

## **Chapter 4**

### **APPLICATIONS, WAITING LISTS AND TENANT SELECTION**

#### **INTRODUCTION**

When a family wishes to reside in public housing, the family must submit an application that provides the GBHA with the information needed to determine the family's eligibility. HUD requires the GBHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the GBHA must select families from the waiting lists in accordance with HUD requirements and GBHA policies as stated in this Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The GBHA is required to adopt a clear approach to accepting applications, placing families on the waiting lists, and selecting families from the waiting lists, and must follow this approach consistently. The actual order in which families are selected from the waiting lists can be affected if a family has certain characteristics designated by HUD or the GBHA to receive preferential treatment.

HUD regulations require that the GBHA comply with all equal opportunity requirements it must affirmatively further fair housing goals in the administration of the program. Adherence to the selection policies described in this chapter ensures that the GBHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and GBHA policies for taking applications, managing the waiting lists, and selecting families from the waiting lists. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the GBHA will handle the applications it receives.

Part II: Managing the Waiting lists. This part presents the policies that govern how the GBHA's waiting lists is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the GBHA will use to keep the waiting lists current.

Part III: Tenant Selection. This part describes the policies that guide the GBHA in selecting families from the waiting lists as units become available. It also specifies how in-person interviews will be used to ensure that the GBHA has the information needed to make a final eligibility determination.

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

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

HUD gives the GBHA the latitude to determine how applications will be taken, within certain constraints. HUD does not mandate the format or content of the application, or the method for processing applications. However, the GBHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the GBHA's application [Notice PIH 2009-36]. The policies that govern the application process must be set out in the ACOP.

#### GBHA Policy

Depending upon the length of time that applicants may need to wait to be housed, the GBHA may use a one- or two-step process.

A one-step process will be used when it is expected that a family will be selected from the waiting lists within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting lists for at least 60 days from the date of application. Under the two-step application process, the GBHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting lists. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting lists.

Families may obtain application forms from the GBHA's office during normal business hours. Families may also request- by telephone or mail- that a form is sent to the family via first class mail. Applications are also available on the Housing Authority's website, which is conveniently linked to the City of Green Bay's website.

Completed applications must be returned to the GBHA by mail, by fax, or submitted in person during normal business hours. Applications must be complete in order to be accepted by the GBHA for processing. If an application is incomplete, the GBHA will notify the family of the additional information required.

#### **4-1.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

The GBHA will take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard GBHA application process.

##### **Disabled Populations [24 CFR 8; PH Occ GB, p. 68]**

The GBHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the GBHA must provide an alternate approach that provides equal access to the application process. Chapter 2 provides a full discussion of the GBHA's policies related to providing reasonable accommodations for people with disabilities.

##### **Limited English Proficiency**

The GBHA is required to take reasonable steps to ensure meaningful access to its programs and activities for persons with limited English proficiency [24 CR 1]. Chapter 2 provides a full discussion on the GBHA's policies related to ensuring access to people with limited English proficiency (LEP).

#### **4-1.D. PLACEMENT ON THE WAITING LISTS**

The GBHA will review each completed application received and make a preliminary assessment of the family's eligibility. The GBHA will place on the waiting lists, families for whom the list is open unless the GBHA determines the family to be ineligible. Where the family is determined to be ineligible, the GBHA will notify the family in writing [24 CFR 960.208(a); PH Occ GB, p.41]. Where the family is not determined to be ineligible, the family will be placed on a waiting lists of applicants.

No applicant has a right or entitlement to be listed on the waiting lists, or to any particular position on the waiting lists.

## **Ineligible for Placement on the Waiting lists**

### GBHA Policy

If the GBHA can determine from the information provided during the initial application period that the family is ineligible, the family will not be placed on the waiting lists. Where a family is determined to be ineligible, the GBHA will send written notification of the ineligibility determination within 10 business days of receiving a completed application. The notice will specify the reason for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so.

## **Eligible for Placement on the Waiting lists**

### GBHA Policy

The GBHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting lists preference(s) for which the family appears to qualify.

Placement on the waiting lists does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting lists.

Applicants will be placed on the waiting lists according to GBHA preference(s) and the date and time their complete application is received by the GBHA.

