

## Chapter 4

### APPLICATIONS, WAITING LIST AND TENANT SELECTION

#### INTRODUCTION

When a family wishes to receive Section 8 HCV assistance, the family must submit an application that provides BHA with the information needed to determine the family's eligibility. HUD requires BHA to place all families that apply for assistance in an applicant random draw or on a waiting list. When HCV assistance becomes available, BHA must select families from the waiting list in accordance with HUD requirements and BHA policies as stated in the Administrative Plan and the Annual Plan.

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

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

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

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

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

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

## PART I: THE APPLICATION PROCESS

### 4-I.A. OVERVIEW

This part describes the policies that guide BHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes BHA'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 BHA 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 BHA. However, BHA must include Form HUD-90026, Supplement to Application for Federally Assisted Housing, as part of the PHA's application.

#### BHA Policy

BHA 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, household composition, 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.

BHA will, typically, use a two-step application process. Because of limited S8 HCV assistance, not all families in the applicant random draw pool will be selected for placement on the waiting list. BHA will draw 1,500 to 2,000 applicants from the applicant random draw pool 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, moving from the waiting list into eligibility determination.

BHA will open the waitlist via a link on the BHA website: [www.cityofberkeley.info/bha](http://www.cityofberkeley.info/bha).

Though the online application is the preferred method of submission, paper applications will be made available for those without access to a phone or computer. The paper applications will be available at the various sites around the City of Berkeley that will assist applicants in applying either on line, or on paper. Paper applications will also be made available at the lobby of 1947 Center Street, only during weekdays during the timeframe of the waitlist opening. Paper applications submitted must be postmarked by the last date of the online application opening, or dropped off at the appropriate drop boxes at 1947 Center Street on/before the last date of the online application opening. Paper applications not postmarked on last date of opening, and not received within 10 business days of the last date of opening, will not be considered for the random draw.

Annually, BHA will receive Project Move-up referrals from the SRO Moderate Rehabilitation Program and Berkeley's Shelter Plus Care program. A maximum of 10 referrals will be placed on the waiting list for Project Move up vouchers (see Chapter 18). Note: this is a 5 year program, starting in 2017, and only operational subject to funding availability. Note: as of the writing of the 2022-23 Admin Plan, Project Move up is technically in its 4<sup>th</sup> year of operation, because of the budgetary shortfall in 2018, as well

as the pandemic, both being periods in which BHA halted leasing up Project Move up participants.

### **Project Move-Up**

Subject to HUD funding, Project Move-up is a program to facilitate the progression of individuals/families from homelessness – to housing via the Mod Rehab Program – to permanently affordable housing, via a Section 8 Tenant Based Voucher. The intent is to admit 5 individuals from BHA’s Single Room Occupancy Program (UA Homes and Erna P. Harris) and 5 individuals from the City of Berkeley’s Shelter + Care program each calendar year for up to 5 years. These households must:

- a. Demonstrate lease compliance over the prior 12 month period
- b. Everyone 18 or older must have stable monthly income from sources including but not limited to employment, self-employment, unemployment, retirement, CalWorks or Social Security/SSI, sufficient to pay BHA’s minimum rent of \$50 per month plus any utility allowance;
- c. Utilize the assistance to rent a unit in Berkeley for 24 months before becoming eligible for portability

Candidates for this program must submit an intake application to the Section 8 Voucher program and have a written referral from the property manager and/or case manager. Selection criteria for Project Move-up referrals to BHA are determined by Shelter Plus Care staff and Moderate Rehab property management, identifying a fair and systematic determination process, with priority given to those ready to live independently.

## **4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS**

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

BHA 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 BHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). BHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or BHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of BHA’s policies related to providing reasonable accommodations for people with disabilities.

### **Limited English Proficiency**

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

## **4-I.D. PLACEMENT ON THE WAITING LIST**

The software company, Emphasys, hosts the online waiting list portal, and database that BHA uses to track the waiting list. After the random draw of all applications entered into the online

waitlist site, either by applicants themselves, or by BHA staff for paper applications received, the names selected randomly will comprise the waiting list. The names will be ordered according to preference points selected by applicants which were selected randomly, with most preference points rising to the top of the waiting list.

