

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive Section 8 HCV assistance, the family must submit an application that provides OHA with the information needed to determine the family's eligibility. HUD requires OHA to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, OHA must select families from the waiting list in accordance with HUD requirements and PHA policies as stated in the administrative plan and the annual plan.

OHA is required to adopt a clear policies and procedures accepting applications, placing families on the waiting list, and selecting families from the waiting list and must follow these policies and procedures 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 OHA that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeting funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that OHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that OHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and OHA policies for taking applications, managing the waiting list, and selecting families for HCV assistance. 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 PHA will handle the applications it receives.

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

Part III: Selection for HCV Assistance. This part describes the policies that guide the PHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that OHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes OHA policies for making applications available, accepting applications making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes OHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits OHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by OHA. However, OHA must include Form HUD 92006, Supplement to Application for Federally Assisted Housing, as part of OHA's application.

OHA Policy

1. The application will be a permanent file.
2. All applicants in the pool will be maintained in order by preference and then by date and time. For short term wait list openings, OHA may instead use random selection to select applications and to assign wait list positions.
3. All applicants must meet "Very Low Income" eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 2, "Eligibility for Admission," must have been approved previously by the HUD Field Office.

Applicants must complete an application at OHA's office during normal business hours. Home visits will be completed by Intake Staff for those individuals who are unable to attend their appointment due to a disability or elderly.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]

OHA must 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 OHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). OHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or OHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of OHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

OHA is required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on OHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

OHA must review each complete application and make an assessment of the family's eligibility. OHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, OHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

OHA Policy

If OHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, OHA will send written notification of the ineligibility determination within 10 business days of a completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

OHA Policy

Applicants will be placed on the waiting list according to the preferences for which the family is qualified and then by the date and time of their complete application. For short term wait list openings, OHA may instead use random selection to select applications and to assign wait list position.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

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

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

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

OHA's HCV waiting list must be organized in such a manner to allow OHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

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

- Applicant name;
- Family unit size;
- Date and time of application;
- Annual (gross) family income
- Racial or ethnic designation of the head of household.
- Number of persons in family

HUD requires OHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

OHA Policy

OHA will maintain a single waiting list for the HCV program.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher, or moderate rehabilitation program OHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

HUD permits, but does not require, that OHA's maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list.

OHA Policy

OHA will not merge the HCV waiting list with the waiting list for any other program OHA operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

A OHA is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, OHA may elect to continue to accept applications only from certain categories of families that meet particular funding criteria.

OHA Policy

OHA will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches the number advertised.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until OHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

OHA Policy

OHA will announce the reopening of the waiting list at least 7 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

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

Omaha World Herald

Omaha Star

El Perico

OHA's website

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

OHA must conduct outreach as necessary to ensure that OHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires OHA to serve a specified percentage of extremely low income families (see Chapter 4, Part III), OHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

OHA 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

OHA outreach efforts must be designed to inform qualified families about the availability of assistance 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 serve similar populations, including agencies that provide services for persons with disabilities

OHA Policy

OHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in OHA'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

OHA Policy

While the family is on the waiting list, the family must immediately inform OHA of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list.

Purging the Waiting List

OHA Policy

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

The decision to withdraw 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 a OHA request for information or updates, and OHA determines that the family did not respond because of the family member's disability, OHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

Removal from the Waiting List

OHA Policy

If at any time an applicant family is on the waiting list, OHA determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because OHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting and will inform the family how to request an informal review regarding OHA's decision (see Chapter 16) [24 CFR 982.201(f)].

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families receive assistance from the waiting list depends on the selection method chosen by OHA. The source of HCV funding also may affect the order in which families are selected from the waiting list.

OHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to OHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND HCV FUNDING SOURCES

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, OHA may admit families that are not on the waiting list, or without considering the family's position on the waiting list. OHA must maintain records showing that such families were admitted with special program funding.

