

ACOP Development Guide



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CHAPTER 2: WAITING LIST AND TENANT SELECTION



This document is part of the Admissions and Continued Occupancy Policy (ACOP) Development Guide. The full ACOP Guide includes nine chapters on different topics addressed in a typical ACOP.

To see the full ACOP Guide go to:

<https://www.hudexchange.info/programs/public-housing/admissions-and-continued-occupancy-policy-toolkit/>

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CHAPTER 2:

WAITING LIST AND TENANT SELECTION

OVERVIEW

The purpose of this chapter is to provide PHAs with guidance for drafting waiting list and tenant selection policies in an Admissions and Continued Occupancy Policy (ACOP). While HUD has certain requirements for selection and admission to the Public Housing (PH) program, PHAs have flexibility in how they administer the waiting list. In this part of an agency's ACOP, the PHA will:

- establish criteria for updating and maintaining a waiting list, including any local preferences if applicable (though PHAs must ensure that preferences do not violate fair housing and civil rights requirements).
- determine what method they will use when selecting applicants from the waiting list.
- establish the selection criteria they will use to determine eligibility once they review an applicant from the waiting list.

Throughout the full process from application to tenant selection, it is important that PHAs structure a process that complies with HUD's nondiscrimination and equal opportunity requirements and is mindful of equity and civil rights obligations.

Maintaining an up-to-date and well-managed waiting list promotes fair and consistent treatment of families, ensures that families receive assistance as quickly as possible, and assists PHAs in complying with their fair housing and civil rights requirements. Structuring the waiting list, the documentation needed from applicants, and the selection criteria are the critical steps in helping the PHA maintain high leasing and occupancy rates.

This chapter will demonstrate options for accepting applications, managing the waiting list and selecting families from the waiting list. When drafting an ACOP, PHAs must consider the distinction between **Mandatory** (non-Discretionary) and **Discretionary** policies.



Mandatory Policies

Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Mandatory policies are those prescribed in statute and regulation that must be part of the ACOP and for which PHAs have no flexibility.



Discretionary Policies

Discretionary policies are areas where the PHA has flexibility to define policies, typically within a given set of parameters. They may be unique to the PHA and based on industry best practices. These policies must still comply with Federal, State and local laws as well as HUD guidance.

TOPICS COVERED IN THIS CHAPTER

The following are key components addressed in this chapter.

- 2.1. Tenant Selection and Assignment Plan (TSAP)
- 2.2. Establishing the Waiting List
- 2.3. Maintaining the Waiting List
- 2.4. Opening and Closing the Waiting List
- 2.5. Selecting Applicants from the Waiting List
- 2.6. Verifying Eligibility
- 2.7. Final Eligibility Determination

Learn More About Waiting List and Tenant Selection in the Public Housing Occupancy Guidebook

This chapter outlines the U.S. Department of Housing and Urban Development's (HUD) waiting list and tenant selection requirements for the Public Housing program and provides guidance to Public Housing Agencies in establishing additional criteria for updating and maintaining a waiting list.



[WAITING LIST AND
TENANT SELECTION](#)

2.1. TENANT SELECTION AND ASSIGNMENT PLAN (TSAP)



Helpful Tips

- ✓ The Tenant Selection and Assignment Plan (TSAP) incorporates written tenant selection policies and procedures developed by the PHA and is used to help ensure that tenants are selected for occupancy in accordance with HUD requirements and established PHA policies and preferences.
- ✓ Generally, the TSAP is incorporated into a PHA's ACOP. It is a best practice to identify which components of the ACOP constitute the TSAP.



