

# **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

## CHAPTER 5: APPLICATIONS, WAITING LIST AND TENANT SELECTION

---

### **Introduction**

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

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

HUD regulations require that the PHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that the HACCP will be in compliance with all relevant fair housing requirements, as described in Chapter 3.

This chapter describes HUD and HACCP policies for accepting applications, managing the waiting list and selecting families from the waiting list. The HACCPs policies for assigning unit size and making unit offers are contained in Chapter 6. Together, Chapter 5 of the ACOP comprise the HACCP's Tenant Selection.

The policies outlined in this chapter are organized into three sections:

### **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 HACCP will handle the applications it receives.

### **Part II: Managing the Waiting List**

This part presents the policies that govern how the HACCP's waiting list is structured, when it is opened and closed, and how the public is notified of the

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

opportunity to apply for public housing. It also discusses the process the HACCP will use to keep the waiting list current.

### **Part III: Tenant Selection**

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

## **Part I: The Application Process**

### **5-I.A. Overview**

This part describes the policies that guide the HACCP's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the HACCP's obligation to ensure the accessibility of the application process.

### **5-I.B. Applying For Assistance**

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the HACCP to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by the HACCP. However, the HACCP must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the HACCP's application [Notice PIH 2009-36].

### **HACCP Policy**

The HACCP utilizes a two-step application process.

The HACCP 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 list. 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 list.

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

Families may apply online when the waiting list opens. The HACCP will open remote locations in order to accommodate persons with an online pre-application while the waitlist is open. Pre-Applications must be filled out completely in order to be accepted by the HACCP for processing. If an application is incomplete, the HACCP will notify the family of the additional information required.

### **5-I.C. Accessibility of the Application Process**

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

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

The HACCP must provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process must be fully accessible, or the HACCP must provide an alternate approach that provides equal access to the program. Chapter 3 provides a full discussion of the HACCP's policies related to providing reasonable accommodations for people with disabilities.

#### **Limited English Proficiency**

PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 3 provides a full discussion on the HACCP's policies related to ensuring access to people with limited English proficiency (LEP).

### **5-I.D. Placement on the Waiting List**

The HACCP must review each completed application received and make a preliminary assessment of the family's eligibility. Applicants for whom the waiting list is open must be placed on the waiting list unless the HACCP determines the family to be ineligible. Where the family is determined to be ineligible, the HACCP must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41] within 10 business days. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

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

#### **HACCP Policy**

If the HACCP determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, the HACCP will send written notification of the ineligibility determination within 10 business days of receipt of the completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

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

#### **HACCP Policy**

The HACCP will send written notification of the family's placement on the waiting list within 10 business days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify. Applicants will be placed on the waiting list according to HACCP preference(s) and the date and time their complete application is received by the HACCP.

The HACCP will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 6). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to HACCP standards, more than two persons per living/sleeping room - 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.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the HACCP will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

# **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

## Part II: Managing the Waiting List

### **5-II.A. Overview**

The HACCP must have policies regarding the type of waiting list it will utilize as well as how the waiting list will be organized and managed. This includes policies on notifying the public on the opening and closing of the waiting list to new applicants, updating family information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants. In addition, HUD imposes requirements on how the HACCP may structure its waiting list and how families must be treated if they apply for public housing at a HACCP that administers more than one assisted housing program.

### **5-II.B. Organization of the Waiting List**

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

#### **HACCP Policy**

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

- Name and social security number of head of household Unit size required (number of family members)
- Amount of annual income
- Accessibility requirement, if any
- Date and time of application
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household
- The specific site(s) selected (only if HACCP offers site-based waiting lists)
- Homeless Status

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

The HACCP may adopt one community-wide waiting list or site-based waiting lists. The HACCP 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)].

### **HACCP Policy**

The HACCP has adopted site-based waiting lists.

The HACCP will not merge the public housing waiting list with the waiting list for any other program the HACCP operates unless a new program is implemented that did not currently exist. Once the new program has been leased up, the HACCP will maintain separate waiting list.

It is the HACCP's policy that each applicant shall be assigned his/her appropriate place on a single County-wide waiting list in sequence based upon a random lottery system, suitable type or size of unit, and factors affecting preference or priority. Preference and priority factors are established in this policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 and the HUD regulations and requirements pursuant thereto.

