

CHAPTER 2

WAITING LIST ADMINISTRATION

2.1 **INTRODUCTION**

This chapter describes the policies for completing registration for housing assistance, criteria related to placement on the waiting list and removal from the list, and limitations as to who may apply.

2.2 **WAITING LIST: ADMINISTRATION OF WAITING LIST**

24 CFR 982.204 (a): “Except for special admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with admission policies in the PHA administrative plan.”

24 CFR 983.251 (c)(3): “The PHA may use separate waiting lists for PBV units in individual projects or buildings (or for sets of such units) or may use a single waiting list for the PHA’s whole PBV program.”

24 CFR 882.513 (b): “Waiting list. The PHA must maintain a waiting list for applicants for the Moderate Rehabilitation Program.”

Policy:

Applicants Registered on the 2006 Waiting Lists: Families are given a position number and placed on the waiting list in an order determined by computerized random selection. The HA selects applicants from the 2006 waiting list based on their position number. The HA will not draw applicants from the interest lists until the 2006 Waiting Lists are exhausted.

Applicants Registered on the Interest Lists Opened 2020: The Housing Authority administers permanently open interest lists. Families who wish to be considered for any of the Housing Authority’s federally funded rental assistance programs must register on its interest lists. Registration forms will be made available in an accessible format upon request from a person with a disability. Paper registration forms will be made available to persons with no access to technology.

The HA maintains one interest list for its Housing Choice Voucher program and separate site-based lists for all properties that have a Property Voucher (Project Based Voucher or Moderate Rehabilitation program) Housing Assistance Payment contract.

An applicant remains active on the interest list for one year. An interest list applicant may renew their application or reactivate an inactive application for another year at any time.

As Housing Choice Vouchers and/or Property vouchers (Project Based Voucher or Moderate Rehabilitation program units) become available, active applicants are drawn from the interest list by computerized random selection and placed on a waiting list based on the date and time of the draw.

2.3 WAITING LIST: DIFFERENT PROGRAMS

24 CFR 982.205 (a) (1): “A PHA may merge the waiting list for tenant-based assistance with the PHA waiting list for admission to another assisted housing program...”

MTW Plan:

“[The HA will] continue to operate one combined waiting list for both the County of Santa Clara and the City of San José for the Housing Choice Voucher (HCV) Program and the Project-Based Voucher (PBV) Program.”

2.4 WAITING LIST: LOCAL PREFERENCES

24 CFR 982.207 (a) (1): “The PHA may establish a system of local preferences for selection of families admitted to the program. PHA selection preferences must be described in the PHA administrative plan.”

24 CFR 982.207 (b) (3): “The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for admission of persons with a specific disability.”

24 CFR 982.207 (b) (5): “The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.”

California HSC § 34322.2 (b): “Priority shall be given within each preference category to families of veterans and servicemen.”

MTW Plan:

“SCCHA will explore various means to target increased assistance to the chronically homeless including... taking steps to provide vouchers to chronically homeless families that are actively participating in supportive programs with designated service providers.”

“Based on community need and subject to State and Federal Fair Housing laws and MTW statutory authorizations, SCCHA may propose to receive direct referrals of chronically homeless families from non-profit agencies and community-based organizations.”

“With its Moving to Work (MTW) authority, and similar to activity 2009-5, which created a direct referral program for the chronically homeless, SCCHA and designated community partners will target vouchers to [the] Special Needs Population (SNP) as follows: (1) SCCHA will...determine program eligibility and provide rental assistance; (2) A community partner will provide referrals of clients to SCCHA and case management to the designated SNP.”

Policy:

Based on the availability of voucher funding, the HA recognizes the following separate local preferences to its Section 8 Housing Choice Voucher and site-based Project Based Voucher or Moderate Rehabilitation Waiting Lists.

- A preference for applicants who lived or worked in Santa Clara County within the last five years from the date they were randomly drawn to a waiting list to be offered assistance. The Executive Director has the authority to turn off the preference if data analysis of applicant demographics suggests that the preference is unintentionally impacting protected classes; and
- In the case of a State of California-declared disaster, the following preference will be activated: A preference for very-low income applicants who are Santa Clara County renters and have become homeless due to a State of California-declared disaster, for the length of time and/or the number of vouchers as the Executive Director determines is appropriate and available.

A priority will be given within each preference category for the following:

- Applicants with a household member who is an active member or veteran of the U.S. armed forces. Veterans must be able to document a discharge status other than the following: Bad Conduct Discharge (issued by special court-martial or general court-martial), Dishonorable Discharge, or Entry-level Separation or Discharge.

In accordance with PIH Notice 2020-01 issued on January 22 2020, the HA will issue available Mainstream 5-year vouchers (Increment 59-MS5) to eligible Section 8 Housing Choice Voucher waiting list households that include one or more non-elderly persons (ages 18-61) with verified disabilities.

