

Streamlined Annual PHA Plan (HCV Only PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 02/29/2016
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS and SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A.	PHA Information.																																			
A.1	<p>PHA Name: <u>Housing Authority of the County of Alameda</u> PHA Code: <u>CA067</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2017</u></p> <p>PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)</p> <p>Number of Housing Choice Vouchers (HCVs) <u>6,381</u></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Participating PHAs</th><th style="width: 10%;">PHA Code</th><th style="width: 25%;">Program(s) in the Consortia</th><th style="width: 20%;">Program(s) not in the Consortia</th><th style="width: 20%;">No. of Units in Each Program</th></tr> </thead> <tbody> <tr> <td>Lead HA:</td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	Lead HA:																													
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B. Annual Plan.	
B.1	<p>Revision of PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y N</p> <p> <input type="checkbox"/> <input type="checkbox"/> Housing Needs and Strategy for Addressing Housing Needs. <input type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. <input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources. <input type="checkbox"/> <input type="checkbox"/> Rent Determination. <input type="checkbox"/> <input type="checkbox"/> Operation and Management. <input type="checkbox"/> <input type="checkbox"/> Informal Review and Hearing Procedures. <input type="checkbox"/> <input type="checkbox"/> Homeownership Programs. <input type="checkbox"/> <input type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements. <input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation. <input type="checkbox"/> <input type="checkbox"/> Significant Amendment/Modification. </p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p> <p>Financial Resources: Modified to reflect new budget and operating experience since last Annual PHA Plan submission.</p>
B.2	<p>New Activities</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N Project Based Vouchers.</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If this activity is planned for the current Fiscal Year, describe the activities. Provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.</p> <p>Please see attached response.</p>
B.3	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
B.4	<p>Civil Rights Certification</p> <p>Form HUD-50077 PHA Certifications of Compliance with the PHA Plans and Related Regulations, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
B.5	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
B.6	<p>Progress Report.</p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p> <p>Mission 5.1 HACA's success in meeting its mission is reflected in its High Performing SEMAP designation. Goal 5.2.1 Long-term financial viability of HACA's remaining 72 PH units - Accomplished by March 2016 RAD closing. Goal 5.2.2 Expand the supply of assisted housing - continuing. See B.2 above for progress to date. Goal 5.2.3 Increase access to available assistance through implementation of cloud-based, always-open housing assistance application. Programming is complete; dependent on platform provider (Zoho Creator) correcting language translation limitations in platform. HACA is also considering moving to an application process with reduced or no preferences and that only adds to the waiting list the number of people that can be served within a three to six month window. Goal 5.2.4 Validate the cost-effectiveness of the HACA Family Self-Sufficiency (FSS) Program - Ongoing as part of multi-year HUD national assessment with MDRC. Goal 5.2.5 Assist as many qualified families as possible - ongoing. Goal 5.2.6 Fully implement the Violence Against Women Act - Fully implemented and ongoing.</p>
B.7	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p>(a) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>

Instructions for Preparation of Form HUD-50075-HCV

Annual PHA Plan for HCV Only PHAs

A. PHA Information. All PHAs must complete this section. ([24 CFR §903.23\(4\)\(e\)](#))

- A.1** Include the full **PHA Name**, **PHA Code**, **PHA Type**, **PHA Fiscal Year Beginning** (MM/YYYY), **Number of Housing Choice Vouchers (HCVs)**, **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the public hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. ([24 CFR §943.128\(a\)](#))

B. Annual Plan. All PHAs must complete this section. ([24 CFR §903.11\(c\)\(3\)](#))

B.1 Revision of PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.”

☐ **Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income families who reside in the PHA’s jurisdiction and other families who are on the Section 8 tenant-based waiting list. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income), (ii) elderly families and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. ([24 CFR §903.7\(a\)\(1\)](#) and [24 CFR §903.7\(a\)\(2\)\(i\)](#)). Provide a description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. ([24 CFR §903.7\(a\)\(2\)\(ii\)](#))

☐ **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. ([24 CFR §903.7\(b\)](#))

☐ **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. ([24 CFR §903.7\(c\)](#))

☐ **Rent Determination.** A statement of the policies of the PHA governing rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. ([24 CFR §903.7\(d\)](#))

☐ **Operation and Management.** A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. ([24 CFR §903.7\(e\)\(3\)\(4\)](#)).

☐ **Informal Review and Hearing Procedures.** A description of the informal hearing and review procedures that the PHA makes available to its applicants. ([24 CFR §903.7\(f\)](#))

☐ **Homeownership Programs.** A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. ([24 CFR §903.7\(k\)](#))

☐ **Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.** A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA’s partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA’s partnerships with other entities, and activities under section 3 of the Housing and Community Development Act of 1968 and under requirements for the Family Self-Sufficiency Program and others. Include the program’s size (including required and actual size of the FSS program) and means of allocating assistance to households. ([24 CFR §903.7\(l\)\(i\)](#)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. ([24 CFR §903.7\(l\)\(iii\)](#)).

☐ **Substantial Deviation.** PHA must provide its criteria for determining a “substantial deviation” to its 5-Year Plan. ([24 CFR §903.7\(r\)\(2\)\(i\)](#))

☐ **Significant Amendment/Modification.** PHA must provide its criteria for determining a “Significant Amendment or Modification” to its 5-Year and Annual Plan. Should the PHA fail to define ‘significant amendment/modification’, HUD will consider the following to be ‘significant amendments or modifications’: a) changes to rent or admissions policies or organization of the waiting list; or b) any change with regard to homeownership programs. See guidance on HUD’s website at: [Notice PIH 1999-51](#). ([24 CFR §903.7\(r\)\(2\)\(ii\)](#))

If any boxes are marked “yes”, describe the revision(s) to those element(s) in the space provided.

- B.2 New Activity.** If the PHA intends to undertake new activity using Housing Choice Vouchers (HCVs) for new Project-Based Vouchers (PBVs) in the current Fiscal Year, mark “yes” for this element, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake this activity, mark “no.” ([24 CFR §983.57\(b\)\(1\)](#) and Section 8(13)(C) of the United States Housing Act of 1937.

☐ **Project-Based Vouchers (PBV).** Describe any plans to use HCVs for new project-based vouchers. If using PBVs, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.

- B.3 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark “yes” and describe those findings in the space provided. ([24 CFR §903.11\(c\)\(3\)](#), [24 CFR §903.7\(p\)](#))
- B.4 Civil Rights Certification.** Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction’s initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. ([24 CFR §903.7\(o\)](#))
- B.5 Certification by State or Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, including the manner in which the applicable plan contents are consistent with the Consolidated Plans, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#))
- B.6 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.11\(c\)\(3\)](#), [24 CFR §903.7\(r\)\(1\)](#))
- B.7 Resident Advisory Board (RAB) comments.** If the RAB provided comments to the annual plan, mark “yes,” submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA’s decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the Annual PHA Plan. The Annual PHA Plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, and informs HUD, families served by the PHA, and members of the public for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 4.5 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

A.1. Availability of Information

HACA posts PHA Plans, including updates, at its office and on its official website. HACA's office is located at:

Housing Authority of the County of Alameda (HACA)
22941 Atherton Street
Hayward, CA 94541-6633

HACA's website address is:

www.haca.net

B.1.(a) Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.

Index of Deconcentration and other policies that govern eligibility, selection, and admissions:

Admin Plan Section	Page(s)
Chapter 3 - Eligibility	3-1 to 3-41
Chapter 4 – Applications, Waiting List and Tenant Selection	4-1 to 4-39
Chapter 10 – Portability – Applicant Families	10-9 to 10-10
Chapter 11 – Interim Reexaminations – New Family Members	11-8 to 11-10
Chapter 16 – Informal Reviews	16-8 to 16-10
Chapter 17 – Selection of PBV Program Participants	17-27 to 17-31
Chapter 18 – Selection of PBV RAD Program Participants	18-18 to 18-22

Chapter 3

ELIGIBILITY

INTRODUCTION

HACA is responsible for ensuring that every individual and family admitted to the HCV program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by HACA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the HCV program:

- The applicant family must:
 - Qualify as a family as defined by HUD and HACA.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for household members as required.
 - Consent to HACA's collection and use of family information as provided for in HACA-provided consent forms.
- HACA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or HACA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and HACA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Assistance. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause HACA to deny assistance.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the assisted unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c); FR Notice 02/03/12; Notice PIH 2014-20]

The terms *family* and *household* have different meanings in the HCV program.

Family

To be eligible for assistance, an applicant must qualify as a family. *Family* as defined by HUD includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. HACA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

HACA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must notify HACA if the family's composition changes.

Household

Household is a broader term that includes additional people who, with HACA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up [24 CFR 982.315]

Except under the following conditions, the PHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section 16-IX.D of this plan.)
- If a court determines the disposition of property between members of the assisted family, HACA is bound by the court's determination of which family members continue to receive assistance.

HACA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial decision, or an agreement among the original family members, HACA will determine which family will retain its placement on the waiting list, or will continue to receive assistance. In making its determination, HACA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; (4) any possible risks to family members as a result of criminal activity, and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on “Caretakers for a Child.”

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

HACA Policy

The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT

A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13].

Spouse and *Co-head* are defined in the *Glossary*.

HACA Policy

A minor who is emancipated under state law may be designated as a spouse.

A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

HACA Policy

Minors who are emancipated under state law may be designated as a co-head.

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

3-I.F. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a dependent allowance as described in Chapter 6.

Joint Custody of Dependents

HACA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 183 or more days per year, not necessarily consecutively (51%).

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, HACA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Identifying each FTS is important because: (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent allowance, and (2) the earned income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head, spouse, co-head, or sole member is an elderly person. Identifying elderly families is important because elderly families qualify for the elderly family allowance as described in Chapter 6.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Persons with Disabilities

Under the HCV program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, HACA must make all aspects of the HCV program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance as described in Chapter 6.

