

CHAPTER 4

Establishing Preferences and Maintaining The Wait List

OVERVIEW

It is the Authority 's objective to ensure that families are placed in the proper order on the waitlist and selected from the wait list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the local preferences which the Authority has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the Authority's system of applying them.

By maintaining an accurate waiting list, the Authority will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

PART I

4-I.A. WAITING LIST ESTABLISHMENT [24 CFR 982.204]

The Authority uses a single waiting list for admission to its HCV tenant- based assistance program. Except for special admissions, applicants will be selected from the Authority waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

At the time of the preapplication, any information indicating the applicant may qualify for a local preference (e.g., an applicant's certification that they reside within the jurisdiction qualifying them for the Residency Preference) will be accepted without verification. Actual entitlement for a local preference will be verified at initial eligibility determination.

The wait list will be maintained in accordance with the following guidelines:

- The preapplication will be made a permanent part of the file.
- Applicant name
- Family unit size (number of bedrooms family qualifies for under Authority subsidy standards)
- Date and time of the completed preapplication
- Information pertaining to possible qualification for a local preference
- Race and ethnicity of the head of household

If the Authority's wait list for its Low-Income Public Housing or Project-Based Voucher programs are open when the applicant is placed on the Housing Choice Voucher program waitlist, the Authority must offer to place the applicant on these other waitlists, as long as the other programs include units suitable for the applicant.

4-I.B. APPLICANT STATUS WHILE ON WAIT LIST [CFR 982.202 (c), 982.204]

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

Applicants are required to inform the Authority of changes to their address within fourteen (14) calendar days of the occurrence. This will also assist the Authority in establishing and maintaining a current and updated wait list to effectively plan for future communications with the reapplicant. Applicants are required to respond to requests from the Authority to update information on their preapplication, or to determine their continued interest in assistance. Applicants must submit all changes by logging into the online Applicant Portal to access their account and make any changes within. The portal may be accessed by visiting www.merced-pha.com.

Families who are ineligible for the reason of only owing a debt to the Authority or any other Federal Housing Program will be allowed to have their preapplication placed on the waiting list. When the family is interviewed for placement into the Housing Choice Voucher Program, the family must pay the debt in full before approval of final eligibility process will continue.

If the family is determined to be ineligible based on the information provided in the preapplication, the Authority will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. (See Chapter 19 on, "Complaints and Appeals.")

The waitlist will be maintained with accurate information.

APPLICANT PORTAL

The Applicant Portal has been established for persons that make a pre-application with the Authority to access their information. The Authority accepts preapplication submissions via the Applicant Portal and requires applicants already on a wait list to update their information using the online access. Applicants must create an on-line account and be able to review and update their personal information. Applicants are responsible to keep their account information up to date as changes occur. Changes to the family size and/or household income including their current address, should be updated regularly in order to reflect a continued interest in remaining on the waiting list. The Authority primary and preferred methods of communication with applicants and participants is by e-mail and/or regular U.S. mail. Therefore, it is critical that the Authority have a valid, current email and mailing address at all times to be able to make contact with the applicant.

4-I.C. PURGING THE WAIT LIST [24 CFR 982.204 (c)]

The waiting list will be purged as necessary. The Authority may notify applicants by mail or e-mail to confirm their interest in the wait list and that their information is current. The request to applicants will ask for confirmation of their continued interest.

Any mailings to the applicant which require a response will state that failure to respond within ten (10) calendar days will result in the applicant's name being removed from the waiting list. An extension of thirty (30) days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If an e-mail contact attempt is made, and the e-mail is rejected the Authority will send a letter via U.S. postal service to the most current address on file. If the letter is returned by the Post Office without a forwarding address, the applicant will be removed from the waitlist without further notice, and the envelope and letter will be maintained in the file. If mail is returned with a forwarding address, the Authority will make no more than one (1) attempt to forward the mail to the forwarding address before removing the applicant from the wait list.

Applicants who fail to respond will be removed from the wait list and will not be entitled to an informal review or reinstatement unless the Director of Housing Programs or her/his designee determines there were circumstances beyond the person's control that prevented them from responding.

Applicants are required to contact the Authority periodically. The Authority allows a grace period of thirty (30) days after completion of the purge to request a reinstatement. Applicants who respond during this grace period will be reinstated.

