

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

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

The PHA is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the PHA that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that the PHA 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 the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

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

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

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

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

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the PHA policies for making applications available, accepting applications making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes the PHA'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 the PHA 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 the PHA. The PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's application.

PHA Policy

The Salem Housing Authority has elected to utilize the Centralized Application and Waiting List process. The Department of Housing and Urban Development has encouraged the use of a Centralized Waiting List by Public Housing Authorities (PHAs). In the Commonwealth of Massachusetts, the PHA Centralized Waiting List is administered by the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (MassNAHRO) and its subcontractor GoSection8.

The Centralized Section 8 Housing Choice Voucher (HCV) Waiting List affords the Housing Authority and its clients the following benefits:

1. Ease of application process for applications who may apply at the office of any Housing Authority participating in the Centralized Waiting List option or online at www.gosection8.com/MassCWL.
2. Eliminate the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 HCV Waiting List. The Centralized Section 8 HCV Waiting List is maintained as an open waiting list.
3. Increase housing opportunities for families who now have the option of placement at a number of locations throughout the Commonwealth through the submission of a Preliminary Application.

4-I.C. ACCEPTANCE OF APPLICATIONS

The PHA must review each complete application received and make a preliminary assessment of the family's eligibility. The PHA 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, the PHA 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)].

PHA Policy

A single, standardized Preliminary Application is available at each participating Housing Authority and online at www.gosection8.com/MassCWL. A master list of all participating PHAs is maintained at the office of MassNAHRO, at each participating Housing Authority and online at www.gosection8.com/MassCWL. Only one Preliminary Application is accepted for each Family¹.

The Preliminary Application requests information as required to administer the Section 8 HCV Program such as;

- Name
- city or town (where Head of Household and spouse/partner live and work)
- telephone number
- total number of family members
- Head of Household's social security number
- if client is 62 years of age or older or disabled
- total gross family income, race and ethnicity
- Information regarding preferences adopted by participating Housing Authorities is also elicited on this Preliminary Application.

MassNAHRO reserves the right to modify the Preliminary Application to change or include other information required or useful to administer the Section 8 HCV Program.

Preliminary Applications are available for completion at the Salem Housing Authority in Person between the hours of 8:00 am and 4:00 pm on Monday, Tuesday and Wednesday, 8:00 am to 7:00 pm on Thursdays and 8:00 am to 12:00 pm on Fridays. Blank Preliminary Applications may be mailed or faxed to a family by a Participating PHA for completion by the family.

Upon completion of the Preliminary Application it shall be marked by the PHA staff with date and the time of submission and the family will mail a standard receipt evidencing submission of the Preliminary Application. The Salem Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting List.

¹There is an exception when an application has been rejected by a participating PHA for a reason which may not make the family ineligible at another participating PHA. The family may then reapply to the PHA where the application was rejected to be placed on the Waiting List for that participating PHA according to a new date and time. The original application will remain in the system for all other PHAs where the family could potentially be eligible.

Preliminary Applications may also be submitted online anytime at www.gosection8.com/MassCWL.

Families are notified at time of application that PHA's may have open waiting lists for the public housing programs, project-based voucher program or moderate rehabilitation program and often other State funded programs and if the other program includes units suitable for the applicant, the family should contact the PHA directly for placement in its waiting list for other program(s). Information as to availability of many of these program(s) is on line on the website. Upon completion of a Preliminary Application, if there is another open waitlist for any other program administered by any participating PHA for which applicant may be eligible which is operated through Gosection8.com, the family will receive automatic notification on the website and by email and may elect to apply instantly online. In this instance there is not need to fill out an additional Preliminary Application.

4-I.D. DETERMINATION OF ELIGIBILITY

Once a family has been selected from the Centralized Section 8 Waiting List in the manner set forth in the Salem Housing Authority's Administrative Plan from the Section 8 Housing Choice Voucher Program, eligibility determination shall be made according to federal law, regulations governing State law and any applicable procedures set forth in the Salem Housing Authority's Administrative Plan for the Section 8 Housing Choice Voucher Program.

4-I.E. DETERMINATION OF INELIGIBILITY

Ineligibility for Assistance

If a family is denied assistance by the Salem Housing Authority, they will have the right to the appeal procedures set forth in the Salem Housing Authority's Administrative Plan and federal regulations.