When BHA is ready to issue vouchers, BHA will send paperwork, and a list of requested documents to determine eligibility for a voucher. BHA must review each complete pre-application received and make a preliminary assessment of the family's eligibility. BHA 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, BHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be given an appointment for a Briefing (orientation) and voucher issuance.

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

### **Ineligible for Placement on the Waiting List**

#### BHA Policy

If BHA can determine from the information provided that a family is ineligible at the time for the program for which it applied, the family will not be placed on the waiting list. Where a family is determined to be ineligible, BHA will send written notification of the ineligibility determination within 10 business days of receiving a complete application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

### **Placement on the Waiting List**

#### BHA Policy

Within 15 business days of the random draw, BHA will send written notification of placement on the waiting list. Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list, and submits the required paperwork and documentation needed to confirm eligibility for a voucher.

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

## **PART II: MANAGING THE WAITING LIST**

### **4-II.A. OVERVIEW**

BHA 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]**

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

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

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

HUD requires BHA 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.

##### BHA Policy

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

In cases where two waiting lists overlap, applications on the pre-existing waiting list will be processed before applications from the new waiting list admission.

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 BHA 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 PHA's 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.

##### BHA Policy

BHA will not merge the HCV waiting list with the waiting list for any other program the BHA operates. BHA will maintain separate waiting list for the Section 8 HCV tenant based program, the Section 8 Project Based program. However, under special circumstances, BHA will allow applicants on a Project-based waitlist to be offered to move to the Tenant-based waitlist, and vice-versa. Such circumstances include identifying applicants on either waitlist who are eligible for a special population voucher or program, or prior to moving to close a list.

BHA may either allow referrals from owners/developers of Project-based Voucher units, or use the HCV waiting list to fill project based units (a) after all eligible applicants on the PBV waiting list have been contacted regarding vacancies, and (b) a determination is made that the PBV waiting list pool is insufficient to fill any current vacancy.

The Single Room Occupancy, Moderate Rehabilitation program “Interest Lists” are managed by The Coordinated Entry System (CES) operated by Bay Area Community Services (BACS and referred to Home Stretch, the Alameda County Health Care Services agency’s program).

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

##### **Closing the Waiting List**

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

##### BHA Policy

Except as set forth in the following paragraphs, BHA will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 60 months for the most current applicants; this is an approximated length of time for processing 1,500 applicants.

Where BHA has particular preferences or funding criteria that require a specific category of family (i.e. HOPWA), BHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

##### **Reopening the Waiting List**

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

##### BHA Policy

BHA will announce the reopening of the waiting list at least 5 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.

BHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- 1) On the BHA website, [www.cityofberkeley.info/BHA](http://www.cityofberkeley.info/BHA)
- 2) Through public notices and advertisement in Berkeleyside, and/or the legal or public notice section of the East Bay Times, Oakland Post, and La Opinion.
- 3) Through written notice to:
  - i. The City of Berkeley Rent Stabilization Office, and other City of Berkeley Offices
  - ii. The Eviction Defense Center
  - iii. Bay Area Legal Aid
  - iv. East Bay Community Law Center

