

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides LMHA with the information needed to determine the family's eligibility. HUD requires LMHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, LMHA must select families from the waiting list in accordance with HUD requirements and LMHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

LMHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and 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 LMHA to receive preferential treatment.

HUD regulations require that LMHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that the LMHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and LMHA policies for accepting applications, managing the waiting list and selecting families from the waiting list. LMHA's policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the LMHA's Tenant Selection and Assignment Plan (TSAP).

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 LMHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how LMHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the LMHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide LMHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that LMHA 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 LMHA'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 LMHA's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits LMHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by it. However, LMHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the LMHA's application [Notice PIH 2009-36].

LMHA Policy

A one-step process will be used. At application, the family must provide all the information necessary to establish family eligibility and the amount of rent the family will pay.

All applications are to be received by LMHA thorough this online portal,
<https://lucasmha.myhousing.com/>

Applications must be filled out completely in order to be accepted by LMHA for processing. If an application is incomplete, it will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

LMHA will use good faith and best efforts to ensure that the application process is accessible to those people who might have difficulty complying with the standard LMHA application process. The application process must be accessible. Towards that end LMHA will provide assistance or make accommodation when appropriate.

Disabled Populations [24 CFR 8; PH Occ GB, p. 68]

LMHA must provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted, and the application process must be fully accessible or LMHA must provide an alternate approach that provides equal access to the program. Chapter 2 provides a full discussion of LMHA'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 LMHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

LMHA must review each completed application received and make a preliminary assessment of the family's eligibility. Applicants for whom the waiting list is open must be placed on the waiting list unless LMHA determines the family to be ineligible. Where the family is determined to be ineligible, LMHA must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41].

No applicant has a right or entitlement to be listed on the waiting list, or to any position on the waiting list.

Ineligible for Placement on the Waiting List

LMHA Policy

If LMHA determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, LMHA will send notification of the ineligibility determination within 10 business days of receipt of the completed application. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14). The notice can be sent by either ordinary mail, electronically, or any other means consistent with available technology.

Eligible for Placement on the Waiting List

LMHA Policy

LMHA will send notification by ordinary mail, electronically, or other means consistent with available technology of the preliminary eligibility determination within 60 to 90 days of the family completing the initial application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.

Applicants will be placed on the waiting list according to LMHA preference(s) and the date and time their complete application is received by it.

LMHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to LMHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

Placement on the waiting list does not indicate that the family is eligible for admission. When the family is selected from the waiting list, LMHA will verify any preference(s) claimed and determine eligibility and suitability for admission to the program

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

LMHA must have procedures regarding the type of waiting list it will utilize as well as how the waiting list will be organized and managed. This includes procedures on notifying the public on the opening and closing of the waiting list to new applicants, updating family information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how LMHA may structure its waiting list and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST

LMHA's public housing waiting list must be organized in such a manner to allow it to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

LMHA Policy

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

- Name and social security number of head of household
- Unit size required (number of family members) Amount and source of annual income Accessibility requirement, if any
- Date and time of application or application number Household type (family, elderly, disabled) Admission preference, if any
- Race and ethnicity of the head of household

LMHA may adopt one community-wide waiting list or site-based waiting lists. LMHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

LMHA Policy

LMHA will maintain one single community-wide waiting list for its developments. Within the list, it will designate subparts to easily identify who should be offered the next available unit (i.e. mixed populations, general occupancy, unit size, and accessible units).

LMHA will adopt site-based waiting lists for any and all mixed-finance developments with private management. Procedures for that site-based list will differ from those listed

in this ACOP. Procedures for any and all mixed-finance developments with private management are as follows:

The Collingwood Green Phase I apartments are the first phase in a planned multi-phase redevelopment and include 65 dwelling units (the “Project”). All 65 rental units at the Development will be designated as Low-Income Housing Tax Credit units (the “LIHTC Units”). Thirty-three (33) of the LIHTC units will also be developed as public housing units under 24 CFR Part 941, subpart F (the “Public Housing Units”).

Additionally, the Project shall be governed by a Management Agreement which includes the Management Plan for the Project. If there is any conflict between the provisions of the ACOP, as may be amended, and the requirements of the Management Agreement, the Management Agreement shall control.