In accordance with PIH Notice 2021-15 issued on May 5, 2021, the HA will issue 1,033 Emergency Housing Vouchers (EHVs), awarded by HUD, to eligible applicants referred by the Santa Clara County Continuum of Care. The applicants referred bypass the Section 8 Housing Choice Voucher waiting list.

The HA will receive direct referrals of applicants from partnering agencies for the following programs as stipulated in HUD program regulations, Notice of Funding Availability Awards (NOFA) or by an approved MTW activity. The applicants referred to these programs bypass the Section 8 Housing Choice Voucher or Project Based Voucher waiting lists:

- Chronically Homeless Direct Referral (CHDR) Program: Chronically homeless families who participate in supportive programs and utilize case management services.
- Special Needs Population Direct Referral (SNDR) Program: Persons with disabilities who experience multiple barriers to housing and who require intensive supportive services.

- Veterans Affairs Supportive Housing (VASH) Program: Homeless veterans who receive case management and clinical services through the Veterans Affairs Palo Alto Health Care System.

The HA may draw from the waiting or interest list and/or receive direct referrals of applicants (bypassing the Section 8 Housing Choice Voucher or Project Based Voucher waiting or interest lists) by the Santa Clara County Office of Supportive Housing for the following special program as stipulated in HUD program regulations or Notice of Funding Availability Awards (NOFA):

- Mainstream Voucher Program (Mainstream 59-MS811): Household that includes one or more non-elderly person (ages 18-61) with verified disabilities. Preference for assistance will be given to individuals/families who are transitioning out of institutional or other segregated setting, at serious risk of institutionalization, homeless or at risk of becoming homeless.

2.5 OPENING THE WAITING LIST

24 CFR 982.206 (a) (1): “When the PHA opens a wait list, the PHA must give public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.”

Policy:

The HA will advertise the interest lists through public notice in newspapers, minority publications and other media entities and through mailings and/or presentations to community organizations including those organizations serving populations of persons with disabilities.

Information provided will include the telephone number, and website of the HA, how to apply on the interest lists, and information on eligibility requirements.

The HA will open its Section 8 Housing Choice Voucher waiting list for the following populations in accordance with the Notice of Funding Availability Award (NOFA) instructions issued for these programs:

- Family Unification Program (FUP)- Families or youth referred by the Santa Clara County Department of Family and Children’s Services (DFCS) and/or Office of Supportive Housing (OSH) as FUP- eligible.
- Foster Youth to Independence (FYI) Initiative – Youth referred by the Santa Clara County Department of Family and Children’s Services (DFCS) and/or Office of Supportive Housing (OSH) as FYI- eligible.
- Category 2 Non-Elderly Disabled (NED) Program- Non-elderly, disabled families referred by the Silicon Valley Independent Living Center and transitioning out of nursing homes or other health care institutions.

2.6 REMOVING APPLICANT NAMES FROM THE WAITING LIST

24 CFR 982.204 (c) (1): “The PHA administrative plan must state PHA policy on when applicant names may be removed from the waiting list. The policy may provide that the PHA will remove names of applicants who do not respond to PHA requests for information or updates.”

Policy:

For applicants on a waiting list, the HA will make two attempts to notify applicants of assistance availability. The HA will request an intake eligibility appointment or complete the intake process by mail, if necessary. If the HA schedules an appointment with the waiting list applicant, the applicant may reschedule their appointment once (either the first or final appointment) by calling HA in advance of the appointment. If the HA conducts the intake process by mail, the applicant will be offered two opportunities to complete and submit the intake process by mail. If an applicant fails to respond within the specified timeframe or fails to attend their final appointment, the application will be canceled and withdrawn and the applicant will be notified in writing.

Applicants Registered on the 2006 Waiting Lists: The HA will make one attempt to notify applicants of an offer of a Project Based Voucher or Moderate Rehabilitation unit availability. If the applicant does not respond, or declines the offer, they will be withdrawn from the Project Based Voucher or Moderate Rehabilitation waiting list and notified in writing of the withdrawal.

2.7 REINSTATEMENT TO THE WAITING LIST

24 CFR 982.204 (c) (2): “If the applicant did not respond to the PHA request for information or updates because of the family member’s disability, the PHA must reinstate the applicant in the family’s former position on the waiting list.”

Policy:

The HA may reevaluate its decision to remove the applicant from the waiting list if the applicant family was unable to respond to the HA’s notices of assistance or declined an offer of an available Project Based Voucher or Moderate Rehabilitation unit due to:

- Homelessness,
- Hospitalization during the period outreach efforts were made,
- Disability, or
- Other mitigating circumstances, such as domestic violence.

Any of the above circumstances must be verified through independent sources, and applicable mitigating circumstances must be clearly demonstrated prior to evaluation for reinstatement. The HA will provide a written response specifying the outcome and final determination at the conclusion of its review.