OHA administers Tenant Protection Vouchers and Enhanced Vouchers. These vouchers are provided by HUD specifically for families residing in a HUD-assisted subsidized housing project who may be displaced by housing conversion actions (for example, if an owner of a HUD-subsidized housing project opts out of its contract). Tenant Protection Vouchers and Enhanced Vouchers are tenant-based assistance. In general, OHA's tenant-based HCV policies apply to special admission vouchers made available for families as the result of housing conversion actions. Enhanced vouchers have unique requirements, including increased payment standards. Families may not apply directly to OHA to receive this assistance, and OHA does not maintain waiting lists for this assistance. This assistance is provided only to specific families identified by HUD.

Targeted Funding [24 CFR 982.204(e)]

HUD may award funding for a specified category of families on the waiting list. This is referred to as "targeted funding" because the voucher is targeted to a specific population and has specific selection criteria. OHA must use this funding only to assist the families within the specified category. When a voucher becomes available that is funded by a specific targeted funding program, OHA may skip families that do not qualify for the program. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

The following are targeted funding programs, each of which has specific selection criteria and program requirements.

Mainstream Voucher Program

The Mainstream Voucher Program provides housing assistance targeted to nonelderly persons with disabilities.

For purposes of eligibility for Mainstream voucher assistance, HUD uses the definition of “person with disabilities” at 24 CFR 5.403, which is the same definition of “person with disabilities” used for eligibility and deductions, and which is provided in Exhibit 3-1 at the end of Chapter 3.

- OHA has an existing stock of Mainstream vouchers. Eligibility for these vouchers is limited to “disabled families” in which the head of household, spouse, or co-head is a nonelderly person with disabilities, as defined in Section 3-I.I.

OHA may pursue application for additional Mainstream vouchers. Under new HUD program rules, eligibility for these vouchers is expanded to include any family that includes a nonelderly person with disabilities. The nonelderly person with disabilities does not have to be the head of household, spouse, or co-head.

Persons may submit applications at any time OHA’s HCV waiting list is open and accepting new applications. All applicants will be placed on OHA’s HCV tenant-based waiting list in accord with OHA’s routine procedures, including local preferences. When a Mainstream voucher becomes available, OHA will select the next applicant on its waiting list that meets the eligibility criteria for Mainstream voucher assistance.

Family Unification Program, including youths aging out of foster care

HUD’s Family Unification Program (FUP) program is targeted to assist two populations:

- Families for whom the lack of adequate housing is a primary factor in (1) the imminent placement of the family’s child/children in out-of-home care, or (2) delay of discharge of the child/children to the family from out-of-home care;
- Youth age 18 to 24 who left foster care or will leave foster care within the near future and are homeless or at risk of becoming homeless. In accord with HUD rules, FUP voucher assistance for youths aging out of foster care is limited to 36 months.

At present, OHA does not receive HUD FUP funding. OHA may pursue application for FUP voucher funding. FUP program requirements include the following:

Persons may receive FUP assistance only by referral from the DHHS public child welfare agency. Following referral, persons will be placed on the HCV tenant-based waiting list in accord with routine procedures, including local preferences. When a FUP voucher becomes available, it will be offered to the next applicant on its waiting list that meets the eligibility criteria for FUP voucher assistance.

Veteran Assisted Supportive Housing (VASH)

This program for homeless veterans combines HUD voucher assistance with case management and clinical services provided by the Department of Veterans Affairs. Eligibility is limited to homeless veterans and their families. Persons may receive VASH assistance only by referral from VA case managers. Persons may not apply for VASH assistance directly through OHA. When a VASH voucher becomes available, OHA will coordinate with VA case managers for referral to receive assistance.

OHA will administer its VASH assistance in accord with HUD VASH rules and regulations, which significantly differ from other HCV program rules. Per HUD rules, OHA's local preferences do not apply to VASH assistance. In addition, many of OHA's policies for screening, criminal background checks, and denial of assistance are waived under HUD VASH rules.

