

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**  
**FOR THE**  
**PUBLIC HOUSING PROGRAM**

**Approved by the PHA Board of Commissioners:**

**Submitted to HUD:**

## Chapter 4

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## **A. MANAGEMENT OF THE WAITING LIST**

The PHA will administer its waiting list as required by 24 CFR Part 5, Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

The application will be a permanent file.

All applicants in the pool will be maintained [in order of preference] [in order of date and time of application receipt].

Applications equal in preference will be maintained by [date and time sequence] [lottery-determined sequence].

All applicants must meet applicable income eligibility requirements as established by HUD.

### **Opening and Closing the Waiting Lists**

The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. \*[The PHA may open or close the list by local preference category].

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, [the number of applicants who qualify for a local preference], and the ability of the PHA to house an applicant in an appropriate unit within a reasonable period of time.

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

**\*[List the names of papers for all major "minority" groups, other media to be used, locations where notices will be placed, and agencies to be notified by mail/contacted.]**

To reach persons with disabilities, the PHA will provide separate notice to local organizations representing the interests and needs of the disabled. \*This will include notice to the following organizations:

**\*[List the names of service organizations that assist persons with disabilities.]**

The notice will contain:

The dates, times, and the locations where families may apply.

**\* Any system of site-based waiting list offered by the PHA.**

The programs for which applications will be taken.

A brief description of the program.

**\* A statement that Section 8 participants must submit a separate application if they want to apply for Public Housing.**

Limitations, if any, on who may apply.

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

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

#### **When Application Taking is Suspended**

**\* The PHA may suspend the acceptance of applications if there are enough local Preference holders to fill anticipated openings for the next [time period between 12 and 24] months.**

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

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

**\* [Suspension of application taking is announced in the same way as opening the waiting list.  
/ The PHA will not announce suspension of application-taking.]**

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next [time limit between 12 and 24] months. [The PHA will give at least [number of days not less than three] days' notice prior to closing the list.] When the period for accepting applications is over, the PHA will add the new applicants to the list by:

- \* Separating the new applicants into groups based on [preferences and] unit size and ranking applicants within each group by date and time of application.

- \* Separating the new applicants into groups based on [preferences and] unit size, for the purposes of selection by conducting a lottery within each group.

- \* Separating the new applicants into groups based on [preferences and] unit size, conducting a lottery within each group. New applicants will be placed on the list in lottery determined order, after applicants who were on the list previously.

- \* Unit size, [local preferences priority,] and/or [date and time of application receipt].

The PHA will update the waiting list [at least annually/other time-specify] by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the PHA will advise families of their responsibility to notify the PHA when mailing address or telephone numbers change.

#### **Reopening the List**

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

Any reopening of the list is done in accordance with the HUD requirements.

- \* Even though there are enough applicants on the waiting list to fill the turnover within the next 18 months, if there are not enough applicants who claim a local preference, the PHA may elect to accept applications from applicants who claim a local preference ONLY, and continue to keep the waiting list closed.

- \* PHA may open the list to applications from families qualified for the Singles Preference and not Other Singles if families with the Singles preference will absorb available program openings.

### **Limits on Who May Apply**

When the waiting list is open,

- \* Any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete [a preapplication/an application].**

- \* Depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, at times the PHA may only accept applications from:**

- \* Any family claiming [specific-identify] preference(s).**

- \* Any family claiming local preferences.**

- \* If there are sufficient applications from elderly, disabled, homeless, and displaced singles, applications will not be accepted from other singles.**

When the application is submitted to the PHA:

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

- \* It establishes the family's date and time of application for placement order on the waiting list for selection by lottery.**

- \* It is entered into the lottery to determine placement order on the waiting list.**

### **Multiple Families in Same Household**

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

**\* B. SITE BASED WAITING LISTS**

**\* The PHA offers a system of site-based waiting lists.**

**\* Applicants may choose on which site-based waiting list they wish to be placed, regardless of the application site. Applicants may apply directly at or otherwise designate the project or projects in which they seek to reside.**

**\* Applicants may apply directly at the project or projects in which they seek to reside.**

**\* When there are insufficient applicants on a site-based waiting list, the PHA will contact applicants on other site-based waiting lists who may qualify for the type of housing with insufficient applicants. "Insufficient applicants" on a list will be defined as not enough families to fill vacancies for at least [state time], based on anticipated turnover at the development.**

Every reasonable action will be taken by the PHA to assure that applicants can make informed choices regarding the project(s) in which they wish to reside. The PHA will disclose information to applicants regarding the location of available sites, occupancy number and size of accessible units. The PHA will also include basic information relative to amenities such as day care, security, transportation, training programs, and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different types.