Even though persons with drug or alcohol dependencies are considered persons with disabilities, this does not prevent HACA from denying assistance for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter, or from terminating assistance in accordance with the policies in Chapter 12.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to so consent. A *guest-day* is one calendar day per guest. For example, 3 separate guests who have each stayed with a family two days each at different times, have stayed 6 *guest-days*. ($3 \times 2 = 6$)

HACA Policy

A family may incur no more than 30 guest-days during any 12-month period.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household 183 or more days per year, not necessarily consecutively, are not subject to the time limitations of guests or guest-days as described above.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults who are living with an applicant or who have been approved by the PHA to live with a participant family are considered household members but not family members. The income of foster children/adults, including California Kinship Guardian Assistant Payments (Kin-GAP)_per PIH 2008-40, is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13].

HACA Policy

A *foster child* is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HACA subsidy standards.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

Definitions of Temporarily and Permanently Absent

HACA Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

HACA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to HACA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

HACA Policy

If a child has been placed in foster care, HACA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. If the child is receiving other federal rent subsidy, the child will be removed from the HACA-assisted household until s/he is no longer receiving the other federal rent subsidy.

Absent Head, Spouse, or Co-head

HACA Policy

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member unless s/he is receiving other federal rent subsidy.

Family Members Permanently Confined for Medical Reasons [HCV GB, p. 5-22]

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

HACA Policy

HACA will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, it may present, and HACA will consider, any additional documentation or evidence.

Return of Permanently Absent Family Members

HACA Policy

The family must request HACA approval for the return to the assisted unit of any adult family member that HACA previously determined to be permanently absent. The family must notify HACA in writing within 10 days of the return of any minor that HACA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE

A *live-in aide* is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403]. This definition applies to a specific person [PIH 2008-20].

The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The PHA may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the PHA's subsidy standards for an unidentified live-in aide.

Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since 24 CFR Section 982.402(b)(7) implies live-in aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards established by the PHA. Therefore, an additional bedroom should not be approved.

Regardless, a family may always request a reasonable accommodation to permit program participation by individuals with disabilities. A family's composition or circumstances may warrant the provision of an additional bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit. Such limited exceptions to the established subsidy standards are permitted under 24 CFR Section 982.402(b)(8).

The PHA must consider requests for an exception to the established subsidy standards on a case-by-case basis and provide an exception, where necessary, as a reasonable accommodation. The PHA shall document the justification for all granted exceptions.

HACA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The income of a live-in aide is not counted in the calculation of annual income for the family [24 CFR 5.609(b)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. Because live-in aides are not *family* members, a relative who serves as a live-in aide would not be considered a remaining member of a tenant family.

HACA Policy

The live-in aide, and any family members of the live-in aide, must be identified by the family and approved by HACA.

A family's request for a live-in aide must be made in accordance with HACA's Request for Reasonable Accommodation policies (2.II.C). Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new request-subject to HACA verification every two years.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care,

and (2) would not be living in the unit except to provide the necessary supportive services.

HACA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

- The person commits drug-related criminal activity or violent criminal activity; or

- The person currently owes rent or other amounts to HACA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

HACA will notify the family of its decision in writing within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

Definitions of the Income Limits [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of the Federal poverty level or 30 percent of the median income for the area.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 982.201]

Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for the applicant's family size. In order to be income eligible, an applicant family must be one of the following:

- A *very low-income* family
- A *low-income* family that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program [24 CFR 982.4]

HACA Policy

HACA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time it was issued a voucher by HACA.

- A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership), HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR 248.173
- A low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing as defined in 24 CFR 248.101

HUD permits the PHA to establish additional categories of low-income families that may be determined eligible. The additional categories must be consistent with the PHA plan and the consolidated plans for local governments within the PHA's jurisdiction.

HACA Policy

HACA has not established any additional categories of eligible low-income families.

Using Income Limits for Targeting [24 CFR 982.201]

At least 75 percent of the families admitted to HACA's program during a HACA fiscal year must be extremely low-income families. HUD may approve exceptions to this requirement if HACA demonstrates that it has made all required efforts, but has been unable to attract an adequate number of qualified extremely low-income families.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not counted for income targeting purposes.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), noncitizens that have eligible immigration status, or VAWA self-petitioners. At least one family member must be a citizen, national, noncitizen with eligible immigration status, or a VAWA self-petitioner in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with HACA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, an eligible noncitizen, or a VAWA self-petitioner, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals, eligible noncitizens, and VAWA self-petitioners, the declaration must be signed personally by the head, spouse (except for VAWA self-petitioners), co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

Citizens and nationals are required to submit a signed declaration as verification of their status. HUD regulations also require PHAs to obtain verification of the declaration by requiring documentation of their status as set forth in Chapter 7.

HACA Policy

Family members who declare citizenship or national status will be required to provide documentation of their status as set forth in Chapter 7.

Eligible Noncitizens and VAWA Self-Petitioners

In addition to providing a signed declaration, those declaring status as an eligible noncitizen or VAWA self-petitioner, must sign a verification consent form. The PHA must obtain verification of the declaration by requiring documentation of their status as described in Chapter 7. The documentation required for establishing eligible noncitizen or VAWA self-petitioner status varies depending upon factors such as the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. HACA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 16 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

HACA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by HACA that the individual or at least one family member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to HACA in accordance with program requirements [24 CFR 5.512(a)].

HACA Policy

HACA will not provide assistance to a family before the verification of at least one family member.

When HACA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with HACA. The informal hearing with HACA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in Chapter 16.

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the assisted family, HACA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, HACA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

HACA Policy

HACA will verify the citizenship status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH2012-10]

The applicant and all members of the applicant's household (including Live-In Aides and foster children/adults) must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of the effective date of the initial HAP contract. A detailed discussion of acceptable documentation is provided in Chapter 7-II.B.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

HACA must deny assistance to an applicant family if it does not meet the SSN disclosure, and documentation requirements contained in 24 CFR 5.216 (see Chapter 12-I.D).

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230, HCV GB, p. 5-13]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

HACA must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612 and FR Notice 4/10/06]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, and does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with HACA policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

In determining whether and how the new eligibility restrictions apply to a student, HACA will rely on the following definitions [FR 4/10/06, p. 18148].

Dependent Child

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Independent Student

HACA Policy

HACA will consider a student “independent” from his or her parents and the parents’ income will not be considered when determining the student’s eligibility if the following four criteria are all met:

The individual is of legal contract age under state law.

The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education’s definition of independent student.

To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:

Be at least 24 years old by December 31 of the award year for which aid is sought

Be an orphan or a ward of the court through the age of 18

Be a veteran of the U.S. Armed Forces

Have one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)

Be a graduate or professional student

Be married

The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents’ most recent tax forms.

The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

HACA will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E.

Institution of Higher Education

HACA will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2).

Parents

HACA Policy

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

Person with Disabilities

The PHA will use the statutory definition under section 3(b)(3)(E) of the 1937 Act to determine whether a student is a *person with disabilities* (see Exhibit 3-1).

Veteran

HACA Policy

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Determining Student Eligibility

If a student is applying for assistance on his/her own, apart from his/her parents, HACA must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, HACA must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

HACA Policy

For any student who is subject to the 5.612 restrictions, HACA will:

- Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program

- Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section

- Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program

If HACA determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, HACA will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B.

Determining Parental Income Eligibility

HACA Policy

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, HACA will determine the income eligibility of the student's parents as follows:

If the student's parents are married and living together, HACA will obtain a joint income declaration and certification of joint income from the parents.

If the student's parent is widowed or single, HACA will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, HACA will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, HACA will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. HACA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, HACA will use the income limits for the jurisdiction in which the parents live.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory for the PHA, and those in which denial of assistance is optional for the PHA.

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR Part 5, Subpart L]

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside HACA's jurisdiction (See Chapter 10, Portability.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance (See section 3-III.G.)

3-III.B. REQUIRED DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires PHAs to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.

HUD permits, but does not require, PHAs to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

HACA Policy

HACA will not admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 3 years for drug-related criminal activity. However, HACA may admit the household if HACA determines:

- That the evicted household member who engaged in the criminal activity has successfully completed a supervised drug rehabilitation program approved by HACA; or
 - That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- The PHA determines that any household member is currently engaged in the use of illegal drugs.

HACA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

HACA Policy

In determining reasonable cause, HACA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. HACA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- 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.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- The applicant does not meet the applicable SSN disclosure, documentation, and verification requirements as specified in 24 CFR 5.216 outlined in Chapter 7II-B.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, PHAs to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, PHAs to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

HACA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied assistance.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners management staff, and persons performing contract administration functions or other responsibilities on behalf of HACA (including a HACA employee or a HACA contractor, subcontractor, or agent).

Evidence of such criminal activity includes, but is not limited to:

Any conviction not expunged for drug-related or violent criminal activity within the past 5 years.

Records of arrests for drug-related or violent criminal activity within the past 5 years, although a record of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.

A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.

In making its decision to deny assistance, HACA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes HACA to deny assistance based on the family's previous behavior in assisted housing:

HACA Policy

HACA **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

HACA **will** deny assistance to an applicant family if:

The family does not provide information that HACA or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to HACA.

Any family member has been evicted from federally-assisted housing in the last five years.

Any PHA has ever terminated assistance under the program for any member of the family.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts to any PHA in connection with Section 8 or other public housing assistance under the 1937 Act,, unless the family repays the full amount of the debt prior to being assisted.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being assisted.

The family has breached the terms of a repayment agreement entered into with HACA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being assisted.

A family member has engaged in or threatened violent or abusive behavior toward HACA personnel.

Abusive or violent behavior towards HACA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny assistance, HACA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

3-III.D. SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists PHAs in complying with HUD requirements and HACA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records PHAs must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

HACA Policy

HACA will perform a criminal background check for every adult household member.

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

HACA Policy

HACA will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

Additionally, PHAs must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If a PHA proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, it must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

Screening for Suitability as a Tenant [24 CFR 982.307]

The PHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. The PHA has the authority to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

HACA Policy

HACA will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. The PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires the PHA to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits the PHA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

The PHA may not disclose to the owner any confidential information provided to the PHA by the family in response to a request by the PHA for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(b)(4)].

HACA Policy

HACA will inform owners of their responsibility to screen prospective tenants, and will, upon request, provide owners with the required known name and address information, at the time of the initial HQS inspection or before. HACA will not provide any additional information to the owner, such as tenancy history or criminal history.

