
Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN (Includes Preferences and Managing the Waiting List) [24 CFR 960.204]

INTRODUCTION

It is LSHA's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide Waiting List unless the applicant has applied for a development subject to a Site-based Waiting List. Applicants will be listed in sequence based upon size and type of unit required, preference, date and time the application is received, and the Site in which they wish to reside for applicable designated developments. In filing actual or expected vacancies, LSHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. LSHA will offer the unit in the proper applicant sequence until it is accepted. This chapter describes LSHA's policies with regard to the number of unit offers that will be made to applicants selected from the Waiting List.

LSHA's Objectives

LSHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is LSHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

When appropriate units are available, families will be selected from the waiting list in their preference-determined and date and time sequence.

By maintaining an accurate waiting list, LSHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the LSHA's turnover and the availability of appropriately sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.

Site-Based Waiting Lists (Not Applicable)

Per the Quality Housing and Work Responsibility Act of 1998, LSHA is now allowed to implement site-based waiting lists upon approval of the Annual Plan or upon HUD's approval to the PHA's request before the submission of the Annual Plan.

LSHA currently does not use site-based waiting lists.

A. MANAGEMENT OF THE WAITING LIST

LSHA will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent part of the file.
- All applicants in the pool will be maintained in order of preference and in order of date and time of application receipt.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income and other eligibility requirements as established by HUD and LSHA.

Opening and Closing the Waiting Lists

LSHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of LSHA to house an applicant in an appropriate unit within a reasonable period of time.

When LSHA opens the waiting list, LSHA will advertise through public notice in the following newspapers, minority publications and media entities. Location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media including:

- The Lee's Summit Tribune
- Dos Mundos
- The Kansas City Call
- Housing Authority website

To reach persons with disabilities, LSHA will provide notice to local organizations representing the interests and needs of the disabled. Local organizations serving the disabled population include, but are not limited to, the following:

- Department of Social Services
- Local Social Service agencies
- Rediscover
- All Area Churches
- Area Council on Aging
- Ministerial Alliance
- The notice at a minimum will contain:

- The date & time of on-line application.
- Any system of site-based waiting list offered by LSHA. (not applicable)
- The programs for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the LSHA address and telephone number, how to submit an application, and information on eligibility requirements.

Upon request from a person with a disability, additional time, not to exceed 30 days, will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking is Suspended

LSHA may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twelve (12) months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, LSHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next twelve (12) months. LSHA's waiting list shall automatically close when the required number of applicants is specified and achieved. When closed, LSHA will add the new applicants to the list by:

Unit size, local preferences priority and date and time of application receipt.

LSHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or electronic communication. At the time of initial intake, LSHA will advise families of their responsibility and requirement to notify LSHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and LSHA decides to open the waiting list, LSHA will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements. The waiting list can also be open for specific bedroom sizes or to address special need or underserved populations.

Limits on Who May Apply

When the waiting list is open,

Any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application.

When the application is submitted to LSHA:

It establishes the family's date and time of application for placement order on the waiting list.

Multiple Families in Same Household

When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

B. SITE BASED WAITING LISTS

LSHA does not offer a system of site-based waiting lists. LSHA does not have a system of preference for designated housing.

C. WAITING LIST PREFERENCES

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

Broad Range of Income/Deconcentration of Poverty

LSHA's preference system will work in combination with requirements to match the characteristics of the family to the type/size of unit available. Order of preference of applications on the Waiting List will be applied to selection as follows, except those persons requiring units with accessibility features for person with disabilities. (See Chapter 1, E, Other Accommodations).

LSHA shall ensure a mixed range of incomes and deconcentration of its public housing units by selecting from the list of qualified applicants, households whose incomes would promote deconcentration of poverty. As such, LSHA shall select from the List of qualified applicants, those applicants whose income reflect a Broad Range of Income as defined by LSHA's most current Broad Range of Income/Rent Range policy promoting deconcentration and income targeting requirements.