### **Monitoring Site-Based Waiting Lists**

***[INSTRUCTION: If the PHA chooses to implement a system of site-based waiting lists, the below language should be included.]***

The system of site-based waiting lists will be carefully monitored to assure that civil rights and fair housing are affirmatively furthered.

**\* The PHA's adoption of site-based waiting lists is not in violation of any court order or settlement agreement, and is not inconsistent with any pending complaint brought by HUD.**

The PHA will monitor its system of site-based waiting lists at least every three years to assure that racial steering does not occur. If the PHA's analysis of its site-based waiting list indicates that a pattern of racial steering is or may be occurring, the PHA will take corrective action.

**\* The PHA will at least every three years use independent testers or other means satisfactory to HUD to assure that the site-based waiting list is not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist.**

**\* The PHA will provide results of any such test or review to HUD.**

**\* The PHA will assess changes in racial, ethnic or disability-related tenant composition at each PHA site that has occurred during the implementation of the site-based waiting lists. The PHA will make this assessment based on MTCS data that has been confirmed to be complete and accurate by an independent audit.**

**\* This independent audit may be the PHA's annual independent audit.**

**\* The PHA has established site-based waiting lists for the following properties:**

**[\*List properties by either Name/Street address/Project number.]**



### **C. WAITING LIST PREFERENCES**

*[INSTRUCTION: The PHA must offer public comment before changing its preference system. However, all applicants must be notified of any changes so that they have an opportunity to claim any preferences for which they believe they are eligible.]*

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

The PHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the PHA will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the PHA to verify their preference and, if verified, the PHA will complete a full application for occupancy. Applicants must complete the application for occupancy and continue through the application processing and may not retain their place on the waiting list if they refuse to complete their processing when contacted by the PHA.

Among applicants with equal preference status, the waiting list will be organized by [date and time/lottery].

#### **Local Preferences**

**\* Local preferences will be used to select among applicants on the waiting list. [Public hearing/ public notice with opportunity for public comment] will be held before the PHA adopts any local preference.**

**\* The hearing will be publicized using the same guidelines as those for opening and closing the waiting list.**

**\* The notice will be distributed following the same guidelines as those used for opening or closing the waiting list.**

**\*The PHA uses the following Local Preferences:**

**\* Date and time of receipt of a completed [pre-application/application].**

**\* Families with Incomes Needed to Achieve Deconcentration of Poverty and Income-Mixing: for families with incomes needed to achieve deconcentration of poverty and income-mixing goals.**

**\* Residency preference: for families who live, work, or have been hired to work [or who are attending school] [or are participating in training programs] in the jurisdiction.**

**Veteran preference: [state law definition] (veterans or surviving spouses of veterans).**

**\* Disability preference: This preference is extended to disabled persons or families with a disabled member as defined in this plan. Proof of disability will be required at time of selection. [HUD regulations prohibit admission preferences for specific types of disabilities.]**

**\* Working preference (24 CFR 960.206(b)(2)): for families where the head, spouse or sole member is employed [and has been employed for \_\_\_\_# of months]. This preference is automatically extended to elderly families or families whose head or spouse meets the HUD/Social Security definition of disability.**

**\*This includes families who are graduates of or participants in educational and training programs designed to prepare the individual for the job market.**

**\* Moderate Rehabilitation: families who are currently residing in a unit which is overcrowded or underoccupied and there is no applicable unit available in the Moderate Rehabilitation development [or other Moderate Rehabilitation developments within the PHA's jurisdiction].**

**\* Graduates of transitional housing programs: for [homeless/ substance abusers/ victims of domestic abuse]**

### **Treatment of Single Applicants**

*[INSTRUCTION: The QHWRA eliminated the requirement to use the statutory "singles preference." PHAs may, however, elect to use a singles preference as a local preference, as referenced in 24 CFR 960.206(b)(5).]*

**\* Single applicants will be treated as any other eligible family on the PHA waiting list.**

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

#### **\* Singles Preference**

**Definition of Singles Preference: \* Single applicants who are elderly, disabled, homeless or displaced will be given a selection priority over all "Other Single" applicants regardless of preference status.**

