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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.

MDOC Policy

To be placed on the waiting list, an interested family must complete and submit an application form either electronically or by mail. Information on how to apply can be found at MDOC's website located at: <https://housing.mt.gov>. Paper applications may be mailed, or applications taken over the phone by the interested family by MDOC and/or Field Agency as needed as a reasonable accommodation.

The applicant must specify the Field Agency area (jurisdiction) they wish to apply to at the time the application is submitted to MDOC. Applicants are not required to select the jurisdiction they reside in. An applicant may select only one Field Agent area. The applicant will be required to conduct all transactions (i.e. briefing; interviews, paperwork etc.) with the agency listed on their wait list application. The Field Agency area can only be changed in writing prior to being contacted by MDOC for briefing. For persons with disabilities requiring an accommodation, a request to change Field Agent area may be verbal.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

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

Limited English Proficiency

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

4-I.D. PLACEMENT ON THE WAITING LIST

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)].

Ineligible for Placement on the Waiting List

MDOC Policy

Incomplete applications will not be placed on the waiting list. Where a family is determined to be ineligible, MDOC will send written notification of the ineligibility determination within 14 calendar days, if complete mailing address is provided. 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

MDOC Policy

MDOC will send written notification of receiving a complete application within 14 calendar days.

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

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. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

The PHA's HCV waiting list must be organized in such a manner to allow the PHA 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; and
- Racial or ethnic designation of the head of household.

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

MDOC Policy

Eligible applicants will be placed on the waiting list and sorted according to preference and then date and time of application.

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 the PHA 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 PHAs 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.

MDOC Policy

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

Mod Rehab units are project based with specific unit sizes at specific locations in the state. Applicants will not be penalized for refusing a Mod Rehab unit if they desire to wait for an HCV subsidy. Families will be removed from the list only if they refuse both forms of assistance.

Mod Rehab participant families are not participants in the Housing Choice Voucher program. Mod Rehab families must be chosen from the HCV waiting list the same as any other family to be issued a Voucher. For a Mod Rehab participant family to be assisted in the Voucher program, all the following conditions must be met:

- **The family's application date must place the family at the top of the wait list;**
- **The family has satisfied the initial one-year term of their Mod Rehab lease or the term of the HAP contract, whichever is shorter;**
- **The family must request, in writing, transfer to the Housing Choice Voucher Program;**
- **The family must give the landlord a proper 30-day notice, or be released from the lease; and**
- **The family must not have adverse program actions pending against them and must not owe any money to any PHA including MDOC.**

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

Closing the Waiting List

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

MDOC Policy

MDOC may 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 MDOC has particular preferences or funding criteria that require a specific category of family, MDOC has chosen to close the waiting list for that limited preference only once the number of applicants who qualify for the preference has been reached. Applicants that have claimed a limited preference remain eligible for assistance, by the date and time of application.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until the PHA 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.

MDOC Policy

MDOC will announce the reopening of the waiting list at least 14 calendar 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.

MDOC will give public notice by publishing the information on how to apply on MDOC's website and in suitable media outlets in the state of Montana.

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

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

Because HUD requires the PHA to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), the PHA 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].

PHA 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, and
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class.

PHA 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, and
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities.

MDOC Policy

MDOC will monitor the characteristics of the population being served and the characteristics of the population as a whole in MDOC'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

MDOC Policy

While the family is on the waiting list, the family must contact MDOC and make any applicable changes to update current residence or mailing address, contact information, phone number within 30 calendar days. The applicant can update their application by downloading the change form on MDOC's website and send to MDOC via email or mail.

If the family does not report a change which causes MDOC to be unable to reach them by mail within one documented contact attempt, MDOC will remove the family from the wait list through the disposition process. If the notice is returned by the post office, the applicant will be removed from the waiting list without further notice.

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

HUD requires the PHA 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 PHA request for information or updates, and the PHA determines that the family did not respond because of the family member's disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

MDOC Policy

At least once a year (annually), MDOC may attempt to contact wait list applicants by whatever means is available to reach them including but not limited to electronic, phone, or mail to confirm family information including address, dependents and eligibility information and to determine if the family is still interested in or continues to qualify for the housing choice voucher or mod rehab programs.

The family must respond to request made by MDOC within 20 calendar days. The family's response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses must be postmarked or received by MDOC no later than 20 calendar days from the date of MDOC letter. Failure to respond within 20 calendar days will result in the applicant's name being removed from the waiting list. If the notice is returned by the post office, the applicant will be removed from the waiting list without further notice.

If the family contacts MDOC within 60 calendar days after being removed from the waitlist, the family may be reinstated to their former position on the wait list if MDOC determines that the family's failure to respond was due to MDOC error, or to circumstances beyond the family's control.

Removal from the Waiting List

MDOC Policy

If at any time an applicant family is on the waiting list, and MDOC 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 MDOC has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address that was provided on the initial application or any subsequent change form. 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 MDOC'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 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.

Targeted Funding [24 CFR 982.204(e)]

HUD may award a PHA funding for a specified category of families on the waiting list. The PHA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the PHA may skip families that do not qualify within the targeted funding 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.

MDOC administers the following types of targeted funding. The voucher set aside listed is the maximum number of individuals served in each category:

Targeted Funding Programs	Number of Set Aside Vouchers
HUD-VASH	331
PB VASH	42
Mainstream	60

Veterans Affairs Supportive Housing vouchers (HUD-VASH) and Project-Based Veterans Affairs Supportive Housing vouchers (PB-VASH) are referred from the VA Medical Center only. The PHA does not maintain a waiting list for HUD-VASH and PB-VASH applicants.