3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

HACA Policy

HACA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 982.552(c)(2)]

HUD authorizes PHAs to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandatory (see Section 3-III.B).

HACA Policy

HACA will consider the following facts and circumstances prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents' safety or property.

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure to act

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.G) a victim of domestic violence, dating violence, sexual assault, or stalking

The length of time since the violation occurred, , including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future

As evidence of the likelihood of favorable conduct in the future, HACA will consider all of the following: Evidence of employment, education, successful completion of the CHOICES or FACT programs sponsored by Alameda County Behavioral Health Care Services, participation in a work training program, participation in a counseling program, involvement in a community group, a certificate of rehabilitation from the state, and letters of support from parole or probation, case workers, clergy, or community leaders.

While a record of arrest(s) will not be used as the basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, the PHA

may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The PHA may also consider:

- Any statements made by witnesses or the applicant not included in the police report

- Whether criminal charges were filed

- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

- Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

- HACA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Removal of a Family Member's Name from the Application

Should the PHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must deny admission to the family [Notice PIH 2012-28].

For other criminal activity, the PHA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 982.552(c)(2)(ii)].

HACA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit, stay as a guest, or reside in the assisted unit other than as required or permitted by a court visitation order.

After admission to the program, the family must present evidence of the former family member's current address upon HACA request.

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, HACA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

HACA Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, HACA will determine whether the behavior is related to the stated disability. If so, upon the family's request, HACA will determine whether admitting the family as a reasonable accommodation is appropriate. HACA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. (See Chapter 2 for a discussion of reasonable accommodation.)

3-III.F. NOTICE OF ELIGIBILITY OR DENIAL

If the family is eligible for assistance, HACA will so notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

If HACA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.

HACA Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination. The notice will include contact information for Bay Area Legal Aid.

If HACA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before HACA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. HACA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

HACA Policy

If, based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, HACA will notify the family in writing of the proposed denial and provide a copy of the record to the subject of the record and, with signed authorization from the subject, a copy to the applicant. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact HACA to dispute the information within that 10-day period, HACA will proceed with issuing the notice of denial of admission. A family that does not exercise its right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault, or stalking are contained in Section 3-III.G.

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING [[24 CFR Part 5, Subpart L]

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying an applicant admission to the HCV program “on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for assistance or admission.”

Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the form HUD-50066 at the time the applicant is denied.

HACA Policy

HACA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under HACA’s policies. Therefore, if HACA makes a determination to deny admission to an applicant family, HACA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-50066. The HACA will request in writing that an applicant wishing to claim protection under VAWA notify HACA within 10 business days.

Documentation

Victim Documentation [24 CFR 5.2007]

HACA Policy

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault, or stalking, HACA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

HACA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions:

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; *or*

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.
- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) In General

The term “developmental disability” means a severe, chronic disability of an individual that:

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in functional limitations in 3 or more of the following areas of major life activity: (I) Self-care, (II) Receptive and expressive language, (III) Learning, (IV) Mobility, (V) Self-direction, (VI) Capacity for independent living, (VII) Economic self-sufficiency; and
- (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) Infants and Young Children

An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means:

- (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
- (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
- (c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.

<p style="text-align: center;">EXHIBIT 3-2: DEFINITION OF INSTITUTION OF HIGHER EDUCATION [20 U.S.C. 1001 and 1002]</p>

Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance; Notice [Federal Register, April 10, 2006]

Institution of Higher Education shall have the meaning given this term in the Higher Education Act of 1965 in 20 U.S.C. 1001 and 1002.

Definition of “Institution of Higher Education” From 20 U.S.C. 1001

- (a) Institution of higher education. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” means an educational institution in any State that
 - (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
 - (2) Is legally authorized within such State to provide a program of education beyond secondary education;
 - (3) Provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;
 - (4) Is a public or other nonprofit institution; and
 - (5) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.
- (b) Additional institutions included. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” also includes—
 - (1) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a) of this section; and
 - (2) A public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.
- (c) List of accrediting agencies. For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.

Definition of “Institution of Higher Education” From 20 U.S.C. 1002

- (a) Definition of institution of higher education for purposes of student assistance programs
 - (1) Inclusion of additional institutions. Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 includes, in addition to the institutions covered by the definition in section 1001 of this title—
 - (A) A proprietary institution of higher education (as defined in subsection (b) of this section);
 - (B) A postsecondary vocational institution (as defined in subsection (c) of this section); and
 - (C) Only for the purposes of part B of subchapter IV of this chapter, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part B of subchapter IV of this chapter.
 - (2) Institutions outside the United States
 - (A) In general. For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001 (a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of subchapter IV of this chapter unless—
 - (i) In the case of a graduate medical school located outside the United States—
 - (I)(aa) At least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; and
 - (bb) At least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; or
 - (II) The institution has a clinical training program that was approved by a State as of January 1, 1992; or

- (ii) In the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution's students complete their clinical training at an approved veterinary school located in the United States.
- (B) Advisory panel
 - (i) In general. For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall—
 - (I) Evaluate the standards of accreditation applied to applicant foreign medical schools; and
 - (II) Determine the comparability of those standards to standards for accreditation applied to United States medical schools.
 - (ii) Special rule if the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 1001 of this title.
- (C) Failure to release information. The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part B of subchapter IV of this chapter.
- (D) Special rule. If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.
- (3) Limitations based on course of study or enrollment. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—
 - (A) Offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution that meets the definition in section 2471 (4)(C) of this title;
 - (B) Enrolls 50 percent or more of the institution's students in correspondence courses, unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;

- (C) Has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or
 - (D) Has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.
- (4) Limitations based on management. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if—
- (A) The institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11 between July 1, 1998, and December 1, 1998; or
 - (B) The institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, or has been judicially determined to have committed fraud involving funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.
- (5) Certification. The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part G of subchapter IV of this chapter.
- (6) Loss of eligibility. An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 as a result of an action pursuant to part G of subchapter IV of this chapter.

(b) Proprietary institution of higher education

- (1) Principal criteria. For the purpose of this section, the term “proprietary institution of higher education” means a school that—
 - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
 - (B) Meets the requirements of paragraphs (1) and (2) of section 1001 (a) of this title;
 - (C) Does not meet the requirement of paragraph (4) of section 1001 (a) of this title;
 - (D) Is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part G of subchapter IV of this chapter;
 - (E) Has been in existence for at least 2 years; and
 - (F) Has at least 10 percent of the school’s revenues from sources that are not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.
- (2) Additional institutions. The term “proprietary institution of higher education” also includes a proprietary educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) Postsecondary vocational institution.

- (1) Principal criteria. For the purpose of this section, the term “postsecondary vocational institution” means a school that—
 - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
 - (B) Meets the requirements of paragraphs (1), (2), (4), and (5) of section 1001 (a) of this title; and
 - (C) Has been in existence for at least 2 years.
- (2) Additional institutions. The term “postsecondary vocational institution” also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

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 HACA with the information needed to determine the family's eligibility. HUD requires HACA to place all families that apply for assistance in an applicant lottery pool or on a waiting list. When HCV assistance becomes available, HACA must select families from the applicant lottery pool, if any, and, then from the waiting list in accordance with HUD requirements and HACA policies as stated in the administrative plan and the annual plan.

HACA is required to adopt and consistently follow clear policies and procedures for accepting applications, placing families in an applicant pool or on the waiting list, and selecting families from the waiting list. 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 HACA 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 HACA 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 HACA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and HACA policies for taking applications, managing the applicant pool and 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 HACA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how HACA'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 HACA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide HACA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that HACA 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 placing applicants on the waiting list. This part also describes HACA'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 HACA 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 HACA. HACA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of its application.

HACA Policy

HACA may use a one- or two-step application process. In a one-step process, the family must provide all of the information necessary to establish family eligibility and level of assistance at application. A one-step process may be used for categories of applicants for which the waiting list is always open, and when it is expected that a family will be selected from the waiting list within 120 days of the date of application.

HACA will, typically, use a two-step application process. Under the two-step application process, HACA, initially, will require families to provide only the information needed by HACA to make an initial assessment of the family's eligibility for assistance and its self-certified preference category eligibility (as applicable). Depending on its self-certified preference category eligibility, a family initially determined to be eligible will be placed on the waiting list or in an applicant lottery pool. Those families placed in an applicant lottery pool will be selected by lottery from the applicant lottery pool for placement on the waiting list as HACA has housing assistance available to allocate. Because of limited assistance, not all families in the applicant lottery pool will be selected for placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

When HACA provides public notice that it is accepting applications for housing assistance, the application will be available on-line, at any time of day or night. The applicant may complete the application from any computer with internet access (e.g. home, public library, community-based organization, etc.). If the applicant requires assistance with completing the application, resources for assistance will be listed in waiting list opening announcements.

Completed applications must be submitted to HACA in the method explained in waiting list opening announcements. Applications must be complete in order to be accepted by HACA for processing. If an application is incomplete, HACA will attempt to notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

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

Limited English Proficiency

PHAs are required to take 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 HACA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT IN THE APPLICANT LOTTERY POOL OR ON THE WAITING LIST

HACA must review each complete application received and make a preliminary assessment of the family's eligibility. HACA 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, HACA 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 in the Applicant Lottery Pool or on the Waiting List

HACA Policy

If HACA can determine from the information provided that a family is ineligible, the family will not be placed in the applicant lottery pool, if any, or on the waiting list. Where a family is determined to be ineligible, HACA will send written notification of the ineligibility determination within 10 business days of making the determination. 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 in the Applicant Lottery Pool or on the Waiting List

HACA Policy

HACA will inform the applicant of the preliminary eligibility determination within 10 business days of making the determination.

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

Applicants will be placed on the waiting list according to any preference(s) for which they self-certify (if applicable), and, as applicable, either a randomly assigned applicant lottery pool tiebreaker number, or the date and time their complete application is received by HACA.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

HACA 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]

HACA's waiting list must be organized in such a manner to allow HACA 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;
- Applicant Social Security Number;
- Family unit size;
- Date and time of application or lottery number, as applicable;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

HUD requires PHAs 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.