The GBHA will assign families on the waiting lists according to the bedroom size for which a family qualifies as established in its occupancy standards (Chapter 5). Families may request to be placed on the waiting lists for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to GBHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

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

### **4-11.A. OVERVIEW**

The GBHA must have policies regarding the type of waiting lists it will utilize as well as the various aspects of organizing and managing the waiting lists of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting lists openings and closings, updating waiting lists information, purging the list of families that are no longer interested or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how the GBHA may structure its waiting lists and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

### **4-11.B. ORGANIZATION OF THE WAITING LISTS**

The GBHA's public housing waiting lists must be organized in such a manner to allow the GBHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

GBHA Policy

The waiting lists will contain the following information for each applicant listed:

Name and Social Security number of head of household

Unit size required and number of family members

Amount and source of annual income

Accessibility requirement, if any

Date and time of application or application number

Household type (family, elderly, disabled)

Admission preference, if any

Race and ethnicity of the head of household

The GBHA may adopt one community-wide waiting lists or site-based waiting lists. The GBHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

GBHA Policy

The GBHA has adopted site-based waiting lists.

HUD directs that a family that applies to reside in public housing must be offered the opportunity to be placed on the waiting lists for any tenant-based or project-based voucher or moderate rehabilitation program that the GBHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that the GBHA maintain a single merged waiting lists for public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

GBHA Policy

The GBHA will not merge the public housing waiting lists with the waiting lists for any other program the GBHA operates.

**4-II.C. OPENING AND CLOSING THE WAITING LISTS**

**Closing the Waiting lists**

The GBHA is permitted to close the waiting lists, in whole or in part, if it has an adequate pool of families to fill its developments. The GBHA may close the waiting lists completely, or restrict intake by preference, type of project, or by size and type of dwelling unit [PH Occ GB, p.31].

GBHA Policy

The GBHA will close the waiting lists when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the GBHA has particular preferences or other criteria that require a specific category of family, the GBHA may elect to continue to accept applications from these applicants while closing the waiting lists to others.

### **Reopening the Waiting lists**

If the waiting lists have been closed, they may be reopened at any time. The GBHA will publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that the GBHA is reopening the waiting lists. Such notice must comply with HUD fair housing requirements. The GBHA should specify who may apply, and where and when applications will be received.

#### GBHA Policy

The GBHA will announce the reopening of the waiting lists at least 10 business days prior to the date applications will first be accepted. If the lists are only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

The GBHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

The Green Bay Press Gazette

### **4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

The GBHA should conduct outreach as necessary to ensure that the GBHA has a sufficient number of applicants on the waiting lists to fill anticipated vacancies and to assure that the GBHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the GBHA to serve a specified percentage of extremely low income families, the GBHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

GBHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being serviced to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

GBHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that service similar populations, including agencies that provide services for persons with disabilities

#### GBHA Policy

The GBHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the GBHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

#### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

##### GBHA Policy

While the family is on the waiting lists, the family must inform the GBHA, within 10 business days of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting lists may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting lists, the waiting lists will be updated accordingly.

#### **4-II.F. UPDATING THE WAITING LISTS**

HUD recognizes the GBHA's authority to establish policies when removing applicant names from the waiting lists [24 CFR 960.202(a)(2)(iv)].

##### **Purging the Waiting lists**

The decision to withdraw an applicant family that includes a person with disabilities from the waiting lists is subject to reasonable accommodation. If the applicant did not respond to the GBHA's request for information or updates because of the family member's disability, the GBHA must, upon the family's request, reinstate the applicant family to their former position on the waiting lists as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p.39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

##### GBHA Policy

The waiting lists will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting lists, the GBHA will send an update request via first class mail to each family on the waiting lists to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the GBHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting lists.

The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the GBHA not later than 15 business days from the date of the GBHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting lists without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting lists without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter

was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting lists without further notice.

When a family is removed from the waiting lists during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the GBHA from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting lists for failure to respond, the Housing Administrator may reinstate the family if she determines the lack of response was due to GBHA error, or to circumstances beyond the family's control.

### **Removal from the Waiting lists**

#### GBHA Policy

The GBHA will remove applicants from the waiting lists if they have requested that their name be removed. In such cases, no informal hearing is required.

If the GBHA determines that the family is not eligible for admission at any time while the family is on the waiting lists, the family will be removed from the waiting lists.

If a family is removed from the waiting lists because the GBHA has determined the family is not eligible for admission, a notice will be sent to the family's address. The notice will state the reasons the family was removed from the waiting lists and will inform the family to how request an informal hearing regarding the decision (see Chapter 14) [24 CFR 960.208(a)].

## **PART III: TENANT SELECTION**

### **4-III.A. OVERVIEW**

The GBHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The GBHA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The GBHA must 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 [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting lists depends on the selection method chosen by the GBHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting lists.

The GBHA must maintain a clear record of all information required to verify that the family is selected from the waiting lists according to the GBHA's selection policies [24 CFR 960.206(e)(2)]. The GBHA's policies must be posted any place where the GBHA receives applications. The GBHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The GBHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

#### GBHA Policy

When an applicant or resident family requests a copy of the GBHA's tenant selection policies, the GBHA will provide copies to them free of charge.