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

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.

MDOC Policy

MDOC's Waiting List will be sorted by preference, date and time of application.

Limited Local Preference

MDOC has established a limited local preference for new admission Mainstream vouchers and will limit the number of applicants who qualify for the preference to 60.

Each preference for the Mainstream Voucher program will be treated equally and applied by date and time of application to the Waiting List.

The preferences below apply to applicant families that include a non-elderly person(s) with disabilities who is at least 18 years old and not yet 62 years old who meet one of the below subsections (a) through (d):

a) Transitioning out of institutional and other segregated settings

- **Institutional settings include mental health institutes, nursing homes, and institutions for individuals with developmental disabilities where he or she resided for 90 days or less.**

Verification-

- **Discharge paperwork or written/oral referral, or**
- **Written record of intake worker's due diligence to obtain above evidence and certification by individual existing institution.**

b) At serious risk of institutionalization

Verification-

- **Written referral from a public or private professional or agency that would have the knowledge to provide such verification.**

c) Currently experiencing homelessness (as defined in the HEARTH Act <https://files.hudexchange.info/resources/documents/HomelessAssistanceActAmendedbyHEARTH.pdf>) and/or eligible persons that are referred by the state of Montana's Coordinated Entry System (CES).

- **MDOC has defined homeless for this preference as the following:**

1) Individuals and families who lack a fixed, regular, and adequate nighttime residence, and includes an individual who is exiting an institution where they resided for 90 days or less and who resided in an emergency shelter or a place not meant for human habitation immediately before entering that institution;

2) Individuals and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member.

Verification-

- Written observation by the outreach worker;
- Certification by a nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute;
- Written referral by another housing or service provider;
- HUD form 5382 or alternative verification; or
- Written referral by the State of Montana's CES.
 - If referred by the State of Montana's CES; only the referral is required, and no other verification will be requested

d.) Previously experienced homelessness and currently a client in a Permanent Supportive Housing or Rapid Rehousing project.

Verification-

- Written referral from a Permanent Supportive Housing or Rapid Rehousing project.

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

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during the PHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, a PHA may skip non-ELI families on the waiting list in order to select an ELI family. 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)].

MDOC Policy

MDOC will monitor progress in meeting the income targeting requirement quarterly 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

The PHA system of preferences may select families based on local preferences according to the date and

time of application or by a random selection process (lottery) [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)].

MDOC Policy

Applicants will be selected from the waiting list first by waiting list preference, then, from the waiting list on a first-come, first-served basis according to the date and time their complete application was received by MDOC.

Families that qualify for targeted funding may be selected from the waiting list ahead of families that are higher on the waiting list and don't qualify for the targeted funding. Those applicants will be selected on a first-come, first-served basis according to the date and time their complete application is received.

MDOC will fully document which families qualify for targeted funding.

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)].

MDOC Policy

The applicant will be notified when they have reached the top of the waiting list and are eligible for possible selection from the wait list.

The notice will advise the family of the Field Agency area (jurisdiction) in which they will be leasing in according to the area they have designated on their application. It will also state if they do not wish to lease in that area to complete a change form or request a change through Assistance Connect to change Field Agency areas.

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

If the notice is returned by the post office, the applicant will be removed from the waiting list without further notice.

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 2018-24].

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

MDOC Policy

The eligibility determination may either be in person or by mail/electronic, or a combination of these methods. An eligibility packet may be mailed in advance of the scheduled interview or briefing and required to be returned to MDOC.

Pursuant to HUD regulations (24 CFR 982.201(e)), MDOC must receive information verifying that an applicant is eligible within 60 days before a voucher is issued to the applicant.

By Mail/Electronic Eligibility Determination

If the eligibility review will be performed by mail, the family will be required to complete and return the packet, including all required source documentation, within 20 calendar days. If the eligibility packet is incomplete, the family will be provided an opportunity to submit the missing and/or incomplete documentation and given an additional 14 calendar days to respond.

In-Person Eligibility Determination

If the eligibility review will be conducted in person, the applicant must bring in the eligibility packet, and all required source documentation, at the scheduled appointment. If the briefing will be conducted concurrently, all adult members of the household must attend the eligibility interview. The family will be given 14 calendar days from the date of the eligibility interview to provide any missing and/or incomplete documentation needed to determine eligibility.

Eligibility Requirements

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 14 calendar days.

Pending disclosure and documentation of social security numbers, MDOC will allow the family to retain its place on the waiting list for 20 calendar days.

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension of up to 14 calendar days. 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.

If the family is unable to attend a scheduled interview, the family must contact the Field Agency in advance of the interview to schedule a new appointment. The family

may reschedule the interview no more than once. In all circumstances, if a family does not attend a scheduled interview and did not request to reschedule, they will be removed from the waiting list and denied assistance. A notice of denial will be issued in accordance with policies contained in Chapter 3.

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.

MDOC Policy

If MDOC determines that the family is ineligible, MDOC will send written notification of the ineligibility determination within 14 calendar 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 the family was denied due to criminal activity, a copy of the criminal background check will be mailed with the denial letter.

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 its original position on the waiting list. MDOC will notify the family in writing that it has been returned to the waiting list and will specify the reasons for it.

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