HACA Policy

HACA will maintain a single waiting list for the Section 8 HCV program because it does not serve more than one county.

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 HACA 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.

HACA Policy

HACA will merge the Section 8 HCV waiting list with the waiting list for the Section 8 Project-Based Voucher program (PBV), the Section 8 Moderate Rehabilitation program (Mod Rehab), and the Low Income Public Housing Program. Selection for each program is subject to federal regulations and the requirements for each individual program. Selection categories of the waiting list will include:

<u>Name</u>	<u>Program</u>
Arroyo Vista Senior Housing	Project-Based Voucher
Arroyo Vista Family Housing	Project-Based Voucher
Bridgeway East	Project-Based Voucher
Lorenzo Creek	Project-Based Voucher
Magnolia Terrace	Project-Based Voucher
Main Street Village	Project-Based Voucher
Maple Square	Project-Based Voucher
Mayten Manor	Project-Based Voucher
Peppertree Village	Project-Based Voucher
Station District	Project-Based Voucher
Third Street Apartments	Project-Based Voucher
Union City Units	Project-Based Voucher
Nidus and Dyer Units	Project-Based Voucher
Moderate Rehabilitation-Atherton Units	Moderate Rehabilitation
Moderate Rehabilitation-Other	Moderate Rehabilitation
Low Income Public Housing	Low Income Public Housing

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.

HACA Policy

The waiting list is open to the extent necessary to assist an otherwise eligible category of applicants that is eligible as set forth by a HUD award of funding to HACA, and/or a HUD designation of assistance, for a targeted category of Section 8 eligible families.

Except as set forth in the following paragraphs, HACA may close the waiting list at its discretion if it has enough eligible applicants to use the housing assistance resources it has been allotted.

The waiting list is always open to an otherwise eligible applicant who:

- is a *Displaced family, or Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*;
- is a tenant of HACA Public Housing who is the victim, or threatened victim, of domestic violence, dating violence, or stalking engaged in by a member of the tenant's household or any guest or other person under the tenant's control, providing the claim is documented in accordance with section 16-IX.D of this plan.
- qualifies for the *Public Housing Mishoused Preference* as set forth in the *Glossary*;
- is eligible as set forth by a HUD award of funding to HACA for a targeted category of Section 8 eligible families (see Section 4-III.B. Targeted Funding);
- is an emancipated youth currently receiving housing assistance from HACA pursuant to HUD's Family Unification Program (FUP) regulations effective 2009 or later who, as determined by the Alameda County Social Services Agency, has successfully graduated from FUP and has been referred to HACA by Alameda County Social Services;
- is a participant of the CHOICES or FACT programs sponsored by Alameda County Behavioral Health Care Services (BHCS) who, as determined by BHCS, is in good standing; is nearing the end of his or her participation; and will soon graduate from the program;
- is a *PBV In-Place Family* living in a Project-Based Voucher contract unit approved by HACA after May 1, 2009 as set forth in Section 17-VI.B;
- is a disabled family that is in need of services offered at a particular Project-Based Voucher project approved by HACA after May 1, 2009 if the units are limited to families (including individuals):

- With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
- For whom such services cannot be provided in a non-segregated setting as set forth in Chapter 17-VI.D.;
- is referred by an owner of a particular Project-Based Voucher development in instances when HACA has failed to provide sufficient eligible families from its waiting list to fill a vacancy in the development within 30 days of the owner's notification to HACA of the vacancy; or
- is referred by an owner of a particular Moderate Rehabilitation development in instances when HACA has failed to provide sufficient eligible families from its waiting list to fill a vacancy in the development within 30 days of the owner's notification to HACA of the vacancy.

Reopening the Waiting List

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

HACA Policy

HACA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

HACA will give public notice by publishing the relevant information:

- on the HACA website, www.haca.net;
- through public notices and advertisements in the Local or Public Notice Sections of newspapers that serve its jurisdiction;
- in appropriate foreign language publications;
- by sending notices to:
 - community service providers in HACA's service area;
 - City housing departments;
 - housing authorities in the Bay Area;
 - the Alameda County Board of Supervisors and County Administrator; and
 - federal elected officials from HACA's service area;
- on a recorded voice mailbox; and
- in HACA's office.

HACA will attempt to coordinate with a representative selection of social service agencies that serve disabled, elderly and Limited English Proficiency populations in order to ensure equal access for these populations. Through these agencies, applicants will be able to access translation services, assistance with completion of their application and other specialized services.

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

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

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

HACA outreach efforts must comply with fair housing requirements. These include:

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

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

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

HACA Policy

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

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

HACA Policy

While the family is in the applicant lottery pool or on the waiting list, it is its responsibility to update its application with changes in preferences and contact information, including current residence, mailing address, and phone number.

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

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

HACA Policy

The waiting list will be updated as often as is necessary, generally every other year, to ensure that all applicants and applicant information is current and timely.

To update the waiting list, HACA will send an update request via first class mail or email to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address or email address that HACA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. If the applicant has submitted an update to his/her application within the previous six months HACA may, or may not, send an update request as the applicant's information is current.

The family's response to the update request must be submitted on-line (if available), or by mail, fax or hand delivered if on-line submission is not available. Responses must be postmarked or received by HACA on or before the due date indicated in the update request.

If the family fails to respond by the due date and does not require a reasonable accommodation, the family will be removed from the waiting list without further notice.

If the update request is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the update request is returned by the post office with a forwarding address, the update request will be re-sent to the address indicated. The family will have 10 business days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the PHA may approve reinstatement of the family if it determines the lack of response was due to HACA error, or to circumstances beyond the family's control.

Removal from the Waiting List

HACA Policy

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

If an applicant family is removed from the waiting list because HACA has determined the family is not eligible for assistance or requests in writing to be removed from the waiting list, a notice will be sent to the family's address of record as well as to any alternate address requested on the initial application. 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 HACA'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.

HACA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to HACA'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-designated families living in specified types of units (e.g., a family that is displaced by demolition or disposition of public housing; a non-purchasing family residing in a HOPE 1 or 2 project). In these cases, HACA 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. HACA must maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award HACA funding, and/or designate assistance, for a specified category of families on the waiting list. HACA 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.

HACA Policy

For any specified category of families for which HUD may award funding to HACA, and/or designate assistance for, HACA will select the applicant for assistance in the following order:

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

Categories of Families for which HUD Has Designated Assistance or Awarded Funding to HACA, or for which HUD May Award Funding to HACA in Response to an Application From HACA, include, but are not limited to:

- **HUD Office of Policy Development and Research, Impact of Housing and Services Interventions on Homeless Families Study**
For up to a maximum of 10 permanent vouchers that HACA has agreed to

dedicate to the study, the waiting list is always open to an otherwise eligible homeless applicant referred to HACA by the research project.

- **Notice of Funding Availability (NOFA) Family Unification Program (FUP)**

HACA has executed a Memorandum of Understanding (MOU) dated November 19, 2010 with the Alameda County Social Services Department, the applicable Public Child Welfare Agency (PCWA). HACA, upon receipt of the PCWA list of families and youths currently in the PCWA caseload, will compare the names with those of families and youths already on HACA's HCV waiting list. Any family or youth on HACA's HCV waiting list that matches with the PCWA's list will be assisted in order of its position on the waiting list in accordance with HACA admission policies. Any family or youth certified by the PCWA as eligible and not on the HCV waiting list will be placed on the waiting list. If HACA has closed the HCV waiting list, it will reopen the waiting list to accept a FUP applicant family or youth who is not currently on HACA's HCV waiting list.

- **Rental Assistance for Non-Elderly Disabled (RANE) Families Transitioning from MediCal Funded Facilities**

HACA has executed an MOU dated June 17, 2010, with East Bay Innovations, the applicable Lead Organization (LO). HACA, upon receipt of the LO's list of families or individuals eligible for RANE, will compare the names with those of families already on HACA's HCV waiting list. Any family on HACA's HCV waiting list that matches with the LO's list will be assisted in order of their position on the HCV waiting list in accordance with HACA admission policies. Any family certified by the LO as eligible and not on the HCV waiting list will be placed on the RANE waiting list. If HACA has closed the RANE waiting list, it will reopen the waiting list to accept a RANE applicant family who is not currently on the RANE or HCV waiting list.

- **Veterans Affairs Supportive Housing (VASH)**

HACA does not maintain a waiting list or apply preferences/priority for this program in accordance with Federal Register Vol. 73, No. 88, May 6, 2008 (Docket No. FR-5213-N-01), as participants are referred for assistance directly from the Veterans Administration.

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; CA Health & Safety Code Section 34322.2(a) and (b)]

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.

HACA Policy

Section 8 Housing Choice Voucher Program (HCV)

HACA applies the following preferences and priority:

- FUP Graduates: Emancipated youth currently receiving housing assistance from HACA pursuant to HUD's Family Unification Program (FUP) regulations effective 2009 or later, who as determined by the Alameda County Social Services Agency, are in good standing, and are nearing the end of their participation in FUP and will graduate from the program and has been referred to HACA by the Alameda County Social Services.
- CHOICES or FACT Graduates: Participants of the CHOICES or FACT programs sponsored by the Alameda County Behavioral Health Care Services Agency (BHCS), who, as determined by BHCS, are in good standing; are nearing the end of their participation; will soon graduate from the program; and, have been referred to HACA by BHCS. (The CHOICES and FACT programs will end effective January 31, 2017.)
- Displaced-HACA: *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other: *Displaced family* as set forth in the *Glossary*.
- MHSA Graduates (Formerly, Choices or FACT Graduates): Participants of the State of California Mental Health Services Act (MHSA) shelter and services program sponsored by the Alameda County Behavioral Health Care Services Agency (BHCS), who, as determined by BHCS, are in good standing; are nearing the end of their participation; will soon graduate from the program; and, have been referred to HACA by BHCS.
- PH Mishoused: *Public Housing Mishoused* as set forth in the *Glossary* who are Public Housing tenants currently residing in HACA's jurisdiction whose unit size HACA has determined to have been inappropriate for the size and composition of the family, or designated as restricted to elderly or disabled families where the

family is neither elderly nor disabled, for at least 90 days and who has not been offered a transfer to another unit due to unit unavailability.