- i) Collingwood Green Phase I (65 units/33 public housing)
 - (1) Full-time students are not eligible for admission under LIHTC rules unless they meet one of the exceptions set forth in the definition.
 - (2) Income limit for new admissions is LIHTC limit of 60% of the area median income (LMHA is 80%).
 - (3) There will be income tiering as follows: (LMHA has two income tiers)
 - (a) 33 (51%) of the total units are reserved for households who have incomes 50% or less of the area median income.
 - (b) 32 (49%) of the total units are reserved for households who have incomes 60% or less of the area median income
 - (4) Under screening criteria, Assisted Units shall be operated and maintained as units designated for occupancy by elderly families and certain near elderly families where at least one head, spouse or sole member is 55 years of age or older in accordance with the Designated Housing Plan (LMHA age limit is 62). Applicants must be eligible under both NSP and the LIHTC requirements (LMHA requires applicants to be eligible under the applicable public housing requirements only).
 - (5) Flat rents will be calculated differently to accommodate state maximum rents set for LIHTC units.
 - (6) Residents that select the flat rent option will have to be recertified annually for income under LIHTC rules (LMHA is every three years for income).
 - (7) No-Smoking Policy in resident units and shared common areas both in the interior and exterior of the property. Smoking only permitted in designated areas located outside of the building.
 - (8) Initial unit assignment plan for new units will be determined by the following priorities:
 - (a) A finite list of prior Brand Whitlock and Albertus Brown families as set forth in Exhibit B of the Management Plan who have the right to return to the Non- ACC Assisted Units at Collingwood Green as long as they are in good standing and meet the appropriate screening criteria.
 - (b) New applicants from the Waiting List. HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that the LMHA operates if 1) the other programs’ waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

LMHA Policy

~~The~~ LMHA will not merge the public housing waiting list with the waiting list for any other program the LMHA operates.

The Collingwood Green Phase II townhouses are the second phase in a five-phase planned redevelopment and includes 68 dwelling units (the “Project”). All 68 rental units at the Development will be designated as Low-Income Housing Tax Credit units (the “LIHTC Units”). Thirty-four (34) of the LIHTC units will also be developed as public housing units under 24 CFR Part 941, subpart F (the “Public Housing Units”).

Additionally, the Project shall be governed by a Management Agreement which includes the Management Plan for the Project. If there is any conflict between the provisions of the ACOP, as may be amended, and the requirements of the Management Agreement, the Management Agreement shall control.

ii) Collingwood Green Phase II (68 units/34 public housing)

- (1) Full-time students are not eligible for admission under LIHTC rules unless they meet one of the exceptions set forth in the definition.
- (2) Income limit for new admissions is LIHTC limit of 60% of the area median income (LMHA is 80%).
- (3) There will be income tiering as follows: (LMHA has two income tiers)
 - (a) 34 (50%) of the total units are reserved for households who have incomes 50% or less of the area median income.
 - (b) 34 (50%) of the total units are reserved for households who have incomes 60% or less of the area median income
- (4) Flat rents will be calculated differently to accommodate state maximum rents set for LIHTC units.
- (5) Residents that select the flat rent option will have to be recertified annually for income under LIHTC rules (LMHA is every three years for income).
- (6) No-Smoking Policy in resident units and shared common areas both in the interior and exterior of the property. Smoking is only permitted in designated areas located outside of the building.
- (7) Initial unit assignment plan for new units will be determined by the following priorities:
 - (a) A finite list of prior Brand Whitlock and Albertus Brown families as set forth in Exhibit B of the Management Plan who have the right to return to the Non- ACC Assisted Units at Collingwood Green as long as they are in good standing and meet the appropriate screening criteria.
 - (b) New applicants from the Waiting List.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that the LMHA operates if 1) the other programs’ waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

LMHA Policy

LMHA will not merge the public housing waiting list with the waiting list for any other program it operates.