The removal shall not occur until the appeal procedure³ when requested or time period for the family to request this appeal has expired. Appeals rights and procedures are governed by the applicable code for federal regulations and the contents of the Administrative Plan for the Housing Authority making the denial. Further to the extent that a denial is based upon CORI or Immigration Status information, regulations and PHA plan procedures governing denials on such basis including any appeals rights related thereto shall apply.

¹ Informal Review or Informal Hearing as applicable

Ineligibility for Assistance Based Upon PHA Policy-Removal from the Centralized Waiting List for a Particular PHA Only

If the family could be eligible under another participating PHA's policies, the family's name will not be removed by the Salem Housing Authority from the Centralized Section 8 HCV Waiting List. However, the family will not again be selected by the Salem Housing Authority unless a new Preliminary Application has been submitted to the Salem Housing Authority.

Certain items which are considered mandatory denial categories still result within a removal from the particular PHA only because there is some component of PHA Policy associated with such denial (i.e. the family does not qualify on the basis of citizenship or the eligible immigration status of family members as required in 24 CFR Part 5 Subpart E, Restriction on Assistance to Noncitizens insofar as PHAs may *elect* to require documentation to verify Citizenship or when the family does not meet the Social Security Number disclosure and documentation requirements as set forth in 24 CFR 5.216 insofar as for pending disclosure and documentation of social security numbers, the HA may allow the family to retain its place on the Waiting List for differing times based upon PHA policy.)

Mandatory Ineligibility for Assistance-Removal from the Centralized Waiting List for all PHAs

If the Family is removed from the Waiting List because it is deemed ineligible for a reason which is mandatory the name shall be removed from the Waiting List for all PHAs. Mandatory grounds for all PHAs are as follows:

1. The Family fails to sign and submit the consent form for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552 (b) (3)].
2. Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing as set forth in 24 CFR 982.553 (a) (1) (ii) (C) (i).
3. Any household member is subject to a lifetime registration requirement under a state sex offender registration program as set forth in 982.553 (a) (2) (i).

Mandatory Ineligibility for Assistance due to Income Limits – Removal from Centralized Waiting List Dependent on Location for Income Limit Determination

When the family income limit exceeds that required for participation in the HCV Program pursuant to 24 CFR 982.201 they shall be denied participation in the HCV Program. If the family is denied participation in the HCV Program because it is over the applicable income limits for the program, the family's name will be removed from the Centralized Section 8 HCV Waiting List for the Housing Authority making the determination and all other PHA's in the area with income limits at or below the level of the PHA making the determination. The family's

name shall remain on the list for other participating PHA's in areas with income limits above that of the PHA's making the denial. If the family later reapplies it shall be provided with a new (later) Preliminary Application date for the PHA's from which the family's name was previously removed due to the over income denial.

PHA's which have adopted specific policies to admit a low-income family that meets additional eligibility criteria specified in the PHA Administrative Plan which could impact their particular PHA income limits will notify Gosection8 to make certain a different level should not be on file for the particular PHA in relation to denials under this section.

4-1.F NO RESPONSE TO PHA- REMOVAL FROM CENTRALIZED WAITING LIST FOR A PARTICULAR PHA ONLY

If the family does not respond to a letter sent by a participating Housing Authority to attend and eligibility determination appointment or to otherwise respond to the Housing Authority, the Housing Authority who request said response may remove the family's name from the Centralized Section 8 HCV Waiting List for their particular PHA only. The manner for said removal and any applicable appeal procedure shall be governed by the Administrative Plan for the Housing Authority making said removal.

The family's name shall not be removed by the Salem Housing Authority from the entire Centralized Section 8 HCV Waiting List. However, the family will not again be selected by the Salem Housing Authority unless a new Preliminary Application has been submitted to the Salem Housing Authority.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

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

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

4-II.B SELECTION FROM THE WAITING LIST

Except for Special Admissions (SEE 25 CFR 982.203 (2018)), HCV participants will be selected from the Waiting List. The selection criteria set forth in the Salem Housing Authority's Administrative Plan shall govern the manner in which individual and families are selected by the Salem Housing Authority from the Centralized Section 8 HCV Waiting List. Further, when HUD awards a Housing Authority program funding for a specified category of families on the Waiting List (See 24 CFR 982.204 (e) (2018)), the PHA must select applicant families in the specified category. This is further described in the PHA's Administrative Plan, HUD award and/or Notice of Funding Availability for said funding.