- Resident: Families that, at the time of selection from the waiting list, reside anywhere in HACA's jurisdiction, or include a member who works, or has been hired to work in the jurisdiction. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- Sole Persons Elderly/Disabled: Sole persons:
 - 62 years of age or older; or
 - *persons with disabilities* as set forth in the *Glossary*
- Veteran: Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

HACA will select applicants from its waiting list for HCV assistance in the following order:

Note #1: Prior to assisting applicants in category 3 below, HACA will assist currently housed Project-Based Voucher holders who have priority to receive the next available opportunity for continued tenant-based assistance as outlined in Section 17-VII.C.

Note #2: For the following categories 3 through 10 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Applicants for Targeted Funding as set forth in Section 4-II.B above
2. FUP Graduates and MHSA,CHOICES or FACT Program Graduates
 - a. FUP Graduates
 - i. HACA will assist applicants in the order of first come, first served except that veterans or servicepersons as set forth in the *Glossary* will be assisted before applicants who are not veterans or servicepersons.
 - ii. HACA will limit the number of applicants that may qualify for this preference such that no more than five applicants from this preference will be selected in any calendar month.
 - b. MHSA,CHOICES or FACT Program Graduates
 - i. HACA will conduct a lottery of MHSA, CHOICES and FACT Program graduates referred by BHCS and assist applicants in order of ascending lottery "tiebreaker" number (that is, applicants with a lower lottery "tiebreaker" number are selected before applicants with a higher one) except that veterans or servicepersons as set forth in the *Glossary* will be assisted before applicants who are not veterans or servicepersons.

- ii. HACA will limit the number of applicants that may qualify for this preference such that no more than 75 applicants of the combined MHSA, CHOICES and FACT graduates from this preference will be selected annually.

- 3. a.) Veteran and Displaced-HACA or b.) Veteran and Displaced-Other and Resident and Sole Persons Elderly/Disabled
- 4. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
- 5. a.) Veteran and Displaced-HACA or b.) Veteran and Displaced-Other and Resident.
- 6. a.) Displaced-HACA or b.) Displaced-Other and Resident
- 7. a.) Veteran and Displaced-HACA or b.) Veteran and Displaced-Other and Sole Persons Elderly/Disabled
- 8. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
- 9. Veteran and a.) Displaced-HACA or b.) Displaced-Other
- 10. a.) Displaced-HACA or b.) Displaced-Other
- 11. Veteran and PH Mishoused and Resident and Sole Persons Elderly/Disabled
- 12. PH Mishoused and Resident and Sole Persons Elderly/Disabled
- 13. Veteran and PH Mishoused and Resident
- 14. PH Mishoused and Resident
- 15. Veteran and PH Mishoused and Sole Persons Elderly/Disabled
- 16. PH Mishoused and Sole Persons Elderly/Disabled
- 17. Veteran and PH Mishoused
- 18. PH Mishoused
- 19. Veteran and Resident and Sole Persons Elderly/Disabled
- 20. Resident and Sole Persons Elderly/Disabled
- 21. Veteran and Resident
- 22. Resident
- 23. Veteran and Sole Persons Elderly/Disabled
- 24. Sole Persons Elderly/Disabled
- 25. Veteran
- 26. Applicants without preferences or priority

For categories 3 through 26 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either:

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to categories 3 through 10 and 19 through 26 above); or
- the date and time their complete application is received by HACA (applies to categories 1, 2 and 11 through 18 above).

Section 8 Project-Based Voucher Program (PBV)

HACA selectively applies the following preferences and priorities as set forth in the individual selection categories listed below:

- **In-Place Family**: A PBV In-Place Family living in a PBV contract unit as set forth in Section 17-VI.B. This preference applies irrespective of whether the family is in need of services offered at a particular PBV project as set forth immediately below in “Supportive Services”.
- **Supportive Services**: A disabled family that is in need of services offered at a particular PBV project if the units are limited to families (including individuals):
 - With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
 - Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
 - For whom such services cannot be provided in a non-segregated setting as set forth in Section 17-VI.D.
- **Displaced-Arroyo Vista**: Previous Arroyo Vista Public Housing tenants that were displaced by the demolition/disposition of the Arroyo Vista Public Housing project and are eligible for the program.
- **Displaced-Emeryville**: Qualified households who have been displaced as a result of the City of Emeryville’s or City of Emeryville Redevelopment Agency’s public projects or the City’s code enforcement activities.
- **Displaced-HACA**: *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- **Displaced-Other**: *Displaced family* as set forth in the *Glossary*.
- **Homeless**: Individual applicants or applicant families that verifiably lack housing, including one whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations; an individual who is a resident in transitional housing; or an individual who has as a primary residence a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- **Resident**: Families that, at the time of selection from the waiting list, reside anywhere in HACA’s jurisdiction, or include a member who works, or has been

hired to work in the jurisdiction. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

- Fremont Resident: Families that reside in Fremont, or include a member who works, or has been notified they are hired to work in Fremont. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- Sole Persons Elderly/Disabled: Sole persons:
 - 62 years of age or older; or
 - *persons with disabilities* as set forth in the *Glossary*.
- Veteran: Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

HACA will select applicants from each selection category for PBV assistance, as follows:

SELECTION CATEGORIES

Arroyo Vista Senior Housing (City of Dublin)

All applicants must be age 62 or older by the date of selection to qualify. HACA will select applicants for the Arroyo Vista Senior Housing selection category in the following order:

Note: For the following categories 2 through 9 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Displaced-Arroyo Vista
2. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
3. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
4. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
5. a.) Displaced-HACA or b.) Displaced-Other and Resident
6. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
8. Veteran and a.) Displaced-HACA or b.) Displaced-Other
9. a.) Displaced-HACA or b.) Displaced-Other
10. Veteran and Resident and Sole Persons Elderly/Disabled
11. Resident and Sole Persons Elderly/Disabled
12. Veteran and Resident

13. Resident
14. Veteran and Sole Persons Elderly/Disabled
15. Sole Persons Elderly/Disabled
16. Veteran
17. Applicants without preferences or priority

For categories 2 through 17 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except Displaced-Arroyo Vista); or
- the date and time their complete application is received by HACA (applies to Displaced-Arroyo Vista)

Arroyo Vista Family Housing (City of Dublin)

HACA will select applicants for the Arroyo Vista Family Housing selection category in the following order:

Note: For the following categories 2 through 9 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Displaced-Arroyo Vista
2. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
3. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
4. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
5. a.) Displaced-HACA or b.) Displaced-Other and Resident
6. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
8. Veteran and a.) Displaced-HACA or b.) Displaced-Other
9. a.) Displaced-HACA or b.) Displaced-Other
10. Veteran and Resident and Sole Persons Elderly/Disabled
11. Resident and Sole Persons Elderly/Disabled
12. Veteran and Resident
13. Resident
14. Veteran and Sole Persons Elderly/Disabled

15. Sole Persons Elderly/Disabled
16. Veteran
17. Applicants without preferences or priority

For categories 2 through 17 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except Displaced-Arroyo Vista); or
- The date and time their complete application is received by HACA (applies to Displaced-Arroyo Vista)

Bridgeway East (City of Fremont)

HACA will select applicants for the Bridgeway East selection category in the following order:

1. Veteran and Homeless and Resident and Sole Persons Elderly/Disabled
2. Homeless and Resident and Sole Persons Elderly/Disabled
3. Veteran and Homeless and Resident
4. Homeless and Resident
5. Veteran and Homeless and Sole Persons Elderly/Disabled
6. Homeless and Sole Persons Elderly/Disabled
7. Veteran and Resident and Sole Persons Elderly/Disabled
8. Resident and Sole Persons Elderly/Disabled
9. Veteran and Resident
10. Resident
11. Veteran and Sole Persons Elderly/Disabled
12. Sole Persons Elderly/Disabled
13. Veteran
14. Applicants without preferences or priority

For categories 1 through 14 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or

- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Lorenzo Creek (Castro Valley)

HACA will select applicants for the Lorenzo Creek selection category in the following order:

1. Veteran and Homeless and Resident and Sole Persons Elderly/Disabled
2. Homeless and Resident and Sole Persons Elderly/Disabled
3. Veteran and Homeless and Resident
4. Homeless and Resident
5. Veteran and Homeless and Sole Persons Elderly/Disabled
6. Homeless and Sole Persons Elderly/Disabled
7. Veteran and Resident and Sole Persons Elderly/Disabled
8. Resident and Sole Persons Elderly/Disabled
9. Veteran and Resident
10. Resident
11. Veteran and Sole Persons Elderly/Disabled
12. Sole Persons Elderly/Disabled
13. Veteran
14. Applicants without preferences or priority

For categories 1 through 14 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Magnolia Terrace (City of Emeryville)

At least one household member must be disabled in order to qualify. HACA will select applicants for the Magnolia Terrace selection category in the following order:

1. Veteran and Supportive Services and Displaced-Emeryville and Resident
2. Supportive Services and Displaced-Emeryville and Resident
3. Veteran and Supportive Services and Displaced-Emeryville

4. Supportive Services and Displaced-Emeryville
5. Veteran and Supportive Services and Resident
6. Supportive Services and Resident
7. Veteran and Supportive Services
8. Supportive Services
9. Veteran and Displaced-Emeryville and Resident
10. Displaced-Emeryville and Resident
11. Veteran and Displaced-Emeryville
12. Displaced-Emeryville
13. Veteran and Resident
14. Resident
15. Veteran
16. Applicants without preferences or priority

For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Main Street Village (City of Fremont)

All PBV Units (32): At least one family member must participate in a Service Plan Agreement and receive at least one of the following supportive services as stated in the Service Plan as offered by the project to qualify (see Section 17-II.F for more information):

- Transportation for activities such as (but not limited to) grocery shopping, job training, education, attending medical and dental appointments, etc.
- Supervised taking of medications
- Treatment for drug addiction (for recovering and current users)
- Treatment for alcohol addiction (for recovering and current users)
- Training and development of housekeeping and homemaking skills
- Family budgeting

- Child care
- Parenting skills
- Computer access and training
- Library access
- Work skills development, job training and employment counseling
- Educational/vocational opportunities
- Case Management services and/or counseling
- Access to Health and Psychiatric Services, i.e. nurse/medical staff, mental health professional, etc.
- Life skills training
- Access to on-site/off-site social activities

