▶ **Although the federal regulations define certain types of families and provide a general definition of what may be considered a family, PHAs have the discretion to determine if any other group of persons qualifies as a family.**
- 



# Elderly Family

- ▶ Head, Co-Head, Spouse or sole member is at least 62 years of age. May include two persons who are at least 62 years of age living together, or one or more persons living with one or more live-in aides
  - ▶ An elderly family may include children



# Near Elderly Family

- ▶ A *near-elderly* family means a family whose head, spouse, cohead, or sole member is a person who is at least 50 years of age but below the age of 62. It may include two or more persons who are at least 50 years of age but below the age of 62 living together, or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.



# Displaced / Remaining Family Member

- ▶ A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.
- ▶ A remaining member of a tenant family is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit.



# Live-in Aide

- ▶ A *live-in aide* is a person who resides with a person or persons who are elderly, near elderly, and/or have a disability. The live-in aide:
  - ▶ Must be essential to the care and well-being of the person(s)
  - ▶ Must not be obligated for support of the person(s)
  - ▶ Would not be living in the unit except to provide necessary supportive services.
- ▶ The PHA must approve a live-in aide, if needed as a reasonable accommodation for a person with a disability.





# Live-in Aide

- ▶ At any time, the PHA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if the person:
  - ▶ *24 CFR 982.316(a)(1)* - Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
  - ▶ *24 CFR 982.316(a)(2)* - Commits drug-related criminal activity or violent criminal activity
  - ▶ *24 CFR 982.316(a)(3)* - Currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the U.S. Housing Act of 1937
- ▶ The PHA has the discretion to adopt reasonable policies concerning the residence of a live-in aide and when PHA consent may be given or denied.



# Disabled Family

- ▶ A *disabled family* is one in which the head, spouse, or cohead is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.



# Displaced Family

- ▶ A *displaced family* is a family in which each member, or sole member, is:
  - ▶ a person displaced by governmental action; or A person whose dwelling has been extensively damaged or destroyed as the result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.



# Income Limits

- ▶ HUD establishes income limits annually by family size for the area in which the PHA is located. HUD determines income limits in three different categories:
  - ▶ Extremely low-income limit: The family's annual income does not exceed the federal poverty level or 30 percent of area median income, whichever number is higher.
  - ▶ Very low-income limit: The family's annual income does not exceed 50 percent of area median.
  - ▶ Low-income limit: The family's annual income does not exceed 80 percent of area median.
- ▶ A PHA with more than one set of income limits within its jurisdiction should use the highest income limit within its jurisdiction when determining initial household eligibility



# Income Limits

- ▶ A very low-income family.
  - ▶ An extremely low-income family falls within this category. Low income is the upper limit of the requirement.
- ▶ A low-income family that:
  - ▶ Is continuously assisted under the 1937 Housing Act.
  - ▶ Qualifies for public housing unit assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project.
  - ▶ *24 CFR 982.201(b)(1)(vi)* • Qualifies for public housing unit assistance as a non-purchasing family residing in a project subject to a resident home ownership program.
- ▶ PIH Notice 2016-04 ELI - very low-income families whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level



# Annual Income

- ▶ Annual income means all amounts, monetary or not, which:
- ▶ Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- ▶ Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- ▶ Which are not specifically excluded in paragraph [5.609](c).
- ▶ Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.



# Social Security Numbers



- ▶ All assistance applicants and participants must disclose a complete and accurate social security number for each member of the household, including foster children, foster adults and live-in aides.
- ▶ *Addition of new household member who is under the age of 6 and has no assigned SSN.* The participant shall be required to provide the complete and accurate SSN assigned to each new child within 90 calendar days of the child being added to the household.
- ▶ Exception
  - ▶ those age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010
- ▶ An individual who previously declared to have eligible immigration or eligible citizenship status may **not** change his/her declaration to no longer contend to have eligible immigration status to avoid **compliance** with the SSN disclosure and documentation requirements or penalties associated with noncompliance of these requirements.



# Citizenship



- ▶ Housing assistance is available only to those individuals who are U.S. citizens, U.S. nationals, or noncitizens that have eligible immigration status. At least one family member must be a citizen, national or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.
- ▶ Persons claiming eligible immigration status must present appropriate immigration documents, which must be verified by the PHA through the Immigration and Naturalization Service (INS).





# Citizenship



- ▶ Must sign certification for every household member claiming
  - ▶ A U.S. citizen, or
  - ▶ An eligible alien, or
  - ▶ Stating the individual's choice not to claim eligible status and acknowledge ineligibility
- ▶ For household members claiming U.S. citizenship, only a declaration signed by the household member (or in the case of a minor child, parent) is required by regulation.