4-I.D. GROUNDS FOR CANCELLATION FROM THE WAITING LIST

The Authority will cancel the preapplication when an applicant fails to respond to the Authority's request for information by a specific date. Failure to respond to a request, failing to attend a scheduled appointment, or failing to update information resulting in a letter returned by the Post Office and/or email rejected is cause to cancel the preapplication.

Any mailings to the applicant which require a response by a specific deadline will state that failure to respond by the deadline will result in the applicant's name being removed from the waiting list.

If a letter is returned by the Post Office with no forward address, the preapplication will be canceled without further notice and the envelope and letter will be maintained in the file. Applicants may request to be reinstated.

If a preapplication is cancelled for failing to respond to the Authority request for information due to a disability, the applicant may ask to have the preapplication reinstated by submitting a written request to the Director of Housing Programs – HCV or his/her designee to review the request and if approved, reinstate the applicant

4-I.E. SPECIAL ADMISSIONS [24 CFR 982.54(d), 982.203]

HUD awards received for specific targeted groups allow for the Authority to admit targeted families to the program without being selected from a wait list

under special admissions. Special admission families will be admitted outside of the regular waitlist process and—do not have to meet the criteria for a preference. The Authority maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD:

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low-Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project covered by a project-based Housing Choice Voucher HAP;
- Contract at or near the end of the HAP contract term;
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project;
- A family participating in the HUD-Veterans Affairs Supported Housing (VASH) program;
- Any other program designated by HUD for special funding.

4-I. F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 982.207]

HUD permits the Authority to establish local preferences and give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD permits the Authority to establish other local preferences, at its discretion. The Authority's local preferences are based on local housing needs and priorities.

The Authority uses the following local preference system:

POINTS:

100 POINTS: VETERAN PREFERENCE: Current members of the military, veterans, or surviving spouses of veterans may qualify for this preference. Applicants must provide proof of honorable discharge. If discharge is less than honorable, applicant must provide proof of eligibility to receive veteran benefits.

5 POINTS: RESIDENCY PREFERENCE: Families who live, work, or attend school or other vocational type training (CalWORKs) program or have been hired to work within Merced County and /or residents.

Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the

residency preference area.

10 POINTS: INVOLUNTARILY DISPLACED: Families who have been displaced due to a Government action thru no fault of their own, a locally declared disaster, state declared disaster, federally declared disaster or other national emergency. Preference will also be given to those families that are involuntarily displaced by Authority action (emergency relocation, extensive rehabilitation and insufficient funding or other local disasters) as approved by Executive Director. Applicants selected for this preference must be able to provide proof of displacement occurred within the past six (6) months.

HUD regulations state that a residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

10 POINTS: ELDERLY OR DISABLED PERSON PREFERENCE: An elderly preference applies if the head, spouse or co-head are a person who is age 62 or older. A disabled person preference applies if the head, spouse or co-head receives Social Security or Supplemental Security benefits or otherwise meets the definition of disabled as defined under Section 223 of the Social Security Act.

10 POINTS: NON-ELDERLY DISABLED PERSON AT RISK OF HOMELESSNESS OR HOMELESS PREFERENCE: A person 18 years of age or older and less than 62 years who is a family composed of one or more non-elderly persons with disabilities, which may include additional members who are not non-elderly persons with disabilities who are:

- Transitioning out of institutional and other segregated settings
- At risk of institutionalization
- At risk of experiencing homelessness or homeless
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In addition, preference and points will be given to families who apply for housing at the Midway Complex which is a Project Based and USDA Rural Development Site. Families must earn at least \$5,752.50 per year from agricultural employment and who meet at least one of the following definitions as per the California Code of Regulations (25 CCR 7202 (a)):

250 POINTS: ACTIVE FARM LABOR HOUSEHOLD: "Agricultural employment" means employed in the cultivation and tillage of the soil; the production, cultivation, growing and harvesting of any agricultural or horticultural commodities; the raising of livestock, bees, furbearing animals, or poultry; dairying, forestry, and lumbering operations; and any work on a farm as incident to or in conjunction with such farming operations, including the delivery and preparation of commodities for market or storage.

“Agricultural household” is an agricultural worker or workers and other persons who reside or will reside with an agricultural worker in an assisted unit.