PHA policies which dictate the order of selection are described within the PHA's Section 8 HCV Administrative Plan on December 12, 2018.

Pursuant to 24 CFR 982.201(b)(2) (2018), not less than 75 percent of the families admitted to a PHA's HCV program (tenant based and project based where applicable) during the PHA fiscal year from the PHA waiting list shall be extremely low income families. The PHA may skip a family with an income above the extremely low income limit on the waiting list in order to select an extremely low income family to meet this requirement

4-II.C OPENING AND CLOSING OF THE WAITING LIST AND MARKETING

The Centralized Waiting List was opened in January of 2013 and at that time notice of the opening of the Waiting List was published in a local newspaper of general circulation as well as within minority media.

The list remained open since that date. As individual PHAs join the Centralized Waiting List the individual PHA give notice by publication in a local newspaper of general circulation and also by minority media and/or other suitable means.

Ongoing marketing of the Section 8 HCV Program to those least likely to apply is a combined effort between the participating PHAs, MassNahro and GoSection8. Specifically, publication of the initial participation in the Centralized Waiting list is the responsibility of the PHA. GoSection8 maintains an up to date website which includes the following information: a description of the Centralized Waiting List and how it operates; a list of participating PHAs; instructions as to how to apply; program eligibility information; the online Preliminary Application and the printable paper Preliminary Application which are available in multiple languages; manner in which to perform a status check and modify a Preliminary Application as well as responses to frequently asked questions.

Further GoSection8 performs outreach and education to advocates and community service agencies by providing free training sessions as to the application process. In addition GoSection8 provides informational as well as toll-free live telephone support.

Individual PHAs and/or other parties as applicable may also perform marketing on as needed basis with regard to their specific programs

4-II.D WAITING LIST UPDATES; PURGING OF WAITING LIST

While the family is on the waiting list, within 10 business days of the occurrence of a change, the family must inform the PHA of changes in contact information (including current residence, mailing address and phone number) household composition, preferences and total household income. The changes must be submitted in writing to a participating PHA or on line via the GoSection 8 Application portal within 10 business days of said change.

In order to make certain the Waiting List remains up to date GoSection8 will send email reminder for families to keep their mailing addresses up to date. Families may also elect to receive optional text reminders.

MassNAHRO will, on a biennial bases, send a letter to each applicant on the Centralized Section 8 HCV Waiting List. This letter will be sent to the address on the Section 8 HCV Preliminary Application or on any written change of status request that was completed and sent to a participating Housing Authority. Applicants will be requested to respond to the mailing, either online at www.gosection8.com/MassCWL or by mailing back the response card, within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Centralized Section 8 HCV Waiting List. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Centralized Section 8 HCV Waiting List.

Applicants removed by MassNAHRO due to no response to the update mailing may appeal to MassNAHRO during the posted reinstatement period. After the reinstatement period MassNAHRO will consider appeals which are requested as a reasonable accommodation for a person with a disability.

4-II.E. UPDATING THE APPLICATIONS

A family may update its Preliminary Application (i.e. change of address) for Section 8 HCV Assistance online at www.gosection8.com/MassCWL or at the office of any PHA participating in the Centralized Waiting List Application process regardless of where the original Preliminary Application was submitted. To update the Preliminary Application through a PHA, a written request must be submitted to the PHA by the family.

In the event of a family break up into two otherwise eligible families, only one family will retain the original Preliminary Application. The second family may submit a new Preliminary Application for assistance which will have a new date and time.

In the absence of a judicial determination with regard to who should retain the original application, the family will generally determine who retains the original Preliminary Application. The PHA will allow the Head of Household to report who remains on the original Preliminary Application to reflect this family decision. However, if MassNAHRO or the PHA is informed that the matter is in dispute they shall make the decision as to who will retain the original Preliminary Application taking into consideration the following factors: (1) The interest of minor children including custody arrangements. (2) The interest of ill, elderly, or disabled family members. (3) The interest of a victim of an occurrence of domestic violence, dating violence, sexual assault, or stalking². (4) The relevant recommendations of social service professionals involved with the family. (5) The Head of Household who is listed on the original application.