# Delay, Denial or Termination

- ▶ PHA may not delay, deny or terminate assistance if:
- ▶ At least one person in the household has submitted appropriate INS documents;
- ▶ The documents were submitted to the INS on a timely basis, but the verification process has not been completed;
- ▶ The family member in question moves;
- ▶ The INS appeals process has not been completed;
- ▶ Assistance is prorated;
- ▶ Deferral of termination of assistance is granted; or
- ▶ For a program participant, the informal hearing process is not complete



# Waiting List Administration

- ▶ An up-to-date and well-managed waiting list promotes fair and consistent treatment of families, ensures that needy families receive assistance as quickly as possible, and is a first step in helping the PHA maintain a high leasing rate
- ▶ Usually divided by bedroom size and separate from Section 8
- ▶ **PHAs Must Affirmatively Further Fair Housing Opportunity**
- ▶ Before opening the waiting list, the PHA must advertise in a local newspaper of general circulation and also through minority media and other suitable means
- ▶ A PHA should consider closing its waiting list when it has sufficient applicants on the waiting list (12 to 24 months)
- ▶ PHA may choose to close only a portion of its waiting list instead of the entire waiting list



# Maintaining the Waitlist

- ▶ Waitlist should include
  - ▶ Name
  - ▶ Family unit size (i.e., the number of bedrooms for which the family qualifies under the PHA's occupancy standards)
  - ▶ Date and time of application
  - ▶ Qualifications for any local preference
  - ▶ Racial or ethnic designation of the head of household
  - ▶ Income qualification
    - ▶ Very low-income
    - ▶ Extremely low-income



# Family Outreach – Opening the Waiting List

- *Working poor*
- *Elderly*
- *Minority*
- *Persons with disabilities*
- *Non-English speaking persons*
- *Advertise in local newspapers*
- *Distribute flyers or applications through schools, welfare agencies, neighborhood groups, churches, ect...*
- *Ask supportive service organizations to participate in outreach effort*



# Purging/Updating the Waitlist

- ▶ waiting list should be kept as up-to-date as possible in order to minimize the number of “no- shows” and ineligible determinations
- ▶ The ACOP must state the PHA’s policy on when applicant names may be removed from the waiting list
- ▶ A PHA’s decision to withdraw from the waiting list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation requirements
- ▶ PHAs should inform applicants of their responsibility to notify the PHA immediately of any changes affecting
  - ▶ (1) their eligibility status or
  - ▶ (2) the PHA’s ability to locate the applicant



# When to Purge the Waitlist

- ▶ **How quickly are you running through the list?**
- ▶ **How many families do you consider to achieve one positive eligibility determination?**
- ▶ **How many families are on your waiting list?**
- ▶ **What staff and funds are available for purging effort?**



# Purging Procedures

- Send notice by first class mail
  - At time of application get email, cell phone number, alternate contact information
- Addressee Unknown – leave envelop unopened, close application and attach returned mail, maintain for three years
- For each application for which there has been no response and no returned notice, send a second notice by certified mail providing a final deadline
- When the final deadline passes, close applications for which there has been no response and maintain the record of the certified delivery with the original application for a period of three years.





# Maintaining the Waitlist

- ▶ A PHA may not take any of the following actions because an applicant has applied for, received, or refused other federal, state, or local housing assistance:
  - ▶ Refuse to list the applicant on the public housing program waiting list
  - ▶ Deny any admission preference for which the applicant is 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 PHA selection policy
  - ▶ Remove the applicant from the waiting list



# Type of Waitlist

- Maybe computerized
  - Paper list
  - Card file
  - Type of waitlist will be largely impacted by size of program and sophistication required to maintain waitlist
- 



# Waitlist Organization

- ▶ Date and time
  - ▶ Organized by bedroom
- ▶ Preference system
  - ▶ May apply for more than one bedroom size if qualified



# Selection Preferences

- ▶ PHA may establish preferences (examples)
  - ▶ VAWA Preference
  - ▶ Residency Preference
  - ▶ Working family Preference (elderly/disabled also)
  - ▶ Families that include a person with disabilities
  - ▶ Families living in substandard housing.
  - ▶ Families that are involuntarily displaced.
  - ▶ Families paying more than 50 percent of gross monthly income for rent and utilities.
  - ▶ Points or weighted system



# Verification of Preference

- ▶ PHAs do not have to verify a preference at the time of initial application.
- ▶ At the time of initial application, the applicant only needs to certify as to whether or not it is eligible for a preference
- ▶ PHA need only place the applicant on the waiting list according to the preference claimed
- ▶ Before the family receives assistance - the PHA must verify the family's eligibility for the preference based on current circumstances.



# Selection from the Waiting List

- ▶ HUD defines admission in the regulations as follows:
  - ▶ The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.
  - ▶ Not selection from the waitlist
- ▶ Eligible applicants should be selected from the waiting list in order
  - ▶ This begins the final eligibility, public housing unit offer and leasing process
- ▶ PHA must select participants from the waiting list in accordance with HUD regulations and requirements and in compliance with admission policies in the PHA's ACOP
- ▶ The order of selection from the waiting list must not be based on family size, or on the family unit size for which the family qualifies under the PHA's occupancy policy, or higher income level



# Waitlist Analysis

- ▶ Are there a sufficient number and variety of applicants to ensure full utilization of the PHA's rental assistance resources?
- ▶ Do the applicants represent a broad range of social and economic characteristics that are representative of the community?
- ▶ Are those families determined least likely to apply adequately represented?
- ▶ Will the PHA be able to satisfy income-targeting requirements with current applicants?



