

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

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

MHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, selecting families from the waiting list and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or MHA to receive preferential treatment. Funding earmarked exclusively for families with particular characteristics may also alter the order in which families are served.

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

This chapter describes HUD and MHA policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how MHA will handle the applications it receives.

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

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

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide MHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes MHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

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

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits MHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by MHA. However, MHA must include Form HUD-90026, Supplement to Application for Federally Assisted Housing, as part of MHA's application.

MHA Policy

Depending upon the length of time that applicants may need to wait to receive assistance, MHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, MHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may obtain application forms from MHA's office during normal business hours. Families may also request – by telephone or by mail – that a form be sent to the family via first class mail.

Completed applications must be returned to MHA by mail, by fax, or submitted in person during normal business hours or otherwise instructed on the application. Applications must be complete in order to be accepted by MHA for processing. If an application is incomplete, MHA will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

MHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard MHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). MHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or MHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of MHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

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

4-I.D. PLACEMENT ON THE WAITING LIST

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

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

Ineligible for Placement on the Waiting List

MHA Policy

If MHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, MHA will send written notification of the ineligibility determination within 30 business days of receiving a complete application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

MHA Policy

MHA will send written notification of the preliminary eligibility determination within 30 business days of receiving a complete application.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and will be pulled from the waiting list by lottery within those preference points.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

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

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

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

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

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

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

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

MHA Policy

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

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

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

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

MHA Policy

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

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

Closing the Waiting List

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

MHA Policy

MHA will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 24 months for the most current applicants. Where MHA has particular preferences or funding criteria that require a specific category of family, MHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

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

MHA Policy

MHA will announce the reopening of the waiting list at least 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.

MHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to: *See Attachment A*

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

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

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

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

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

MHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

MHA Policy

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

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

MHA Policy

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

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

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

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a MHA request for information or updates because of the family member's disability, MHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

MHA Policy

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

To update the waiting list, MHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that MHA 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.

The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by MHA not later than 30 days from the date of MHA letter.

If the family fails to respond within 30 days, the family will be removed from the waiting list and a formal letter of withdrawal will be sent. The family will be given 10 business days from the date of the letter to request an informal review regarding MHA's decision.

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 30 days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the Executive Director may reinstate the family if s/he determines the lack of response was due to MHA error, or to circumstances beyond the family's control.

Removal from the Waiting List

MHA Policy

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

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

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

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

The order in which families receive assistance from the waiting list depends on the selection method chosen by MHA and is impacted in part by any selection preferences that the family qualifies for. The source of HCV funding also may affect the order in which families are selected from the waiting list.

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

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

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

Targeted Funding [24 CFR 982.204(e)]

HUD may award a MHA funding for a specified category of families on the waiting list. MHA must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

MHA Policy

MHA administers the following types of targeted funding:

VASH

Shelter Plus Care

Family Unification Program

Non-Elderly Disabled Vouchers

Regular HCV Funding

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

4-III.C. SELECTION METHOD

MHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that MHA will use [24 CFR 982.202(d)].

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

MHA is permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits MHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with MHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

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 applicants are given this preference one of two ways:
 - For those currently on the waitlist: To qualify for this preference a victim must prove that he/she was displaced at the time of the domestic violence and that the involuntary displacement was the result of the domestic violence. Proof can be a police report or other legal document. If the family did not report to the police, but has seen or was assisted by an expert or medical professional such as a physician or physical/psychotherapist or a public or private facility giving shelter and/or counseling to such victims or a social service agency or a church, a written verification from that entity would be required. The involuntary displacement must have occurred within a year of the date of the wait list application.
 - If they are declared either by The Center for Domestic Peace (formerly 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 the Center for Domestic Peace or CalWorks. According to the MOU between MHA the Center for Domestic Peace 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. The Center for Domestic Peace or CalWorks will provide a minimum of three (3) months of supportive services.(See attachment D 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. Written verification from the American Red Cross must be provided. 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
- Eminent Domain through 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. Written verification from a code enforcement or public improvement agency must be provided.
- Avoidance of reprisal/witness protection: Relocation is required because the applicant provided information regarding criminal activities to a law enforcement agency or testimony in a criminal proceeding, and based upon a threat assessment, a law enforcement agency or HUD recommends the relocation of the applicant to avoid or minimize risk of violence against the applicant as reprisal for providing such information. This preference may be invoked by MHA if the following documentation is provided on a law enforcement agency's or HUD's letterhead: documentation that, following a threat assessment conducted by the law enforcement agency or HUD, such organization recommends the relocation / re-housing of the household to avoid or minimize the threat of violence or reprisal to or against the household member(s) for providing such information. This includes situations in which the applicant and / or family member(s) are themselves the victims of such crimes and have provided information or testimony to a law enforcement agency. This preference available even when the waiting list is closed to other applicants and to residents of MHA's public housing. MHA has set aside a maximum of 5 vouchers per year for this preference for applicants who are in need of witness protection / avoiding reprisal, unless otherwise authorized by the Executive Director. Eligibility, including background checks, will be confirmed for all members of the household pursuant to this Administrative Plan.
- Government Action