Mandatory Policies

- Each TSAP needs to address the following aspects of applicant selection and unit assignment:
 - Whether the PHA will operate community-wide or site-based waiting lists or some combination of the two;
 - Site-based waiting lists must be consistent with all applicable civil rights and fair housing laws and regulations, and a PHA must obtain approval from HUD in its PHA Plan process in order to use a site-based waiting list (24 CFR § 903.7(b)(2)(v)) (see Section 2.2 for further conditions that must be met);
 - How the PHA determines which units to offer to an applicant when more than one unit of the right size and type is available for lease;
 - The length of time an applicant is given to consider a unit offer;
 - How many offers of housing an applicant may refuse without good cause before being dropped from the waiting list or dropped to the bottom of the waiting list;
 - What is considered good cause for refusing a unit offer;
 - How applicants may be removed from the waiting list;
 - The circumstances that allow resident transfers to take priority over offers to applicants;
 - Ensuring that accessible units are occupied by individuals with disabilities who need the accessibility features of the units in accordance with HUD's Section 504 requirements (24 CFR § 8.27); and
 - Ensuring that reasonable accommodations are offered to individuals with disabilities throughout the TSAP process, including for example, when individuals are removed from or reinstated on the waiting list (24 CFR part 8; 28 CFR part 35).
- The TSAP must be consistent with federal nondiscrimination and equal opportunity requirements (24 CFR § 5.105(a); 24 CFR part 1 (Title VI); 24 CFR part 8 (Section 504 of the Rehabilitation Act); 24 CFR part 100 (Fair Housing Act); 24 CFR part 146 (Age Discrimination Act); 28 CFR part 35 (Title II of the Americans with Disabilities Act)).
- HUD requires PHAs to ensure that at least 40 percent of the families admitted to the Public Housing program during each PHA fiscal year are extremely low-income families (24 CFR § 960.202(b)(1).) The annual gross income of the applicant family is used for income-targeting purposes.
- The methodology used to ensure that income-targeting requirements are met must be included in the PHA's ACOP (24 CFR § 960.202(b)). The methodology can be as simple as a statement indicating that the PHA will monitor to ensure that at least 8 out of every 20 new program admissions will be extremely low-income families.



Discretionary Policy Considerations

- Some PHAs may have a standalone section in the ACOP or make short mention of the TSAP in an existing section. Generally, the components of ACOP chapters on the waiting list, tenant selection and occupancy standards constitute the required elements of a TSAP.

Sample ACOP Language

LEASING ORIENTATION

The Tenant Selection and Assignment Plan (TSAP) is the **USA HOUSING AGENCY** policy that determines how applicants will be placed on the waiting list and in what priority applicants will be screened and offered housing. This policy will be applied to all interested households that apply for public housing and for all new applicants selected from any **USA HOUSING AGENCY** waiting list. **USA HOUSING AGENCY** will follow the policies outlined below in selecting applicants unless otherwise directed by court orders or consent decrees. This chapter of the ACOP explains the **USA HOUSING AGENCY**'s waiting list and tenant selection policies and constitutes the agency's TSAP.

2.2. ESTABLISHING THE WAITING LIST



Helpful Tips

- ✓ Setting up and maintaining the waiting list properly is essential to carrying out public housing admissions in accordance with HUD's civil rights and program regulations and the PHA's policies.
- ✓ A well-organized waiting list is a valuable source of data about need and demand for units by size, type and location. The PHA can analyze the trends of acceptance and refusal of units to understand which developments are considered most and least desirable by families with different characteristics.



Mandatory Policies

- PHAs are required to report data concerning elderly families, families that include individuals with disabilities, and extremely low-income families in their PHA Annual Plan. It is important to gather and maintain this information as part of the agency's waiting list data (24 CFR § 960.202(b) and § 903.7(a)).
- If a PHA chooses to use a site-based waiting list (SBWL), there are five conditions that the PHA must implement:
 1. The PHA accurately, completely, and timely submits tenant characteristic data to HUD;
 2. The PHA provides full disclosure to each applicant of any option available concerning the selection of a development in which to reside – including basic information, such as location, occupancy, number of accessible units, amenities, transportation resources, and anticipated waiting time;
 3. The PHA must ensure the adoption of SBWLs would not violate any court order or settlement agreement, or be inconsistent with a pending HUD complaint;
 4. The PHA must take reasonable measures to ensure that adoption of SBWLs is consistent with affirmatively furthering fair housing, such as marketing; and
 5. The PHA must review the SBWL policy for consistency with civil rights laws and certifications by (a) reviewing changes in racial, ethnic or disability-related tenant characteristics, (b) using independent testers every three years ensuring non-discriminatory implementation of the SBWL policy, as well as a pattern and practice of discrimination, (c) taking any steps to remedy problems that surface during the review, and (d) taking steps necessary to affirmatively further fair housing (24 CFR § 903.7(b)(2)).
- Site-based waiting lists can potentially raise fair housing and civil rights concerns, depending on the demographics of the locality. Using site-based waiting lists requires ongoing self-evaluation and notification to HUD of any proposed changes in the Annual Plan, as applicable. In the Annual Plan, the PHA must assess changes in racial, ethnic or disability-related tenant composition at each PHA site that may have occurred during the implementation of the site-based waiting list, based upon HUD occupancy data. These requirements are explained at 24 § 903.7(b)(2)(v)(A) and on the HUD website in the [instructions about PHA Plan forms](#).

