

Section 1.0 SELECTION AND ADMISSION POLICIES

It is the policy of HCR to ensure that all families who express an interest in housing assistance are given equal opportunity to apply and are treated in a fair and consistent manner. This section describes the policies and procedures for selecting and admitting families to the Statewide Section 8 Housing Choice Voucher (HCV) Program including completion of an application for assistance, placement and/or denial of placement on the waiting list and limitations on who may apply.

Unless otherwise approved by HCR (and HUD if regulatory waiver is required), these selection and admission processes apply to all local program areas in HCR's Statewide Program jurisdiction.

1.01 Hiring a Housing Choice Voucher Participant as an Employee of the Local Administrator's Organization

HUD rules and regulations do not prohibit a PHA from hiring as an employee a person who is also a participant in the PHA's HCV program. However, when hiring such person, the LA should apply the same Section 8 standards and policies set forth in HUD rules and regulations and HCR's Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files should apply equally to the employee. Special efforts should be taken to assure that the employee/recipient is not receiving preferential treatment. This policy also applies to program participants who are relatives of employees.

Where feasible, the LA should utilize the services of another PHA/LA to conduct inspections, interim and annual reexaminations.

The LA **must** submit the names of all employees and relatives of employees who are participants in their Housing Choice Voucher program to the HCR Statewide Section 8 Voucher Program.

1.02 Eligibility of Local Administrator's Employees for Housing Choice Voucher Program Assistance

HUD rules and regulations do not prohibit an employee (*who is otherwise qualified*) of a PHA from applying and receiving HCV program assistance from the PHA with whom he/she is employed.

Therefore, when an employee of the LA submits an application for Housing Choice Voucher Program assistance, the LA should apply the same Section 8 standards and policies set forth in HUD rules and regulations and HCR's Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files should apply equally to the employee. Special efforts

should be taken to assure that the employee/applicant is not receiving preferential treatment. This policy also applies to relatives of employees.

The word “relative” as used in this section pertains to parent, child, grandparent, grandchild, sister, or brother of any employee.

1.03 Preferences

All federal preferences have been eliminated, **except the selection of elderly, disabled, and handicapped singles before other singles.**

Single family households who are elderly, disabled or handicapped will be selected before other single family households.

1.04 Opening the Waiting List

Each LA will utilize the following procedures for opening the waiting list:

When the LA determines that there are an insufficient number of applicants on its local waiting list, the LA will advertise through public notice in local media of general circulation and any available minority media in the LA jurisdiction. The public notice should provide information on income and other general eligibility requirements; and should also contain the following:

- The dates, time, location, and other relevant contact information regarding where families may apply;
- The programs for which applications will be taken;
- The specified period (if any) for which applications will be received by the LA; and
- A brief description of the program;
- A statement that individuals with disabilities are eligible for the program and that reasonable accommodations will be made where necessary to ensure equal participation in housing assistance;
- A statement affirming compliance with equal housing opportunity requirements; and affirming compliance with equal housing opportunity requirements; and
- The federal Equal Housing Opportunity Logo.

After the closing deadline (if any) for accepting applications and if requested by a person with a disability, additional time will be given as a reasonable accommodation for submission of an application.

In conjunction with opening the waiting list, the LA is required to prepare an Affirmative Fair Housing Marketing Plan which addresses:

- Conducting outreach to advocacy groups (i.e., disability rights groups) on the availability of housing assistance;

- Identifying and outreaching to the population that is least likely to apply, both minority and non-minority groups, through various forms of media (i.e., radio stations, posters, newspapers) within the marketing area and through various community groups.

1.05 Closing the Waiting List

The LA may discontinue receiving applications if there are enough applicants to fill anticipated openings for the next **24** months. A local waiting list may **not** be closed if to do so would have a discriminatory effect inconsistent with applicable civil rights laws.

The LA will announce the closing of the waiting list by public notice.

1.06 Purging the Waiting List

The LA will update and purge its waiting list annually to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Purging should also enable the LA to update information regarding address, family composition, income category and preferences.

Prior to purging the waiting list:

- The LA must save an electronic and hard copy of the pre-purged waiting list.
- All applicants who are affected by the purge must be notified by mail.