**\* "Other Singles" denotes a one-person household in which the individual member is neither elderly, disabled, homeless or displaced by government action. Such applicants will be placed on the waiting list in accordance with their preferences, but cannot be selected for assistance before any elderly, disabled, homeless or displaced one-person family regardless of local preferences.**

*[INSTRUCTION: The following preferences were formerly known as Federal Preferences. Although the QHWRA repealed the use of Federal Preferences, the PHA may still wish to use these preferences as local preferences. If the PHA elects to use any of these preferences it is recommended that no less than the plain text included in the description of the preference be used to describe the preference.]*

**\* The PHA also uses the following local preferences that are further described in this section.**

**\* Involuntarily displaced.**

**\* Currently living in substandard housing (including homeless families).**

**\* Currently paying more than 50% of their income for rent and utilities ("Rent Burden").**

Descriptions of these Preferences and "definitional options" (or sub-categories) follow.

### **Involuntary Displacement Preference**

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

Families are considered to be involuntarily displaced if they are required to vacate housing as a result of one of the following situations.

**\*1. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable.**

**\* 2. Federal, state or local government action related to code enforcement, public improvement or development.**

**\* 3. Action by a housing owner which is beyond an applicant's ability to control, and which occurs despite the applicant's having met all previous conditions of occupancy, and is other than a rent increase.**

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

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

- \* Conversion of an applicant's housing unit to non-rental or non-residential use;**
- \* Closure of an applicant's housing unit for rehabilitation or non-residential use;**
- \* Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;**
- \* Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or**
- \* Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market.**

**\* 4. Actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family.**

**\* The actual or threatened violence must have occurred within the past [number of] days or be of a continuing nature.**

**\* An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.**

**\* To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.**

**\* The PHA will approve the return of the abuser to the household under the following conditions:**

**\* The PHA verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of recurrence of violent behavior.**

**\* A counselor, therapist or other knowledgeable professional recommends in writing that the individual be allowed to reside with the family.**

**\* If the abuser returns to the family without approval of the PHA, the PHA will deny or terminate assistance for breach of the certification.**

**\* The PHA will take precautions to ensure that the new location of the family is concealed in cases of domestic abuse.**

**\* 5. To avoid reprisals because the family provided information on criminal activities to a law enforcement agency and, after a threat assessment, the law enforcement agency recommends rehousing the family to avoid or reduce risk of violence against the family.**

**\* The family must be part of a Witness Protection Program, or the HUD Office or law enforcement agency must have informed the PHA that the family is part of a similar program.**

**\* The PHA will take precautions to ensure that the new location of the family is concealed in cases of witness protection.**

**\* 6. By hate crimes if a member of the family has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit.**

**\* A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability or familial status [including sexual orientation] and occurred within the last [number of] days or is of a continuing nature.**

**\* 7. Displacement by non-suitability of the unit when a member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to the unit.**

**\* Critical elements are**

**\*entry and egress of unit and building,**

**\*a sleeping area,**

**\*a full bathroom,**

**\*a kitchen if the person with a disability must do their own food preparation,**

**\*other - list.**

**\*8 Due to HUD disposition of a multifamily project under Section 203 of the Housing and Community Development Amendments Act of 1978.**

### **Definition of Standard Replacement Housing**

In order to receive the displacement preference, applicants who have been displaced must not be living in "standard, permanent replacement housing."

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

**\* Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of Victims of Domestic Violence) housing occupied by the individual who engages in such violence. It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress.**

**\* Shared housing with family or friends [is/ is not] considered temporary and [is/ is not] considered standard replacement housing.**

**\* Substandard Housing Preference**

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

**\* Is dilapidated, [as cited by officials of a code enforcement office] and does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of family.**

**\* Does not have operable indoor plumbing.**

**\* Does not have usable flush toilet in the unit for the exclusive use of the family.**

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

**\* Does not have adequate, safe electrical service.**

**\* Does not have an adequate, safe source of heat.**

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

**\* Has been declared unfit for habitation by a government agency.**

**\* Is overcrowded according to [HQS/ local/ state/ BOCA code].**

**\* Applicants living in Public Housing [or publicly assisted housing] shall not be denied this preference if unit meets the criteria for the substandard preference.**



**\* An applicant who is a "Homeless Family" is considered to be living in substandard housing. "Homeless Families":**

**Lack a fixed, regular and adequate nighttime residence; AND**

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

**\* Homeless families [may/ may not] maintain their place on the waiting list while completing a transitional housing program.**

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

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

**\* Rent Burden Preference**

**\* Families paying more than [60%/50%/other] of their income for rent and utilities for at least 90 days [commencing before they were selected from the Waiting List] [and continuing through the verification of preference] will receive this preference.**

For purposes of this preference, "Family Income" is Gross Monthly Income as defined in the regulations.