- If the PHA maintains separate waiting lists for its programs, the following rules apply:
 6. If the Housing Choice Voucher (HCV) waiting list is open when an applicant is placed on the waiting list for the Public Housing, project-based voucher, or moderate rehabilitation programs, the PHA must offer to place the applicant on its HCV waiting list (24 CFR § 982.205(a)(2)(i)), or
 7. If the PHA's waiting list for the Public Housing, project-based voucher, or moderate rehabilitation programs are open when the applicant is placed on the HCV program waiting list, the PHA must offer to place the applicant on these other waiting lists as well, as long as the other programs include units suitable for the applicant (24 CFR § 982.205(a)(2)(ii)).
- HUD recommends that the waiting list contain sufficient information to allow the PHA to properly select families according to selection policies described in their ACOP, including the following information about each applicant (24 CFR § 982.204):
 - Applicant name;
 - Family unit size, i.e., the number of bedrooms for which the family qualifies;
 - Date and time of application;
 - Qualifications for any local preference;
 - Racial or ethnic designation of the head of household;
 - Whether the family qualifies as elderly or includes an individual with a disability;
 - Whether the family requires mobility and/or hearing/vision accessible units, or other accessibility features; and
 - Whether the family qualifies as extremely low-income.
- The PHA may set preferences that establish the order of applicants on the waiting list. Preferences do not impact eligibility for applicants who are otherwise ineligible, nor do they change the right of a PHA to adopt and enforce tenant screening criteria. (See Section 2.5 for criteria that govern the use of preferences.)



Discretionary Policy Considerations

- PHAs have discretion about what type of waiting list they want to use. PHAs may use a site-based or agency-wide waiting list to collect applications so long as the list is structured in a way that is consistent with all applicable civil rights and fair housing laws and regulations and public housing program requirements. PHAs must inform HUD of their intent to use site-based waiting lists in their Annual Plan. Such proposals are reviewed for compliance with civil rights laws and regulations.
- HUD also gives PHAs discretion to maintain a single merged waiting list for all their programs, including Public Housing, HCV, and other subsidized housing programs (24 CFR § 982.205(a)(1)). For example, a PHA can merge its HCV waiting list with its project-based voucher program, moderate rehabilitation program and/or public housing waiting list. Remember, when admitting an applicant family, admission for each federal program is subject to the federal regulations for that program (24 CFR § 982.205(a)(1)).

Sample ACOP Language

ORGANIZATION AND TYPE OF WAITING LIST

The **USA HOUSING AGENCY** will administer its waiting list as required by 24 CFR Part 5, Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income eligibility requirements as established by HUD.

The **USA HOUSING AGENCY** does not maintain site-based waiting lists. The **USA HOUSING AGENCY** maintains one single community-wide waiting list for its developments. Within the list, the **USA HOUSING AGENCY** will designate subparts to easily identify who should be offered the next available unit (i.e., mixed populations, general occupancy, unit size, and accessible units).

The **USA HOUSING AGENCY** will not merge the public housing waiting list with the waiting list for any other program the PHA operates.

The **USA HOUSING AGENCY** will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards. 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 **USA HOUSING AGENCY** standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

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 **USA HOUSING AGENCY** will verify any preference(s) claimed and determine eligibility and suitability for admission to the program.