# Removal From the Waitlist

- ▶ All applications must be kept for a period of three years after removal from the waiting list
- ▶ Acceptable reasons to remove an applicant from the waiting list
  - ▶ Withdrawal
    - ▶ Applicant requests to be removed
    - ▶ No response to waitlist purge
  - ▶ Offer of public housing unit
    - ▶ Withdrawal if no response to offer
  - ▶ Rejection of application
    - ▶ Ineligible
    - ▶ Not suitable





# Removal from the Waitlist

- ▶ Applicants can only be removed if
  - ▶ They have been housed
  - ▶ Requested their names be removed
  - ▶ Applications have been withdrawn or rejected
  - ▶ They have refused an offer without good cause
- ▶ Must maintain application for three years



# Removal from the Waitlist

- ▶ The applicant requests that the name be removed (in writing if possible)
- ▶ The applicant has failed to advise the PHA of his/her continued interest in public housing during the waiting list update. This includes failing to notify the PHA of any changes in family status, preference status, address
- ▶ The PHA has made reasonable efforts to contact the applicant to update the waiting list, but has been unsuccessful. Correspondence sent by first class mail to the latest address that is returned by the Post Office will constitute documentation of reasonable effort to contact the applicant
- ▶ The PHA has made reasonable efforts to contact the applicant to schedule interviews necessary to complete the application process or to obtain information necessary to process the application, and the applicant has failed to respond
- ▶ When an applicant fails to keep a scheduled interview or fails to respond to the PHA concerning information that is necessary to process the application or to maintain the waiting list, the PHA notifies the applicant in writing that he/she has 10 working days within which to reschedule the interview or provide the needed information.



# Permissible Denials

- ▶ PHA determination
  - ▶ Criminal Activity
    - ▶ Drug related criminal activity
    - ▶ Violent criminal activity
    - ▶ Other criminal activity that may threaten the health, safety or right to peaceful enjoyment of other residents or the owner
- ▶ The PHA may establish a period before the admission decision during which an applicant must not have engaged in the activities (listed above) to determine a “reasonable time.”
  - ▶ Many PHAs establish different timeframes for different offenses; the more serious the offense, the longer the period for which someone will be denied assistance.



# Rejection of an application

- ▶ The PHA has notified the applicant of its intention to remove the applicant's name because the applicant
- ▶ is no longer eligible for public housing
- ▶ The applicant fails to pay an outstanding balance owed to the PHA
- ▶ The applicant fails to meet the home visit requirements in the Admissions and Continued Occupancy Policy
- ▶ The applicant fails to complete the Pre-Occupancy Classes/Orientation
- ▶ The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier



# Rejection of an Application - Suitability

- ▶ Poor past performance in meeting financial obligations, especially rent
- ▶ A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences that may adversely affect the health, safety or welfare of other tenants, or cause damage to the unit or development
- ▶ Involvement in criminal activity on the part of any applicant family member that would adversely affect the health, safety or welfare of other tenants
- ▶ A record of eviction from housing or termination from residential programs (considering relevant circumstances)
- ▶ Inability or unwillingness to comply with the terms of the PHA's lease
- ▶ Misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition or rent



# Prohibitions in Admission to Program

PHAs may not deny for the following:

- ▶ The presence of family members that include unwed parents, recipients of public assistance, or children born out of wedlock
- ▶ Family includes children
- ▶ Age, race, color, religion, sex or national origin
- ▶ A family decision to participate in a family self-sufficiency program
- ▶ Persons with a specific disability
- ▶ VAWA



# Mandatory Denial of Admission

- ▶ Drug related criminal activity
  - ▶ PHA may not admit a family for three years after eviction from federally assisted housing for drug related criminal activity
    - ▶ Illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug
  - ▶ Discretion may be used if the person engaged in the criminal activity is no longer part of the household
  - ▶ Has completed a drug rehabilitation program – approved by the PHA
- ▶ Engaging in illegal use of a drug
- ▶ Methamphetamine production
- ▶ Sex Offender Registration



# Informal Reviews for Applicants

- ▶ If the applicant is determined ineligible, the applicant must be informed of the reasons for the determination.
- ▶ The PHA must provide the applicant with a notice stating:
  - ▶ The reasons why the applicant is ineligible
  - ▶ The family's right to request an informal review
  - ▶ How to obtain the informal review
- ▶ All reviews must be conducted by a PHA-designated person, who must be someone other than those who made or approved the decision or their subordinates.
- ▶ Applicants may present oral or written objections to the decision to deny.
- ▶ PHA must promptly notify the applicant in writing of the final decision and state the reasons for its determination.
- ▶ All requests for a review, supporting documentation and copy of the final decision must be retained in the family's file.