HOME Tenant-Based Rental Assistance

The HOME Tenant-Based Rental Assistance provides up to 24 months in rental assistance to households that have completed a transitional housing program for the homeless or supportive services program. Persons may receive HOME assistance only by referral from approved transitional housing and supportive housing programs. Persons may not apply for HOME rental assistance directly through OHA. OHA administers its HOME rental assistance program in accord with program rules, which may differ from OHA's HCV policies.

Upon completion of the 24-month period of assistance, HOME TBRA participants who have maintained housing and who are able to meet all eligibility criteria for the HCV program, including the criminal background check, are awarded an HCV voucher. At OHA's discretion, OHA may award an HCV voucher to a HOME TBRA participant at an alternate time. This includes cases when a household with HOME TBRA assistance wishes to move to a unit for which voucher assistance must be ported to a different housing authority that does not administer the HOME TBRA program. In every case, a HOME TBRA participant must meet all eligibility criteria for the HCV program, including the criminal background check.

HUD Continuum of Care Rental Assistance Program

The Continuum of Care Rental Assistance Program combines tenant-based rental assistance with case management and supportive services to provide permanent supportive housing for chronically homeless persons with disabilities. Persons may receive Continuum of Care rental assistance only by referral from Community Alliance. Persons may not apply for Continuum of Care rental assistance directly through OHA. OHA administers its Continuum of Care Rental Assistance Program in accord with program rules, which may differ from OHA's HCV policies.

HUD Moderate Rehabilitation Program

OHA administers project-based voucher assistance for designated properties previously rehabilitated under HUD's moderate rehabilitation program. Applicants may apply at OHA for mod rehab assisted housing units. OHA administers its mod rehab assistance in accord with HUD program rules, which may differ from OHA's HCV policies.

Relocation Admissions

Background: OHA may undertake demolition, disposition, conversion, or redevelopment activities that may require relocation of current residents of public housing or tax credit units owned by OHA or HIO. Whenever possible, OHA will apply for Tenant Protection Vouchers (TPVs)—either Relocation TPVs or Replacement TPVs, as appropriate—so that OHA may provide HCV voucher assistance as a comparable housing option to families subject to relocation. TPVs are considered “special admissions,” and thereby voucher assistance may be provided without opening the wait list, according to “Special Admissions” policies at the beginning of this Section 4-III.B. However there is no guarantee that HUD will fund 100% of the TPVs needed for the number of families who desire HCV assistance for relocation. In addition, the time required for HUD approval of TPV funding may delay relocation or may limit the relocation options OHA can offer at the time relocation begins. This policy regarding Relocation Admissions is intended to clarify how OHA may use its existing HCV voucher stock when needed to cover potential gaps in TPV funding.

HUD Regulations Relevant to OHA’s Relocation Admissions Policies:

- Special admissions permit admission to the HCV program outside the waiting list but are limited to cases when HUD awards voucher funding targeted to families living in specific units, such as TPVs. 24 CFR 982.203.
- Except for special admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with the admission policies in the PHA administrative plan. 24 CFR 982.204(a).
- When the PHA opens a waiting list, the PHA must give public notice that families may apply for tenant-based assistance. 24 CFR 982.206(a)(1).
- The PHA may adopt criteria defining what families may apply for assistance under a public notice. 24 CFR 982.206(b). The public notice must state any limitations on who may apply for available slots in the program. 24 CFR 982.206(a)(3).
- The PHA may establish a system of local preferences for selection of families admitted to the program. PHA selection preferences must be described in the PHA administrative plan. 24 CFR 982.207(a).

OHA Policies for Relocation Admissions:

OHA at its discretion may open its HCV wait list to accept applications for Relocation Admissions, limited to families who are residents of specified units owned by OHA or HIO and who are subject to relocation due to OHA’s demolition, disposition, conversion, or redevelopment activities, as follows:

- Wait list openings for Relocation Admissions will occur only for specified units potentially affected by demolition, disposition, conversion, or redevelopment actions that have been approved by OHA’s Board of Commissioners.
- OHA will provide public notice of such wait list opening, as provided in Section 4-II.C.
- The public notice will state limitations on who may submit applications.
- Families who apply for HCV assistance under the Relocation Admissions policies must meet the same eligibility, income limits, and OHA screening requirements as regular admissions to OHA’s HCV Program.

