

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST [24 CFR §982.54(d)(1)]

INTRODUCTION

MHA may choose to maintain two separate and distinct types of waiting lists:

- A single Waiting List for all Tenant-Based Section 8 Housing Choice Vouchers
- A Project-Based Program waiting list.

It is MHA's objective to ensure that applicants are placed on the waiting lists in a manner that will ensure that an offer of assistance is not delayed to any applicant, or made to any applicant prematurely.

This chapter explains the local preferences that MHA has adopted to meet local housing needs and explains MHA's system for applying such preferences.

By maintaining the waiting lists described above, in accordance with the following procedures, MHA will ensure that an adequate pool of qualified applicants will be available, and that MHA's Section 8 Voucher allocations are utilized in a timely manner.

A. PRE-APPLICATION POOL

The waiting lists will be established and maintained in accordance with the following guidelines:

1. The pre-application will be maintained in a permanent computer file.
2. Pre-applications equal in preference will be maintained on the list by random number assigned by lottery at the time the application is added to the waiting list.
3. All applicants must meet all eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 3, "Eligibility for Admission", must have been approved previously by the HUD Field Office.

Cross-Listing of Public Housing and Section 8

MHA will not merge the waiting lists for public housing, Tenant-Based Section 8 Housing Choice Voucher and Project-Based Program. The Tenant-Based Section 8 Housing Choice Voucher waiting list will be evaluated each year to determine if it is feasible to open the list. Every applicant will be given the opportunity to apply for each waiting list for which said applicant qualifies.

B. MANAGEMENT OF THE WAITING LISTS

MHA will administer its Tenant- Based Section 8 Housing Choice Voucher waiting list and its Project-Based Program as required by 24 CFR 982.54(d)(1) It is MHA's policy that each applicant shall be assigned an appropriate place on the Section 8 Housing Choice Voucher Program's waiting list.

Applicants will be listed in sequence assigned through the local preference point system (see *Attachment F*), and where the points are equal, a random lottery system, will assign a ranking number. (See *Chapter 4 Section G* for more information on managing the waiting list regarding the order of selection.)

In pulling pre-applications for processing, when MHA has available Housing Choice Voucher, the pre-applicants will be pulled for processing in sequence as determined by their preference points. Where the preference points are equal, a lottery determined ranking number will be assigned.

C. WAITING LIST PREFERENCES

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting lists. Every applicant must still meet MHA's Selection Criteria as defined in this policy.

a. MHA may limit the number of applicants that may qualify for any local preference in accordance with 24 CFR 982. 207(a) (3).

When MHA determines that it will limit the number of applicants that may qualify for any local preference MHA must:

- Provide notice of which local preference is going to be limited in accordance with the established notice procedure (see Chapter 2 Section B), and
- Provide notice of how many applications will be accepted onto the waiting list.

When MHA has limited the number of applicants that will be accepted onto the waiting list in a local preference the following procedure will be used to determine which applications will be added to the waiting list:

- All pre-applications that qualify for the limited local preference will be entered into the computer system, and
- A lottery of all the qualifying pre-applications will be held, and
- Those pre-applications that hold the top numbers after the lottery will be moved to the waiting list and prioritized in accordance with the waiting list preferences listed below, and
- Those pre-applications that have not been placed on the waiting list will be withdrawn. The applicants that are withdrawn will be notified that they were not

chosen in the lottery. Their names will be maintained on a list and they will be notified when the waitlist is going to be re-opened.

a. Applicant with Criminal History

An applicant will not be granted any preference if any member of the family has been evicted from any federally-assisted housing during the past three years because of drug-related criminal activity. MHA may, at its discretion, grant an exception to such a family if:

- The responsible member has successfully completed a rehabilitation program no less than two years prior to awarding the preference, or
- The evicted person was not involved in the drug-related activity that occasioned the eviction and could not have prevented the activity.

b. Misrepresentation of Applicant Status

If an applicant makes a false statement in order to qualify for a preference, MHA will deny admission to the program for the family.

c. Types of Applicants with Preference over “Other Singles”

Applicants who are elderly, disabled, or displaced households of no more than two persons will be given a selection priority over all “Other Single” applicants.