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 and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household

2.3. MAINTAINING THE WAITING LIST



Helpful Tips

- ✓ HUD regulations do not describe specific procedures for updating a PHA waiting list. PHAs have discretion about when to update the waiting list, but the policies do need to be identified in the ACOP.
- ✓ Some PHAs begin the process of updating their waiting list by reaching out to waiting list applicants, using various communication methods, and requiring them to verify their continued interest. Waiting list applicants are asked to complete a new preliminary application, providing all information needed for placement on the waiting list. Some smaller agencies require applicant families to contact the PHA to express continued interest in the program at regular intervals, such as every six (6) months.
- ✓ Carefully documenting the removal from the waiting list may help to prevent disputes. For example, some PHAs attach the original letter to the file with a note indicating the date and reason for removing the applicant from the waiting list. If the letter is returned because the addressee could not be located, the returned letter is also filed.



Mandatory Policies

- HUD requires PHAs to establish policies, in the ACOP, that describe the circumstances under which applicants will be removed from the waiting list (24 CFR § 960.202(a)(2)(iv)).
- PHAs must reinstate an applicant family to its former position on the waiting list if the family was removed from the waiting list due to the family's failure to respond to the PHA's request for information or updates and that failure was related to a family member's disability or was on the basis or as a direct result of domestic violence, dating violence, sexual assault, or stalking, including an adverse factor resulting from such abuse (24 CFR part 100, 24 CFR part 8; 28 CFR part 35).
- PHAs must promptly notify any applicant determined to be ineligible for admission to a development 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)).



Discretionary Policy Considerations

- PHAs may update waiting lists as they determine necessary. Determining when to update waiting lists may be based on factors such as:
 - The timeframe in which the PHA can provide assistance to applicants
 - The average number of families that need to be considered for a positive eligibility determination
 - The length of the PHA's waiting list
 - The number of staff and financial resources available to the PHA for this purpose
- PHAs have discretion to determine when an applicant may be removed from the waiting list. Prior to removing an applicant from a waiting list, PHAs are encouraged to contact an unresponsive applicant through all means available, which may include mail, phone, email, and text message. Additionally, it is advisable to give the family a reasonable period of time to respond with their interest so as to not inadvertently remove an applicant who remains interested but may have moved, changed their contact information, or otherwise may be difficult to reach.
- An informal hearing is not required if a family is removed from the waiting list in accordance with the policies for maintaining and updating the list described in the agency's ACOP.
- It is a best practice to establish deadlines for families to respond to the update request from the PHA. For example, a PHA may ask families to respond within fifteen (15) business days from the date of the PHA letter. Then, if the family fails to respond, they may be removed from the waiting list without further notice.

Sample ACOP Language

REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform **USA HOUSING AGENCY** within ten (10) business days of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing to **USA HOUSING AGENCY** in person, by mail or by electronic methods such as email or updating via the agency website portal.

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. This may occur when applicants on the waiting list, who did not qualify for any preference when they applied, experience a change in circumstances that later qualifies them for a preference. The reverse may also occur. If preference status changes, applicants retain their original date and time of application or application number. If the **USA HOUSING AGENCY** determines that the applicant does now qualify for a preference, they will be moved up the waiting list in accordance with their preference(s) and their date and time of application/application number and will be informed in writing of how the change in status has affected their position on the waiting list.

Sample ACOP Language

PURGING THE WAITING LIST

USA HOUSING AGENCY will update its waiting list as needed to ensure that all applicant information is current and timely.

To update the waiting list, **USA HOUSING AGENCY** will send an update request via first class mail, and by email if provided by the applicant, 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 **USA HOUSING AGENCY** has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. If **USA HOUSING AGENCY** has other forms of contact information, like email addresses or phone numbers, **USA HOUSING AGENCY** staff will make a good faith effort to contact the family using the available methods of communication.

The family's response must be in writing and may be delivered in person, by mail, by email, or by fax to the **USA HOUSING AGENCY**.

Responses should be postmarked or received by **USA HOUSING AGENCY** not later than fifteen (15) business days from the date of the **USA HOUSING AGENCY** letter.