4-II.F JURISDICTION REGARDING CERTAIN DECISIONS

When a family expresses a problem with a decision made by a Housing Authority involved in the Centralized Section 8 HCV Waiting List, that family shall be referred to the Housing Authority who made the determination in question. This includes when a family is removed from the Centralized Waiting List for failure to reply to the PHA.

When a family expresses a problem with a decision made by MassNAHRO, that family shall be instructed to send a written request for reinstatement along with supporting documentation to MassNAHRO's Centralized Waiting List Administrator at: Massachusetts Centralized Waiting List, PO Box 308, Dedham, MA 02027.

4-II.G NONDISCRIMINATION AND PROGRAM ACCESSABILITY

Preliminary Application will be accepted without regard to race, color, sex, religion, familial status, age, disability, national origin, marital status, gender identity, sexual orientation, receipt of public assistance or housing subsidies, ancestry, military or veteran status, or generic information.

PHA's will provide reasonable accommodations as required under the law to assist individuals with disabilities. Upon request, this may include provision of appropriate auxiliary aids and services necessary to ensure effective communication e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters. Reasonable accommodations may also include a change in policy or procedure to make the program accessible. Such request will be considered and made a required according to applicable law. Applicants are advised of their right to request a reasonable accommodations both on the website and the hard copy of the Preliminary Application.

²To the extent that the provisions set forth in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking apply the PHA will adhere to such requirements.

Person with hearing and/or speech impairments may access the GoSection8 telephone number via text telephone (TTY) using Massachusetts Relay at 711 for English and (866) 930-9252 for Spanish.

PHA's, MassNAHRO and GoSection8 will take reasonable steps to ensure meaningful access by persons with Limited English Proficiency (LEP). Such steps will include translation of common written materials into those languages frequently spoken by applicants. Further on an as needed basis GoSection8 or the participating PHA (depending upon the point of contact) may arrange for telephonic or in person interpretation. The on line Preliminary Application queries the "preferred language" and once selected the computerized Preliminary Application process is in that language. There are multiple language on the site which are those most commonly encountered in Massachusetts with regard to LEP individuals. GoSection8 has bilingual staff that speak English, Spanish, French, and Haitian Creole. Further, telephonic interpretation is available in any other needed languages.

Amendment. The PHA Executive Director, MassNAHRO and GoSection8 are authorized by the Board of Commissioners to institute other changes as long as such changes are consistent with the authorizations granted herein.

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 are selected from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA'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, the PHA may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The PHA must maintain records showing that such families were admitted with special program funding.

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.

Applicants who are admitted under Special Admissions, rather than from the waiting list, are maintained on separate lists].

A family applying for the Section Eight Project Based Program Assistance that has been defined eligible by the Salem Housing Authority and the Department of Mental Retardation (ARC).

Households which reside within the City of Salem or it's designated jurisdiction and participate in the Massachusetts Rental Voucher Program whom are at risk of displacement due to changes in the affordability requirements, administrative delivery or level of subsidy available for said program, and who are income eligible pursuant to HUD requirements, shall be given vouchers, provided that compliance with the requirement that not less than 75% of all families admitted to the PHA's tenant based voucher program during the fiscal year shall be extremely low income families.

4-III.C. SELECTION METHOD

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

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

PHAs are 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 the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

PHA Policy

The PHA will offer public notice when changing its preference system and the notice will be publicized using the same guidelines as those for opening and closing the waiting list.

The PHA uses the following local preference system:

Salem HA Project-Based Voucher Preference: For applicants that currently participate in a project-based voucher program with the Salem Housing Authority.

Residency Preference: For applicants who live, work, or have been hired to work in the City of Salem, Massachusetts.

Veteran's Preference: For applicants who are currently members of the U. S. Armed Forces, a veteran whose last discharge or release from the armed forces of the United States was under other than dishonorable conditions, or surviving spouses of veterans

Victims of Domestic Violence: For applicants that have been displaced because of domestic violence or lives in a unit with a person who engages in violence. Actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family and must have occurred within the past **6 months** or be of a continuing nature.