Homeless Units (22): At least one household member must be homeless as defined in Preferences (above) for the Section 8 PBV program in order to qualify. HACA will select applicants for the Main Street Village selection category to fill the 22 Homeless Units in the following order:

1. Veteran and Homeless and Fremont Resident
2. Homeless and Fremont Resident
3. Veteran and Homeless and Resident
4. Homeless and Resident
5. Veteran and Homeless
6. Homeless

For categories 1 through 6 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Special Needs Units (10): At least one household member must be disabled in order to qualify. HACA will select applicants for the Main Street Village selection category to fill the 10 Special Needs Units in the following order:

1. Veteran and Special Needs and Fremont Resident
2. Special Needs and Fremont Resident

3. Veteran and Special Needs and Resident
4. Special Needs and Resident
5. Veteran and Special Needs
6. Special Needs
7. Veteran and Fremont Resident
8. Fremont Resident
9. Veteran and Resident
10. Resident
11. Veteran
12. Applicants without preferences or priority

For categories 1 through 12 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Maple Square (City of Fremont)

HACA will select applicants for the Maple Square selection category in the following order:

Note: For the following categories 1 through 8 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
2. a.) Displaced-HACA or b.) Displaced-Other and Resident and Soles Persons Elderly/Disabled
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
4. a.) Displaced-HACA or b.) Displaced-Other and Resident
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
6. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other

8. a.) Displaced-HACA or b.) Displaced-Other
9. Veteran and Resident and Sole Persons Elderly/Disabled
10. Resident and Sole Persons Elderly/Disabled
11. Veteran and Resident
12. Resident
13. Veteran and Sole Persons Elderly/Disabled
14. Sole Persons Elderly/Disabled
15. Veteran
16. Applicants without preferences or priority

For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Mayten Manor (City of Hayward)

At least one household member must be age 62 or older or disabled by the date of selection in order to qualify. HACA will select applicants for the Mayten Manor selection category in the following order:

Note: For the following categories 1 through 8 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
2. a.) Displaced-HACA or b.) Displaced-Other and Resident and Soles Persons Elderly/Disabled
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
4. a.) Displaced-HACA or b.) Displaced-Other and Resident
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
6. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other
8. a.) Displaced-HACA or b.) Displaced-Other

9. Veteran and Resident and Sole Persons Elderly/Disabled
10. Resident and Sole Persons Elderly/Disabled
11. Veteran and Resident
12. Resident
13. Veteran and Sole Persons Elderly/Disabled
14. Sole Persons Elderly/Disabled
15. Veteran
16. Applicants without preferences or priority

For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Peppertree Village (City of Hayward)

HACA will select applicants for the Peppertree Village selection category in the following order:

Note: For the following categories 1 through 8 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
2. a.) Displaced-HACA or b.) Displaced-Other and Resident and Soles Persons Elderly/Disabled
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
4. a.) Displaced-HACA or b.) Displaced-Other and Resident
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
6. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other
8. a.) Displaced-HACA or b.) Displaced-Other
9. Veteran and Resident and Sole Persons Elderly/Disabled

10. Resident and Sole Persons Elderly/Disabled
11. Veteran and Resident
12. Resident
13. Veteran and Sole Persons Elderly/Disabled
14. Sole Persons Elderly/Disabled
15. Veteran
16. Applicants without preferences or priority

For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Station Center (City of Union City)

HACA will select applicants for the Station Center selection category in the following order:

Note: For the following categories 1 through 8 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
2. a.) Displaced-HACA or b.) Displaced-Other and Resident and Soles Persons Elderly/Disabled
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
4. a.) Displaced-HACA or b.) Displaced-Other and Resident
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
6. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other
8. a.) Displaced-HACA or b.) Displaced-Other
9. Veteran and Resident and Sole Persons Elderly/Disabled
10. Resident and Sole Persons Elderly/Disabled

11. Veteran and Resident
12. Resident
13. Veteran and Sole Persons Elderly/Disabled
14. Sole Persons Elderly/Disabled
15. Veteran
16. Applicants without preferences or priority

For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Third Street Apartments (City of Hayward)

HACA will select applicants for the Third Street Apartments selection category in the following order:

Note: For the following categories 3 through 10 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and In-Place Family
2. In-Place Family
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
4. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
6. a.) Displaced-HACA or b.) Displaced-Other and Resident
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
8. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
9. Veteran and a.) Displaced-HACA or b.) Displaced-Other
10. a.) Displaced-HACA or b.) Displaced-Other
11. Veteran and Resident and Sole Persons Elderly/Disabled

12. Resident and Sole Persons Elderly/Disabled
13. Veteran and Resident
14. Resident
15. Veteran and Sole Persons Elderly/Disabled
16. Sole Persons Elderly/Disabled
17. Veteran
18. Applicants without preferences or priority

For categories 3 through 18 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except In Place Family applicants and applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to In Place Family applicants and applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Union City Units

HACA will select applicants for the Union City Units selection category in the following order:

Note: For the following categories 3 through 10 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and In-Place Family
2. In-Place Family
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
4. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
6. a.) Displaced-HACA or b.) Displaced-Other and Resident
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
8. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
9. Veteran and a.) Displaced-HACA or b.) Displaced-Other
10. a.) Displaced-HACA or b.) Displaced-Other

11. Veteran and Resident and Sole Persons Elderly/Disabled
12. Resident and Sole Persons Elderly/Disabled
13. Veteran and Resident
14. Resident
15. Veteran and Sole Persons Elderly/Disabled
16. Sole Persons Elderly/Disabled
17. Veteran
18. Applicants without preferences or priority

For categories 3 through 18 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except In Place Family applicants and applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to In Place Family applicants and applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Nidus and Dyer Units (City of Union City)

All applicants must be age 62 or older by the date of selection to qualify. HACA will select applicants for the Nidus and Dyer Units selection category in the following order:

Note: For the following categories 3 through 10 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and In-Place Family
2. In-Place Family
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
4. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
6. a.) Displaced-HACA or b.) Displaced-Other and Resident
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
8. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
9. Veteran and a.) Displaced-HACA or b.) Displaced-Other

10. a.) Displaced-HACA or b.) Displaced-Other
11. Veteran and Resident and Sole Persons Elderly/Disabled
12. Resident and Sole Persons Elderly/Disabled
13. Veteran and Resident
14. Resident
15. Veteran and Sole Persons Elderly/Disabled
16. Sole Persons Elderly/Disabled
17. Veteran
18. Applicants without preferences or priority

For categories 3 through 18 directly above, ties among applicants who have the same preferences/priority are resolved, as applicable, by either;

- **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one) (applies to all preferences/priority except In Place Family applicants and applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List); or
- The date and time their complete application is received by HACA (applies to In Place Family applicants and applicants referred by the owner when HACA fails to provide sufficient eligible families from its waiting list as described in 4-II.C. – Closing the Waiting List).

Section 8 Moderate Rehabilitation Program (Mod Rehab)

HACA applies the following preferences and priorities as set forth in the individual selection categories listed below:

- Displaced-HACA: *Displaced families—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other: *Displaced families* as set forth in the *Glossary*. HACA will select no more than 5 applicants per calendar month from this category (a.k.a. Displaced-Other).
- Resident: Families that, at the time of selection from the waiting list, reside anywhere in HACA’s jurisdiction, or include a member who works, or has been hired to work in the jurisdiction. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- Sole Persons Elderly/Disabled: Sole persons:
 - 62 years of age or older; or
 - *persons with disabilities* as set forth in the *Glossary*.
- Veteran: Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

SELECTION CATEGORIES

Moderate Rehabilitation-Atherton Units

All applicants must be disabled by the date of selection to qualify. HACA will select applicants for the Moderate Rehabilitation-Atherton Units selection category as follows:

Except for applicants referred by an owner participating in HACA's Moderate Rehabilitation Program in instances when HACA failed to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy, HACA will select applicants in the following order:

Note: For the following categories 1 through 8 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
 2. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
 3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
 4. a.) Displaced-HACA or b.) Displaced-Other and Resident
 5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
 6. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
 7. Veteran and a.) Displaced-HACA or b.) Displaced-Other
 8. a.) Displaced-HACA or b.) Displaced-Other
 9. Veteran and Resident and Sole Persons Elderly/Disabled
 10. Resident and Sole Persons Elderly/Disabled
 11. Veteran and Resident
 12. Resident
 13. Veteran and Sole Persons Elderly/Disabled
 14. Sole Persons Elderly/Disabled
 15. Veteran
 16. Applicants without preferences or priority
- For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved in **order of ascending** lottery “tiebreaker” number (that is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one).

HACA will select applicants referred by an owner participating in HACA's Moderate Rehabilitation Program in instances when HACA failed to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy in the order of first come, first served, except that veterans or servicepersons as set forth in the *Glossary* will be selected in the order of first come, first served before applicants who are not veterans or servicepersons.

Moderate Rehabilitation-Other

HACA will select applicants for the Moderate Rehabilitation-Other selection category as follows:

Except for applicants referred by an owner participating in HACA's Moderate Rehabilitation Program in instances when HACA fails to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy, HACA will select applicants in the following order:

Note: For the following categories 1 through 8 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
2. a.) Displaced-HACA or b.) Displaced-Other and Resident and Sole Persons Elderly/Disabled
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
4. a.) Displaced-HACA or b.) Displaced-Other and Resident
5. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
6. a.) Displaced-HACA or b.) Displaced-Other and Sole Persons Elderly/Disabled
7. Veteran and a.) Displaced-HACA or b.) Displaced-Other
8. a.) Displaced-HACA or b.) Displaced-Other
9. Veteran and Resident and Sole Persons Elderly/Disabled
10. Resident and Sole Persons Elderly/Disabled
11. Veteran and Resident
12. Resident
13. Veteran and Sole Persons Elderly/Disabled
14. Sole Persons Elderly/Disabled
15. Veteran
16. Applicants without preferences or priority

For categories 1 through 16 directly above, ties among applicants who have the same preferences/priority are resolved in **order of ascending** lottery “tiebreaker” number (that

is, applicants with a lower lottery “tiebreaker” number are selected before applicants with a higher one).