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

The PHA's reasonable estimate of the cost of such utilities, using the Section 8 Utility Allowance Schedule; or

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

An applicant family may choose which method to use to calculate utility expenses. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in Family Income. \* [The applicant must show that they actually paid the utility bills, regardless of whose name the service is under.]

**\* To qualify for the Rent Burden preference, the applicant must pay rent directly to the landlord or agent.**

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

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

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

**D. ORDER OF SELECTION FOR GENERAL OCCUPANCY (FAMILY) DEVELOPMENTS**

*[INSTRUCTION: The PHA must not only describe the local preferences it offers, but must describe the system for order of selection for general occupancy (family) developments. In other words, the PHA must clearly illustrate the order in which applicants are placed on the waiting list and in which applicants can expect to come to the top of the waiting list. Following are EXAMPLES of preference systems. Each PHA must carefully analyze its preference system and clearly illustrate the order in which preferences are applied. PHAs must take State and local laws into account.]*

The PHA has established the following local admissions preferences for general occupancy (family) developments: *[Select only one option below.]*

**\* Date and time of receipt of a completed [pre-application/application] only.**

**\* Date and time of receipt of a completed [pre-application/application], and [list other local preferences].**

**\* The PHA has established the following system to apply local preferences:  
*[Select option 1, 2 or 3 following.]***

**\* 1. All local preferences will be treated equally.**

**\*2. Local preferences will be aggregated using the following system:  
*[Select only one option below.]***

**\* Two preferences outweigh one, three outweigh two, etc.**

**\* Each preference is assigned points as listed below. The more preference points an applicant has, the higher the applicant's place on the waiting list. *[List preferences and points, for example:]***

*Working Preference: 30 points*

*Veteran Preference: 6 points*

*Residency Preference: 5 points*

*Family of a deceased Veteran with a service-connected death: 4 points*

**\* 3. Local preferences will be numerically ranked, with number 1 being the highest preference, in the following order: [INSTRUCTION: examples follow. The PHA should carefully consider local needs and PHA goals as described in the PHA Plan when establishing its own local preferences.]**

**\* EXAMPLE A**

**1: Families who live and/or work/have been hired to work in the PHA's jurisdiction. [\*This includes families who are graduates of or participants in educational and training programs designed to the prepare the individual for the job market.]**

**(Reminder: This preference is extended equally to an applicant whose head or spouse is 62 or older or who meets the HUD/Social Security definition of disability.)**

**2: Families who do not live or work in the PHA's jurisdiction**

**\* EXAMPLE B**

**1: Homeless families [referred by the following shelters: (list)]**

**2: Families who live in the PHA's jurisdiction, and whose head or spouse works or has been hired to work full-time [INSTRUCTION: PHA must define full-time].**

**3: Families who live in the PHA's jurisdiction, and whose head or spouse works or has been hired to work part-time [INSTRUCTION: PHA must define part-time].**

**4: All other families who live in the PHA's jurisdiction.**

**5: Families who do not live or work in the PHA's jurisdiction.**

**\* EXAMPLE C**

**1: Families who are above the PHA's established income range needed to achieve deconcentration goals in developments below the established income range, and families who are below the established income range needed to achieve deconcentration goals in developments above the established income range.**

**2: Families who live and/or work/have been hired to work in the PHA's jurisdiction and who are within the PHA's established income range.**

**3: Families who do not live or work in the PHA's jurisdiction and who are within the PHA's established income range.**

**\* EXAMPLE D**

**1: Families who live and/or work/have been hired to work in the PHA's jurisdiction [(\*including families who are graduates of or participants in educational and training programs designed to prepare the individual for the job market)] and who are veterans [state law definition][\*or surviving spouses of veterans].**

**2: Families who live and/or work/have been hired to work in the PHA's jurisdiction [\*(including families who are graduates of or participants in educational and training programs designed to prepare the individual for the job market)] and who have a family member with disabilities.**