225 POINTS RETIRED OR DISABLED DOMESTIC FARM LABORER HOUSEHOLDS: who were active in the local farm labor market at the time of retirement or disability.

200 POINTS OTHER, RETIRED OR DISABLED DOMESTIC FARM LABORER HOUSEHOLDS – active in the farm labor market at the time of retirement or disability outside of the local area.

4-I.G. SET ASIDE VOUCHERS:

HOMELESS - ADVANCEMENT FROM TRANSITIONAL HOUSING ASSISTANCE

The Authority may at its discretion set-aside vouchers, One Hundred Fifty (150) vouchers annually, when funding permits from its available HCV Tenant-Based Voucher allocation, to be used to assist Merced County individuals or families who are:

Participating in a Supportive Housing Program within the County of Merced, or Emergency Solutions Grants program; or by a partnering homeless service organization that is a member of the Merced County Continuum of Care’s centralized/coordinated assessment system.

- An individual or family who lacks a fixed, regular and adequate nighttime residence meaning;
- 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);
- 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;
- 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.
- 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; **and**
- Has no other residence; **and**
- Lacks the resources or support networks, e.g. family, friend, and faith-based or other social networks, to obtain other permanent housing

These types of transitional housing applications are received by referral from one of more of the above organizations. Since these vouchers are issued aside from the "AUTHORITY's" HCV wait list, they must be referred by an agency that has determined the family has met one or more of the criteria required to be eligible for special program vouchers. Referrals may be accepted whether or not the wait list is open or closed.

INDEPENDENT LIVING SKILLS PROGRAM/FAMILY UNITIFICATION PROGRAM (FUP)

The Authority may designate up to twenty (20) vouchers, when funding permits, for foster youth/young adults transitioning from foster care and who lack adequate housing or are at risk for homelessness. This is a special admission program and will be seen by referral from a partnering agency such as the Human Services Agency or continuum of care agency. Referrals are not selected from the wait list and will not be processed without being referred by Human Services Agency.

HUMAN SERVICE AGENCY ADULT PROTECTIVE SERVICES PROGRAM

The Authority may designate up to ten (10) vouchers when funding permits to elderly and dependent adults referred by Adult Protective Services who are experiencing abuse and/or neglect. Assistance is by a referral only and does not affect the wait list(s). Must be referred by Human Services Agency.

The Authority will use the following to select among applicants on the wait list with the same preference status:

- Date and time of receipt of a completed pre-application.

PREFERENCE DENIAL [24 CFR 982.207]

If the Authority denies a preference, the Authority will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review with the Director of Housing Programs or her/his designee. If the preference denial is upheld as a result of the review, or the applicant does not request a review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other

rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waitinglist.

4-I.H. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a special admission are identified by codes in the automated system. The following types of program funding may be "targeted" programs:

- Family Unification Program
- A family displaced because of demolition or disposition of a public housing project
- A family residing in a multi-family rental housing project when HUD sells, forecloses or demolishes the project
- Housing covered by the Low-Income Housing Preservation and Resident Homeownership
- Act of 1990 (41 U.S.C. 4101 et seq.) CFR 248.173)
- A non-purchasing family residing in a project subject to a homeownership program (under 24 CFR 248.173)
- A family residing in a project covered by a project-based Section 8
- HAP contract at or near the end of the HAP contract term
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project
- **Mainstream Voucher Program.**

AUTHORITY POLICY:

For any specified category of families for which HUD may award funding to the "AUTHORITY" and/or designate assistance for, the "AUTHORITY" will select the applicant for assistance in the following order:

- If set forth by HUD funding award, in that order,
- If not set forth by the HUD funding award, as specified in this Administrative Plan, or in the order of first come, first served if not specified in this plan.

INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act (QHWRA) of 1998, each fiscal year the Authority will reserve a minimum of seventy-five percent (75%) of its Housing Choice Voucher new admissions for families whose income does not exceed the higher of Federal poverty level or thirty percent (30%) of the area median income. HUD refers to these families as "extremely low-income families." The Authority will admit families who qualify

under the extremely low-income limit to meet the income-targeting requirement, regardless of preference.