LSHA shall admit to public housing in each fiscal year, at least forty percent (40%) of households whose income does not exceed 30% of the area median income.

Gross annual income is used for income limits at admission, income targeting, and for income-mixing purposes.

Skipping a family on the Waiting List specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

Admission policies related to the deconcentration efforts do not impose specific quotas since Broad Range of Income imposes specific quotas aimed at maintaining a mix of incomes within each development in order to achieve budgetary viability.

Singles Preference and Designated Senior Units

Although no longer mandated by statute, LSHA will continue to select applicants from the Waiting List in the following order in regard to single person households Preference for available units shall be given to:

A family whose Head or spouse or single member is an elderly or disabled person over a single person who is not elderly or disabled.

Furthermore, LSHA shall not admit single person households consisting of non-elderly, non-disabled persons before other single person households in designated senior units within family public housing developments. A mixed population development is a public housing development, or portion of a development, that is reserved for elderly families and disabled families at its inception and has retained that character.) In accordance with a local preference, elderly families whose Head, spouse or sole member is at least 62 years of age, and disabled families whose Head, co-head, spouse, or sole member is a person with disabilities, will receive preference to such units.

LSHA has the following properties that have been designated elderly only properties:

- none

Designated senior public housing developments and units are subject to HUD's definition of "senior" and may include (1) age-qualified elderly, and (2) disability qualified "elderly".

In the designated elderly only developments, new admission priority shall be given to Elderly Families that qualify for the unit over non-elderly families. If no Elderly Families are on the waiting list, then the LSHA will prioritize the "near elderly" for the development in accordance with the elderly only designation plan.

D. DENIAL OF PREFERENCE

LSHA shall not give preference and shall permanently deny admission to public housing units and other federally assisted housing programs, individuals convicted of manufacturing or producing

methamphetamine ("speed") as required by the Quality Housing and Work Responsibilities Act of 1998.

Furthermore, if LSHA denied a preference, LSHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant will have ten (10) working days to request the meeting in writing. 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 an applicant falsifies documents or makes false statements in order to qualify for a preference, they will be denied housing and withdrawn from the Waiting List with notification to the family.

E. INCOME TARGETING

LSHA will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of LSHA's jurisdiction or the poverty rate.

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

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of:

The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or

Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Very Low-Income Family Admissions

As long as LSHA has met the 40% targeted income requirement for new admissions of extremely low-income families, LSHA will fill the remainder of its new admission units with families whose incomes do not exceed 80% of the HUD approved area median income.

F. MIXED POPULATION UNITS

A mixed population development is a public housing development, or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that

character). In accordance with local preferences, elderly families whose head spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. LSHA maintains no mixed population development:

- none

G. GENERAL OCCUPANCY UNITS

General occupancy units are designed to house all populations of eligible families. In accordance with LSHA's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to LSHA's general occupancy units.

All families with children, elderly families and disabled families, will have an admission preference over "Other Singles."

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with LSHA's Broad Range of Income policy.

H. DECONCENTRATION OF POVERTY AND INCOME-MIXING

LSHA's admission policy is designed to provide for deconcentration of poverty and income-mixing.

Gross annual income is used for income limits at admission, income targeting, and for income-mixing purposes.

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with LSHA's Broad Range of Income policy.

Deconcentration and Income-Mixing Goals

LSHA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit higher income families to lower income developments, and lower income families to higher income developments.

Project Designation Methodology

LSHA will determine and compare tenant incomes at all general occupancy developments. Skipping of families for deconcentration purposes will be applied uniformly to all families.

I. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, LSHA shall affirmatively further fair housing to reduce racial and national origin concentrations. LSHA shall not require any specific income or racial quotas for any development or developments.

LSHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations.

J. PREFERENCE DENIAL

If LSHA denies a preference, LSHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. The applicant will have ten (10) working days to request the meeting in writing. 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, they will be denied housing and removed from the waiting list with notification to the family.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given an opportunity for an informal review.

K. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

Programs owned, operated, managed by LSHA maintain a Waiting List for each program. Applicants will be chosen and positioned by the program priorities and preferences. When waiting lists are open, the LSHA will encourage the applicant to apply for any housing that is available and that they qualify.

L. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond to the request for confirmation and continued interest, s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained

in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply with the prescribed period and verification of such is received by LSHA.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

M. OFFER OF ACCESSIBLE UNITS

LSHA has a limited number of units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, LSHA will offer such units:

- First, to a current occupant of another unit of the same development who requires the accessible features of the vacant, accessible unit and is occupying a unit not having the features;
- If there is no current resident in the same development that requires the accessible features of the vacant unit, then it will be offered to a resident with disabilities residing in another development under LSHA's control, who has a disability that requires the special features of the vacant accessible unit;
- If there is no current resident who requires the accessible features of the vacant, accessible unit, then the vacant accessible unit will be offered to an eligible qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, vacant, accessible unit;
- If there is not an eligible qualified resident or applicant with disabilities, needing the features of the vacant available unit on the waiting list who wishes to reside in the available accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 CFR 8.27. However, the LSHA will require the applicant to execute the LSHA public housing lease that requires to the resident to relocate to a vacant non-accessible unit within thirty (30) days of notice by the LSHA that there is an eligible applicant or existing resident with disabilities who requires the accessible features of the unit.

This requirement will be a provision of the lease agreement.

See "Leasing" chapter.

N. PLAN FOR UNIT OFFERS

The LSHA plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin is:

LSHA shall select, assign and offer the first qualified applicant in sequence on the waiting list will be made two offers of a unit of the appropriate size.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy and has been vacant the longest. If the unit is rejected, the applicant will be offered the second unit that is ready for occupancy. Failure to accept the second offer will result in the application to be removed from the waiting list. The family will also lose any priority status.

LSHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

When the LSHA discovers that a unit will become available, the LSHA will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the de-concentration goal and/or the income targeting goal.

The LSHA will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, an attempt shall be made to notify the family by email, after which the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the LSHA regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have 24 hours to accept or reject the unit. This verbal offer and the family's decision will be documented in the applicant/tenant file. If the family rejects the offer of the unit, the LSHA will send the family a letter documenting the offer and the rejection.

If a unit designed for families with disabilities becomes available and there are no families with disabilities on the waiting list, the unit will be offered to an appropriate-size family. This family will be made aware that they must transfer to accommodate a family with disabilities should one be selected for the public housing program.

Acceptance of Unit

The family will be required to sign a lease that will become effective the date of acceptance.

The signing of the lease and the review of financial information will be handled privately. The head of household and spouse/co-head will be required to execute the lease prior to admission. One

executed copy of the lease will be furnished to the head of household and the LSHA will retain the original executed lease in the tenant's file.

The family will pay the security deposit in accordance with the policies of LSHA.

In the case of a transfer within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

O. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment and must be re-verified prior to making the offer. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal review when applicable (See Chapter on Complaints, Grievances, and Appeals).

P. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offer LSHA will remove them from the waiting list.

Q. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicant must accept a unit offer within 24 hours of the date and time the offer is made.

Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered but is unable to take occupancy at the time of the offer for "good cause," the applicant will not be removed or repositioned on the waiting list.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]

Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;

The family demonstrates to the Housing Authority's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency.

The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.

A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.

The unit is inappropriate for the applicant's disabilities.

Applicants With a Change in Family Size or Status

Changes in family composition, status, or income between the time of the application and the offer of a unit will be processed. LSHA **shall not lease** a unit to a family whose occupancy will overcrowd or underutilize the unit.

The family will take the appropriate place on the waiting list according to the date they first applied.

R. REFUSAL OF OFFER

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, LSHA will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.