**3: All other families who live and/or work/have been hired to work in the PHA's jurisdiction. [\*This includes families who are graduates of or participants in educational and training programs designed to prepare the individual for the job market.]**

**4: Families who do not live or work in the PHA's jurisdiction and who are veterans [state law definition][\*or surviving spouses of veterans].**

**5: Families who do not live or work in PHA's jurisdiction and who have a family member with disabilities.**

**6: All other families who do not live or work in the PHA's jurisdiction.**

**\* *EXAMPLE E***

**1: Families who are veterans [state law definition][\*or surviving spouses of veterans]**

**2: Working families**

**3: Homeless families**

**4: Families who are victims of domestic violence**

**5: Families who are victims of hate crimes**

## **E. ORDER OF SELECTION FOR MIXED POPULATION DEVELOPMENTS**

***[INSTRUCTION: The PHA must not only describe the local preferences it offers, but must describe the system for order of selection for Mixed Population (Elderly/Disabled) developments. In other words, the PHA must clearly illustrate the order in which applicants are placed on the waiting list and in which applicants can expect to come to the top of the waiting list. Following are EXAMPLES of preference systems. Each PHA must carefully analyze its preference system and clearly illustrate the order in which preferences are applied. PHAs must take State and local laws into account in their preferences.]***

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

In accordance with the 1992 Housing Act, elderly families whose head spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. All other PHA preferences will be applied.

The PHA has established the following local admissions preferences for Mixed Population developments. Per HUD regulations, equal preference must be given to Elderly Families and Disabled Families:

### **\* EXAMPLE A**

**First Priority: Elderly families or disabled families**

### **\* EXAMPLE B**

**First Priority: Elderly families or disabled families who live in the PHA's jurisdiction**

**Second Priority: Elderly families or disabled families who do not live in the PHA's jurisdiction**

### **\* EXAMPLE C**

**First Priority: Elderly families or disabled families who live in the PHA's jurisdiction**

**Second Priority: Elderly families or disabled families who do not Live in the PHA's jurisdiction**

**Third Priority: Near-elderly families**

## **F. VERIFICATION OF PREFERENCE QUALIFICATION**

**\* The family may be placed on the waiting list upon their certification that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.**

**\* The PHA will verify all preference claims at the time they are made.**

**\* The PHA will reverify a preference claim, if the PHA feels the family's circumstances have changed, at time of selection from the waiting list.**

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

**\* If at the time the family applied, the preference claim was the only reason for placement of the family on the waiting list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.**

**\* When the PHA anticipates that the family will be notified in the near future to complete a full application, the family will be sent a Preference Verification letter to the applicant's last known address, requesting verification of the family's preference. The PHA will verify the preference before the applicant's interview is conducted.**

### **Change in Circumstances**

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly-claimed preference.



### **G. PREFERENCE DENIAL**

If the PHA denies a preference, the applicant will be placed on the waiting list without benefit of the preference.

The PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for [an informal meeting] [a review]. The applicant will have [number] working days to request the meeting [in writing/or by phone]. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

**\* Any applicant who falsifies documents or makes false statements in order to qualify for any preference will be removed from the waiting list with notification to the family.**

### **H. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS**

Before applying its preference system, the PHA will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

**\*The PHA's Deconcentration Policy, as described in the PHA Plan, may include skipping of families on the waiting list in order to bring families above the established income range into developments below the established income range, and to bring families below the established income range into developments above the established income range.**

**\* Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the preference system. If permitted by the court order, the PHA may offer the family a housing voucher.**

## **I. INCOME TARGETING**

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

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

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that admissions of extremely low income families to the PHA's voucher program during a PHA fiscal year exceeds the 75 percent minimum targeting requirement for the PHA's Section 8 Voucher Program. This fungibility provision discretion by the PHA is also reflected in the PHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

The number of units equal to 10 percent of the number of newly available vouchers in the fiscal year; or

The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

**The Fungibility Floor:** Regardless of the above two amounts, in a fiscal year, at least 30% of the PHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the PHA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

**\* Fungibility shall only be utilized if the PHA is anticipated to fall short of its 40% goal for new admissions to public housing.**