The family must have been displaced as a result of fleeing violence in the home or they are currently living in a situation where they are being subjected to or victimized by violence in the home.

The Applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.

Involuntary Displacement: For applicants who have been involuntarily displaced and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than six months from the date of [preference status certification by the family/verification by the PHA].

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

1. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable.
2. Federal, State or local government action related to code enforcement, public improvement or development.
3. Action by a housing owner which is beyond an applicant's ability to control, and which occurs despite the applicant's having met all previous conditions of occupancy and is other than a rent increase.

If the owner is an immediate family relative and there has been no previous rental agreement, and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.

For the purposes of this definitional element, reasons for an applicant having to vacate a housing unit include, but are not limited to:

Conversion of an applicant's housing unit to non-rental or non-residential use;

Closure of an applicant's housing unit for rehabilitation or non-residential use;

Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;

Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or

Any other legally authorized act the results, or will result in the withdrawal by the owner of the unit or structure from the rental market.

4. Displacement by Non-Suitability of the Unit: For families where a member of the family has mobility or other impairment that makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to the unit.

Critical elements are: [entry and egress of the unit and building/ a sleeping area/ a full bathroom/a kitchen if the person with a disability must do their own food preparation/other]

5. Due to HUD disposition of a multifamily project under Section 203 of the Housing and Community Development Amendments of 1978. In order to receive the displacement preference, applicants who have been displaced must not be living in “standard, permanent replacement housing.”

Standard replacement housing is defined as housing that is decent, safe and sanitary [according to Housing Quality Standards/local housing code/other], that is adequate for the family size according to [Housing Quality Standards/local/state / BOH code], and the family is occupying pursuant to a written or oral lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of Victims of Domestic Violence) housing occupied by the individual who engages in such violence.

It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress. Share housing with family or friends is not considered temporary and is considered standard replacement housing.

Substandard Housing: For Applicants who live in substandard housing are families whose dwelling meets one or more of the following criteria **[provided that the family did not cause the condition]:**

Is dilapidated as cited by the Board of Health and does not provide safe, adequate shelter, has one or more critical defects or a combination of defects requiring considerable repair, endangers the health , safety, and well-being of family.

Does not have operable indoor plumbing.

Does not have usable flush toilet in the unit for the exclusive uses of the family.

Does not have usable bathtub or shower in the unit for exclusive family use.

Does not have adequate, safe electrical service.

Does not have an adequate, safe source of heat.

Should, but does not, have a kitchen. (Single Room Occupancy (SRO) housing is not substandard solely because it does not contain sanitary and/or food preparation facilities in the unit).

Has been declared unfit for habitation by a government agency.

Is overcrowded according to [HQS/local/State/BOH Code].

Persons who reside as part of a family unit shall not be considered a separate family unit for substandard housing definition preference purposes.

Applicants living in public housing [or publicly assisted housing] shall not be denied this preference in unit meets the criteria for the substandard preference.

An applicant who is a “homeless family” is considered to be living in substandard housing.

“Homeless Families”:

Lack of a fixed, regular and adequate nighttime residence; and

Have a primary nighttime residence that is a supervised public, or private shelter providing temporary accommodations (including welfare hotels, congregate shelters and transitional housing), or an institution providing temporary residences for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings.

Homeless families may maintain their place on the waiting list while completing a transitional housing program.

Families who are residing with friends or relatives on a temporary basis will not be included in the homeless definition.

Persons who reside as part of a family unit shall not be considered a separate household.

Rent Burden: For families paying more than 50% of their income for rent and utilities for at least 90 days [commencing before they were selected from the Waiting List/and continuing through the verification of preference].

For the purpose of this preference, “family income” is gross monthly income as defined in the regulations.

“Rent” is defined as the actual amount due under the lease or occupancy agreement calculated on a monthly basis without regards to the amount actually paid, plus the monthly of tenant-supplied utilities which can be either:

The PHA’s reasonableness estimate of the cost of such utilities, using the Section 8 Utility Allowance Schedule: or

The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past 3 months.

An applicant family may choose which method to use to calculate utilities expense. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in family income. The applicant must show that they actually paid the utilities, regardless of whose name the service is under.