HACA will select applicants referred by an owner participating in HACA's Moderate Rehabilitation Program in instances when HACA fails to provide sufficient eligible families from the waiting list to fill a vacancy within 30 days of the owner's notification to HACA of the vacancy in the order of first come, first served, except that veterans or servicepersons as set forth in the *Glossary* will be selected in the order of first come, first served before applicants who are not veterans or servicepersons.

Low Income Public Housing Program (LIPH)

HACA will select applicants for the Low Income Public Housing Program selection category in accordance with Chapter 12 of HACA’s Admissions and Continued Occupancy Policy Governing HUD-Aided Public Housing.

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 HACA’s fiscal year. ELI families are those with annual incomes at or below the higher of the federal poverty level or 30 percent of the area median income. 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 a 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)].

HACA Policy

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

Order of Selection

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)].

HACA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with HACA's hierarchy of preferences, if applicable. Ties among applicants in the same preference category are resolved:

- first, in favor of veterans or servicepersons as set forth in the *Glossary*; and
- then, as applicable, by either:
 - **increasing order** of a randomly assigned “tiebreaker” number (that is, applicants with a lower “tiebreaker” number are selected before applicants with a higher one); or
 - the date and time their complete application is received by HACA.

Documentation will be maintained by HACA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that HACA does not have to ask higher placed families each time targeted selections are made.

4-III.D. NOTIFICATION OF SELECTION

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

HACA Policy

HACA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

Date, time, and location of the scheduled application interview (in-person, by telephone, or by mail), including any procedures for rescheduling the interview

Who is required to attend the interview if the interview is to be conducted in-person or by telephone

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

If a notification letter is returned to HACA 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 PIH2012-10].

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

HACA Policy

Families selected from the waiting list are required to participate in an eligibility interview (in-person, by telephone, or by mail).

If an in-person or telephone interview is required, the head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to HACA.

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 SSNs, HACA will allow the family to retain its place on the waiting list for a period of 90 calendar days. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, HACA will grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement if HACA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family.

HACA must deny the eligibility of an applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and provide documentation of such SSN within the above time period. If not all household members have disclosed their SSNs at the next time HACA is issuing vouchers, HACA 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 complete required forms, provide required signatures, and submit required documentation. If any materials are missing, HACA will provide the family with a written list of items that must be submitted.

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

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

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

If the family is unable to attend a scheduled interview, the family must contact HACA in advance of the interview to schedule a new appointment in accordance with HACA's appointment policy. A family who fails to comply with HACA's reasonable attempts to determine their eligibility will be denied assistance. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

HACA must verify all information provided by the family (see Chapter 7). Based on verified information, HACA 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.

HACA Policy

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

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. HACA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

As a temporary measure, from January 11, 2017, through June 30, 2017, if a family fails to qualify for one or more selection preferences that affected the order in which it was selected from the waiting list, the family's eligibility will be processed rather than the family be returned to the waiting list.

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

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family (24 CFR 982.255(b)).

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the HACA's jurisdiction under portability. HUD regulations and PHA policy determine whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the HACA's jurisdiction under portability. However, HUD gives HACA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

HACA Policy

In determining whether or not to deny an applicant family permission to move under portability because HACA lacks sufficient funding or has grounds for denying assistance to the family, HACA will follow the policies established in section 10-I.B of this chapter. If HACA does deny the move due to insufficient funding, HACA will notify HUD in writing within 10 business days of HACA's determination to deny the move.

In addition, HACA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

HACA Policy

With the exception of CHOICES or FACT Programs Graduates as described in Section 4-III.C., Local Preferences - Section 8 Housing Choice Voucher Program (HCV), if neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the HACA's jurisdiction at the time the family's application for assistance was selected for assistance, the family must lease a unit within HACA's jurisdiction for at least 12 months before requesting portability.

HACA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Participant Families

The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit [24 CFR 982.353(b)].

HACA Policy

HACA will determine whether a participant family may move out of HACA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. HACA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(1)]. The family must specify the area to which the family wishes to move [24 CFR 982.355(c)(1)].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353 (d)(1), 24 CFR 982.355(9)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2012-42].

Participant Families

The income eligibility of a participant family is not re-determined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2)].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

HACA Policy

For a participant family approved to move out of its jurisdiction under portability, HACA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

HACA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

Family circumstances may change between annual reexaminations. HUD and the PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances. The PHA must process interim reexaminations to reflect those changes. HUD regulations also permit HACA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. The PHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA- and family-initiated interim reexaminations.

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The family is required to report all changes in family composition. The PHA must adopt policies prescribing when and under what conditions the family must report changes in income and family composition. However, due to family obligations under the program, The PHA has limited discretion in this area.

HACA Policy

HACA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring HACA Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 982.551(h)(2)].

HACA Policy

The family must inform HACA of the birth, adoption or court-awarded custody of a child within 10 business days. Upon HACA's receipt of the required documentation, children who join the family as a result of birth, adoption, or court-awarded custody will be added to the family.

New Family and Household Members Requiring HACA Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

When any new family member is added, the PHA must make appropriate adjustments in the family share of the rent and the HAP payment at the effective date of either the annual or interim reexamination [24 CFR 982.516(e)(2)].

If a change in family size causes a violation of the PHA subsidy standards (see Chapter 5), the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the family's HAP contract in accordance with its terms [24 CFR 982.403].

HACA Policy

Except for the addition of a family member as a result of birth, adoption, or court-awarded custody, families must request HACA approval to add any other new family or household member. Requests must be made in writing and approved by HACA prior to the individual moving into the unit.

Additions to the family or household are at HACA's discretion and will not be unreasonably denied.

HACA will not approve the addition of a new family or household member unless the individual meets HACA's eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II), and will not receive duplicate assistance.

Except for elderly persons or persons with a disability, HACA will not approve the addition of a family member if it will cause a violation of HACA subsidy standards (see Chapter 5).

If, as set forth in Part VIII of Chapter 16, HACA determines that it lacks adequate funds to continue subsidizing all current participants, in accordance with HUD requirements, HACA will not approve the addition of a new family member if it will cause a violation of HACA subsidy standards.

When HACA's approval of a new family or household member does not cause a violation of HACA's subsidy standards, and the family intends to remain in place, HACA will require the landlord's written approval of the added family or household member. If the landlord fails to provide that written approval, the family will be issued a new voucher and required to move before adding the family or household member.

When HACA's approval of a new family or household member will cause overcrowding according to HACA subsidy standards, the family will be issued a new voucher with an additional bedroom and will be required to move.

If HACA determines that an individual does not meet HACA's eligibility criteria or documentation requirements, HACA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

HACA will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

Both applicants and participants have the right to disagree with, and appeal, certain decisions of the PHA that may adversely affect them. PHA decisions that may be appealed by applicants and participants are discussed in this section.

The process for applicant appeals of PHA decisions is called the “informal review.” For participants (or applicants denied admission because of citizenship issues), the appeal process is called an “informal hearing.” PHAs are required to include in their administrative plans, informal review procedures for applicants, and informal hearing procedures for participants [24 CFR 982.54(d)(12) and (13)].

16-III.B. INFORMAL REVIEWS

Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a “minimum hearing requirement” [24 CFR 982.554], and need not be as elaborate as the informal hearing requirements. (Federal Register Volume 60, No. 127, p 36490).

Decisions Subject to Informal Review

HACA must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures

Informal reviews are *not* required for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by the PHA, including denial or termination of assistance due to insufficient funds as set forth in Section VIII of this chapter.
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to grant approval of the tenancy
- A PHA determination that the unit is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with the HQS due to family size or composition

HACA Policy

HACA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on HACA waiting list; denying or withdrawing a voucher except for denial or termination of assistance due to insufficient funds as set forth in Section VIII of this chapter; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Notice to the Applicant [24 CFR 982.554(a)]

HACA must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the PHA's decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

Scheduling an Informal Review

HACA Policy

A request for an informal review must be made in writing and delivered to HACA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of HACA's denial of assistance.

Except as provided in Section 3-III.G, HACA must schedule and send written notice of the informal review within 10 business days of the family's request.

Informal Review Procedures [24 CFR 982.554(b)]

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of the PHA.

Informal Review Decision [24 CFR 982.554(b)]

The PHA must notify the applicant of HACA's final decision, including a brief statement of the reasons for the final decision.

HACA Policy

In rendering a decision, HACA will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice to the family.

The validity of the grounds for denial of assistance. HACA will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, HACA will uphold the decision to deny assistance.

If the facts prove the grounds for denial, and the denial is discretionary, HACA will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

HACA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal review, to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

HACA may select families for the PBV program from those who are participants in HACA's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and HACA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to HACA's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. HACA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

HACA Policy

HACA will determine an applicant family's eligibility for the PBV program in accordance with the policies in Chapter 3.

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by HACA is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on HACA's waiting list. Once the family's continued eligibility is determined (HACA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and HACA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

17-VLC. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

HACA may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and PBV assistance. HACA may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by HACA. If HACA chooses to offer a separate waiting list for PBV assistance, HACA must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If HACA decides to establish a separate PBV waiting list, HACA may use a single waiting list for HACA's whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or for sets of such units. The type of waiting list selected for the PBV program will be stated in HACA's Request for Proposal.

HACA Policy

HACA will use one waiting list for the tenant-based voucher program, project-based voucher program, and Moderate Rehabilitation program. Selection for each program is subject to the federal regulations and requirements for the particular program.

17-VLD. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from HACA's HCV waiting list. HACA may establish selection criteria or preferences for occupancy of particular PBV units. HACA may place families referred by the PBV owner on its HCV waiting list, if it is open to such families.

Income Targeting [24 CFR 983.251(c)(6)]

At least 75 percent of the families admitted to HACA's tenant-based and project-based voucher programs from the waiting list during the HACA fiscal year must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, HACA must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

HACA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. HACA must provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

Although HACA is prohibited from granting preferences to persons with a specific disability, HACA may give preference to disabled families who need services offered at a particular project or site if the preference is limited to families (including individuals):

- With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and

- For whom such services cannot be provided in a non-segregated setting.