Before removing an applicant from the waiting list due to the applicant's failure to respond to the initial contact letter, a second letter must be mailed to the applicant. If the applicant does not respond to the second notice within ten (10) business days, the name of the applicant will be removed from the waiting list.

Purging is only required for applicants that have been on the waiting list for 12 months or more. The name and address of each applicant must be typed or written on the original contact letter. Letters must include the name and address of the applicant notified.

The LA should advise applicants to provide updated contact information in writing. Applicants will be advised that they will be removed from the waiting list if they cannot be reached at the address provided on the initial application.

When the purge is initiated, a letter will be sent to the applicants in the order in which they appear on the waiting list. The number of applicants on the waiting list should be equal to 50% of the LA's current program size. The letter will indicate that the purpose of the contact is:

- to determine applicant interest in remaining on the waiting list; and

- to offer the family an opportunity to update any information previously provided to the LA.

The contact letter will require the applicant to provide return correspondence in the following circumstances:

1. The applicant wishes to be removed from the waiting list, or
2. The applicant wishes to update information currently on file provided by the LA to expedite return of requested information.

Contact letters returned by the Post Office as undeliverable will be grounds for removing an applicant from the waiting list. However, if a letter is returned by the Post Office with a forwarding address, the LA should update the information on the computer and re-mail the letter to the new address. In such cases, an applicant's name should not be removed from the active waiting list and determined ineligible unless the applicant fails to respond to this notice.

In addition, and if applicable, the LA should also notify the contact person or organization provided by the applicant on **Form HUD-92006**, "Supplement to Application for Federally Assisted Housing (see section of form entitled "Reason for Contact")", before removing the applicant's name from the active waiting list.

The LA will compare results of the purge to regular annual program participant attrition rates. If the initial purge results in an inadequate number of applicants to offset regular program attrition rates, the LA will conduct additional outreach until it is determined that there are sufficient numbers of active applicants.

1.07 Removal of Applicants from the Waiting List

The LA will remove an applicant's name from the waiting list under the following conditions:

- The applicant requests, in writing, that his/her name be removed;
- The applicant fails to respond to a written request for information;
- Correspondence is returned to the LA by the Post Office as undeliverable;
- The applicant misses two or more scheduled appointments/briefings; or
- The applicant does not meet either program eligibility or screening criteria.

When an extenuating circumstance prevents an applicant from responding to an LA's correspondence which resulted in the applicant being removed from the active waiting list and determined ineligible, reinstatement of the applicant shall be granted by the LA subject to acceptable documentation verifying the extenuating circumstance. If reinstatement is granted, the applicant will retain his/her original position on the waiting list.

Extenuating circumstances include, but are not limited to the following:

- When a death has occurred in the family;
- Hospitalization;
- Illness;
- Incarceration; and
- Other circumstances determined by the LA

Upon receipt of acceptable verification the applicant's position will remain the same on the active waiting list for a period of 90 days from the date on which the LA initially contacted the applicant. The applicant is responsible for rescheduling the appointment or briefing with the LA during the 90 day period.

At the end of the 90 days the applicant's name must be removed from the active waiting list and determined ineligible.

In no event will an applicant's name be held in abeyance on the active waiting list based on his/her representation that he/she is not ready to be processed when reached on the list.

Applicants' files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.

Reinstatement requests based on extenuating circumstances will only be considered within 90 days of the date of the local administrator's correspondence.

Applicants' files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.

1.08 Screening of Applicants

As part of LA processes for determining eligibility for participation, the LA will conduct criminal background checks on all adult household members, including live-in aides. These checks will be used to identify circumstances under which assistance must be denied in accordance with the requirements of Section 982.553 of the program regulations.

All adult applicant family members will be required to sign a release of information which will authorize the LA to access criminal records.

This check may be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, the LA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). The LA will also check with the State sex offender registration program to determine if an individual is subject to a lifetime registration requirement as a State sex offender.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the LA will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

The LA will not screen family behavior or suitability for tenancy. The LA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before LA approval of the tenancy, the LA will inform the owner that screening and selection for tenancy is the responsibility of the owner. The owner is responsible for screening families based on their tenancy histories, including such factors as:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

All screening procedures will be administered uniformly, fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

To the maximum extent possible, the LA will involve other community and governmental entities in the promotion and enforcement of this policy. This policy will be posted on the LA's bulletin board and copies made readily available to applicants and participants upon request.