To qualify for the rent burden preference, the applicant must pay rent directly to the landlord or agent.

If the applicant pays their share of rent to a cohabitant and is not named on the lease, the PHA will require both verification from the landlord that the applicant resides in the unit, and verification from the cohabitant of the amount of rent paid by the applicant.

If the applicant is subletting, the lessor must have a legal right to sublet.

If an applicant owns a mobile home, but rent the space upon which it is located, then “rent” must include the monthly payment made to amortize the purchase price of the home.

Members of a cooperative are “renters” for the purposes of qualifying for the preference. In this case, “rent” would mean the charges under the occupancy agreement.

Order of Selection

The PHA system of preferences may select families based on local preferences according to the date and time of application [24 CFR 982.207(c)]. If a PHA does not have enough funding to assist the family at the top of the waiting list, it 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)].

PHA Policy

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

Local Preferences

Local preferences will be used to select families from the waiting list.

The PHA has selected the following system to apply local preferences:

Local Preferences will be numerically ranked, with number 1 being the highest preference, in the following order:

Preference 1- Applicants that currently participate in a project-based voucher program with the Salem Housing Authority. (Not Applicable to Federal Public Housing)

Preference 2- Applicants that are currently members of the U.S. Armed Forces, Veterans or surviving spouses of veterans, live or work or have been hired to work in the City of Salem and have one of the following local preferences: Involuntarily displaced, victim of domestic violence, living in substandard housing including homelessness or rent burdened more than 50%.

Preference 3- Applicants that live, work or have been hired to work in the City of Salem, MA and have one of the following local preferences: involuntarily displaced, victim of domestic violence, living in substandard housing including homelessness or rent burdened more than 50%.

Preference 4- Applicants that are currently members of the U.S. Armed Forces, Veterans or surviving spouses of veterans, **do not live**, work or have been hired to work in the City of Salem and have one of the following local preferences: Involuntarily displaced, victim of domestic violence, living in substandard housing including homelessness or rent burdened more than 50%.

Preference 5- Applicants that do not live, work or have been hire to work in the City of Salem, MA and have one of the following local preferences: Involuntarily displaced,

victim of domestic violence, living in substandard housing including homelessness or rent burdened more than 50%.

Preference 6- Applicants that are currently members of the U.S. Armed Forces, Veterans or surviving spouses of veterans and live, work or have been hired to work in the City of Salem, MA.

Preference 7- Applicants that live, work or have been hired to work in the City of Salem, MA.

Preference 8- Applicants that are currently members of the U.S. Armed Forces, Veterans or surviving spouses of veterans and **do not live**, work or have been hired to work in the City of Salem, MA.

Preference 9 Applicants that do not live, work or have been hired to work in the City of Salem, MA.

4-III.D. NOTIFICATION OF SELECTION

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

PHA Policy

The PHA 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:

All documents that must be provided at the interview, including information about what constitutes acceptable documentation

Date due for requested information

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

4-III.E. THE APPLICATION INTERVIEW

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

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2012-10].

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

PHA Policy

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

The head of household and the spouse/cohead must 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 the PHA.

The head of household or spouse/cohead must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.) If the family representative does not provide the required documentation at the time of the interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for **30 calendar days**. If not all household members have disclosed their SSNs at the next time the PHA is issuing vouchers, the PHA will issue a voucher to the next eligible applicant family on the waiting list.

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

4-III.F. COMPLETING THE APPLICATION PROCESS

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information, the PHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list. Verifications may not be more than 60 days old at the time of issuance of the voucher.

PHA Policy

If the PHA determines that the family is ineligible, the PHA 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

placed back on the Centralized Section 8 Waiting List and will be selected again by the Salem Housing Authority if the family claims a change in preference. The PHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If an applicant fails to appear by deadline date, the PHA will automatically send a second notice. If the applicant misses the second deadline without prior approval, the application will be denied.

If an applicant fails to appear for their interview without prior approval of the PHA, their application will be denied unless they can provide acceptable documentation to the PHA that an emergency prevented them from calling.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

All adult members must sign the HUD Form 9886, Release of Information, the application/the application form and all supplemental forms required by the PHA, the declarations and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing. The family will be given 10 business days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance.

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