4-IL.C. OPENING AND CLOSING THE WAITING LIST AND WAITING LIST ANNUAL REPORTING [24 CFR 960.507(f); PIH Notice 2023-03 (HOTMA Final Rule)] – May make this a separate section at the end of Part II

Closing the Waiting List

LMHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fully lease units in all of its developments. LMHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

LMHA Policy

LMHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 36 months for the most current applicants. Where the LMHA has particular preferences or other criteria that require a specific category of family, it 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 may be reopened at any time. LMHA should publish a notice announcing the opening of the waiting list electronically (website and on social media, if applicable) and use other suitable media outlets, including minority media outlets. Such notice must comply with HUD fair housing requirements. LMHA should specify who may apply, and where and when applications will be received.

LMHA Policy

LMHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

The LMHA will give public notice by publishing the relevant information electronically and in suitable media outlets.

Waiting List Reporting [24 CFR 960.507(f); PIH Notice 2023-03 (HOTMA Final Rule)]

Per Section 103 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA), LMHA is required to report the total number of families on waiting lists for admission to the public housing projects or public housing units of the agency.

PHAs/LMHA must report the total number of families on the waiting lists as of the end of the calendar year or 12/31/2024. Note that even if a PHA has repositioned all their public housing

units, they will also need to submit this report if they are still receiving Asset Repositioning Fee (ARF).

PHAs/LMHA must submit this data via the public housing waiting list (PHWL) module in the Public Housing Portal starting on 1/2/2025.

All submissions are due before 3/31/2025. A user guide and training video on this module is provided in the Portal.

PHA may report the number of families on an agency-wide waiting list, one or more site-based waiting lists, or a combination of these two. PHAs must be careful to count a family only once. Families that are on both an agency-wide and one or more site-based waiting lists can only be reported once in the PHA's waiting list submission.

LMHA Policy

LMHA will submit waiting list data via the public housing waiting list (PHWL) module in the Public Housing Portal starting on 1/2/2025.

LMHA waiting list submission data will be due by March 31st of each calendar year (PIH Notice 2023-03).

LMHA will report families that are on both agency-wide or one or more site-based waiting lists only once.

4-IL.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

LMHA should conduct outreach as necessary to ensure it has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that LMHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires LMHA to admit a specified percentage of extremely low-income families, it may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

LMHA 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

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

- Posting information on its website and social media outlets
- 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

LMHA Policy

LMHA will conduct outreach in compliance with the *Jaimes* decision and as need to maintain an adequate pool representative of the eligible population in the area. Outreach efforts will consider the level of vacancy in LMHA's units, availability of units through turnover, and waiting list characteristics. LMHA will periodically assess these factors to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

LMHA Policy

While the family is on the waiting list, the family must inform LMHA, within 10 business days, of changes in family size or composition, income, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

4-II.F. UPDATING THE WAITING LIST

HUD requires LMHA to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting List

The decision to remove 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 the LMHA's request for information or updates because of the family member's disability, the LMHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

LMHA Policy

The waiting list will be updated as needed to ensure that all applicant information is current and timely.

To update the waiting list, LMHA will send an update request consistent with existing technology, which may include first class mail or electronic communication, 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 street or email address that LMHA 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 must be in writing and may be delivered in person, by mail, or by

fax. Responses should be postmarked or received by LMHA not later than 15 business days from the date LMHA sent the notification.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If notice is sent by first class mail and 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 notice sent by first class mail is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent LMHA from making an eligibility determination; therefore no informal hearing is required.

If a family is removed from the waiting list for failure to respond, LMHA may reinstate the family if the lack of response was due to LMHA error, or to circumstances beyond the family's control.

Removal from the Waiting List

LMHA Policy

LMHA will remove an applicant family from the waiting list upon request by the applicant family. The request must be in writing including electronic communication. In such cases no informal hearing is required.

If LMHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because LMHA has determined the family is not eligible for admission, a notice will be sent to the family's street address of record as well as to any alternate address, including 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 hearing regarding the LMHA's decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

LMHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. LMHA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. LMHA must 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 [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by LMHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

LMHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to its selection policies [24 CFR 960.206(e)(2)]. LMHA's policies must be posted any place where the LMHA receives applications. LMHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. LMHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

LMHA Policy

When an applicant or resident family requests a copy of LMHA's tenant selection policies, it will provide copies to them free of charge.