### **\* Low Income Family Admissions**

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

**\* J. UNITS DESIGNATED FOR THE ELDERLY**

*[INSTRUCTION: This reference is to buildings or portions of buildings designated for the elderly by following the requirements of the 1992 Housing Act. Designation of housing for the elderly requires the preparation of an allocation plan. A public hearing must be held on the plan and the plan must be presented to HUD for review and approval. The PHA can now put this designation plan in its Annual Plan. When preparing the Annual Plan PHAs that already have submitted or have prepared designation plans in accordance with current HUD procedures, may submit their designation plans, or may reference a plan already submitted. If a designation plan already has been submitted, the PHA should advise HUD of the date of submission. If no designation plan has been prepared or submitted, the PHA should identify any project or portion of a project targeted for designation and the PHA's timetable for this activity.]*

**\* In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age will receive a preference for admission to such units or buildings covered by a HUD-approved Allocation Plan, except for the units which are accessible, which may be offered to persons with disabilities.**

**\* The PHA will take the following action when processing families for developments designated for the elderly:**

**When there are insufficient elderly families who wish to reside in a development, near-elderly families (head or spouse ages 50-61) receive a preference for this type of unit.**

**When there are insufficient elderly or near-elderly families who wish to reside in a development, and units are ready for leasing more than 60 days, all other family types are eligible for such units.**

**Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features.**

### **Procedure to Be Used When There Are Insufficient Applicants on the List**

**\* When there are insufficient applicants on the waiting list for the elderly-designated development, the development will contact applicants on other waiting lists to determine their interest in applying for the waiting list of the development with insufficient applicants on it. If an interested elderly family is located, the housing management staff of the development with no waiting list will place the applicant on its waiting list, also, and will contact them to verify their preference and complete a full application when their name is close to the top of the waiting list.**

**\* Where the PHA anticipates that there are insufficient elderly or near-elderly families on the waiting list for these units the PHA will notify local senior service centers [and local media sources aimed at the elderly] to recruit elderly families for the waiting list for these projects.**

**\* When there are no elderly applicants from other sites interested in the elderly-designated development, after conducting outreach, near-elderly applicants who are 50-61 years of age can be admitted to the elderly-designated development. If there are no near-elderly applicants on the list, the development housing management staff will contact near-elderly applicants on other development lists to determine interest and add to their list, if applicable.**

**\* When there are no near-elderly applicants from other sites interested in the elderly-designated development, after conducting outreach, single applicants who are below 50 years of age can be admitted to the elderly-designated development.**

## **K. UNITS DESIGNATED FOR THE DISABLED**

*[INSTRUCTION: Buildings can also be designated for disabled families by following the requirements of the 1992 Housing Act. Until the Annual Plan is submitted, this entails preparing an allocation plan noting which buildings (if any) will be set aside for the disabled and preparing a supportive services plan. HUD approval is required for both the allocation plan and the supportive service plan. The PHA can now put this designation plan in its Annual Plan. When preparing the Annual Plan PHAs that already have submitted or have prepared designation plans in accordance with current HUD procedures, may submit their designation plans, or may reference a plan already submitted. If a designation plan already has been submitted, the PHA should advise HUD of the date of submission. If no designation plan has been prepared or submitted, the PHA should identify any project or portion of a project targeted for designation and the PHA's timetable for this activity.]*

In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are covered by a HUD-approved Allocation Plan.

**\* The PHA has units designed for persons with mobility, sight and hearing impairments (referred to as accessibility units). These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.**

**\* Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.**

## **L. DECONCENTRATION OF POVERTY AND INCOME-MIXING**

The PHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Nothing in the deconcentration policy relieves the PHA of the obligation to meet the income targeting requirement.

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

### **Deconcentration and Income-Mixing Goals**

The PHA's deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit families above the PHA's Established Income Range (EIR) to developments below the EIR, and families below the PHA's EIR to developments above the EIR.

**\*Deconcentration applies to transfer families as well as applicant families.**

### **Deconcentration Applicability** *[INSTRUCTION: Select one option below.]*

**\* The PHA is not subject to the deconcentration requirement because the PHA has less than 100 public housing units.** *[INSTRUCTION: if this applies, delete the rest of this section and continue with Section M.]*

**\* The PHA is not subject to the deconcentration requirement because the PHA houses only elderly persons, or persons with disabilities, or both.** *[INSTRUCTION: if this applies, delete the rest of this section and continue with Section M.]*

**\* The PHA is not subject to the deconcentration requirement because the developments operated by the PHA consist of only one general occupancy (family) development.** *[INSTRUCTION: if this applies, delete the rest of this section and continue with Section M.]*

**\* The PHA has covered developments (general occupancy, family developments) subject to the deconcentration requirement. These covered developments are described in the PHA Plan.** *[INSTRUCTION: if this applies, continue with this section.]*

### **Project Designation Methodology**

Annually, the PHA will determine on an annual basis the average income of all families residing in general occupancy developments

The PHA will then determine the average income of all families residing in each general occupancy development.