The HACCP uses a site-wide waiting list. Interested persons can obtain more information about the waiting list for admission to public housing at our main administrative office located at:

Housing Authority of the City of College Park

9014 Rhode Island Ave.  
College Park, MD 20740  
Phone: (301)-883-3600

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

### **5-II.C. Opening and Closing the Waiting List**

#### **Closing the Waiting List**

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

#### **Opening/Closing the Waiting List**

##### **HACCP Policy**

Opening of the waiting list will be announced at least 10 business days prior to the date of opening with a public notice stating that pre-applications for public housing will be accepted online only. The public notice will state where, when, and how to apply. The notice will be published online, in a local newspaper of general circulation and also by a minority media source. The public notice will state any limitations to who may apply. The HACCP Public Housing will only accept online applications from residents that currently work or live in College Park, Maryland and seniors and disabled persons statewide for the Public Housing Waitlist. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with the same opening public notice. The public notice will state the date the waiting list will be close. The public notice will state where, when, and how to apply. The notice will be published online, in a local newspaper of general circulation and also by any available minority media. At the discretion of the Authority, application intake may be restricted, suspended, and the waiting lists may be closed either in whole or in part.

The Housing Authority may open or close the list by local preference category. If the Authority's highest waiting list preference category has sufficient applications to fill anticipated vacancies for the coming twelve (12) months, the Authority may elect to:

- A. Close the waiting list completely;
- B. Close the list during certain times of the year; or

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

C. Restrict intake by preference, type of project, or by size and type of dwelling unit. Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a preference, and the ability of the Authority to house an applicant in an appropriate unit within a reasonable period of time.

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

1. Diamondback
2. Prince George's County Sentinel
3. The Washington Hispanic Paper

### **5-II.D. Family Outreach [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

The HACCP should conduct outreach as necessary to ensure that the HACCP has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the HACCP is affirmatively furthering fair housing and complying with the Fair Housing Act. Because HUD requires the HACCP to admit a specified percentage of extremely low income families, the HACCP may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

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

- Analyzing the housing market area and the populations currently being served 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 HACCP 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:



## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

- 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 serve similar populations, including agencies that provide services for persons with disabilities

### **HACCP Policy**

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

### **5-II.E. Reporting Changes in Family Circumstances**

#### **HACCP Policy**

While the family is on the waiting list, the family must inform the HACCP, 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 may be submitted in writing, by email or by fax. Changes in an applicant's circumstances while on the waiting list 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 list, the waiting list will be updated accordingly.

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

### **5-II.F. Updating the Waiting List**

HUD requires the HACCP to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

### **Purging the Waiting List**

The decision to remove an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the HACCP's request for information or updates because of the family member's disability, the HACCP must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 3 for further information regarding reasonable accommodations.

### **HACCP Policy**

The waiting list will be updated as needed to ensure that all applicant information is current and timely. To update the waiting list, the HACCP will send an update request via first class mail to each family on the waiting list 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 HACCP has on record for the family. The update request will provide a deadline of 10 business days by which the family must respond in writing. The HACCP notice will state that failure to respond will result in the applicant's name being removed from the waiting list.

- The family's response must be in writing and may be delivered in person, by mail, email, or by fax. Responses should be received by the HACCP not later than 10 business days from the date of the HACCP letter.
- If the family fails to respond within 10 business days, the family will be removed from the waiting list without further notice.
- If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.
- If the notice is returned by the post office with a forwarding address, the notice will be resent to the address indicated. The family will have 10 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 list without further notice. When a family is removed from the

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

waiting list 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 HACCP from making an eligibility determination; therefore, no informal hearing is required.

- If a family is removed from the waiting list for failure to respond, the HACCP may reinstate the family if the lack of response was due to HACCP'S error, or to circumstances beyond the family's control.

### **Removal from the Waiting List**

#### **HACCP Policy**

The HACCP will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required. If the HACCP determines that the family is not eligible for admission (see Chapter 4) at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because the HACCP has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application within 10 business days. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the HACCP's decision (see Chapter 14) [24 CFR 960.208(a)].