If the request for reinstatement is approved, the cancelled application will be restored to its original placement of registration on the waiting list. If the request for reinstatement was not approved, the application remains cancelled.

2.8 **SPECIAL ADMISSIONS (NON-WAITING LIST)**

24 CFR 982.203 (a) (1) & (2): “If HUD awards a PHA program funding that is targeted for families living in specified units, the PHA must use the assistance for families living in these units. The PHA may admit a family that is not on the PHA waiting list or without considering the family’s waiting list position.”

Policy:

The following are examples of types of program funding that may be targeted for a family living in a specified unit:

- A family displaced because of demolition or disposition of a public housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project subject to a homeownership program (under 24 CFR 238.173);
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term;
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project; and
- Very low income families who have been displaced due to a natural disaster, government or private actions. If a city or county is involved, a family may be eligible for admission to the program subject to a funding allocation.

2.9 **OTHER HOUSING ASSISTANCE**

24 CFR 982.205 (b) (1) & (2): “For the purposes of this section, ‘other housing subsidy’ means a housing subsidy other than assistance under the voucher program. Housing subsidy includes subsidy assistance under a federal housing program, a state housing program or a local housing program. The PHA may not take any of the following actions because an applicant has applied for, received or refused other housing assistance:

- **Refuse to list the applicant on the PHA waiting list for tenant-based assistance;**
- **Deny any admission preference for which the applicant is currently qualified;**
- **Change the applicant’s place on the waiting list based on preference, date and time of application, or other factors affecting selection under the HA selection policy; or**
- **Remove applicant from the waiting list.”**

24 CFR 983.251 (e) (3): “The PHA may not take any of the following actions against an applicant who has applied for, received, or refused an offer of PBV assistance: (iv) Remove the applicant from the waiting list for tenant-based voucher assistance.”

Policy:

Applicants Registered on the 2006 Waiting Lists: If an applicant is withdrawn from the Housing Choice Voucher waiting list (including withdrawals due to being determined ineligible for assistance according to Section 8 initial eligibility criteria in place at the time), or housed under the Housing Choice Voucher program, the HA will remove the applicant from the Mainstream, Project-Based Voucher and Moderate Rehabilitation assistance waiting lists.

Applicants Registered on the 2006 Waiting Lists: If an applicant is determined ineligible for assistance for the Project Based Voucher or Moderate Rehabilitation programs according to Section 8 initial eligibility criteria in place at the time under the Project Based Voucher or Moderate Rehabilitation programs, the HA will withdraw the applicant from the Housing Choice Voucher, Mainstream, Project Based Voucher and Moderate Rehabilitation assistance waiting lists.

Applicants Registered on the 2006 Waiting Lists: If an applicant is housed under the Moderate Rehabilitation program or withdrawn from the Project Based Voucher and/or Moderate Rehabilitation assistance waiting lists due to non-responsiveness to an offer of PBV or Moderate Rehabilitation assistance, the HA will not remove the applicant from the Housing Choice Voucher waiting list.

Applicants Registered on the Interest Lists Opened 2020: If an applicant is housed under the Moderate Rehabilitation programs and is drawn from the interest list for a Housing Choice Voucher and determined eligible for assistance, the HA will offer them the opportunity to move with Housing Choice Voucher assistance.

Applicants Registered on the Interest Lists Opened 2020: If an applicant is drawn from the interest list for a Housing Choice Voucher, the applicant will be inactivated from the Housing Choice Voucher and property voucher interest lists and must reactivate themselves on the interest lists to be considered for additional opportunities.

Applicants Registered on the Interest Lists Opened 2020: If an applicant is drawn from one of the property voucher interest lists, they will not be inactivated from the Housing Choice Voucher interest list; however, they will be inactivated from all property voucher interest lists and must reactivate themselves on the interest lists to be considered for additional opportunities.

If an applicant is housed with a Housing Choice Voucher through the Chronically Homeless Direct referral program, Special Needs Population Direct Referral program, the Family Unification Program, the Non-Elderly Disabled Program, the Veterans Affairs Supportive Housing or the Mainstream Program, the HA will withdraw the applicant from the Housing Choice Voucher, Project Based Voucher, Moderate Rehabilitation or site-based property voucher waiting lists.

If an applicant reaches the top of the 2006 Housing Choice Voucher waiting list or is drawn from the interest list for a Housing Choice Voucher, but is currently housed under the Project Based Voucher program for less than two years (or one year with a VASH Project Based Voucher), the HA will withdraw the applicant from the Housing Choice Voucher waiting list.

If an applicant reaches the top of the 2006 Housing Choice Voucher waiting list or is drawn from the interest list for a Housing Choice Voucher, and is currently housed under the Project Based Voucher program for more than two years (or one year with a VASH Project Based Voucher), the HA will offer them the opportunity to move with Housing Choice Voucher assistance.