4-III.B. SELECTION METHOD

LMHA will describe the method it will use for selecting applicant families from the waiting list, including the system of admission preferences.

Local Preferences [24 CFR 960.206]

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 LMHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the LMHA plan and the consolidated plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

LMHA Policy

The LMHA will use the following local preference:

Veteran's preference [Ohio Rev. Code §3735.42]

Except as provided in any contract for financial assistance with the federal government in the selection of tenants for housing projects, a metropolitan housing authority shall give preference, as among applicants equally in need and eligible for occupancy of the dwelling and at the rent involved, to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death.

Victims of declared natural disasters or displacement including VAWA

The LMHA defines natural disaster/displacement as applicants who can document that they have been displaced by a federal or state declared natural disaster, displaced, through no fault of their own, by governmental action, such as eminent domain proceedings or by domestic violence. These subcategories are equal.

Upward mobility

The LMHA defines upward mobility to include all applicants with adult members who can document that they are employed or involved in job training, including job training undertaken as a requirement of persons receiving OWF funds. Additionally, persons who cannot work because of age or disability qualify for this preference.

Olmstead Preference

The LMHA defines Olmstead Preference to include disabled persons transitioning from institutions or at serious risk of being institutionalized as defined in PIH Notice 2012-31(HA) and US Supreme Court Case 527 U.S. 581 (1999) Olmstead v L.C. Applications claiming this preference must have the appropriate case management and/or supportive services in place prior to and at the time of admission.

Homeless Admissions Preference (PIH Notice 2023-13)

The definition of homelessness has been revised for the purpose of reporting in the Inventory Management System/Public Housing Information Center (IMS/PIC) or its successor system and outlines new guidance on how PHAs and CoCs can share data derived from IMS/PIC or its successor system and the Homeless Management Information System (HMIS) which provides updated guidance on:

- Waiting list management and preferences
- Screening policies regarding criminal activity, substance use, and rental history, program termination and eviction policies, and information regarding pairing project-based vouchers with CoC Supportive Services to create Permanent Supportive Housing.

Homeless – The Continuum of Care (CoC) program definition of homeless at 24 CFR 578.3 includes the following four “homeless” categories. Categories 1 through 3 are based on section 103(a) of the McKinney-Vento Homeless Assistance Act, whereas Category 4 is based on section 103(b) of that Act. PHAs should keep this distinction in mind when determining whether an individual or family is homeless as defined by section 103(a) of the McKinney-Vento Homeless Assistance Act

An applicant will be considered homeless if the household meets either of the criteria listed below:

- ~~1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:~~
 - ~~a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or~~
 - ~~b. An individual or family living in a supervised publicly or privately operated shelter designated~~

~~to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or~~

~~c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.~~

~~2. Any individual or family who is *all* of the following:~~

~~a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and~~

~~b. Has no other residence; and~~

~~c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.~~

~~3. An individual or family that will imminently lose primary nighttime residence as defined by *all* of the following:~~

~~a. Primary nighttime residence will be lost within fourteen (14) days of the date of application for homeless assistance; and~~

~~b. No subsequent residence has been identified; and~~

~~c. Lack the resources or support networks (i.e. family, friends, faith-based organizations or other social networks) needed to obtain other permanent housing.~~

Category 1:

Individual or family who lacks a fixed, regular, and adequate night-time residence, meaning:

- Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.
- Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs); or
- Exiting an institution where the individual or family resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Category 2:

Individual or family who will imminently lose their primary nighttime residence, provided that:

- Residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks needed to obtain other permanent housing.

Category 3:

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who are defined as homeless under the other listed federal statutes:

- Have not had a lease, ownership interest, or occupancy agreement in permanent housing

during the 60 days prior to the homeless assistance application.

- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- Can be expected to continue in such a situation for an extended period of time due to certain special needs or barriers.

Category 4:

Any individual or family who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, human trafficking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence.
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing

Chronic Homelessness:

A homeless individual with a disability, as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), is an individual who:

- Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
- Has been homeless continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph.
- An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in the preceding bullets of this definition before entering that facility: or
- A family with an adult head of household (or if there is no adult in the family, a minor head of household who meets all of the criteria in paragraphs 1 and 2 including a family whose composition has fluctuated while the head of household has been homeless.