# Screening Procedures

- ▶ Poor past performance in meeting financial obligations, especially rent;
- ▶ A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences that may adversely affect the health, safety or welfare of other tenants, or cause damage to the unit or development
- ▶ Involvement in criminal activity on the part of any applicant family member that would adversely affect the health, safety or right to peaceful enjoyment of the premises by other tenants
- ▶ A record of eviction from housing or termination from residential programs (considering relevant circumstances)
- ▶ Inability to comply with the terms of the lease
- ▶ Misrepresentation of any information related to eligibility, including income, award of preference for admission, allowances, family composition or rent



# Screening Procedures

- ▶ How will each applicants history be checked
- ▶ Review of the application form and screening process
  - ▶ Interview checklist
- ▶ Explain the process
- ▶ Verification forms
- ▶ Home Visit
- ▶ Preliminary determination of admission or rejection



# Suitability Criteria

- ▶ Past performance of meeting financial obligations
  - ▶ Current and previous landlords
  - ▶ Utility suppliers
  - ▶ Credit report (look at shelter related)
  - ▶ Poor landlord or utility records could trigger the credit report
- ▶ Disturbance of neighbors, destruction of property or living or housekeeping habits
  - ▶ Damage to a unit
  - ▶ Housekeeping habits causing infestation
  - ▶ Neighbor complaints, police calls
- ▶ Ability to comply with the lease
  - ▶ Main factor in determining suitability



# Suitability Criteria

- Criminal Activities

- Arrest records may not be the basis for denying admission, terminating assistance or evicting tenants
  - HUD does not require “One Strike” policies
  - An arrest is not evidence of Criminal Activity – probable suspect
  - PHA may use the conduct underlying the arrest or there is sufficient evidence other than the arrest that the person engage in the conduct
  - The conduct is what is relevant for admission and continued tenancy decisions
  - An arrest can trigger an inquiry into whether there is sufficient evidence to determine ineligibility



# Criminal Activity

- ▶ Persons evicted from federally assisted housing for drug related criminal activities may not be admitted for three years
- ▶ Persons engaging in illegal use of a drug
- ▶ Persons convicted of methamphetamine production in assisted housing are permanently prohibited from public housing
- ▶ Lifetime sex offender registration under a State sex offender registration program – permanent ban (check all states)
- ▶ Person shows abuse or pattern of alcohol abuse that threatens health, safety or right to peaceful enjoyment of the other residents
- ▶ PHA may consider time, nature and extent of applicant's conduct and seriousness of the offense



# Occupancy Standards



- ▶ HUD does not specify the number of persons that may live in units of any size. PHAs may develop their own occupancy standards as long as the standards do not have the effect of discriminating against families with children
  - ▶ PHAs may not decide how the living arrangements may be within the unit
  - ▶ Consider state or local codes
- ▶ A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided a unit with two or more bedrooms
- ▶ When determining unit size everyone living in the unit should be considered
  - ▶ Children that are away, foster children, in the process of being adopted



# Occupancy Standards

- ▶ ACOP must state PHA's policy on minimum and maximum number of persons per unit
  - ▶ General guidelines
    - ▶ Two persons per bedroom
    - ▶ Persons of different generation, opposite sex and unrelated adults may be allocated separate bedrooms
    - ▶ Children of opposite sex over a certain age (6/5) may be allocated one bedroom
    - ▶ Parent with infant or small child may be allocated one bedroom
    - ▶ Unborn child would not be counted in determining unit size, pregnant woman may be assigned to a one bedroom
    - ▶ Live-in aide allocated a bedroom

## GENERAL OCCUPANCY STANDARDS FOR PHA PROPERTY

Minimum No. of Persons in Household	Maximum No. of Persons in Household	Unit Size	Maximum Occupancy Assuming a Living Room Is Used as a Living/Sleeping Area
1	1	0-BR	1
1	2	1-BR	4
2	4	2-BR	6
4	6	3-BR	8
6	8	4-BR	10
8	10	5-BR	12
10	12	6-BR	14





# Accepting Application

- ▶ Must obtain a written application
- ▶ Must remain flexible in where and how applications are taken (disabilities)
- ▶ Limited English Proficiency – Executive Order #13166 08/11/2000
- ▶ May accept applications in person, interviewer can fill out application
- ▶ Telephone, mail, online application



# Completing / Updating Application

- ▶ 120 days away from unit offer PHA should process verification of applicant for final eligibility
- ▶ May schedule in office interview to finalize application and verifications
  - ▶ Failure to attend could be grounds for removal from the waitlist
- ▶ Obtain current income information
- ▶ Criminal history if pre-application was used
- ▶ Screening is time intensive for staff
  - ▶ Criminal History for each adult
  - ▶ Landlord History
  - ▶ Utility History




# Application File System

- ▶ Arrange file contents in chronological order.
- ▶ Keep all related forms together.
- ▶ Use a simple form to document contact with the applicant.
- ▶ Maintain active and inactive applicant files separately.
- ▶ Retain files for three years.
- ▶ Assure confidentiality
  - ▶ Under the Privacy Act of 1974, PHAs are required to safeguard certain applicant information.