- Families who apply for HCV assistance under OHA’s Relocation Admissions receive an absolute preference above any other applicants on the HCV wait list, as provided in Section 4-III.C, “Local Preferences.”
- When HUD TPV funding is granted, OHA may determine to close its wait list for regular HCV vouchers. Remaining families subject to relocation who desire voucher assistance as a relocation option will be provided TPV vouchers administered in accord with HUD requirements and OHA’s procedures for TPVs, as provided in Section 4-III.B, “Special Admissions.” However, if the TPV funding does not provide sufficient vouchers to serve all families who desire voucher assistance for relocation, OHA may determine to continue to accept applications in order to provide HCV voucher assistance to the remaining families.
- When the TPV funding is Relocation TPVs, OHA will carefully plan its wait list opening and use of existing HCV stock to minimize loss of housing subsidies available in the community.

OHA may open its HCV wait list to accept applications for Relocation Admissions limited to families who formerly were residents of public housing scattered site units approved for disposition under OHA’s Section 32 Homeownership Program in October 2018 and who received a 90-day notice dated on or about March 1, 2019. OHA had not applied for TPVs in this disposition application, and OHA had not yet implemented changes to this Administrative Plan facilitating use of OHA’s HCV voucher stock for relocation. OHA wishes to provide equal housing opportunities to all families subject to relocation under its Section 32 Homeownership Program. The families specified in this paragraph, already relocated, will be offered a time-limited opportunity to apply for and lease-up with HCV voucher assistance, if they desire.

4-III.C. SELECTION METHOD

This section describes the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

Federal regulations permit a housing authority to establish a system of preferences for the selection of families admitted to the program. The system must be based on local housing needs and priorities as determined by the agency. OHA may change these preferences to respond to changes in local housing needs or emergency housing situations. In addition, OHA may establish temporary preferences in accord with HUD and local priorities

- a. In the event of a local, regional, or national disaster, OHA staff with the approval of OHA Board of Commissioners may determine criteria by which households who are victims of a disaster may qualify for a temporary preference.
- b. A preference will be provided for persons or households that reside in buildings that are owned or operated by OHA or a legal affiliate, as defined in state law, and which building have been approved for demolition or disposition by the Board of Commissioners and/or the Department of Housing and Urban Development.

OHA will verify all preference claims at the time they are made. Staff will re-verify a preference claim at the time of selection from the waiting list. Applicant families must still meet the preference eligibility criteria at time of selection from the waitlist in order to be offered a voucher at that time. If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list, the family will be returned to its original position on the waiting list. OHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

An applicant may qualify for more than one preference. An applicant will be assigned the total sum of points for all preferences for which the applicant is qualified.

OHA’s preferences are summarized below:

Relocation Admissions (as described in Section 4-III.B)	Absolute
HOME TBRA participants at expiration of TBRA (as described in Section 4-II.B)	Absolute
Homeless individuals and families (with verification from a MACCH agency)	100 points
<p>Nonelderly Persons with Disabilities who Meet Specific Housing Criteria: Families that include one or more nonelderly adults with disabilities who meet one of the following housing criteria:</p> <ul style="list-style-type: none"> • Transitioning out of institutional and other segregated settings • At serious risk of institutionalization • Currently experiencing homeless • At risk of experiencing homelessness • Previously experienced homelessness and is currently a client in a permanent supportive housing or rapid rehousing project <p>These terms are defined below.</p> <p>This preference is limited to fifteen (15) households.</p>	100 Points

Preferences for Nonelderly Persons with Disabilities who Meet Specific Housing Criteria

This preference is limited to fifteen (15) households.