The PHA will then determine whether each general occupancy development falls above, within or below the Established Income Range (EIR).

The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the PHA-wide average income for general occupancy developments.

The PHA will then determine whether or not developments outside the EIR are consistent with local goals and strategies in the PHA Plan.

The PHA may explain or justify the income profile for these developments as being consistent with and furthering two sets of goals:

1. Goals of deconcentration of poverty and income mixing (bringing higher income families into lower income developments and vice versa); and
2. Local goals and strategies contained in the PHA Plan.

### **Deconcentration Policy**

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the EIR is not explained or justified in the PHA Plan, the PHA shall list these covered developments in the PHA Annual Plan.

The PHA shall adhere to the following policies for deconcentration of poverty and income mixing in applicable developments: *[INSTRUCTION: Select all that apply.]*

**\*Skipping a family on the waiting list [or transfer list] to reach another family in an effort to further the goals of the PHA's deconcentration policy:**

**If a unit becomes available at a development below the EIR, the first eligible family on the waiting list [or transfer list] with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list [or transfer list] with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list [or transfer list] with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.**

**If a unit becomes available at a development above the EIR, the first eligible family on the waiting list [or transfer list] with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list [or transfer list] with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list [or transfer list] with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.**

**Skipping of families for deconcentration purposes will be applied uniformly to all families.**

**A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy. However, the PHA shall uniformly limit the number of offers received by applicants [and transfer families], described in this Chapter.**



**\* The PHA shall establish a preference for admission of working families in covered developments below the EIR.**

**\* The PHA shall target investment and capital improvements toward covered developments below the EIR to encourage applicant families whose income is above the EIR to accept units in those developments.**

**\*The PHA shall offer the following incentives to families with incomes above the EIR willing to move into a development with average income below the EIR and/or to families with incomes below the EIR willing to move into a development with average income above the EIR:**

**\* The PHA shall waive the security deposit.**

**\* The PHA will pay for the installation of cable television.**

**\*The PHA will pay for the installation of telephone service.**

**\*The PHA will pay for utility hookup(s).**

**\*The PHA will allow occupancy standards of one child per bedroom.**

**\* The PHA will implement affirmative marketing outreach, as described in the PHA Plan.**

**\* The PHA will offer homeownership opportunities, as described in the PHA Plan.**

**\* The PHA will give first priority in available Section 3 training and hiring opportunities,**

**\* The PHA will provide an individual savings account as a family alternative choice to the earned income disallowance.**

**\* The PHA will offer additional amenities that include [one/two/other] of the following:**

**\* Air conditioning unit [installed by the PHA] [to be replaced every (five/six/seven/other) years at PHA expense/to be provided by PHA on one-time basis]**

**\* Ceiling fan in living room [installed by the PHA] [to be replaced every (five/six/seven/other) years at PHA expense/to be provided by PHA on one-time basis]**

**\* Security screen door [installed by the PHA] [to be replaced every (five/six/seven/other) years at PHA expense/to be provided by PHA on one-time basis]**

**\* Dishwasher [to be replaced every (five/six/seven/other) years at PHA expense/to be provided by PHA on one-time basis]**

**\* Carpet as provided [and installed] by the PHA [to be replaced every [five/six/seven/other] years at PHA expense/to be provided by PHA on one-time basis]**

**\* Family's choice of [three/four/other] paint colors as offered by the PHA to be used on [living room/kitchen/bedroom/other] walls [painted by the PHA and][to be re-painted every [five/six/seven/other] years at PHA expense/to be offered by PHA on one-time basis]**

**\* Wallpaper borders in living room and kitchen of the family's choice [applied by the PHA and][to be replaced every [five/six/seven/other] years at PHA expense/to be provided by PHA on one-time basis]**

#### **Deconcentration Compliance**

If, at annual review, the average incomes at all general occupancy developments are within the Established Income Range, the PHA will be considered to be in compliance with the deconcentration requirement.