If the family fails to respond within fifteen (15) 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 re-sent to the address indicated. The family will have fifteen (15) business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the 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 **USA HOUSING AGENCY** from making an eligibility determination; therefore, no informal hearing is required.

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

USA HOUSING AGENCY will reinstate an applicant to its former position on the waiting list if the family was removed from the waiting list due to the family's failure to respond to the **USA HOUSING AGENCY**'s request for information or updates and that failure was related to a family member's disability or was on the basis or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, or stalking, including an adverse factor resulting from such abuse (24 CFR part 100, 24 CFR part 8; 28 CFR part 35).

Sample ACOP Language

REMOVAL FROM THE WAITING LIST

The **USA HOUSING AGENCY** will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required.

If the **USA HOUSING AGENCY** determines that the family is not eligible for admission 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 **USA HOUSING AGENCY** 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. 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 **USA HOUSING AGENCY**'s decision (24 CFR § 960.208(a)).

2.4. OPENING AND CLOSING THE WAITING LIST



Helpful Tips

- ✓ PHAs are encouraged to make determinations about opening and closing the waiting list after careful analysis and consideration of all circumstances, including whether the length of the waiting list makes the wait for housing unreasonably long or whether there is a sufficient number of eligible applicants to ensure that new and turnover units are occupied as quickly as possible.
- ✓ PHAs are encouraged to consider closing the waiting list when they do not have sufficient available units to assist all applicants on the waiting list over a reasonable period of time. As a best practice, “a reasonable period of time” is generally within twelve (12) to twenty-four (24) months.



Mandatory Policies

- When a PHA opens its waiting list, the notification process must comply with HUD’s fair housing requirements which includes adopting suitable means to ensure that the notice reaches eligible individuals with disabilities (24 CFR § 8.6). PHAs must ensure effective communication with persons with disabilities in all notifications and communications.
- Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) regulations require the PHA to ensure effective communication with applicants, participants, and members of the public and to furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in the program.
- PHAs must also take reasonable steps to ensure meaningful access to their programs and activities to individuals with limited English proficiency, in accordance with the four factors described in [HUD’s Limited English Proficiency Guidance](#) (72 Fed. Reg. 2732 (January 22, 2007)). When closing or opening its waiting list, PHAs must comply with all fair housing and civil rights requirements (24 CFR § 960.206(b)(1)(i)).
- PHAs cannot open the waiting list only to those who qualify for a residency preference. Doing so has the effect of turning the residency preference into a requirement.



Discretionary Policy Considerations

- PHAs have flexibility to determine whether to keep the waiting list open indefinitely or whether to open the waiting list periodically for defined application periods to refresh the applicant pool; serve outreach and diversity objectives; market particular bedroom size units, developments, or neighborhoods; or meet other admissions objectives.
- Any public notice announcing a waiting list opening and application procedure should be simple, direct, and clear but with sufficient detail to inform applicants of the date, time, method, and place applications can be obtained and submitted; how blank applications may be obtained (e.g., from what addresses, community sites, and websites); all methods by which applications will be accepted (e.g., in person, by phone, by fax, by email); a point of contact who can answer questions; any limitations on who may apply; and any other information the applicant may need to successfully submit the application.
- It is a best practice to announce the opening of the waiting list at least ten (10) business days before applications are first accepted. This allows for some lead time to share the information broadly and allows people to prepare their applications.

Sample ACOP Language

CLOSING THE WAITING LIST

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

E-OPENING THE WAITING LIST

The **USA HOUSING AGENCY** will announce the reopening of the waiting list at least ten (10) 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. The notice will specify where, when, and how applications are to be received.

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

- Local city newspapers
- Neighborhood newspapers
- **USA HOUSING AGENCY** website

The notice will contain:

- The dates, times, and the locations where families may apply.
- The system of waiting list (single) offered by **USA HOUSING AGENCY**.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that Section 8 participants must submit a separate application if they want to apply for Public Housing.
- Limitations, if any, on who may apply.
- The date application intake will be suspended.