“Other Singles” denotes a one-person household in which the individual member is neither elderly, disabled, nor displaced. Such applicants will be placed on the waiting list in accordance with date and time of application, and only Marin Housing residency preference is applicable.

D. LOCAL PREFERENCES

Local preferences will be used to select among applicants on the waiting list.

Local preferences will be given to applicants who are otherwise eligible and who, at the time information is verified, meet the definitions of the preferences described below. Applicants without local preferences will be placed at the end of the waiting list, after those with preference points, according to lottery determined sequence.

MHA has adopted the following Local Preferences for families, elderly, and disabled applicants only:

1. Involuntary Displacement:

Families are considered to be involuntarily displaced if they are required to vacate their housing as a result of:

- Domestic Violence declared either by Marin Abused Woman Services (MAWS) or CalWorks. MHA has set aside a maximum of 15 vouchers per year for this preference for applicants who are in immediate need of vacating their housing due to imminent health and safety dangers from domestic violence. In order to receive this preference applicants must be referred either by Marin Abused Woman Services (MAWS) or CalWorks. According to the MOU between MHA MAWS or CalWorks, proof of client participation in the programs, proof of involuntarily displacement, proof of documentation that the clients were survivors of domestic violence upon entry, as well as other eligibility criteria at the time of application for client consideration for these preference points. MAWS or CalWorks will provide a minimum of three (3) months of supportive services.(See attachment F-1 for complete MOU). This preference is available even when the waiting list is closed to other applicants.
 - Natural Disaster declared by a local, state, or federal government entity (fire, flood, earthquake, etc.) documented from the American Red Cross. MHA has set aside a maximum of 15 vouchers per year for this preference for applicants who are in immediate need of vacating their housing due to imminent health and safety dangers from a natural declared disaster. This preference is available even when the waiting list is closed to other applicants
 - Immanent Domain an Any documented action by a local, state, or federal government entity related to code enforcement, public improvement or development. MHA has set aside a maximum of 5 vouchers per year for this preference for applicants who are in immediate need of vacating their housing due to imminent health and safety dangers from a government action. This preference is available even when the waiting list is closed to other applicants
 - State or Federal Witness Protection to avoid reprisals because the family provided information on criminal activities to a law enforcement agency, and after a threat assessment the law enforcement agency recommends re-housing the family to avoid or reduce risk of violence against the family. The family must be a part of a State or Federal Witness Protection Program. Participation in a victim witness assistance program that offers only money to obtain services is not eligible for this preference. MHA has set aside a maximum of 5 vouchers per year for this preference for applicants who are in immediate need of vacating their housing due to imminent health and safety dangers to avoid reprisals because of information provided to a law enforcement agency. This preference is available even when the waiting list is closed to other applicants
2. Family, Elderly or Disabled Preference
- a) Family Preference is available to two or more persons related by blood, marriage, adoption, or laws who will live together in the same dwelling, or two or

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more persons who live together and whose income and resources are available for use in meeting regular living expenses for the family.

b) Elderly Preference is available when the head of household or spouse/significant other is aged 62 or older.

c) Disabled Preference is available when the applicant's household will contain one or more members who are considered disabled as defined in Marin Housing's policy.

34. Individuals or Families with Disabilities Who Have Successfully Participated in or Are A Current Participant in a Supportive Housing Program for Disabled Homeless Person(s).

This preference is only available to individuals or families with disabilities who have successfully participated in or are a current participant in good standing in a supportive housing program for disabled homeless person(s). Persons receiving this preference who upon verification are found not to qualify for the preference as set forth below will lose the preference points and if they were admitted to the waiting list when only applications for this preference were being taken they will be removed from the waiting list. If the applicant was placed on the waiting list while applications for all preference were being accepted the applicant's points will be adjusted and s/he will be placed back on the waiting list.

In order to qualify for this preference the applicant must be able to supply the name and address of the supportive housing program. The applicant must attach the following documents to the application in order to qualify for this preference:

- A verification of homeless status and supportive housing participation.

Once the applicant is pulled from the waiting list and MHA begins processing the application MHA will contact the supportive housing provider to verify that the program provides the following type of housing services. If the supportive housing program does not meet the criteria listed below the applicant is not eligible for the preference and his/her name will be withdrawn from the waiting list.