1.09 Grounds for Denial of Assistance

1.09.01 Grounds for Denial of Assistance Not Related to Criminal Convictions

The LA will deny assistance to applicants who:

1. do not meet any one or more of the eligibility criteria;
2. do not supply information or documentation required by the application process;
3. fail to complete any aspect of the application or lease-up process;

4. have engaged in a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.
5. currently owe rent or other obligations to any housing authority in connection with the public housing or Section 8 programs;
6. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
7. have a household member who was evicted from federally assisted housing, for reasons other than criminal activity as set forth in Section 1.09.02 below;
8. have a household member who is illegally using a controlled substance or abuses alcohol in a way that interferes or will interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
9. have engaged in or threatened abusive or violent behavior towards any LA staff member;
10. have a household member who has been terminated under the Pre-Merger Certificate or Voucher Programs or Housing Choice Voucher Program during the last three years. This three-year prohibition does not apply to a household member who voluntarily withdrew from the program, and was in good standing at that time;

These circumstances governing denial of assistance to applicants shall also be applicable to any and all instances wherein a participant household wishes to admit an additional household member who meets any of the above conditions.

Discretion for Waiving Denial of Assistance:

The LA may waive the decision to deny assistance, including denial during the ineligibility period, as applicable, if:

- the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program; or
- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity, including drug or alcohol abuse, is no longer in the household due to death or incarceration; or
- for a violation stemming from the use or abuse of drugs or alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the person demonstrates to the LA's satisfaction that the person is no longer engaging in the drug or alcohol-related activity; or

The LA may approve assistance to an otherwise eligible household, provided that the household member(s) determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the LA may consider individual circumstances with the advice of Juvenile Court officials.

In deciding whether to deny program admission (or terminate assistance) because of prohibited non-conviction activity by members of the household, the LA will consider all of the circumstances in each case, including the seriousness of the activity, the extent of participation or culpability of individual household members, the length of time since the activity occurred, the household's more recent history, the household's record of compliance with program requirements, and the effects that denial of program admission (or termination of assistance) may have on other household members who were not involved in the action or failure to act.

1.09.02 Grounds for Denial Due to Criminal Convictions

The LA will deny applicants who

- (1) have a household member, including the applicant, who have ever been convicted of drug relative criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing;
- (2) have a household member, including the applicant, who have been convicted of crimes that subject them to a lifetime registration requirement as a State sex offender.

The LA may deny applicants who have household members, including the applicant, with criminal convictions that involved physical violence to persons or property or that adversely affected the health, safety and welfare of other people. The LA may not reject an applicant based solely on that fact that a household member has such a conviction(s) but must conduct an individualized assessment of each household member who has such convictions, taking into account:

- (i) the time which has elapsed since the criminal conviction(s);
- (ii) the age of the person at the time of the conviction(s);
- (iii) the seriousness of the conviction(s);
- (iv) any information produced by the household member, or produced on his or her behalf, in regard to rehabilitation and good conduct, including, but not limited to, evidence of completion of treatment, rehabilitative programming, history of employment and tenancy, volunteer or community activity, and letters of reference from employers, landlords, community members or others who could speak to the person's conduct since the conviction;

- (v) where termination of continued occupancy is considered, the effects that termination of occupancy would have on household members who do not have convictions.

If, after conducting this assessment, the LA determines that it will deny the applicant, it must be able to articulate its reasoning with specificity. The LA shall communicate its decision to the applicant, together with the reasons for its determination.

1.10 Confidentiality of Criminal Records

The LA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and must be destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed, will be housed in a locked file with access limited to LA staff individuals responsible for screening and determining eligibility for initial and continued assistance. Misuse of the above information by any employee of the LA will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report must be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information must be shredded immediately upon completion of the review or hearing procedures and the final decision.

The LA will document in the family's file the circumstances of the criminal report and the date the report was destroyed.