# Application and Verification

- ▶ HUD does not specify the type of application
  - ▶ Good application contains all pertinent information related to eligibility
  - ▶ Pre-Application
  - ▶ Full Application
- 



# HUD Regulations Require Verification of:

- ▶ Type of family (for purpose of preferences & allowances)
- ▶ Income/assets of all family members
- ▶ Appropriate allowances and/or deductions
- ▶ Local preference claims
- ▶ Documentation required by local PHA policy
- ▶ Social security numbers for all household members, except noncontending persons
- ▶ Eligible immigration status
- ▶ PHAs must obtain verification of eligibility no more than 60 days before offer of the public housing unit



# Pre-Application

- ▶ Family submits preapplication if waiting list is open.
- ▶ Preapplication has less information than full application, but enough to determine preliminary eligibility and placement on list. Usually not verified.
- ▶ If family is eligible, send letter:
  - ▶ Preliminary eligibility
  - ▶ Name on waiting list
  - ▶ Approximate wait
- ▶ If family is ineligible, send letter:
  - ▶ Notifying of ineligibility
  - ▶ Reasons why
    - ▶ - Informal hearing



# Pre-Application

- ▶ Screens for initial Eligibility
- ▶ Advantages
  - ▶ *Allows for quick initial processing*
  - ▶ *Screens out obviously ineligible applicants*
  - ▶ *Defers completion of full application and eliminates need to reverify*
  - ▶ *Limits delays in offer*



# Full Application

- ▶ Family Composition
  - ▶ Name, DOB, SSN, Relation to head, Disability Status, Citizenship Status
- ▶ Criminal History
- ▶ Annual Income
- ▶ Information necessary to determine allowances and deductions
- ▶ Qualification and verification of preferences
- ▶ Name and Address of Current and Previous Owner
- ▶ Special Housing Needs





# Full Application

- ▶ Information on previous evictions from federally assisted housing
- ▶ Information on arrests for use of controlled substances and activities related to abuse of alcohol and violent criminal activity
- ▶ Information on any screening required by PHA policy.
- ▶ Statistical information for reporting/tracking purposes, such as race, ethnicity, household size, housing status.
- ▶ A certification that the information provided is accurate and complete



# HUD Required Forms

- ▶ Form HUD 9886 – Privacy Act Notice
- ▶ Form HUD 92006 – Supplement to Federal Application
- ▶ Declaration of Citizenship (214)
- ▶ Form HUD 52675 – EIV Debts Owed Form



# Income Targeting

- HUD Approval may be granted to admit a lower percentage of ELI under certain circumstances
- The PHA has opened its waiting list for a reasonable time for admission of extremely low-income families residing in the same metropolitan statistical area (MSA) or non-metropolitan county, both inside and outside the PHA jurisdiction
- The PHA has notified the public of the opening, and has conducted outreach and marketing to extremely low-income families
- Despite the actions taken above, there are not enough extremely low-income families on the PHA's waiting list to fill available slots in the program during any fiscal year for which use of a lower percentage is approved by HUD
- Admitting additional very low-income families to the program, other than extremely low-income families, will substantially address worst-case housing needs, as determined by HUD



# Income Targeting

- ▶ PHAs may adopt a preference that groups applicants based on ranges of income and that follows the targeting requirement of admitting not less than 40 percent of families that are extremely low-income.
  - ▶ Tier 1: Families with income between 0 percent and 30 percent of area median income. This group must constitute 40 percent of all admissions in any year.
  - ▶ Tier 2: Families with income between 31 percent and 80 percent of area median income. The maximum percent of all admissions in any year for this group is 60 percent.



# Unit Assignment

- ▶ Applicant should be
  - ▶ be eligible
  - ▶ pass screening
  - ▶ have earliest date of qualification for preference, where such preferences are utilized
  - ▶ be in the highest waiting list preference category
  - ▶ have the oldest date and time of application or lowest application number
  - ▶ have the family that is the right size and type for the unit
  - ▶ take into account income targeting and deconcentration requirements
  - ▶ consider the family's need for special accessibility features and the features available in the unit



# Unit Offers

- ▶ MASS – Management Assessment Subsystem – 16 points for occupancy
- ▶ CFP Indicator from PHAS – 5 points for Occupancy
- ▶ PHA Funding – 97% occupancy
- ▶ How do you want to offer units? Vacant the longest, most desirable
  
- ▶ Income mixing and Deconcentration



# Orientation

- ▶ May conduct mandatory formal training while applicants are still on the list
- ▶ Topics covered
  - ▶ PHA policies and lease
  - ▶ Resident and PHA responsibilities under the lease
  - ▶ Care of the unit
  - ▶ Requesting maintenance service
  - ▶ Paying rent
  - ▶ Obtaining service in an emergency
  - ▶ Conserving utilities
  - ▶ Tenant fair housing rights



# Leasing

- ▶ The new resident pays the security deposit, if applicable, and pro-rated or full rent (depending upon
- ▶ the date the lease begins
- ▶ The resident receives his/her keys, and information about the unit and development
- ▶ The new resident and the PHA sign the Lead Disclosure Form
- ▶ The resident receives a copy of the lease and all the required attachments;
- ▶ The resident is informed about the PHA's move-in policies (if any);
- ▶ The property manager receives the resident's file; and
- ▶ The resident's name is removed from the waiting list.