LMHA Policy

In accordance with establishing local preferences, LMHA will verify the selection of participants and families through established eligibility requirement documentation that may require the use of third-party verifications to validate that each applicant has been selected in accordance with the method specified in this ACOP.

LMHA Policy

LMHA will rank preferences accordingly: (formatted as table)

LMHA Local Preferences and Selection Method	
Tier I	Homelessness
Tier II	Victims of declared natural disasters or displacement including VAWA
Tier III	Olmstead
Tier IV	Veterans
Tier V	Upward Mobility

~~Tier I: Homeless~~

~~Tier II: Victims of declared natural disasters or displacement including VAWA~~

~~Tier III: Olmstead~~

~~Tier IV: Veterans~~

~~Tier V: Upward mobility~~

Although the Upward Mobility Preference has several subcategories, the subcategories will not be combined or aggregated in any way. Applicants will be considered for admission based on any one of the subcategories in which they qualify. Thus, an applicant whose family includes two members with Upward Mobility Preferences does not rank any higher than a family that has only one member qualifying for the Upward Mobility Preference. Instead, the family with the older application will rank higher.

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during the LMHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income. To ensure this requirement is met, the LMHA may skip non-ELI families on the waiting list in order to select an ELI family.

If a PHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the PHA's HCV program during a PHA fiscal year that exceed the 75 percent minimum target requirement for the voucher program, shall be credited against the PHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during the PHA fiscal year; (2) ten percent of waiting list admissions to the PHA's housing choice voucher program during the PHA fiscal year; or (3) the number of qualifying low-income families who commence

occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

LMHA Policy

~~The~~ LMHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the LMHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. The LMHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The LMHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the LMHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The LMHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [24 CFR 945]

The LMHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The LMHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the LMHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the LMHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or co-head is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the LMHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR

945.303(d)(3)].

LMHA Policy (formatted as columns with numbers)

~~The~~ LMHA has designated housing. ~~The~~ LMHA's developments with designated housing are as follows:

- | | |
|------------------------------|--|
| 1. Glendale Terrace- elderly | 4. Ashley Arms- elderly |
| 2. Richmar Manor- elderly | 5. Parqwood – elderly |
| 3. Dorrell Manor- elderly | 6. Collingwood Green Phase I - elderly |

When there are insufficient elderly families on the waiting list who wish to reside in a designated elderly development, near-elderly families will receive a preference over other families for designated elderly units.

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

The PHA's admission policy must be 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. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, ~~the~~ LMHA must comply with the following steps:

LMHA Policy

Step 1:

LMHA must determine the average income of all families residing in all the LMHA's covered developments. The LMHA may use the median income, instead of average income, provided that the LMHA includes a written explanation in its annual plan justifying the use of median income.

LMHA Policy

~~The~~ LMHA will determine the average income of all families in all covered developments on an annual basis.

Step 2:

~~The~~ LMHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the LMHA has the option of adjusting its income

analysis for unit size in accordance with procedures prescribed by HUD.

LMHA Policy

~~The~~ LMHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3:

The LMHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (30% of median income).

Step 4:

~~The~~ LMHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5:

Where the income profile for a covered development is not explained or justified in the annual plan submission, ~~the~~ LMHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the LMHA's deconcentration policy. The LMHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the LMHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the LMHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

LMHA Policy (formatted as columns with numbers)

For developments outside the EIR the LMHA will take the following actions to provide for deconcentration of poverty and income mixing at:

- | | |
|-------------------------------|--|
| 1. Weiler Homes | 7. Elmdale/Mercer Ct. |
| 2. Ravine Park Village | 8. Pulley Homes |
| 3. Birmingham Terrace | 9. Port Lawrence Homes |
| 4. Oak Grove | 10. McClinton Nunn Homes (Family) |
| 5. Jade Estates | 11. John Holland Estates |
| 6. Marsrow Acres | 12. Kincora Homes |

Order of Selection [24 CFR 960.206(e)]

The PHA system of preferences may select families either according to the date and time of application or by a random selection process.

LMHA Policy

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the LMHA.