#### **4-III.B. SELECTION METHOD**

PHAs must describe the method for selecting applicant families from the waiting lists, including the system of admission preferences that the PHA will use.

##### **Local Preferences [24 CFR 960.206]**

The GBHA is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the GBHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the GBHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

##### GBHA Policy

The GBHA will use the following local preferences:

##### **1<sup>st</sup> Preference: Brown County Resident Families who have been Involuntarily Displaced:**

Families who claim they have been displaced due either to disaster or government action must provide written verification from the displacing agency of government or by a service agency such as the Red Cross.

A disaster is defined as a fire, flood, earthquake, etc that has caused the unit to be uninhabitable. Government action is defined as federal, state, or local government action related to public improvement or development. In order to meet the displacement preference, applicants who have been displaced must not be living in standard replacement housing. Standard replacement housing is defined as housing that is decent, safe, and sanitary according to HQS standards and is adequate for the family size according to HQS standards, and that the family is occupying pursuant to a written or oral lease or occupancy agreement. Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of domestic violence) housing occupied by the individual who engages in such violence.

It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress. Shared housing with family or friends is considered temporary and is not considered standard replacement housing. An applicant who lives in a violent neighborhood or is fearful of violence outside the household is not considered involuntarily displaced.

##### **2<sup>nd</sup> Preference: Brown County Resident domestic violence victims and homeless families with children:**

A minor is defined as a family member other than the head, spouse, or co-head who is under 18 years of age. Proof of age is required.

The HUD definition of homelessness includes: Inhabit places not meant for human habitation (car, parks, deserted buildings), living in housing for the homeless, living on the street.

##### **3<sup>rd</sup> Preference: Brown County Resident elderly, disabled, veteran families, or working families:**

An elderly family includes a family whose head, spouse or sole member is at least 62 years of age, two or more persons at least 62 years of age living together or one or more persons at least 62 years of age living with one or more live-in aides. Proof of age is required.

A disabled family includes a family whose head, spouse, or sole member is a person with disabilities, two or more persons with disabilities living together or one or more persons in receipt of SSI or SS disability payments under Section 223 of the Social Security Act or 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 5001(7)) or verified by appropriate diagnosticians such as a physician, psychiatrist, psychologist, therapist, rehab, specialist, or licensed social worker using the HUD language as the verification format.

A veteran family includes a family who has at least one member who is a veteran. Families claiming this preference must document service participation through service discharge papers or a statement from the veteran service officer.

In order to bring higher income families into public housing, the GBHA will establish a preference for working families, where the head, spouse, or co-head, or sole member is employed at least 20 hours per week. As required by HUD, families where the head and spouse or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference [24 CFR 960.20(b)(2)].

**4<sup>th</sup> Preference: Brown County residents who have completed or are active in educational or training programs:**

Families whose head of household or other adult have completed educational and training programs in the past 12 months or are active participants in educational and training programs designed to prepare persons for the job market. These training and educational programs must be approved by the Housing Authority.

**5<sup>th</sup> Preference: Non-Brown County resident**

**Income Targeting Requirement [24 CFR 960.202(b)]**

HUD requires that extremely low-income families make up at least 40 percent of the families admitted to public housing during the GBHA's fiscal year. Extremely low-income families are those with annual incomes at or below 30 percent of the area median income. To ensure this requirement is met, the GBHA may skip non-extremely low-income families on the waiting lists in order to select an extremely low-income family.

If the GBHA also operates a housing choice voucher program, admissions of extremely low-income families to the GBHA's HCV program during the GBHA fiscal year that exceed the 75 percent minimum target requirement for the voucher program, shall be credited against the GBHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting lists admissions during the GBHA fiscal year; (2) ten percent of waiting lists admissions to the GBHA's housing choice voucher program during the GBHA fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of GBHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

GBHA Policy

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

**Mixed Population Developments [24 CFR 960.407]**

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) or the GBHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. The GBHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The GBHA may not establish limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the GBHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The GBHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

#### **Units Designated for Elderly or Disabled Families 924 CFR 945]**

The GBHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The GBHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the GBHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the GBHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or co-head is at least 50 years old, but is less than 62 years of age [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the GBHA must make available to all other families any unit that is read for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting lists. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.202(d)(3)].

#### GBHA Policy

The GBHA currently manages and maintains Mason Manor Retirement Community, which is housing designated for elderly or disabled individuals.