1.11 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified in writing by the LA that he/she has ten (10) business days from the date of the written correspondence to request an informal review. The letter will also indicate that the applicant's name will be removed from the waiting list if he/she fails to respond within the time limit specified.

The LA's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the LA will provide a reasonable accommodation. If the applicant indicates that he/she did not respond due to a disability, the LA will verify that the applicant is disabled.

An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

1.12 Application Procedures

Each LA will utilize a standardized application form approved by HCR. The applicant will be responsible for completing all sections of the application. If an applicant with a disability requests assistance as a reasonable accommodation, the LA will arrange for it.

The primary purpose of the application intake function is to gather pertinent eligibility information on applicants. This process will also be utilized by LAs to provide such information to applicants as may be necessary to ensure accurate and timely decisions concerning eligibility and to expedite provision of assistance to eligible families.

Prospective applicants may either complete the application at the LA's office or request that one be sent to them for completion and return.

Each application must be accompanied by proof of the applicant's current address. The only exceptions to this requirement are:

- a. Project-based applicants; however, if an applicant applies to both waiting lists (project-based and Housing Choice Voucher), proof of residency is required for the HCV waiting list.
- b. Applicants who are not residing in the LA's jurisdiction at the time of application.

The application will be considered incomplete without the above information.

At a minimum, the application will contain the following information:

1. Head-of-household name, address, and phone number;
2. Dates of birth for all family members;
3. Social Security numbers for all family members in accordance with HUD regulations and guidance, and HCR policy notices.
4. Racial and ethnic designation of the head of household;
5. Annual gross income for each family member;
6. Date application was submitted; and
7. Form HUD-92006, Supplement to Application for Federally Assisted Housing.

Note: While HUD requires that this form be included as a Supplement to the PHA's Application for Federally Assisted Housing, the applicant has the option of providing additional contact information, or declining to do so. Regardless of the option chosen, the signed and dated form must be maintained in the applicant's file.

Upon receipt in the LA's office, the date and time of each application will be recorded on the application form. Persons submitting applications will not be required to attend an interview; information on the application will be accepted on a "self-certified" basis until the applicant is contacted for a pre-selection final eligibility determination. Incomplete applications will be returned to a family, together with a statement of what information is necessary to complete the application.

Each person submitting an application will receive written acknowledgment of receipt of the application from the LA. As further described below, the acknowledgment will indicate the applicant's tentative eligibility status.

Applicants who have submitted a complete application and have been determined to be preliminarily eligible for Section 8 HCV assistance will be placed on the waiting list until assistance is available. In the acknowledgment letter, the LA will briefly indicate the steps that will follow after the applicant's name has been placed on the waiting list.

While documents verifying date of birth may be requested at the time of submission of the application, an applicant **should not** be denied placement on the waiting list if this documentation is not provided. Such verification is only required at the time of the final eligibility determination.

Disclosure of Social Security numbers by applicants must conform to HUD regulations and guidance, and to HCR policy notices. Accordingly, applicant(s) have up to 180 days to meet HUD's Social Security documentation requirements before being removed from the waiting list.

If an applicant is determined ineligible based on the information provided in the application, the LA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform the family of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as a reasonable accommodation.

1.13 Applicant Status While on Waiting List

All applicants who are placed on the waiting list will be informed of their responsibility to report changes in address in writing within 30 days of occurrence. Applicants will also be required to report changes in income, family composition and/or other items potentially affecting applicant eligibility.

Applicants will be notified that, if the LA is unable to contact the family due to its failure to promptly submit a change of address notification, it may result in its name being dropped from the waiting list. Applicants will also be dropped from the waiting list if they fail to respond to written requests for information or action within LA-specified time frames.

Exceptions will be granted for applicants with disabilities, as defined in 24 CFR §5.403 who were not able to respond within the time frame due to their disability. Exceptions may also be granted for applicants hospitalized for sufficient duration if the failure to respond is/was due to the hospitalization.

1.14 Time of Selection

When funding is available, families will be selected from the waiting list in sequence, regardless of family size, subject to income targeting requirements.