When selecting applicants from the waiting list, ~~the~~ LMHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. ~~The~~ LMHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

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 or higher preference status.

Factors such as deconcentration or income mixing, and income targeting will also be considered in accordance with HUD requirements and LMHA policy.

To ensure that LMHA admits the statutorily required 40% of applicants per year with incomes in Tier I and, at the same time, does not create concentrations of families by income at any of its developments, LMHA will rank applicants within both income tiers by local preference.

- Four out of every ten applicants admitted will be from Tier I.
- If there are insufficient applications among the Tier I Homeless, Tier II Victims of declared national disasters or displacement including VAWA preference holders

will be selected and so on.

- If there are insufficient local preference holders, staff will make offers to the No-preference applicants in Tier I.
- Within each of the ranking preference categories, offers will be made by oldest application. [See 24 CFR 960.206(e) (1) (i)].
- The remaining six out of every ten applicants admitted will be from Tier II, subject to the same ranking preferences, sorted by application date and time.

LMHA will house applicants from Tiers I and II on the waiting list by selecting first from the local preference tiers, and then, by selecting from the No- Preference applicants within each Tier.

- a. LMHA will also offer units to existing tenants on the transfer list. Some types of transfers are processed before new admissions and some types are processed with new admissions, using a ratio set forth in the TSAP. Transfers do not count toward the 40% Tier I requirement.
- b. LMHA will neither hold vacant units for prospective applicants with preferences, nor relax eligibility or screening requirements to admit otherwise unqualified applicants with preferences.

LMHA adopted the following changes to other policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing.

LMHA now permits a “one person per bedroom” rule for applicants who will agree to lease at Birmingham Terrace, OH006-006 (AMP #122); McClinton Nunn Family, OH006-011 (AMP #131); Pulley Homes, OH006-010 (AMP #122); Ravine Park Village, OH006-003 (AMP #122); and Weiler Homes, OH006-001 (AMP #121) Oak Grove Estates, OH006-036, Port Lawrence Homes, OH006-005.

- c. Lucas Metropolitan Housing Authority does not plan to operate any site-based waiting lists for its public housing properties.

4-III.C. THE APPLICATION INTERVIEW

HUD recommends public housing entities obtain information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program. (See Chapter 3-II, C, 24 CFR 5.216 and 5.218, Notice PIH 2016-05.)

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

LMHA Policy

When the family fills out their application, they are required to participate in an eligibility interview.

The head of household and the spouse/co-head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head may attend the interview on behalf of the family. LMHA will make exceptions when neither the head of household, nor a spouse can attend during regular application times. On a case-by-case basis, adult family members may attend in lieu of the head of household or

spouse. LMHA will also consider performing interview via video conference provided all documentation has been submitted prior to the interview. Verification of information pertaining to adult members of the household who do not attend the interview will not begin until signed release forms are returned to LMHA by any adult member of the household who did not attend the interview.

The interview will be conducted only if the head of household or spouse/cohead 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, LMHA will allow them to fill out the application but the application will not be process until the proper documents have been obtained.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7) at the time of unit offer, not during the intake interview. If the family is verified as eligible for the preference, LMHA will proceed with the unit offer. If LMHA determines the family is not eligible for the preference, the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, LMHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of 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 during the 10-business day timeframe. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

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

Interviews will be conducted in English. For limited English proficient (LEP) applicants, LMHA will provide translation services consistent with all HUD requirements and

consistent with any procedures or plans developed and implemented to provide LEP assess to participants and applicants. LMHA is in the process of developing procedures and plans regarding this issue when this Chapter being revised.

4-III.D. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

LMHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including LMHA suitability standards, LMHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

LMHA Policy

After a family completes the application, LMHA will notify a family in writing of their eligibility within 60 to 90 calendar days.

Once a family reaches the top of the waiting list, LMHA will send a written notification of a unit offer with the approximate date of occupancy insofar as the date can be reasonably determined.

LMHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

LMHA Policy

After a family completes the application, if LMHA determines that the family is ineligible, LMHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing (see Chapter 14).

If LMHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before LMHA can move to deny the application. See Chapter 3 for LMHA's policy regarding such circumstances.