Imminent loss or substantial change to the nature of government subsidized housing due to documented action by a public agency that significantly impairs the affected individual(s) from continuing to utilize this subsidized housing. MHA has set aside a maximum of 20 vouchers per year for this preference. This preference is available even when the waiting list is closed to other applicants. Families and individuals are eligible for this preference if the government action was

not caused by applicant's conduct and the applicant can verify that they meet the following criteria:

- The affected subsidized housing is located in Marin County;
- The affected subsidized housing has been subsidized by a public agency for a period not less than 12 consecutive months; and
- The affected subsidized housing is intended to be permanent housing (i.e., it is not transitional, emergency, or short-term housing).

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 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 either the head of household or spouse/significant other in the applicant's household are considered disabled as defined in Marin Housing's policy.

3. **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 preferences 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, by the submission of a completed MHA verification form for this preference and/or a letter with the equivalent information, 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.

Additionally MHA will require the submission of a completed MHA verification form for this preference by the supportive housing program.

It should be noted, for the purposes of this preference, that supportive housing is different from transitional housing or homeless shelter programs. Transitional housing and homeless shelter programs by definition have a time limit on the stay of the residents or tenants. While both transitional housing and homeless shelter programs may provide case management and other supportive services, they are not permanent housing. Supportive housing is permanent housing, i.e. no time limit on the tenancy of the resident.

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).

Written certification, through the submission of a completed MHA verification form for this preference and/or a letter with the equivalent information, by a public or private facility providing shelter, the police, a social services agency or other knowledgeable professionals that serve homeless persons is required to verify this preference. A MHA inspector may verify that the applicant is living in a place not normally used for human habitation. If a family is in transitional housing, they are considered homeless. However, a written statement is required from the agency providing the transitional housing.

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 at least 20 hours per week,
- 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.

7. Veteran Preference

Applies to applicant households whose head of household or spouse/significant other is a current member of the military, a veteran, or a surviving spouse of a veteran. Dishonorably discharged veterans are not entitled to this preference.

MHA will require U.S. government documents which indicate that the applicant qualifies under the above definition.

8. Limited Preference for Individuals and/or Families Experiencing Chronic Homelessness

- ***MHA has set aside vouchers targeted for individuals and/or families experiencing homelessness. In order to receive this preference applicants must be referred by the County of Marin Health and Human Services, hereinafter referred to as “HHS” designated Coordinated Entry (CE) Provider who has adopted a Housing First model of homeless services. A MOU between MHA and the HHS requires applicants will be provided housing search assistance and on-going case management will be offered. HHS, through the CE Provider, will be required to provide documentation of applicant chronic homeless status for consideration for these preference points. (See attachment G for complete MOU). This preference is available even when the waiting list is closed to other applicants. MHA has set aside a maximum of 50 vouchers per year for this preference for applicants who are experiencing chronic homelessness. Eligibility, including background checks, will be confirmed for all members of the household pursuant to this Administrative Plan.***

9. Family Unification Program Mainstream Vouchers

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

Family Unification Program:

- 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.*

Limited Preference for Mainstream Vouchers:

- **For non-elderly persons or families members with disabilities who are either homeless or transitioning from an institution or other segregated setting. MHA has been awarded 28 vouchers for this preference. Documentation of homelessness will be provided by the Coordinated Entry provider for this preference.**

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:

11. Veterans Affairs Supportive Housing (VASH)

- If a family no longer needs case management as determined by the Veterans Affairs Medical Center, the family is still eligible for rental assistance under the Section 8 HCV program. In cases where case management is no longer needed, MHA will use one of its own vouchers, if available, to continue assisting this family and free up a voucher for another HUD-VASH eligible family. If a regular voucher is not available, the family will continue utilizing the HUD-VASH voucher. Please note that if a HUD-VASH voucher is switched from a HUD-VASH voucher to a regular voucher, the family is not subject to MHA’s waiting list because the family is already a participant in the MHA’s Section 8 HCV program.

- **Shelter Plus Care**
- **HOPWA**
- **Project Based Vouchers**
- **Non-Elderly Disabled Vouchers**

See each program’s procedures for admission criteria.

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

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

Low income families admitted to the program that are “continuously assisted” under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced

as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

MHA Policy

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

Order of Selection

MHA's system of preferences may select families either according to the date and time of application, or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list PHAs are required to use targeted funding to assist only those families who meet the specified criteria, and PHAs are 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)].