1.15 Income Targeting Requirement

The same income targeting rule that applies to participant-based vouchers also applies to project-based vouchers (PBV). The 75% targeting requirement is a combined factor for any LA with both participant-based and project-based vouchers.

LAs are responsible for ensuring that, in any given year, of the **combined total** of participant-based and project-based admissions, not less than 75% of admissions must be families with incomes at or below 30% of area median.

HCR's "targeting year" is the same as its program fiscal year of April 1 through March 31. LAs should look at the previous year's admission activity to determine the overall percentage of families admitted who were at or below 30% of median. No adjustments to administrative practices will be necessary if it is considerably above 75%.

HCR does not grant waivers of the income targeting policy for which an owner or landlord can apply.

In order to ensure that the targeting requirements are met on an overall basis, it is necessary that LAs meet these requirements on an individual basis. However, HCR may exercise its discretion to modify this requirement on an "as needed" or individual basis, in view of the initial impact on targeting that may result from PBV move-ins.

For PBV vacancies, LAs must continue doing everything possible to admit families with incomes at or below 30% of median. However, upon written request to HCR, the LA is permitted to raise the targeting income ceiling to 50% of area median income if the LA can demonstrate that sufficient families at the 30% of area median income level are not available. In this situation, LAs should primarily, **if not solely**, admit families having incomes at or below 30% of area median income to participant-based HCV openings, until the overall percentage of the LAs annual admissions equals or exceeds 75% of families at this income level.

1.16 Selection of Families from the Waiting List

Unless otherwise approved by HCR (and HUD if such approval is necessary), the selection of participants in all LA Program jurisdictions will be according to the following local selection order:

- For participant households with more than one family member, selection will be based on date and time of application.
- For single person households, persons who are elderly, disabled or handicapped will be selected before other single person households.

The qualification for the above listed preference and/or any subsequent preferences that may be added is based solely on an applicant's status **at the time of selection from the waiting list**.

LAs must not ask an applicant claiming disability to specify the exact nature of (or state or explain) his/her disability, nor does the applicant have to submit proof of said disability; documentation can only state that the applicant is disabled.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be extremely low-income families (unless a different target is agreed to by HUD), the LA retains the right to skip higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, HCR and each LA will monitor incomes of newly admitted families and the incomes of the families on the waiting list.

If there are an insufficient number of extremely low-income families on the waiting list, the LA will conduct outreach on a non-discriminatory basis to attract sufficient numbers of extremely low-income families in order to reach the statutory requirement.

1.17 First-Year Limitation on Where Family Can Lease a Unit at Initial Participation in the Program

A "non-resident" applicant is required to utilize the voucher for the first 12 months in the initial Local Administrator's jurisdiction.

For the purposes of this provision, a "non-resident" applicant is one where neither the head of household or spouse had a "domicile" (legal residence) in the jurisdiction of the Local Administrator at the time the family submitted an application for participation in that LA's program.

The term "Legal Domicile" is defined as follows: *"The legal residence of the household head or spouse as determined in accordance with State and local law."* New York State case law defines "domicile" as *"one's [the household head or spouse] principal and permanent place of residence where he/she always intends to return to from wherever he/she may be temporarily located and from which he/she has no present intention of moving. In other words, the 'domicile' is the location where a person intends to make his or her home indefinitely."*

Families will be advised that, if contacted for admission to the local program wherein they were a “non-resident” at the time of application, they must utilize the assistance for 12 consecutive months in the jurisdiction of the program where they are being admitted. All “non-resident” applicants must be advised of this policy upon acceptance of their application by the LA and at the time the family is contacted to establish an eligibility certification interview.

Conversely, if the family was a resident in the LA’s jurisdiction at the time of application, they will be eligible for portability at the time of initial issuance of the voucher.

The legal residence reported by the applicant at the time of application is the determining factor in the implementation of these provisions.

1.18 Eligibility of Students for Assisted Housing under Section 8

On December 30, 2005 HUD published a final rule implementing a new law pertaining to eligibility of students for Section 8 housing.

HUD Guidance was published in a notice in the April, 10, 2006 Federal Register and is available at <http://www.gpo.gov/fdsys/pkg/FR-2006-04-10/pdf/06-3365.pdf>.