# Verifications

- ▶ If a pre-application was used 120 to 90 days before unit offer screening process should begin
- ▶ Must check EIV Debts Owed – former and current tenants
- ▶ PIC – HA Query
- ▶ Criminal History
- ▶ Landlord History
- ▶ Credit Check
- ▶ Personal References
- ▶ Income verification



# Verification

- ▶ Housing Authorities are required by HUD regulations to verify information related to income, assets, preferences, deductions, and screening of applicants and residents families
- ▶ Verified information that is not subject to change does not have to be reverified
- ▶ Accurate rent calculations help assure the right rent is paid for eligible persons
- ▶ Use only verified information that is less than 90 days old for admissions or recertification
- ▶ Verified information obtained after application intake that is less than 90 days old need not be re-verified. Verifications may be extended for an additional 30 days with a telephone update.



# Income Verification Hierarchy

- **Highest**

- Mandatory: Upfront income verification (UIV) using HUD's Enterprise Income Verification (EIV) system

- Optional: UIV using non-HUD systems

- **High** - Written third-party verification; May be provided by family

- **Medium-Low** - Written third-party employer form

- **Low** - Oral third-party verification

- **Low** - Tenant declaration



# Types of verifications

- Driver's License
  - SS Card
  - Birth Certificate
  - Baptismal Certificate
  - Utility Bills
  - Landlord Verification Form
  - Paid verification services
- 



# File Documentation

- ▶ Names, relationship to head, birth date, social security number and citizenship or eligible immigrant
- ▶ status of all family members
- ▶ Names, status in the household, birth date, social security number and citizenship or eligible immigrant status of Live-in Aides and foster children
- ▶ Disabilities
- ▶ Amounts and sources of income of all family members



# File Docs

- ▶ Net Family Assets
- ▶ Deductions from income (for rent computation)
- ▶ Rent computation
- ▶ Admission preferences (if any)
- ▶ Screening information (tenant history, credit history, home visit record, verification of criminal history)
- ▶ HUD 50058 form



# Tenant Selection and Assignment

- ▶ Only part of ACOP that requires HUD Approval if amended
- ▶ Determines
  - ▶ Community wide or site based waitlist (or combination of the two)
  - ▶ Which unit a PHA will offer when more than one unit of the size/type is available
  - ▶ How many offers an applicant may refuse without good cause
  - ▶ How long an applicant has to respond to an offer (accept or reject)
  - ▶ What is good cause for refusing an offer
  - ▶ How applicants are removed from waitlist
  - ▶ Situations when a transfer takes priority over new admission



# Unit offer

- ▶ Two approaches
  - ▶ Plan A – one offer system
    - ▶ If applicant refuses without good cause they are either dropped to bottom or removed from the waitlist
  - ▶ Plan B – three offer system
    - ▶ Suitable unit at more than one location the applicant is offered a unit at the location with the most vacancies, If applicant refuses the first offer they are made an offer at location with next highest number of vacancies, if they refuse they are moved to the bottom of the waitlist or dropped
    - ▶ If there is only one location, applicant is made offer, if they refuse they are made a second offer, if they refuse they are moved to the bottom of the waitlist or dropped from the waitlist





# Good Cause

- ▶ Unit is not ready to move in
  - ▶ Ready for move in means unit has no Uniform Physical Condition Standard deficiencies
  - ▶ In accessibility to employment, education, job training, daycare (would require an adult to quit a job or school)
  - ▶ Acceptance of offer will place a family member's life, health or safety in jeopardy (must provide justification)
  - ▶ Health professional verifies temporary hospitalization or recovery from illness from principal household member
  - ▶ Unit is in appropriate for applicants disabilities or family does not need the accessibility features
  - ▶ Unit has lead based paint and children under age of six will reside there
  - ▶ Elderly or disable family makes the decision to not occupy or accept occupancy in designated housing



# The Lease

- ▶ Contract between the PHA and the public housing resident family
- ▶ Lease must meet regulatory requirements (24 CFR Part 966)
- ▶ Sample Lease on THA Website – [www.txtha.org](http://www.txtha.org)
  - ▶ Documents
- ▶ Good lease is easy to understand
- ▶ Two parts
  - ▶ First is individual to the family
  - ▶ Second all terms and conditions that do not change