**M. PROMOTION OF INTEGRATION**

Beyond the basic requirement of nondiscrimination, PHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The PHA shall not require any specific income or racial quotas for any development or developments.

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

**N. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST**

*[INSTRUCTION: Use only if the PHA has both Public Housing and Section 8 programs.]*

**\* The PHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the PHA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the PHA must offer to place the family on the public housing waiting list.**

**\* The PHA will merge its waiting lists for all programs.**

## **O. REMOVAL FROM WAITING LIST AND PURGING**

The waiting list will be purged [at least annually/state frequency] by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within [specify number of] [calendar/working], days s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. \* If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the proscribed period; or [\* describe exceptions].

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

\* The PHA allows a grace period of [number of] days after completion of the purge. Applicants who respond during this grace period will be reinstated.

\* The PHA will give written notification to all applicants who fail to respond at the required times. If they fail to respond to this notification, they will be removed from the waiting list.

\* Applicants are notified with confirmation of the PHA's receipt of their application that they are responsible for notifying the PHA within [number] [calendar/working] days, if they have a change of address.

\* Applicants are required to contact the PHA in writing [indicate at what times/or indicate how often] to confirm their continued interest.

**P. OFFER OF ACCESSIBLE UNITS**

The PHA has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

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

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

First, to a current occupant of another unit of the same development, or other public housing developments under the PHA's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the PHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

**\* The PHA will make modifications to the unit in keeping with the Section 504 Transition Plan as the need arises and until the agency determines that an adequate number of units have been rehabilitated in numbers sufficient to evidence compliance with the Plan. After such point in time, the PHA may approve the family's plan to make physical modifications at the family's expense and consistent with the terms of the Authority's 504 Plan as it relates to tenant modifications.**

See "Leasing" chapter.

## **Q. PLAN FOR UNIT OFFERS**

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

**\* Plan "A".** Under this plan the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size. [at a site in which the applicant seeks to reside].

**\* Plan "B".** (2 to 3 offer plan). Under this plan, the PHA will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. Plan B is based on the distribution of vacancies. If a suitable unit is available in:

**\* Three or more locations:** The applicant will be offered a unit in the location with the highest number of vacancies [\*at a site in which the applicant seeks to reside]. If the offer is rejected, the applicant will be offered a suitable unit in the location with the second highest number of vacancies [\*at a site in which the applicant seeks to reside]. If that unit is rejected, a final offer will be made in the location with the third highest number of vacancies [\*at a site in which the applicant seeks to reside].

**\* Two locations:** The applicant must be offered a suitable unit in the location with the higher number of vacancies [\*at a site in which the applicant seeks to reside]. If the offer is rejected, a final offer will be made at the other location [\*at a site in which the applicant seeks to reside].

**\* One location:** The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location.

**\* If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.**

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

## **R. CHANGES PRIOR TO UNIT OFFER**

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable (See Chapter on Complaints, Grievances, and Appeals)

## **S. APPLICANT STATUS AFTER FINAL UNIT OFFER**

When an applicant rejects the final unit offer the PHA will:

- \* Place the applicant's name on the bottom of the waiting list.
- \* Place the applicant's name on the bottom of the waiting list. "Bottom of the waiting list" means that the applicant will be denied the benefits of any Local preferences for [specify number] months.
- \* Remove the applicant's name from the waiting list.

Removal from the waiting list means:

- \* The applicant must reapply.
- \* The applicant will lose any applicable local preferences for [number] months.
- \* The applicant must wait [specify number] months before reapplying for the public housing program.

## **T. TIME-LIMIT FOR ACCEPTANCE OF UNIT**

Applicants must accept a unit offer within [number] working days of the date the offer is made. Offers made over the telephone will be confirmed by letter. If unable to contact an applicant by telephone, the PHA will send a [\* letter] [\* registered letter with return receipt requested] [\*certified letter].

### **Applicants Unable to Take Occupancy**

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "*good cause*," the applicant will not be [removed from the waiting list] [placed at the bottom of the waiting list].

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

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

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

**\* Presence of lead paint in the unit offered when the applicant has children under the age specified by current law;**

**\* The family demonstrates to the PHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.**

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

**\* The unit is inappropriate for the applicant's disabilities.**



**Applicants With a Change in Family Size or Status**

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

**\* The family will take the appropriate place [on the waiting list/in the selection pool] according to [the date they first applied/date interviewed].**

#### **U. REFUSAL OF OFFER**

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

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