## **Part III: Tenant Selection**

### **5-III.A. Overview**

The HACCP must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The HACCP must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The HACCP 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 list depends on the selection method chosen by the HACCP and is impacted in part by any selection

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list. The HACCP must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the HACCP's selection policies [24 CFR 960.206(e)(2)].

The HACCP's policies must be posted any place where the HACCP receives applications. The HACCP must provide a copy of its tenant selection policies upon request to any applicant or tenant. The HACCP may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

### **HACCP Policy**

When an applicant or resident family requests a printed copy of the HACCP's tenant selection policies, the HACCP will provide paper copies at a charge of one dollar per page (\$1.00). The HACCP will email copies for free.

### **5-III.B. Selection Method**

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

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

HACCP's are 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 HACCP to establish other local preferences, at its discretion. Any local preferences established must be consistent with the HACCP 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)].

### **HACCP Policy**

The HACCP will use the following local preference:

**Residency Preference:** The HACCP will offer a preference to families that hold legal residence within the HACCP's jurisdiction, to families that work within the HACCP's jurisdiction, and to families that have been hired to work within the HACCP's jurisdiction. **15 Points**

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

**Elderly:** The HACCP will offer a preference to persons who are age 62 or older at the time of initial pre-application. **15 Points**

**Elderly Out of County:** The HACCP will offer a preference to persons who are age 62 or older at the time of initial pre-application that lives out of county. **10 Points**

**Disabled:** A disabled person or family is one in which the head, spouse, or cohead is a person with disabilities. **15 Points**

**Disabled Out of County:** A disabled person or family is one in which the head, spouse, or cohead is a person with disabilities, lives out of county. **10 Points**

**Prince George's County:** The HACCP will offer a preference to families who reside Prince George's County. Families receiving a Residency preference will be ineligible to also receive a Prince George's County preference. **10 Points**

**Veterans:** The HACCP will offer a preference to veterans. A veteran is a person who served in the United States Armed Forces and who was discharged or released from such service under conditions making them eligible for veteran's benefits through the Department of Veterans Affairs (VA) or Referred by the Prince George's County Continuum of Care. **10 Points**

### **Special Programs – One Step Process**

The one step process eliminates the need for an applicant to be placed on the lottery waitlist. A one step process will be used for referrals received from the Department of Social Services or other designated agencies. The HACCP administers the following program(s):

- (1) Senior Disabled Referrals (SDR)

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

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during the HACCP's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher [Federal Register notice 6/25/14]. To ensure this requirement is met, the HACCP may skip non-ELI families on the waiting list in order to select an ELI family.

If a HACCP also operates a housing choice voucher (HCV) program, admissions of extremely low income families to the HACCP's HCV program during a HACCP fiscal year that exceed the 75 percent minimum target requirement for the voucher

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

program, shall be credited against the HACCP'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 list admissions during the HACCP fiscal year; (2) ten percent of waiting list admissions to the HACCP's housing choice voucher program during the HACCP fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of HACCP 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.

### **HACCP Policy**

The HACCP will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI 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 development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the HACCP 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, cohead, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403]. The HACCP must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The HACCP may not establish a 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 HACCP 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 HACCP may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988). Units Designated for Elderly or Disabled Families [24 CFR 945] The HACCP may designate projects or portions of a public housing project specifically for elderly or disabled families. The HACCP must have a HUD-approved allocation plan before the designation may take place. Among the designated developments, the HACCP must also apply any preferences that it

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

has established. If there are not enough elderly families to occupy the units in a designated elderly development, the HACCP 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 cohead is at least 50 years old, but is less than 62 [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 HACCP must make available to all other families any unit that is ready 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 effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. 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 945.303(d)(3)].

### **HACCP Policy**

The HACCP has a designated elderly or designated disabled housing preference.

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

The HACCP's admission policy must be designed to provide for deconcentration 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 HACCP's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

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

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a HACCP with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a HACCP

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

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)].

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

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the HACCP must comply with the following steps:

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

**Step 2.** The HACCP 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 HACCP has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

**Step 3.** The HACCP must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% 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 (federal poverty level or 30 percent of median income, whichever number is higher).