MHA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with MHA's hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected by lottery. Documentation will be maintained by MHA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that MHA does not have to ask higher placed families each time targeted selections are made. Attachment B Local Preferences defines MHA's local preferences.

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

Other considerations in selection from the waiting list: Any admission mandated by court order related to desegregation of 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.

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.

REMOVAL FROM WAITING LIST [24 CFR 982.204(c)]

If an applicant fails to respond to a mailing from MHA, the applicant will be sent a formal letter of withdrawal and given ten (10) business days to contact MHA and request an informal review. If they fail to respond within ten (10) business days, the withdrawal stands. An extension of no more than 60 days will be considered as a reasonable 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.

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

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, MHA must notify the family.

MHA Policy

MHA 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

- Other documents and information that should be brought to the interview

If a notification letter is returned by the Post Office to MHA with no forwarding address, the family will be removed from the waiting list without further notice. It is the family's responsibility to maintain an accurate mailing address on their application.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that MHA obtain the information and documentation needed to make an eligibility determination through a private interview [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

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

MHA Policy

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

The head of household, the spouse/cohead and all adult family members will be required to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to MHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, MHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, MHA will provide translation services in accordance with MHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should notify MHA in advance of the interview. The family will be responsible for rescheduling the interview. Families who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than ten days from the original appointment date. The request must be made to the staff person who scheduled the appointment. If a family fails to appear for their interview without prior approval of MHA, their application will be denied unless they can provide acceptable documentation to MHA that an emergency prevented them from calling.

Families who fail to attend a scheduled interview without MHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

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

MHA Policy

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

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to the waiting list in accordance with the change in the preference status (points). MHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

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

**LOCAL PREFERENCE POINT SYSTEM
HOUSING CHOICE VOUCHER PROGRAM**

I. Involuntarily Displaced Preference

20 Points

Applies to the following:

- Victims of Domestic Violence that has been so declared by Marin Abused Woman Service (MAWS) or Marin County CalWorks. Maximum of 15 per year.
- Victims of a Natural Disaster that has been so declared by a local, state, or federal government entity (fire, flood, earthquake, etc.) and documented by the American Red Cross. Maximum of 15 per year.
- Victims of Imminent Domain subject to a documented action by a local, state, or federal government entity related to code enforcement, public improvement, or development. Maximum of 5 per year.
- Avoidance of reprisal / witness protection. Relocation is required because the applicant provided information regarding criminal activities to a law enforcement agency or testimony in a criminal proceeding and documented pursuant to this Administrative Plan. Maximum of 5 vouchers per year.
- Government Action. Imminent loss or substantial change to the nature of government subsidized housing due to documented action by a public agency that significantly impairs the affected individual(s) from continuing to utilize this subsidized housing.

II. Family, Elderly or Disabled Preference

8 Points

- 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 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.

III. 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)

8 Points

Applies to applicants who:

- Were formerly homeless,
- Are disabled,
- Participated in or are a current participant in a supportive housing program,
- No longer are in need of supportive services.

IV. Homeless Preference

4 Points

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).

V. Working or Educational Preference

2 Points

Applies to applicants who meet any of the following requirements:

- The head of household, spouse/significant other or sole member is employed at least 20 hours per week
- 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.)

VI. Residency Preference (Will be applicable at the next opening of the Section 8 Wait List-) **2 Points**

Applies to applicants who meet 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.

VII. Veteran Preference (Will be applicable at the next opening of the Section 8 Wait List) **4 Points**

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.

VII. Family Unification

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.*

VIII. Limited Preference for Individuals and/or Families Experiencing Chronic Homelessness

4 Points

MHA has set aside vouchers targeted for individuals and/or families experiencing homelessness. In order to receive this preference applicants must be referred from Marin County's Coordinated Entry (CE) Provider who has adopted a Housing First model of homeless services. A MOU between MHA and the County of Marin Health and Human Services, hereinafter referred to a "HHS" designated Coordinated Entry (CE) Provider requires that applicants be provided housing search assistance and on-going case management. HHS, through the CE Provider, will be required to provide documentation of applicant chronic homeless status for consideration for these preference points. This preference will be available even when the waiting list is closed to other applicants. MHA has set aside a maximum of 50 vouchers per year for this preference for applicants who are experiencing chronic homelessness. Eligibility, including background checks, will be confirmed for all members of the household pursuant to this Administrative Plan.

IX. Limited Preference for Mainstream Voucher

4 Points

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

- Non-Elderly individuals or family members who are disabled and either homeless or transitioning from an institution or other segregated setting. MHA has been awarded 28 vouchers for this preference. Documentation of homelessness will be provided by the Coordinated Entry provider for this preference.

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