Under the new law and HUD’s rule, a person will not be eligible to separately receive Section 8 assistance who:

- Is enrolled as a student at an **institution of higher education** (a detailed definition of this term is provided in the April 10, 2006 Federal Register notice, pages 18149-18150);
- Is under the age of 24;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Is individually ineligible for Section 8 assistance; or
- Has parents who are, individually or jointly, ineligible for assistance.

To summarize, the Federal Register states: *“If a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for Section 8 assistance, or the student’s parents are, individually or jointly, ineligible for assistance, no Section 8 can be provided to the student. Unless the student is determined independent from his or her parents, as discussed in this guidance, the eligibility of a student seeking Section 8 assistance will be based on both the student and the parents being determined income eligible for Section 8 assistance.”*

Note: HUD’s April 10, 2006 Guidance does not apply to a student residing in a Section 8 assisted unit with his or her parent(s), or who resides with his/her parent(s) who are applying to receive Section 8 assistance.

The rule also provides that in determination of student income, financial assistance in excess of tuition assistance received by the student will be included in annual income for determination of eligibility for Section 8 assistance, *unless* the student is over the age of 23 with dependent children. Financial assistance does not include loan proceeds for the purpose of determining income.

1.19 Initial Eligibility Certification

At the point of selection from the waiting list, all adult household applicants will be required to participate in an initial eligibility certification interview. Single persons who claim that they are elderly, disabled or handicapped must have that status verified prior to the LA's scheduling of the initial eligibility certification interview.

Information used to verify an applicant's eligibility at initial certification for the HCV program must be current, that is within 60 days of the issue date of a voucher. Upon verification of the applicants' information, the LA must update the electronic "Applicant Data Sheet" for each applicant. A copy of the "Applicant Data Sheet" must be maintained in each applicant's file.

After the above preference is verified, applicants will be required to participate in a full eligibility certification interview with an LA representative. The certification and briefing interview afford the LA an opportunity to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that all required information is accurate and complete. The briefing phase of the interview is used as a vehicle to provide information about the certification and verification process, as well as to advise the family of other PHA services or programs which may be available.

At the certification interview, the applicant will be required to furnish complete and accurate information requested by the interviewer. The LA representative will initially complete the certification based on written and/or verbal information provided by the applicant.

At the conclusion of the certification interview, the applicant will sign and certify that all information is complete and accurate.

1.20 Requirement to Attend Interview

All adult family members are required to attend the interview and sign the eligibility certification. Exceptions may be made for students attending school out of state or for members for whom attendance would be a hardship.

The head of household or the head and spouse are required to attend the interview. If the head of household cannot attend the interview, the spouse may attend to complete the certification and certify for the family. However, the head of household will be required to attend an

interview within three days to review the information and to certify by signature that all of the information is complete and accurate.

If an applicant misses a scheduled appointment, does not contact the LA to reschedule, cannot be contacted by the LA to reschedule or misses two scheduled meetings, the LA will reject the application and the applicant will be removed from the waiting list.

If an applicant is denied assistance due to failure to attend the full certification interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

The head of household and spouse will be required to sign the certification form and/or a supplemental form/worksheet containing the family composition, income, asset and allowance information for the family. As required by the LA, other adult members may also be asked to sign these forms.

All adult members must sign:

- HUD Form 9886 (Release of Information);
- any supplemental forms and/or documents required by the LA;
- declarations and consents related to citizenship/immigration status; and
- a consent form to release criminal conviction records and to allow the LA to receive records and use them in accordance with HUD regulations.

Applicants may also be required to sign specific verification forms for information which is not covered by HUD form 9886. Failure to do so when required will be cause for denial of the application for Section 8 assistance.

If the LA determines during or after the interview that additional information is needed directly from the applicant, the LA will specify in writing what information is required and what kind of documentation must be provided by the applicant to verify it. The family will be given ten business days to supply requested information. If the information is not supplied in this time period, the LA may deny assistance.

1.21 Portability Moves from Other PHAs

Local Administrators are required to adhere to HUD's portability requirements for initial and receiving PHAs, as set forth in HUD regulations and PIH Notices.