#### **De-concentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

The GBHA's admission policy must be designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into

higher income projects. A statement of the GBHA's de-concentration policies must be included in its annual plan [24 CFR 903.7(b)].

The GBHA's de-concentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the de-concentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to de-concentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

GBHA Policy

Due to the GBHA's developments being designated specifically for elderly or disabled families, and operating with fewer than 100 public housing units, the de-concentration of poverty and income-mixing requirements do not apply.

***Steps for Implementation [24 CFR 903.2(c)(1)]***

To implement the statutory requirement to de-concentrate poverty and provide for income mixing in covered developments, the GBHA must comply with the following steps:

Step 1. The GBHA must determine the average income of all families residing in all the GBHA's covered developments. The GBHA may use the median income, instead of average income, provided that the GBHA includes a written explanation in its annual plan justifying the use of median income.

GBHA Policy

When applicable, the GBHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The GBHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the GBHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

GBHA Policy

When applicable, the GBHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The GBHA must then determine whether each of its covered developments falls above, within, or below the established income range, which is from 85 percent to 115 percent of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30 percent of median income).

Step 4. The GBHA with covered developments having average incomes outside the established income range must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the GBHA must include in its admission policy its specific policy to provide for de-concentration of poverty and income mixing.

Depending on local circumstances, the GBHA's de-concentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the established income range to encourage families with incomes above the established income range to accept units in those developments
- Establishing a preference for admission of working families in developments below the established income range
- Skipping a family on the waiting lists to reach another family in an effort to further the goals of de-concentration
- Providing other strategies permitted by statute and determined by the GBHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and GBHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the GBHA's de-concentration policy. The GBHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the GBHA's de-concentration policy [24 CFR 903.2(c)(4)].

If, an annual review, the average incomes at all general occupancy developments are within the established income range, the GBHA will be considered to be in compliance with the de-concentration requirement and no further action is required.

#### **Order of Selection [24 CFR 960.206(e)]**

The GBHA system of preferences may select families either according to the date and time of application or by a random selection process.

#### GBHA Policy

Families will be selected from the waiting lists based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the GBHA.

When selecting applicants from the waiting lists, the GBHA will match the characteristics of the available unit to the applicants on the waiting lists. The GBHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

To ensure compliance with the requirement that at least 40 percent of newly admitted families, in any fiscal year, are families who annual income is at or below 30 percent of the area median income, the GBHA shall monitor the incomes of newly admitted families and the incomes of the families on the waiting lists. If there are not enough families on the waiting lists to comply with this requirement, the GBHA will conduct outreach efforts.

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

When the family has been selected from the waiting lists, the GBHA will notify the family.

##### GBHA Policy

The GBHA will notify the family by mail when they are selected from the waiting lists. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview

If a notification letter is returned to the GBHA with no forwarding address, the family will be removed from the waiting lists without further notice. Such failure to act on the part of the applicant prevents the GBHA from making an eligibility determination; therefore, no informal hearing will be offered.

#### **4-III.D. THE APPLICATION INTERVIEW**

HUD recommends that the GBHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Reasonable accommodation will be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

##### GBHA Policy

Families selected from the waiting lists are required to participate in an eligibility interview.

The head of household and the spouse will be strongly encouraged to attend the interview together. However, either the head of household or the spouse may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the GBHA.

The interview will be conducted only if the head of household or spouse provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of Social Security Numbers (SSN), the GBHA will allow the family to retain its place on the waiting list for 14 days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the GBHA will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting lists preference, the family must provide documentation to verify their eligibility for the preference. If the family is verified as eligible for the preference, the

GBHA will proceed with the interview. If the GBHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting lists according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the GBHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time, the family may request an extension. If the required documents and information are not provided within the required time plus extensions, the family will be sent a notice of denial.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient applicants, the GBHA will provide translation services in accordance with the GBHA's limited English proficiency plan (refer to Chapter 2).

If the family is unable to attend a scheduled interview, the family should contact the GBHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the GBHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews with GBHA approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second letter will state that failure to appear for the appointment without request to reschedule will be interpreted to mean that the family is no longer interested and their application will be made inactive. Such failure to act on the part of the applicant prevents the GBHA from making an eligibility determination; therefore the GBHA will not offer an informal hearing.

#### **4-III.E. FINAL ELIGIBILITY DETERMINATION**

The GBHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including GBHA suitability standards, the GBHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

##### GBHA Policy

The GBHA will notify the family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The GBHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the

determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

GBHA Policy

If the GBHA determines that the family is ineligible, the GBHA will send written notification of the ineligibility determination within 10 business day of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing.

If the GBHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the GBHA can move to deny the application. See Section3-III.G for the GBHA's policy regarding such circumstances.