This preference is developed in accord with requirements for the Mainstream Voucher Program, but is not limited to Mainstream vouchers.

OHA will accept referrals from MACCH agencies, but OHA cannot limit eligibility for this preference to persons referred by a MACCH agency. OHA must permit applicants to apply directly to OHA without going through a MACCH agency.

OHA will require verification that the applicant satisfies the criteria of this preference.

Following are definitions specific to this preference:

Eligible family: A family composed of one or more non-elderly person with disabilities, which may include additional members who are not non-elderly persons with disabilities. A family where the sole member is an emancipated minor is not an eligible family.

Non-elderly person with disabilities: A person 18 years of age or older and less than 62 years of age, and who:

- Has a disability, as defined in 42 U.S.C. 423;
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration;
 - Substantially impedes his or her ability to live independently, and
 - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- Has a developmental disability as defined in 42 U.S.C. 6001.

Institutional or other segregated settings include, but are not limited to: (1) congregate settings populated exclusively or primarily with individuals with disabilities; (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals' ability to engage freely in community activities and to manage their own activities of daily living; or (3) settings that provide for daytime activities primarily with other individuals with disabilities.

At serious risk of institutionalization: Includes an individual with a disability who as a result of a public entity's failure to provide community services or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual's eventual placement in an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community-based services, individuals currently living under poor housing conditions or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based organization, or by self-identification.

Persons currently experiencing homelessness means:

(1) An individual or family who lacks a fixed, regular, adequate nighttime residence, meaning:

- An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
- An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- Has no other residence; and
- Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

At risk of experiencing homeless: An individual or family who:

(i) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section; and

(ii) Meets one of the following conditions:

- Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
- Is living in the home of another because of economic hardship;
- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
- Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
- Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
- Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Permanent supportive housing means permanent housing in which voluntary supportive services are provided to assist homeless persons with a disability to live independently.

Rapid rehousing means time-limited housing assistance in which supportive services are provided to assist homeless persons rapidly connect to and maintain permanent housing.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during the PHA's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, a PHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

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

Order of Selection [24 CFR 982.207(c)]

Applicants will be placed on the waiting list according to their preference status. Among applicants with equal preference status, the waiting list will be organized by date and time.

For short-term wait list openings, OHA may organize its waiting list either on a first-come, first-served basis, according to the date and time their complete application is received by OHA, or alternately, OHA may use a random selection process. OHA's method for organizing the waiting list will be announced in the public notice of the waiting list opening.

When the voucher available is funded through a targeted funding program, OHA is required to use targeted funding to assist only those families who meet the specified criteria, and OHA will skip down the waiting list in order to reach the first applicant that meets the targeted funding program criteria.

OHA is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, OHA must notify the family. [24 CFR 982.554(a)]

OHA Policy

OHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview
- Who is required to attend interview
- All documents that must be provided at the interview, including information about what constitutes acceptable documentation.

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview [HCV GB, pg. 4-16]. 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 PHA 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 PHA. (Notice PIH 2012-10).

Reasonable accommodation will be made for persons with disabilities who are unable to attend an interview due to their disability.

OHA Policy

Any applicant that arrives more than 10 minutes late after their scheduled appointment time will not be seen.

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

All adult family members are required to attend the interview.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 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.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, OHA 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 7 provides details about longer 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 3).

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, OHA will provide translation services in accordance with the PHA's LEP plan.

If the family is unable to attend a scheduled interview, (hospitalization and/or funeral), the family should contact the PHA in advance of the interview to schedule a new appointment. If a family does not attend a scheduled interview, the family will be sent a notice of denial (See Chapter 3).

4-III.F. COMPLETING THE APPLICATION PROCESS

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information, the PHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted admission, or selection preference that affected the order in which the family was selected from the waiting list.

OHA Policy

If OHA determines that the family is ineligible, OHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. The PHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If OHA determines that the family is eligible to receive assistance, OHA will invite the family to attend a briefing in accordance with the policies in Chapter 5.