- v. Legal Assistance for Seniors
- vi. Homeless Action Center
- vii. Berkeley Unified School District
- viii. Homeless Shelters operating in the City of Berkeley
- ix. Berkeley's Coordinated Entry System
- x. Berkeley Food and Housing Project
- xi. Bay Area Community Services
- xii. Abode Housing
- xiii. The Faith Community
- xiv. Community service providers, including those serving clients with limited English Proficiency, such as East Bay Asian Local Development Corporation, Centro Legal De La Raza, Asian Health Services, and Unity Council
- xv. Ed Roberts Campus,
- xvi. Center for Independent Living
- xvii. Disability Rights California
- xviii. Disability Rights
- xix. Local AIDS organizations
- xx. Organizations working with emancipated youth from foster care
- xxi. Alameda County Department of Social Services
- xxii. Non-profit housing developers with Project Based assistance in the City of Berkeley, including Satellite Affordable Housing Associates, Resources for Community Development, Northern California Land Trust, Bay Area Community Land Trust
- xxiii. Children's Hospital (Oakland)
- xxiv. Bay Area Public Housing Authorities
- xxv. Berkeley Property Owners Association
- xxvi. Berkeley Chapter of the NAACP
- xxvii. Healthy Black Families
- xxviii. Inner City Services
- xxix. Berkeley Mutual Aid
- xxx. Hello Housing
- xxxi. Berkeley Tenants Union
- xxxii. Gray Panthers
- xxxiii. Berkeley Community Safety Coalition
- xxxiv. Care Not Cops

- 4) Written notice posted at U.A. Homes and Erna P. Harris, Single Room Occupancy Moderate Rehabilitation Program developments
- 5) On a recorded voice mail box; and
- 6) On the doors of the BHA Office.

BHA 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 for the random draw will be able to access translation services.

In the case of the Mainstream Voucher Program, BHA may have a limited timeframe opening for a limited number of Mainstream Vouchers, with limited public noticing only through a local newspaper such as the East Bay Times. The limited public notice, in the case of Mainstream Vouchers, will state that BHA will receive referrals to the Tenant-based waitlist solely from the Coordinated Entry System (CES), *only for those who are eligible for a Mainstream Voucher*: households, including single person households, with at least one disabled person between the ages of 18 – 61, who are: transitioning out of institutional and other segregated settings; at serious risk of institutionalization; homeless; or at risk of becoming homeless; previously experienced homelessness, and currently a client in a permanent supportive housing or rapid re-housing project.

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

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

Because HUD requires BHA to serve a specified percentage of extremely low income families (see Chapter 4, Part III), BHA 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].

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

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

BHA 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.

#### BHA Policy

BHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in BHA's jurisdiction, including utilizing data from the U.S. Census Bureau, American Community Survey Table. Targeted outreach efforts will be undertaken if data suggests that certain populations are being underserved.

### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

#### BHA Policy

While the family is in the application random draw pool or on the waiting list, the family must immediately inform BHA of changes in contact information, including current residence, mailing address, email address and phone number. The changes must be submitted via the online applicant portal. Staff support will be provided if needed.

BHA will consider a request to transfer the application to the spouse (partner) after reviewing the basis for the request. BHA will also consider transfer the application to another member of the household, provided the individual was listed as a household member at the time application was made. If the applicant is deceased, or otherwise no longer able to serve as applicant, and the only other household members were minors, BHA will transfer to application to the individual assuming responsibility for the minors.

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

HUD requires BHA 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 BHA request for information or updates because of the family member's disability, BHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)] if requested by the family.

#### BHA Policy

The waiting list will be updated at least annually to reflect changes that have been reported, qualification for preferences, and to ensure that all applicants and applicant information is current and timely.

To update the waiting list, BHA will send an update request via US mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that BHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

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

If the family fails to respond within 30 business days BHA will send a second notice to an alternate address and/or email address, if any. If the family provided alternate contacts, such as additional addresses/email addresses, BHA will send notice to the applicant via every available contact provided. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If there is no alternate and/or email address, or alternate contact, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 30 business days to respond from the date the letter was re-sent. If at that time, the family fails to respond within 120 business days, the family will be removed from the waiting list without further notice.

If a family is removed from the waiting list for failure to respond, the Executive Director, or his/her designee may reinstate the family if s/he determines the lack of response was due to BHA error, or to circumstances beyond the family's control. There may also be disability-related or VAWA-related circumstances providing for re-instatement to the waiting list. If the applicant is re-instated, they will resume their original placement on the waiting list.