The notices will be made in an accessible format and provided as requested in accordance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) regulations. **USA HOUSING AGENCY** will furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access the notices. Notices will be made available in accessible formats for individuals with limited English proficiency, in accordance with HUD's Limited English Proficiency Guidance and 72 Fed. Reg. 2732. Notices will provide potential applicants with information that includes **USA HOUSING AGENCY**'s address and telephone number, how to submit an application, information on eligibility requirements, a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application.

2.5. SELECTING APPLICANTS FROM THE WAITING LIST



Helpful Tips

- ✓ In general, there are two main approaches to reviewing applications:
 1. This method allows PHAs to select applicants with the same priority from the waiting list in a random order. In many circumstances, this approach can help a PHA ensure that its selection practices comply with all applicable fair housing and civil rights requirements by ensuring an equal opportunity for similarly eligible applicants to be selected.
 2. This method is based on the receipt of an application and will prioritize submissions based on a first-come, first-served basis. If the PHA has a preference system, generally applicants that qualify for a preference will be offered a unit before applicants that may have applied earlier but have no preference.
- ✓ Regardless of the selection method a PHA uses, keep in mind that internal systems need to be in place that leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method and preferences specified in the PHA Plan (24 CFR § 960.206(e)(2)).



Mandatory Policies

- PHAs must describe its prioritization system or whether it uses a lottery in its PHA Plan, and any public notice of a waiting list opening must clearly state that this system will be used to place applicants on the waiting list (Notice PIH 2012-34).
 - Any system of local preferences must be consistent with the PHA's Annual Plan and the Consolidated Plan under which the local PHA jurisdiction is covered (24 CFR § 960.206(a)(1)). Preferences must be consistent with fair housing and civil rights laws and requirements. Prior to adopting any preferences, the PHA must include such preferences in an approved PHA Plan. The PHA also must inform all applicants about available preferences and give applicants an opportunity to show that they qualify for available preferences (24 CFR § 920.206(a)(1) and (4)).
 - Any changes to the preference structure require updating the ACOP and publicizing and posting copies of any newly adopted and implemented tenant selection policies (24 CFR § 960.202(c)(2)).
- The changes to the preference system must also conform to the Consolidated Plan for the PHA's jurisdiction (24 CFR § 960.206(a)(1)).
- PHAs cannot create a local preference for families who agree to participate in the family self-sufficiency program or adopt a preference for selection of higher income families over low-income families (24 CFR § 903.2(a)(2)).
 - Creating a preference that sets a residency requirement in a certain jurisdiction is prohibited (24 CFR § 960.206(b)(1)(i)), but there are options for PHAs to develop residency preferences (see below for more information). In most cases, PHAs may open the waiting list only to applicants who qualify for a preference. However, PHAs may not open the waiting list in this way if doing so would cause a residency preference to operate as a requirement—in other words, making it so housing cannot be obtained without residency.



Discretionary Policy Considerations

- PHAs have flexibility to choose which kind of system it will use to select applicants from the waiting list. Whatever approach the PHA uses needs to be documented in the ACOP and PHA Plan when applicable.
- PHAs may consider the use of a lottery or other random choice technique to select which applicants will be placed on the waiting list.
- The PHA may establish a system of local preferences to select families. These preferences need to be described in the ACOP and comply with all fair housing regulations. Below are examples of various types of local preferences:
 - Residency Preference (subject to civil rights and fair housing compliance)
 - Working Family Preference
 - Veterans Preference
 - Homeless Preference
 - Preference for single persons who are elderly, displaced, homeless, or a person with disabilities over other single persons (24 CFR § 960.206(b)(5))
 - Preference for families that include a person with disabilities (24 CFR § 960.206(b)(3))
 - Preference for families that include victims of domestic violence, dating violence, sexual assault or stalking (24 CFR § 960.206(b)(4))
 - Preference for families that are involuntarily displaced due to either government action or natural disaster
 - Preference for families residing in substandard housing (24 CFR § 5.703)
 - Preference for families that pay more than 50 percent of gross income towards rent and utilities
 - Preference for families that were terminated from the PHA's HCV program due to insufficient funding
- In crafting a residency preference regardless of size, PHAs must ensure that the preference does not violate fair housing and civil rights requirements. PHAs may not impose a residency requirement for program eligibility. If, in practice, it is nearly impossible to gain admission without the points from a residency preference, then the preference is operating as a requirement and may be impermissible under HUD regulations.