The Authority's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The Authority is also exempted from this requirement where the Authority is providing assistance to low income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

The Authority shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA. This provision allows the Authority to admit less than the minimum forty percent (40%) of its extremely low-income families in a fiscal year to its public housing program to the extent that the Authority's admission of extremely low income families in the tenant-based assistance program exceeds seventy-five percent (75%) of all admissions during the fiscal year. If exercising this option, the Authority will follow the fungibility threshold limitations as set forth in QHWRA legislation.

The discretion by the Authority to exercise the fungibility provision is also reflected in the Authority's Public Housing Admissions and Continued Occupancy Policy (ACOP).

4-I.I. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 982.207]

CHANGE IN CIRCUMSTANCE

Changes in an applicant's circumstances while on the wait list may affect the family's entitlement to a preference. Applicants are required to notify the Authority in writing or via applicant portal when their circumstances change.

When an applicant claims an additional preference, they will be placed on the waiting list in the appropriate order determined by the newly claimed preference. The exception to this is that if at the time the family applied, the waiting list was only open to families who claimed that preference.

In such case, the applicant must verify that they were eligible for the first preference before they are returned to the waiting list with the new preference.

SEPARATE WAIT LISTS FOR HOUSING AUTHORITY PROGRAMS

In accordance with HUD regulations (24 CFR 982.205 (ii)) at the time an applicant is applying for HCV assistance, if pre-applications are being accepted

for its Public Housing or Project-Based program, the family must be offered an opportunity to apply for the other program.

4-I.J. PROJECT-BASED VOUCHER UNITS DESIGNATED FOR ELDERLY OR DISABLED FAMILIES

Developments specifically designed for elderly or disabled families may enter into contract under the Project-Based Voucher Program. An elderly family is defined as a family whose head, spouse, co-head, or sole member is a person who is 62 years of age or older. A disabled family is a family whose head, spouse, co-head, or sole member is a person with a disability [24 CFR 5.403]. Preference will be given in tenant selection for units in the project-based development designated for senior or disabled families. In selecting elderly or disabled families to fill these units, the Authority must also apply any preferences established in this Administrative Plan.

The Authority may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988). If there are not enough elderly families to occupy the units in a designated senior Project-Based Voucher development, the Authority may allow near-elderly families to occupy the units. A near-elderly family is a family whose head, spouse, or co-head is at least fifty to sixty-one (50-61) years old. When there are insufficient elderly families on the waiting list who wish to reside in a Project-Based Voucher Program development designated as a senior complex, near-elderly families will be selected.

PROJECT-BASED VOUCHER UNITS DESIGNATED FOR NON-ELDERLY DISABLED FAMILIES

Developments specifically designed for non-elderly disabled families may enter into contract under the Project-Based Voucher Program.

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

A non-elderly person with a disability is a person 18 years of age or older and less than 62 years of age who are not non-elderly persons with disabilities who are:

- Transitioning out of institutional and other segregated settings
- At risk of institutionalization
- At risk of experiencing homelessness or homeless
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Preference will be given in tenant selection for units in the project-based development designated for non-elderly disabled families. In selecting non-elderly disabled families to fill these units, the Authority must also apply any preferences established in this Administrative Plan.

OTHER HOUSING ASSISTANCE [24 CFR 982.205(b)]

Other housing assistance means a Federal, State or local housing subsidy, as determined by HUD, including Public Housing.

The Authority may not take any of the following actions because an applicant has applied for, received, or refused other housing.

- Refuse to list the applicant on the Authority waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified;
- Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the Authority selection policy; or
- Remove the applicant from the waitlist.

4-I.K. SELECTION FROM THE WAITING LIST OR ADMISSION [24 CFR 982.207]

As vouchers become available for admission, the Authority will select from its waitlist. Preference and application information will be verified and updated.

4-I.L. METHOD OF SELECTION [24 CFR 982.202(d) and 982.207 (c)]

The Authority selects families from the waiting list according to preferences and/or the date and time of the pre-application.

Families who are selected from the wait-list shall be contacted by the Authority to complete a full intake packet for eligibility. Applicants may not retain their place on the waiting list if they refuse to complete the application process.

The Authority will conduct its method of selection so there is a clear audit trail that can be used to verify each applicant has been selected in accordance with the methods specified in this Administrative Plan.