**Step 4.** The HACCP with covered developments having average incomes outside the EIR 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 HACCP must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the HACCP's deconcentration policy may include, but is not limited to the following:



## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

- 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 EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration.
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and HACCP strategic objectives.

A family has the sole discretion whether to accept an offer of a unit made under the HACCP's deconcentration policy. The HACCP must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the HACCP's deconcentration policy [24 CFR 903.2(c)(4)]. If, at annual review, the average incomes at all general occupancy developments are within the EIR, the HACCP will be considered to be in compliance with the deconcentration requirement and no further action is required.

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

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

### **HACCP Policy**

The HACCP uses the lottery system to select applicants from the waitlist. The applicants selected from the lottery waiting list will be based on preference points. Applicants with the highest number of preference points will be selected first. Among applicants with the same preference points, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the HACCP.

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

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

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and HACCP policy.

### **5-III.C. Notification of Selection**

When the family has been selected from the waiting list, the HACCP must notify the family [24 CFR 960.208].

#### **HACCP Policy**

The HACCP will contact the family by mail to notify the family it has been selected from the waiting list. The HACCP will schedule the application interview with the family, notifying them of all of the information reflected below in the mailed notice. 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

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

The HACCP will mail written notification to the family informing that the family has been selected from the waiting list and advising the family to contact the HACCP within 10 business days to schedule the eligibility determination interview. The notification letter will advise the family that failure to contact the HACCP within the required time frame will result in removal from the HACCP's waiting list without further notice. Once the family contacts the HACCP, the interview will be scheduled, and the HACCP will mail the family written notification of the scheduled interview as reflected above. Failure by the family to schedule an interview will be considered a refusal. If a notification letter is returned to the HACCP with no forwarding address, or if the family fails to contact the HACCP within 10 business days to schedule the interview, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the HACCP from making an eligibility determination; therefore, no informal hearing will be offered.

### **5-III.D. The Application Interview**

HUD recommends that the HACCP 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. Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the HACCP determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the HACCP [Notice PIH 2012-10].

Reasonable accommodation must 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)].

### **HACCP Policy**

Families selected from the waiting list are required to participate in an eligibility interview. All household adults are required to attend the interview together. However, at its sole discretion, the HACCP may waive this requirement on a case-by-case basis. 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 HACCP.

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 8 provides a discussion of proper 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.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 8).

If the family is verified as eligible for the preference, the HACCP will proceed with the interview. If the HACCP determines the family is not eligible for the preference, the interview will not proceed, and the family will be placed back on the waiting list 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 to determine 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 HACCP 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 (Chapter 8 provides details about extended submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 5).

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 (LEP) applicants, the HACCP will provide translation services in accordance with the HACCP's LEP plan. If the family is unable to attend a scheduled interview, the family should contact the HACCP in advance of the interview to schedule a new appointment.

In all circumstances, if a family does not attend a scheduled interview, the HACCP will send a notification letter advising the family they must contact the HACCP within 10 business days to schedule a new interview appointment time.

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

Applicants who fail to attend two scheduled interviews without HACCP approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested, and their application will be denied.

Such failure to act on the part of the applicant prevents the HACCP from making an eligibility determination, therefore the HACCP will not offer an informal hearing.

### **5-III.E. Final Eligibility Determination [24 CFR 960.208]**

The HACCP must verify all information provided by the family (see Chapter 5). Based on verified information related to the eligibility requirements, including HACCP suitability standards, the HACCP must make a final determination of eligibility (see Chapter 4). 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)].

#### **HACCP Policy**

The HACCP will notify a 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 HACCP will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another HACCP program.

The HACCP 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)].

#### **HACCP Policy**

If the HACCP determines that the family is ineligible, the HACCP will send written notification of the ineligibility determination within 10 business days of the

## **HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)**

determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing (see Chapter 14).

If the HACCP 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 HACCP can move to deny the application. See Section 4-III.G for the HACCP's policy regarding such circumstances.

The HACCP must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act of 2013, and as outlined in 4-VIII.F, at the time the applicant is provided assistance or at the time the applicant is denied assistance. This notice must be provided in both of the following instances: (1) when a family actually begins receiving assistance lease execution); or (2) when a family is notified of its ineligibility.