Sample ACOP Language

SELECTION METHOD

The **USA HOUSING AGENCY** will use the methods described herein to select applicants for unit placement in its public housing developments. The **USA HOUSING AGENCY** has adopted the following waitlist preferences, all of which must be verified from the date on which such preference was claimed and again on the date of the family's selection from the list to the satisfaction of the **USA HOUSING AGENCY**. Each preference gets the designated number of points associated with it. The more preference points an applicant has, the higher the applicant's place on the waiting list. When applicant families have the same preference score, the date and time of application shall control.

Local Preferences

The **USA HOUSING AGENCY** will use the following local preference structure:

Local Preferences	Points
Involuntarily displaced or about to be involuntarily displaced by government action, fire, natural disaster, domestic violence, to avoid reprisals, hate crimes	10
Residency (living or working)	10
Working Families (If head of spouse, or sole member is 62 or older or receiving Social Security, disability or SSI or any payments based on an individual's inability to work they are considered a working family)	10
Graduates of educational and/or training programs that are designed to prepare individuals for the local job market	8
Active participants in educational and/or training programs that are designed to prepare individuals for local job market	5
Veterans	5
To avoid foster care placement or to reunite families	4
Homeless	3

For purposes of the "Homeless" preference, "homeless" is defined as an applicant household that:

- Is living on the street, in an emergency shelter, or in a transitional housing facility; or
- Is an active client of a case-management program serving the homeless; or
- Is exiting an institution where the applicant 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;
- Has met one of these four conditions within the 12-month period prior to their eligibility determination.

Applicants living temporarily with family and/or friends are not considered homeless for the purpose of claiming priority under this policy.

Sample ACOP Language

Non-Preference

A family is considered non-preference if they claim no preference as outlined above.

Residency Preference

It is the **USA HOUSING AGENCY**'s policy to give priority for occupancy of low-income public housing to those families residing in the **USA HOUSING AGENCY** jurisdiction at the time of application. Applicants who are working or who have been notified that they are hired to work in the **USA HOUSING AGENCY** jurisdiction will be able to receive this preference.

Preference will not be based on the length of time the applicant has lived or worked in the **USA HOUSING AGENCY**'s jurisdiction and will be consistent with the objectives of Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 and will not impede the **USA HOUSING AGENCY**'s attainment of its goals related to housing families with a broad range of lower and very low incomes.

SELECTING APPLICANTS FROM THE WAITING LIST

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

When selecting applicants from the waiting list, the **USA HOUSING AGENCY** will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists.

USA HOUSING AGENCY 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 **USA HOUSING AGENCY** policy.

NOTIFICATION OF SELECTION

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

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

2.6. VERIFYING ELIGIBILITY



Helpful Tips

- ✓ HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview. PHAs are advised to make clear to applicants that being invited to attend an interview does not constitute admission to the program.
- ✓ When prohibited from conducting in-person interviews due to natural disaster or public/personal health reasons, PHAs could consider implementing a video or telephonic system option for interviews. As always, reasonable accommodations must be provided for person with disabilities upon request. For example, for some people, a video interview may be a good way to provide a reasonable accommodation for someone with a mobility-related disability who cannot attend an in-person interview in an office.
- ✓ Applicants may be verified for eligibility without a unit offer. Verifying applicants for eligibility within 90 days of reaching the top of the waiting list assists in ensuring that applicant can be housed swiftly when housing units become available.