## **Removal from the Waiting List**

### BHA Policy

If at any time an applicant family is on the waiting list, and BHA determines that the family is not eligible for assistance or is currently receiving Tenant Based rental assistance from another Public Housing Authority, or is in the Project-based Program, or is deceased (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because BHA has determined the family is not eligible for assistance, or is already receiving rental assistance, a notice will be sent to the family's address of record as well as to any alternate address (including an email address) provided 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 BHA's decision (see Chapter 16) [24 CFR 982.201(f)].

## **PART III: SELECTION FOR HCV ASSISTANCE**

### **4-III.A. OVERVIEW**

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

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

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

### **4-III.B. SELECTION AND HCV FUNDING SOURCES**

## **Special Admissions [24 CFR 982.203]**

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

### BHA Policy

Subject to Board approval, BHA will administer vouchers on behalf of families eligible for special admission.

## **Project Move-Up**

With HUD approval, BHA has established a program to facilitate the progression of individuals/families from homelessness – to temporary supportive housing – to permanently affordable housing, via a Section 8 Housing Choice Voucher. The intent is to admit 5 individuals from BHA's Single Room Occupancy Program (UA Homes and Erna P. Harris) and an additional 5 households from the Shelter Plus Care Program each calendar year for 5 years. These households must:

- d. Demonstrate lease compliance over the prior 12 month period
- e. Have stable monthly income from employment, self-employment, retirement, CalWorks, Unemployment, or Social Security/SSI sufficient in total for family to pay BHA's minimum rent of \$50 per month plus any utility allowance
- f. Attempt to utilize the assistance to rent a unit in Berkeley for 24 months before becoming eligible for portability

Candidates for this program must have a written referral from the property manager and/or case manager and selection criteria for Project Move-up referrals to BHA are determined by Shelter Plus Care staff and Moderate Rehab property management, identifying a fair and systematic determination process, with priority given to those ready to live independently.

## **Targeted Funding [24 CFR 982.204(e)]**

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

### BHA Policy

For any specified category of families for which HUD may award funding to BHA, applicants will be selected in the following order:

1. Any manner set forth by HUD in funding award
2. If not set forth by HUD funding award, in the order of first come, first served.

HUD designated assistance or awarded funding to BHA in response to an application from BHA:

The waiting list is always open to an otherwise eligible homeless applicant referred to BHA for assistance by the research project/administration, up to the maximum number of vouchers approved for the project.

To the extent BHA is awarded funding (vouchers) under a HUD Notice of Funding Availability (NOFA) or other means, for any specific or broader-based category, BHA will:

Review the current Housing Choice Voucher Waiting list for a pending application and grant assistance in accordance with its position on the waiting list; or Reopen the waiting list to accept an eligible household, not presently on the waiting list; or, if directed by HUD, add a special purpose voucher applicant to the top of the waiting list, according to HUD program requirements.

### **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**

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

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

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

#### BHA Policy

- Mainstream Voucher Qualified households or Project Move-up Referrals (105 points). Note: these referrals are provided to BHA by homeless services staff (Mainstream) or Mod Rehab/Shelter Plus Care staff (Project Move up), and preference points are for adding these referrals to the Tenant-based Waitlist via these referral mechanisms. As such, they are not utilized for Preference Categories in any online waitlist opening.
  
- Households/families that at the time of selection from the waiting list, reside in the City of Berkeley, or formerly resided in Berkeley, 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. (100 points)
  
- Veteran Preference (as required by State law). Granted to households with one or more active member(s) of the military, or a veteran discharged or released under conditions other than dishonorable, or a surviving spouse (as defined by the Department of Veteran Affairs) (50 points)

- Elderly (62 or older), and/or disabled, based on head of household (10 points)
- Family status (any 2- or more person household) (10 points)
- Date and time of application (tie breaker).

**Section 8, Single Room Occupancy, Moderate Rehabilitation Program (Mod Rehab)**

The Single Room Occupancy, Moderate Rehabilitation program “Interest Lists” are managed by The Coordinated Entry System (CES) , operated by Bay Area Community Services (BACS) and referred to Home Stretch, the Alameda County Health Care Services agency’s program. (See Chapter 18 for details.)