Policies related to absorption or billing of portability moves are established by HCR as PHA. HCR reserves the right to revise its portability billing guidelines based on budget authority granted by HUD and unit baseline allocations established by HCR for each local program.

1.22 Income Verification

All income and asset information provided by the applicant will be verified via third-party contact unless repeated attempts to provide such verification fail. If the LA is unable to obtain third-party verification, the LA will specify what other form of verification may be acceptable within the guidelines specified by HUD. When third party verification is unavailable, the file must be documented to leave a clear audit trail. Any documentation requested directly from the applicant must be provided within the time specified by the LA.

1.22.01 Child Support

Periodic and determinable allowances received as child support payments must be included as annual income. However, child support payments pursuant to court order or private agreement that is nonrecurring or sporadic shall be excluded as income upon proper written verification.

The LA must also obtain third party verification of income derived from child support and/or cash contribution. Request for verification of such incomes must be made directly from the contributor or the enforcement agency (family court or Department of Social services, etc.).

1.22.02 Pay Stubs as Verification of Income

Original or authentic pay stubs generated by a third party source dated either within the 60-day period preceding the reexamination or LA's requested date can be accepted as verification of income subject to the following:

The LA is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. However, when available, the LA must obtain more than two consecutive pay stubs. Although consecutive pay stubs are required to determine annual income, if one or more pay stubs is/are significantly less than the other(s) the LA must ascertain the reason(s) for the difference and a determination should be made whether to exclude or include such pay stub(s). When this occurs, the LA must document the file to leave a clear audit trail.

1.22.03 Asset Verification

LAs are required to include in the calculation of annual income any interest or dividends earned on assets held by the family. Original or authentic documentation (i.e.; bank statements, stocks/bonds, real estate, etc.) generated by a third party source within the most recent three (3) months. At its discretion, the LA may obtain statements that are older than 3 months if there is/are suspicion of any irregularities.

When a family has net family assets in excess of \$5000, annual income shall include the greater of the actual income derived from the net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

For each new admission, the LA must comply with HUD's EIV income verification requirements, including:

- review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
- print and maintain a copy of the Income Report in the tenant file; and
- resolve any income discrepancy with the family within 60 days of the EIV Income Report.

1.23 Final Determination and Notification of Eligibility

After verification is completed, the LA will make a final determination of eligibility. This decision is based upon information provided by the family, verification activities undertaken by the LA and current eligibility criteria in effect. If the family is determined to be eligible, the LA will confirm eligibility via written notification to the family. If a briefing has not already been conducted by the LA, one will be scheduled to coincide with issuance of the Housing Choice Voucher.

1.23.01 Submitted Documents

When an applicant, participant, owner or representative of an owner submits documents to the LA's office, the LA **must** acknowledge receipt of the documents by completing a "Document Receipt Form." The form must be signed and dated by the LA's staff that receives the documents and a copy of the form must be issued to the person who submitted the documents.

1.24 Document Retention for Applicants and Participants

1.24.01 Applicants

Applicant files and documents must be retained for at least three years after:

- the date an application is closed;
- the applicant has withdrawn from the waiting list; or
- the applicant is determined ineligible.

When an applicant is admitted to the program, the application and associated verification of eligibility documents must be transferred to the participant's file and must be retained in that file according to the rules for program participant files (see below).

Special rules apply to retention of U.S. Citizenship and Immigration Services (USCIS) documents. These documents must be retained for at least five years.

1.24.02 Participants

Documents for participants must be retained during the term of the assisted tenancy and for at least three years thereafter. However, **except** for the documents listed below, ***all other documents may be destroyed after the three-year period.***

- Birth certificates or other verification of DOB
- Social security cards
- Initial pre-application
- Initial income eligibility verification
- Initial voucher
- Initial 50058
- Initial HAP contract
- Initial lease and tenancy addendum

Note: USCIS documents must be retained for at least five years.

When a new or additional folder is created for an existing participant, the documents specified above must be transferred to the new folder.

1.24.03 Criminal Records

Special retention rules pertain to criminal records for both applicants and participants. Criminal records are **required** to be destroyed once the purpose for which they are obtained has been accomplished.