Mandatory Policies

- 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 2018-24).
- 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)].
- Families who wish to participate in the Public Housing program will complete an application according to the method required by the PHA. The application may include the following requests:
 - Information necessary to compute the family's annual income. This includes identification of all sources of income and how amounts are paid (annually, biannually, quarterly, monthly, bimonthly, biweekly, weekly, etc.) and all assets and anticipated income from assets;
 - Information necessary to determine allowances and adjusted income. This includes information related to the number of dependents, type of family (elderly or disabled), and any childcare expenses, medical expenses (elderly and disabled families only), or disability assistance expenses;
 - Information to determine family composition and family unit size requirements;
 - Information related to qualification and verification of preferences;
 - Name and address of current and previous landlord;



Discretionary Policy Considerations

- HUD generally does not mandate the format or content for a public housing application or the method for processing applications, except that public housing applications must be provided in accessible formats to individuals with disabilities, and must be translated into other languages in accordance with the four factors described in [HUD's LEP Guidance](#).



Discretionary Policy Considerations

(Continued)

- Identification of persons with disabilities and special housing needs, including whether the family requires a designated accessible mobility or vision/hearing unit, or unit with other accessibility features;
- Information on previous evictions from federally assisted housing;
- Information on convictions that would render the applicant ineligible for the housing and any relevant mitigating information (Notice PIH 2015-19);
- Information on sex offender registration requirements for any household member;
- Information on any other screening required by PHA policy;
- Statistical information for reporting/tracking purposes, such as race, ethnicity, household size, housing status (data on race, ethnicity, religion, sex, national origin, age, disability, and family characteristics is required by regulation to be collected); and
- A certification that the information provided is accurate and complete.

Sample ACOP Language

ELIGIBILITY INTERVIEW

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

The head of household and the spouse will be strongly encouraged to attend the interview together. However, either the head of household or the spouse may attend the interview on behalf of the family.

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

Pending disclosure and documentation of Social Security numbers, the **USA HOUSING AGENCY** will allow the family to retain its place on the waiting list. If not all household members have disclosed their SSNs at the next time a unit becomes available, the **USA HOUSING AGENCY** will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference. If the family is verified as eligible for the preference, the **USA HOUSING AGENCY** will proceed with the interview. If the **USA HOUSING AGENCY** 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 **USA HOUSING AGENCY** will provide the family with a written list of items that must be submitted.

Sample ACOP Language

Any required documents or information that the family is unable to provide at the interview must be provided within ten (10) business days of the interview. 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.

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 **USA HOUSING AGENCY** will provide interpretation services in accordance with the **USA HOUSING AGENCY**'s LEP plan. To ensure effective communication with persons with disabilities in the interview process, **USA HOUSING AGENCY** will furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in the program. **USA HOUSING AGENCY** will provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, accessible online formats, assistive listening devices, and sign language interpreters.

If the family is unable to attend a scheduled interview, the family should contact the **USA HOUSING AGENCY** in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the **USA HOUSING AGENCY** will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without **USA HOUSING AGENCY** 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 made inactive. Such failure to act on the part of the applicant prevents the **USA HOUSING AGENCY** from making an eligibility determination; therefore, the **USA HOUSING AGENCY** will not offer an informal hearing.

2.7 FINAL ELIGIBILITY DETERMINATION



Helpful Tips

- ✓ It is a best practice to notify families of their eligibility determination within ten (10) business days of making the decision.



Mandatory Policies

- PHAs 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)).
- 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)).



Discretionary Policy Considerations

- PHAs have discretion to set reasonable timelines to notify applicants of eligibility or denial of housing assistance.

Sample ACOP Language

FINAL ELIGIBILITY DETERMINATION

The **USA HOUSING AGENCY** will notify a family in writing of their eligibility within ten (10) business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The **USA HOUSING AGENCY** 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 **USA HOUSING AGENCY** program.

If the **USA HOUSING AGENCY** determines that the family is ineligible, the **USA HOUSING AGENCY** will send written notification of the ineligibility determination within ten (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 hearing.

If **USA HOUSING AGENCY** intends to use 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.

The **USA HOUSING AGENCY** 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, at the time the applicant is provided assistance or at the time the applicant is denied assistance. The notice and self-certification form must accompany the written notification of eligibility determination. This notice must be provided in both of the following instances: (1) when a family actually begins receiving assistance (lease execution) and is notified of its eligibility; or (2) when a family is notified of its ineligibility.