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

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during BHA’s fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, BHA may skip non-ELI families on the waiting list in order to select an ELI family. This means that 75% of BHA’s admissions must be at or below 30% of AMI; therefore 25% of BHA’s admissions may be at 31 – 50% AMI.

Low income families admitted to the program that are “continuously assisted” under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

BHA Policy

BHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families (up to 30% AMI) will be selected ahead of other eligible low-income (50% AMI) families on an as-needed basis to ensure the income targeting requirement is met. At least 75% of admissions will be at or below 30% AMI; no more than 25% will be between 31-50% AMI.

**Order of Selection**

The PHA system of preferences may select families either according to the date and time of application, or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list PHAs are required to use targeted funding to assist only those families who meet the specified criteria, and PHAs are not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

BHA 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 BHA’s hierarchy of preferences, if applicable. Ties among applicants in the same preference category are resolved:

1. First, in favor of resident or returning resident category;
2. Then, as applicable, by either:
  - a. Lowest “tiebreaker” number; or
  - b. The date and time their complete application is received by BHA.

Documentation will be maintained by BHA as to whether families on the list qualify for targeted funding. If a higher placed family on the waiting list is not qualified for targeted funding, there will be a notation maintained so that BHA 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, BHA must notify the family.

##### BHA Policy

BHA 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:

1. Deadline for application and documentation submission
2. Who is required to provide documentation
3. Documents that must be provided by the deadline, confirming the legal identity of household members, and information about what constitutes acceptable documentation
4. Other documents and information that should be submitted with the application packet.

If a family does not respond or letter is returned with no forwarding address, BHA will mail to alternate address (including email address), and any alternate contact identified by the applicant, if any. If a notification letter is returned to BHA with no forwarding address, and no alternate address (including email) or alternate contact, 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 (including email).

If the family fails to respond within 20 business days, BHA will send a second notice to an alternate address (including email) or alternate contact, if any. If no alternate address, the family will be removed from the waiting list without further notice. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 20 business days to respond from the date the letter was re-sent. If at that time, the family fails to respond within 20 business days, the family will be removed from the waiting list without further notice.

#### **4-III.E. THE APPLICATION/ELIGIBILITY PROCESS**

HUD recommends that BHA obtain the information and documentation needed to make an eligibility determination through a private interview [HCV GB, pg. 4-16]. Being contacted for information or invited to attend an interview does not constitute admission to the program. Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

##### BHA Policy

Families selected from the waiting list are required to cooperate with BHA in providing the information and documentation required to determine eligibility for assistance. The communication about application forms, documents, and any other questions the applicant household has, is generally done via phone, and email, and/or Zoom, rather than in person interviews. On a case by case basis, staff will conduct in person Briefings and answer questions where individuals do not have access to or ability to use reliable phone, internet, email and other electronic means.

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

Once confirmed eligible, the head of household and the spouse/co-head will be strongly encouraged to attend any scheduled Briefing (orientation) together. However, either the head of household or the spouse/co-head may attend any such Briefings on behalf of the family. Verification of information pertaining to adult members of the household will not begin until signed release forms are returned to BHA.

The eligibility determination can only proceed if the head of household or spouse/co-head provides appropriate 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, the process may be put on hold until the proper documents have been obtained.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, BHA 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 must be provided within 15 business days of the request (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

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

BHA will send another notification letter with a new appointment time or alternate method for supplying the required information/documentation. Applicants who fail to comply without BHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

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

If the family is unable to attend the scheduled Briefings, the family should contact BHA in advance of the Briefing to schedule a new appointment. In all circumstances, if a family does not attend a scheduled Briefing after repeated attempts, it will be removed from the waitlist.

#### **4-III.F. COMPLETING THE APPLICATION PROCESS**

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

##### BHA Policy

If BHA determines that the family is ineligible for admission to the program for which it applied, BHA will send written notification of the ineligibility determination within 15 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. BHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.