# Leasing Process

- ▶ Move-in inspection
- ▶ Additions to Household – lease requires approval for additions to the household other than birth, adoption or custody of a child
  - ▶ Participant must still notify the PHA and provide documentation requested
- ▶ Visitors, Guests and Unauthorized Occupants
  - ▶ Request permission for extended visits
- ▶ Ensure lease is signed by all adult members of household and terms are understood



# Unauthorized Occupant

- ▶ A former resident of the PHA who has been evicted from a PHA development
- ▶ Family members over age 17 or emancipated minors who moved from the dwelling unit to establish new households
- ▶ Persons that have joined the household without undergoing screening
- ▶ Persons that stay in the unit beyond an authorized period
- ▶ A person (often a relative) that came to the unit as an extended visitor because the resident needed support, for example, after a medical procedure but stayed on in the unit beyond the time needed by the resident



# Transfers

- Emergencies
- Demolition, disposition or rehabilitation of unit
- Reasonable accommodation
- Occupancy Standards
- Incentive to residents with good tenant histories



# Priority Among Transfers

- ▶ Emergency transfer
  - ▶ Condition of unit or site poses immediate, verifiable threat to the life, health or safety of the resident(s)
  - ▶ May allow for an emergency transfer to alleviate a verified medical condition
  - ▶ To protect members from attack by criminal elements at the property
  - ▶ VAWA
- ▶ Reasonable Accommodation
  - ▶ To accommodate a resident's disability (move to a ground floor, unit with accessible features)
- ▶ Demolition, Disposition, Revitalization or Rehabilitation



# Priority Among Transfers

- ▶ Occupancy Standards (over/under housed)
- ▶ Split Family Transfers – large family split in two units
- ▶ Incentive Transfer – not a required transfer but can be offered as lease compliance incentive for residents
- ▶ Resident Initiated – resident requests a unit transfer that is not necessary
  
- ▶ Generally emergencies, reasonable accommodations, demo/dispo, incentive and occupancy standards take precedence over new admissions
  - ▶ Should be list in ACOP



# Mandatory Transfer

- Emergency
- Demo/Dispo and revitalization/rehabilitation
- Occupancy Standards
  
- Optional
  - Reasonable Accommodation
  - Incentive
  - Low Priority occupancy standards
  - Resident initiated





# Cost of Transfers

- ▶ PHAs must pay reasonable costs of transfers they initiate
  - ▶ Demo/dispo & revitalization/rehabilitation
  - ▶ Emergency
- ▶ Reasonable costs include transfer of utilities, packing, moving, unloading – also includes telephone/internet and cable/satellite
- ▶ Need to maintain a waitlist for transfers



# Termination

- ▶ The PHA must terminate assistance for at least 24 months if it determines that a family has knowingly permitted an ineligible person to live in the assisted unit without informing the PHA
- ▶ Providing assistance to a noncitizen student is prohibited, as is providing assistance to the noncitizen spouse or minor children of the noncitizen student



# Denial of Assistance - Written Notice

- ▶ That financial assistance will be denied and provide a brief explanation of the reasons for denial.
- ▶ That the family has a right to request an appeal to the USCIS of the secondary verification of status and to submit additional documentation or a written explanation in support of appeal.
- ▶ That the family has a right to request an informal hearing with the responsible entity upon completion of or in lieu of the USCIS appeal.




# Denial of Assistance

- ▶ Must provide family written description of
  - ▶ Family obligations under the program
  - ▶ Grounds on which the PHA may deny assistance because of family action or failure to act
  - ▶ Informal review and hearing procedures.
- ▶ Denial Actions
  - ▶ Denial of listing on the PHA waiting list
  - ▶ Denial or withdrawal of a public housing unit
  - ▶ Refusal to enter into a HAP contract or approve a unit
  - ▶ Refusal to process or provide assistance through portability



# Inspections

- UPCS – 24 CFR Part 5
  - Housekeeping
  - Move In
  - Move Out
- 



# Security Deposits

- ▶ Discretion at PHA level
  - ▶ Reasonable
  - ▶ May not change through tenancy unless change of unit
- 



# Utility Payment Schedules



- ▶ Utility Payment Schedules must be reviewed annually
  - ▶ 10% decrease or increase results in amendment of the utility schedule
  - ▶ Decrease requires 60 day notice to residents
- ▶ Must use the utility payment schedule that is the lessor of
  - ▶ Unit family qualifies for or
  - ▶ Unit family has chosen
    - ▶ Family qualifies for a three bedroom voucher and chooses a two bedroom unit – PHA would use the two bedroom schedule of payment
- ▶ In cases where a reasonable accommodation has been provided to a family that includes a person with disabilities, the PHA must use the appropriate utility allowance for the size of the dwelling unit actually leased by the family.



# VAWA

- ▶ **Violence Against Women Reauthorization Act of 2013**
- ▶ On October 27, the U.S. Department of Housing and Urban Development, (HUD) published a final rule to fully implement the Violence Against Women Reauthorization Act of 2013 (VAWA). The rule prohibits housing providers from denying or terminating housing assistance on the basis that an applicant or tenant is a victim.