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

If HACA has projects with more than 25 percent of the units receiving project-based assistance because those projects include “excepted units” (units specifically made available for elderly or disabled families, or families receiving supportive services), HACA must give preference to such families when referring families to these units [24 CFR 983.251(d)].

HACA Policy

HACA will provide a selection preference when required by the regulations (e.g., eligible in-place families, qualifying families for “excepted units,” mobility impaired persons for accessible units). Additional preferences have been established for the projects, buildings, or sets of units listed in section 4-III.C-Local Preferences-Section 8 Project-Based Voucher Program (PBV).

17-VI.E. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

HACA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant’s place on the waiting list based on preference, date, and time of application, or other factors affecting selection under HACA’s selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner’s units, such rejection may not affect the family’s position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, HACA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, HACA must provide a briefing packet that explains how HACA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family’s head or spouse is disabled, HACA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written

information packet. This may include making alternative formats available (see Chapter 2). In addition, HACA must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

HACA should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

17-VLF. OWNER SELECTION OF TENANTS

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)(2) and (a)(3)].

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by HACA from HACA's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on HACA's occupancy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must promptly notify HACA of any vacancy or expected vacancy in a contract unit. After receiving such notice, HACA must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. HACA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

HACA Policy

The owner must notify HACA in writing (mail, fax, or e-mail) within 5 business days of learning about any vacancy or expected vacancy.

HACA will make every reasonable effort to refer families to the owner within 10 business days of receiving such notice from the owner.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

If any contract units have been vacant for 120 or more days since owner notice of the vacancy, HACA may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

HACA Policy

If any contract units have been vacant for 120 days, HACA may give notice to the owner that the HAP contract may be amended to reduce the number of contract units that have been vacant for this period.

PART V: SELECTION OF PBV PROGRAM PARTICIPANTS

18-V.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION [Notice PIH 2012-32, REV-2]

Current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.

Existing residents at the time of conversion may not be rescreened for citizenship status or have their social security numbers reverified.

For the RAD PBV program, *in-place family* means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

18-V.C. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and HACA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to HACA's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. HACA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

HACA Policy

HACA will determine an applicant family's eligibility for the RAD PBV program in accordance with the policies in Chapter 3.

18-V.D. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c) and Notice PIH 2012-32, REV-2]

The standard PBV regulations at 24 CFR 983.251 set out program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

HACA Policy.

HACA will use one waiting list for the tenant-based voucher program, PBV program, RAD PBV program, and Moderate Rehabilitation program. Selection for each program is subject to the federal regulations and requirements for the particular program.

18-V.E. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

After conversion to RAD PBV, applicants who will occupy units with RAD PBV assistance must be selected from HACA's waiting list. HACA may establish selection criteria or preferences for occupancy of particular PBV units.

Income Targeting [24 CFR 983.251(c)(6) and Notice PIH 2012-32, REV-2]

At least 75 percent of the families admitted to HACA's tenant-based and project-based voucher programs during HACA's fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Families in place at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, HACA must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08, and Notice PIH 2012-32, REV-2]

HACA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units.

Although HACA is prohibited from granting preferences to persons with a specific disability, HACA may give preference to disabled families who need services offered at a particular project or site if the preference is limited to families (including individuals):

- With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing
- For whom such services cannot be provided in a non-segregated setting

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from services provided in the project. In these projects, residents with disabilities may not be required to accept the particular services offered as a condition of occupancy.

If HACA has projects with more than 50 percent of the units receiving project-based assistance because those projects include "excepted units" (i.e., units specifically made available for elderly or disabled families, or families receiving supportive services), HACA must give preference to such families when referring families to these units [24 CFR 983.261(b)].

HACA Policy

HACA will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for "excepted units," persons with mobility

impairments for accessible units). The following additional preferences/priority will apply:

- Displaced-HACA: *Displaced family—HACA-owned or HACA-managed housing* as set forth in the *Glossary*.
- Displaced-Other: *Displaced family* as set forth in the *Glossary*.
- Resident: Families that, at the time of selection from the waiting list, reside anywhere in HACA's jurisdiction, or include a member who works, or has been hired to work in the jurisdiction. Use of this preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- Veteran: Priority will be given to veterans or servicepersons as set forth in the *Glossary* within each preference category.

HACA will select applicants from its waiting list for RAD assistance in the following order:

Note #1: For the following categories 1 through 4 below, HACA will limit the number of applicants that may qualify for the Displaced-Other preference such that no more than five applicants from this preference will be selected in any calendar month.

1. Veteran and a.) Displaced-HACA or b.) Displaced-Other and Resident
2. a.) Displaced-HACA or b.) Displaced-Other and Resident
3. Veteran and a.) Displaced-HACA or b.) Displaced-Other
4. a.) Displaced-HACA or b.) Displaced-Other
5. Veteran and Resident
6. Resident
7. Veteran
8. Applicants without preferences or priority

For categories 1 through 8 directly above, ties among applicants who have the same preferences/priorities are resolved, as applicable, by either;

- **order of ascending** lottery "tiebreaker" number (that is, applicants with a lower lottery "tiebreaker" number are selected before applicants with a higher one); or
- The date and time their complete application is received by HACA.

18-V.F. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

HACA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refusing to list the applicant on the waiting list for tenant-based voucher assistance
- Denying any admission preference for which the applicant qualifies
- Changing the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the HACA's selection policy
- Removing the applicant from the tenant-based voucher waiting list

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, HACA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, HACA must provide a briefing packet that explains how HACA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, HACA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, HACA must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

HACA should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

B.1.(a) Significant Amendment/Modification

HACA defines a “Significant Amendment/Modification” to its 5-Year and Annual Plan as a change:

- a) to HACA’s criteria for eligibility for admission; or
- b) any change with regard to homeownership programs.

B.2.(b) New Activities

HACA currently has 72 Project-Based Vouchers under RAD and 440 project-based units in addition to the RAD units. HACA anticipates project-basing additional vouchers for a total, including existing project based vouchers, of up to 1,000 units. The cities of Albany, Emeryville, Dublin, Fremont, Hayward, Newark, Pleasanton, San Leandro, and Union City as well as the unincorporated communities of Castro Valley and San Lorenzo and unincorporated Alameda County are currently-identified locations.

HACA is project-basing 25 units in the city of Dublin for veterans, 12 units in the city of Emeryville for families and the disabled, 30 units in the city of Fremont for the elderly, 20 units in the city of Fremont for families, 50 units in the city of Pleasanton for the elderly, 62 units in the city of San Leandro for the elderly and five units in the city of Hayward for the disabled.

HACA may project-base up to approximately 435 additional units in non-impacted census tracts, higher-cost opportunity areas and neighborhoods undergoing revitalization for persons with disabilities, the elderly, veterans and families, including but not limited to: eight units in central and southern Alameda County to serve the disabled population; 50 units in the city of Dublin to serve the elderly population; 40 units in the city of Emeryville to serve persons with disabilities, the elderly and families; 140 units in the city of Fremont to serve persons with disabilities, the elderly, veterans and families; 15 units in the city of Hayward to serve families; 20 units in the city of Pleasanton to serve families; and 65 units in the city of San Leandro to support the elderly.

HACA will evaluate additional opportunities to project-base vouchers by: partnering with developers in the development and ownership of new and rehabilitated projects; by applying for set-aside VASH Vouchers; and by acquiring existing rental properties for which low-income tax credits or tax exempt bonds can be obtained.

Housing Authority of the County of Alameda – CA067

Annual PHA Plan

Fiscal Year Beginning: July 1, 2017

RESIDENT ADVISORY BOARD

Housing Authority of the County of Alameda (HACA)
Resident Advisory Board (RAB) Meeting
March 7, 2017, 6:00 P.M.

HACA Annual Plan for HACA Fiscal Year 2017 - 2018

Summary

Resident Advisory Board Members Present:	Staff Present:
Sarah Bahadur	Ron Dion, Deputy Director for Programs
Tonya Fuller-Bryant	
Tammie Perry	
Absent:	
Helen Iosefa	
Maya Nelson	
Ilahna Johnson-Aziz	
Goljan Zamani	

The RAB met by conference call at 6:00 PM, at which time Ron Dion described the requirements for the Annual Plan (Plan) and the process that HACA follows in developing the Plan, namely:

- staff development of the Plan;
- review of the Plan with the RAB for information and comments;
- submission of the Plan to the HACA Housing Commission at its March meeting along with a description of any challenges to any elements of the Plans from the RAB and staff responses to the challenges;
- conduct of a public hearing by the Housing Commission to accept comments about the Plan;
- approval of the Plan by the HACA Housing Commission; and
- submission of the Plan approved by the Housing Commission to HUD.

RAB members had been mailed and emailed the draft Plan prior to the conference call.

Mr. Dion presented an overview of the Plan, including:

- Section B.2, New Activities; and
- Section B.3, Progress Report.

One participant asked for clarification about the location of future project-based voucher units and Mr. Dion described HACA's interest in placing the units widely within its jurisdiction in non-impacted census tracts, higher-cost opportunity areas and revitalizing neighborhoods.

No elements of the Plan were challenged.

The meeting adjourned at 6:19 PM.

Housing Authority of the County of Alameda – CA067
Annual PHA Plan
Fiscal Year Beginning: July 1, 2017

CERTIFICATIONS

**Certifications of Compliance with
PHA Plans and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including
Required Civil Rights Certifications**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or ^{XX} Annual PHA Plan for the PHA fiscal year beginning 7/1/2017, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Authority of the County of Alameda
PHA Name

CA067
PHA Number/HA Code

☒ Annual PHA Plan for Fiscal Year 2017

☐ 5-Year PHA Plan for Fiscal Years 20__ - 20__

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official

Pat Gacoscos



Title Housing Commission Chairperson

Signature

Date 03/08/2017

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Linda Gardner, the Housing and Community Development Director
Official's Name *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

Housing Authority of the County of Alameda

PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of
Impediments (AI) to Fair Housing Choice of the

County of Alameda

Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State
Consolidated Plan and the AI.

Provides access to affordable housing.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Linda Gardner

Title

Housing and Community Development
Director

Signature



Date

4/10/17