The supportive housing program must be one that is safe and provide well-designed housing that is:

- Affordable to people coming out of homelessness, and
- Independent, with each tenant in his/her own apartment, holding his/her own lease, and responsible for paying his/her own rent, and
- Permanent, a tenant can stay as long as he/she pays his/her rent and complies with the terms of his/her lease.

MHA will contact the supportive housing provider to verify that the program provides the following supportive services. If the program does not meet the criteria listed below the applicant is not eligible for the preference.

Supportive services are provided by staff trained in working with people who are homeless and people with disabilities. The supportive services must be:

- Designed to maximize independence, and
- Flexible and responsive to tenant needs, and
- Available as and when needed, and
- Accessible where the tenant lives.

MHA will contact the supportive housing provider to verify that the applicant was homeless prior to entering the supportive housing program and that the person has a disability, as defined by HUD. If the program does not provide verification of homeless status and disability prior to entering the supportive housing program the applicant is not eligible for the preference and his/her name will be withdrawn from the waiting list.

To be classified as homeless, the applicant must have been a homeless person living in an emergency shelter, supportive housing for homeless persons, or in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings and/or;

- Lack a fixed, regular and adequate nighttime residence,
- Have a primary night time residence that is a supervised public or private shelter providing temporary accommodations,
- A public or private place not ordinarily used as an accommodation for human beings (lacks indoor plumbing, toilet facilities, bathing facilities, adequate or safe electrical service, heat, or kitchen).

MHA will contact the supportive housing provider to verify that the applicant is no longer in need of case management services in order to maintain an independent housing situation. If the program does not provide this verification the applicant is not eligible for the preference and his/her name will be withdrawn from the waiting list.

As set forth in Section C a above, no more than 25 pre-applications will be placed on the waiting list. Those 25 pre-applications will be determined using the lottery system described in Section C a.

No more than 25% of applicants pulled from the waiting list each year may be applicants from this preference group.

4. Homeless Preference

Applies to applicants who:

- Lack a fixed, regular and adequate nighttime residence,
- Have a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations,
- A public or private place not ordinarily used as an accommodation for human beings (lacks indoor plumbing, toilet facilities, bathing facilities, adequate or safe electrical service, heat, or kitchen).

5 Working or Educational Preference

Applies to applicants who meet any of the following requirements:

- The head of household, spouse/significant other or sole member is employed,
- The head of household, spouse/significant other or sole member is age 62 or older,
- The head of household, spouse/significant other or sole member is disabled,
- The head of household, spouse/significant other or sole member is currently a student enrolled in, or a graduate in the last six months of, a school training program designed to prepare enrollees for the job market.
(A student is an individual who is attending a school or training program full-time. A full-time student is a student who is enrolled for the number of hours or courses the school considers full-time attendance.)

6. Residency Preference

Applies to applicants who meet any of the following requirements:

- **The head of household, spouse/significant other or sole member is a current resident of Marin County.**
- **The head of household, spouse/significant other or sole member is employed in Marin County at least 32 hours a week.**

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7. Veteran Preference - Current members of the military, veterans, or surviving spouses of veterans. Dishonorably discharged veterans are not entitled to this preference.

- Applies to applicant whose head of household or spouse/significant other is a current member of the military, a veteran, or the surviving spouse of a veteran.

~~MHA also has the following programs that receive targeted funding from HUD and for which admissions are handled separately from the Section 8 waiting list:~~

- ~~• Veterans Affairs Supportive Housing Shelter Plus Care~~
- ~~• HOPWA~~
- ~~• Project Based Vouchers~~

~~See each program's procedures for admission criteria.~~

8. Based on the availability of targeted voucher funding, MHA recognizes the following separate local preference to its Section 8 Housing Choice Voucher Waiting List:

- Families certified by Marin County Department of Health and Human Services, Division of Social Services, Children & Family Services (CFS) as a family for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care and that MHA has determined to be eligible for a Family Unification Program (FUP) Housing Choice Voucher. These families may be:
 1. *A current MHA waiting list applicant identified to and certified by the CFS as a FUP-eligible family and assisted in position number order after certification; or*
 2. *A FUP-eligible family referred from the CFS and placed on the MHA Section 8 waiting list in order of first come, first served.*

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E. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

An applicant's certification that they qualify for a preference or priority will be accepted without verification at the time of pre-application. When the family is selected from the waiting list for the final determination of eligibility, the preference or priority will be verified.