# Summary of Major Changes

- ▶ Sexual assault is a crime covered by VAWA
- ▶ Clarifies – Nondiscrimination and equal opportunity requirements
- ▶ “Affiliated individual” (person in the care, custody or control of that individual) or any individual, tenant or lawful occupant living in the household of that individual
- ▶ Apply VAWA protections to all covered HUD programs
- ▶ Ensuring all existing and new tenants receive notification of their rights under VAWA
- ▶ Provides that applicants and tenants may not be denied assistance or have assistance terminated under covered housing on the basis or as a result of the fact that they have been a victim of domestic violence, dating violence, sexual assault or stalking



# Summary of Major Changes

- ▶ Requirement to establish an emergency transfer plan, record keeping and reporting requirements
  - ▶ Model Emergency Transfer Plan for Victims of ... (form HUD 5381)
  - ▶ Emergency transfer request (form HUD 5383)
- ▶ Revises requirements for documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking
- ▶ New Certification of Domestic Violence, Dating Violence (form HUD 5382)
- ▶ Reasonable time period must be established to allow the victim, when a lease is bifurcated and the evicted or terminated tenant was the recipient of assistance, to establish eligibility under the current housing program or seek alternate housing



# Summary of Major Changes

- ▶ Revisions to various HCV, PBC and PHA regulations from the 2005 reauthorization to broadly state that VAWA protections apply, so that all tenants and applicants, and not only those determined to be victims of domestic violence, dating violence, sexual assault, or stalking, receive statutorily required notification of their VAWA rights
- ▶ PHAs may establish a preference for VAWA – clarification
- ▶ Establishes new requirements for PBV – a family has the right to move as a result of the family or a member of the family being or having been a victim of violence



# Who is Eligible

- ▶ Current tenants and applicants in covered programs
- ▶ Not limited to women – applies without regard to sex, gender identity, or sexual orientation.
- ▶ May be under the age of 18
  - ▶ Un-emancipated minors would not be eligible to sign a lease under HUD programs
  - ▶ May consider contacting child welfare or police




# Who is Ineligible?

- ▶ Guests, unassisted members and live-in aides
- ▶ A tenant/participant cannot be evicted or have assistance terminated on the basis of the domestic violence, dating violence, sexual assault or stalking of the guest or unassisted member
- ▶ As a reasonable accommodation a tenant can request VAWA protections based on the grounds that the live-in aid is a victim of domestic violence
- ▶ Unassisted member may qualify by way of the lease for VAWA protections
  - ▶ (c) *Construction of lease terms and terms of assistance.* An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:
    - ▶ (1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or
    - ▶ (2) Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.



# Other Charges

- Schedule of other charges
  - Late Fees
  - Lawn Fees
- 



# Re-examinations and Continued Occupancy


- ▶ Streamlined Initiative
  - ▶ ELI – 30% AMI or Poverty level, lower of
  - ▶ Tuition is now defined as the amount of money charged to students for instructional services which may be charged per term, per course, or per credit **plus required fees.**
  - ▶ Verifying Income from “Fixed Income” sources – every three years
- ▶ EID
  - ▶ 24 Months (12 @ 100% / 12 @ 50%)
- ▶ Annual Re-Exam
- ▶ Flat Rent Exams – 3 years
  - ▶ Family composition



# Grievance Procedure

- ▶ Administrative method by HUD to deal with resident complaints
- ▶ PHAs required to have a Grievance Procedure
- ▶ Not subject to Grievance
  - ▶ Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA;
  - ▶ Any violent or drug-related criminal activity on or off such premises; or
  - ▶ Any criminal activity that resulted in felony conviction of a household member
- ▶ Hear officer or panel
- ▶ Decision binding for PHA





# Conflict with Federal Statute, Regs or HUD Policy

- ▶ Safe Harbor
- 



# Pet Policy

- ▶ Pet Fee
  - ▶ Pet Deposit
  - ▶ Reasonable
  
  - ▶ Companion / Service Animals
- 



# Complaints of Discrimination

## ► **Online**

- You can file a complaint with FHEO online in [English](#) or [Spanish](#).

## ► **Email**

- You can download [this form](#) (also available in [Arabic](#), [Cambodian](#), [Chinese](#), [Korean](#), [Russian](#), [Somali](#), [Spanish](#), and [Vietnamese](#)) and email it to your local FHEO office at the email address on [this list](#).

## ► **Phone**

- You can speak with an FHEO intake specialist by calling 1-800-669-9777 or 1-800-877-8339.
- You can also call your regional FHEO office at the phone numbers on [this list](#).

## ► **Mail**

- You can print out [this form](#) (also available in [Arabic](#), [Cambodian](#), [Chinese](#), [Korean](#), [Russian](#), [Somali](#), [Spanish](#), and [Vietnamese](#)) and mail it to your regional FHEO office at the address on [this list](#).



Thank you!

Any questions!

Please email Kim at

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