If the preference verification indicates that an applicant does not qualify for the preference or priority, the applicant will be returned to the waiting list with the correct preference or priority, and if the family contests the change they will be given an opportunity for a hearing.

If at the time the family applied, the preference claimed was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be placed back on the waiting list with any other appropriate preference.

Applicants who claim veteran status must furnish verification at the time of application in the form of a copy of their DD214.

Applicants who claim involuntary displaced status must furnish verification at the time of application in the form of third party documentation from the organizations listed in Attachment F.

F. PREFERENCE ELIGIBILITY

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify MHA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly claimed preference.

G. ORDER OF SELECTION

The order of selection is based on MHA's system for weighing preferences and the HUD requirement that one or two person elderly, disabled, or displaced families will always be selected before other singles. Families will be selected from the waiting list based on a random selection process and selection preference(s) for which they qualify [24 CFR 982.207 (c)]. When selecting families from the waiting list MHA is required to use targeted funding to assist only those families who meet the specified criteria, and MHA 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)].

a. Local Preferences

A local preference point system will be used to select among families.
(See Attachment F)

b. Among Applicants with Equal Preference Status

Among applicants with equal preference status, the waiting list will be organized by lottery determined random order.

c. Other considerations in selection from the waiting list:

Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System.

H. DECONCENTRATION OF POVERTY

MHA will gather data and analyze, at least annually, the tenant characteristics of its Section 8 Housing Choice Voucher participants, including information regarding participant incomes, to assist in MHA's deconcentration efforts.

In order to achieve deconcentration, it is possible that families who are lower on the waiting list may receive an offer of assistance ahead of families with an earlier *ranking on the waiting list*.

Income Targeting

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year MHA will reserve a minimum of 75% of its Section 8 new admissions for families whose incomes do not exceed 30% of the area median income. (See Attachment D Income Limits).

Families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families".

I. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR §982.203, §982.54(d)(3)]

If HUD awards MHA program funding that is targeted for specifically named families, MHA will admit these families under a Special Admissions procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. MHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

- 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 Section 8 HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

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J. TARGETED FUNDING [24. CFR 982.204 (E)]

HUD may award MHA funding for a specific category of families on the waiting list. MHA must use this funding only to assist the families within the specified category.

MHA Policy

For any specified category of families for which HUD may award funding to MHA, MHA will select the applicant for assistance in the following order:

- If set forth by the HUD funding award, in that order
- If not set forth in the HUD funding award, in the order of first come, first served.

MHA also has the following programs which receive targeted funding from HUD and for which admissions are handled separately from the Section 8 waiting list:

- -Veterans Administration Supportive Housing

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- Shelter Plus Care
- HOPWA
- Project Based

See each program's procedures for admission criteria.

KJ. FINAL VERIFICATION OF PREFERENCES [24 CFR 982.210(c)(3),(4)]

Preference information on pre-applications will be updated as applicants are selected from the waiting list. At that time, MHA will conduct an interview with the applicant and will obtain third party verifications of preferences and priorities.

LK. PREFERENCE DENIAL [24 CFR 982.201(d)]

If MHA denies a preference, MHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal hearing. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, 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 or priority, they will be removed from the Waiting List.

ML. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

If an applicant fails to respond to a mailing from MHA, the applicant will be sent written notification and given **thirty** (30) days to contact MHA. If they fail to respond within **thirty** (30) days, they will be removed from the waiting list. An extension of no more than 60 days will be considered an accommodation if requested by a person with a disability. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement. However, MHA allows a grace period of 30 days after completion of the purge. Applicants who respond during this grace period will be reinstated.

~~The waiting list will be purged not less than once every 12 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.~~

Notices will be made available in an accessible format upon the request of a person with a disability.

~~M. — Special Programs:~~

~~MHA also has the following programs that receive targeted funding from HUD and for which admissions are handled separately from the Section 8 waiting list:~~

- ~~• Veterans Affairs Supportive Housing Shelter Plus Care~~
- ~~• HOPWA~~
- ~~• Project-Based Vouchers~~

~~See each program's procedures for admission criteria.~~