

## **SECTION 4. RECORD OF APPLICATIONS AND WAITING LIST**

The following are policies for documenting actions taken by KCHA employees in processing applications for dwelling units.

### **A. Record of Applications/Waiting List**

Each applicant's name will be placed on the KCHA's Record of Applications/Community-Wide Waiting List, based on the date and time the application is received and any applicable preferences. The KCHA will assure that at least forty percent (40%) of annual new admissions are families with incomes at or below thirty percent (30%) of local area median income (extremely low-income families). This includes families, who at the time of application are unable to provide evidence that they have any income. Annual family income, if any, will be recorded on the waiting list.

The KCHA will indicate on the Record of Applications/Waiting List the applicant's name; date and time of application; race/ethnicity of the head of household; unit size required based on KCHA occupancy standards; whether the applicant is eligible or ineligible; the applicant's preferences; the date and time the applicant was offered a unit; the unit number and location; the date the applicant was assigned a unit, or the date the applicant rejected the assignment; and any circumstances pertaining to assignment of a unit, such as removing the applicant's name because the applicant requested it be done. Entry on the Record of Applications is also made when the KCHA makes a phone inquiry and/or sends a letter and determines that the applicant is no longer interested or the applicant no longer qualifies.

Consistent with the objectives of Title VI of the Civil Rights Act of 1964, other statutory requirements and HUD regulations and policies, the KCHA will make offers from the Record of Applications only based on the date and time of application, local preferences, and bedroom size needed.

### **B. Organization of the Waiting Lists**

1. The Record of Applications (Waiting List) will be organized in such a manner that the KCHA can easily identify the date and time the application was submitted, the applicant's preferences for admission (based on the local preferences), the size and type of unit needed, and other decision-making factors.
2. The KCHA will not solicit a statement from any applicant regarding his or her desire to live in a particular development or group of developments, except that the KCHA may allow applicants to designate the development(s) in which they wish to reside, or, may establish separate waiting lists by development site(s).
3. All waiting lists will be community-wide in scope, unless the KCHA adopts a specific policy allowing designation and/or site-based waiting lists. Such a policy will be duly adopted by the Board of Commissioners and incorporated into this document by reference following a period of thirty (30) days posting.

4. The KCHA may have one waiting list for mixed occupancy developments (formerly elderly project) and another for general occupancy developments (formerly family project), provided it permits an elderly family to be listed on either or both lists, if unit size and type are appropriate.
5. In order to achieve the KCHA's goal of income targeting and income mixing, waiting list skipping and other incentives such as waiver of pet or security deposits, assignment of units based on one person per bedroom, etc., may be adopted by the Board of Commissioners of the KCHA. If so, that policy will be incorporated into this document by reference.

C. Updating the Waiting Lists

1. The KCHA may update (purge) its waiting list at least every twelve (12) months in order to remove the names of applicants who are no longer interested in being admitted, no longer qualify for admission or who cannot be located.
2. The KCHA will document the reason for removing any applicant's name from the waiting list(s).
3. The KCHA requires applicants to report, in writing, any changes in family composition or circumstances, and any significant changes in income or assets that would affect the family's eligibility, the type of development, the size and type of unit needed, or the family's preference category for admission. A verified change in preference status may result in the applicant being moved up or down on the waiting list.

The KCHA also makes a phone inquiry and/or sends a letter to determine whether they are still interested in being admitted to public housing. If there is no response to the KCHA's efforts to contact the applicant they will be removed from the waiting list and their application withdrawn.

4. Application Rejection and Removal from the Waiting List

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

- a. The applicant requests that their name be removed; or
- b. The applicant has been advised in writing to inform the KCHA of the applicant's continued interest by a particular time, and the applicant failed to do so; or
- c. The KCHA has made reasonable efforts to contact the applicant to determine if there is continued interest, but the KCHA has been unsuccessful in locating the applicant; or
- d. The KCHA has made reasonable efforts to contact the applicant to schedule interviews necessary to complete the application process or to obtain information necessary to process the application, and the applicant has failed to respond; or

- e. The applicant fails to keep a scheduled interview or provide necessary information for application processing or waiting list maintenance. The KCHA will notify the applicant that he/she has ten (10) working days to reschedule or provide requested information. If the applicant fails to respond, their application will be withdrawn. However, the KCHA will consider mitigating circumstances such as health problems or lack of transportation in determining whether the application should be withdrawn.
- f. The KCHA has notified the applicant of its intention to remove the applicant's name from the waiting list(s), because the applicant no longer qualifies for Public Housing;
- g. The applicant fails to complete required pre-occupancy move-in orientation;
- h. The applicant fails to pay an existing utility balance resulting in denial of service by the utility supplier;
- i. If after initial determination of eligibility, a member of the applicant family has:
  - (1) A conviction as a sex offender or becomes required by law to register for lifetime as a sex offender.
  - (2) Become involved in drug or violent criminal activity as determined by a preponderance of evidence.
  - (3) Perpetrated domestic violence including dating violence or stalking. Family members who were involved in such acts *as victims* may be considered for admission only if the perpetrator is no longer in the household.
- j. The applicant fails to satisfy Tenant Selection Criteria as outlined in this policy.

The KCHA will notify the applicant of the rejection, in writing, and advise him/her of their right to an informal meeting.

- 5. The KCHA will take the following actions when updating the waiting list:
  - a. Mail a notice to each applicant on the waiting list advising them of the need to update their application and including an update form to be completed and returned to the KCHA.
  - b. Applicants will have ten (10) days from receipt of the update notice to respond by mail or in person.
  - c. If applicants fail to respond to either the update letter or if the letter is returned postmarked by the post office as undeliverable, the KCHA will withdraw their application.
  - d. If the reason an applicant does not respond to the KCHA's attempt to contact him/her is related to a disability, the KCHA will, as a reasonable accommodation, reinstate the applicant in their former position on the waiting list.

#### D. Closing the Waiting List

- 1. The KCHA will not close its waiting list unless the KCHA is not accepting any additional applications. The KCHA may close the waiting list if:
  - a. The KCHA has enough applicants to fill expected vacancies over a period of one (1) year, and;

- b. New applicants with preferences would not qualify before other applicants with preferences already on the waiting list.

2. Other Applicants

If the KCHA has too many applicants who do not claim any preferences, it may close a waiting list completely by type of development, or size and type of dwelling unit as appropriate.

3. The KCHA will not close a waiting list:

- a. If closing the list would have a discriminatory effect that would be inconsistent with applicable civil rights laws; and
- b. Unless it publicly announces any decision to suspend or to restrict the taking of applications. It will not reopen the list until it publicly announces when it will resume the taking of applications.

4. Prior to closing a waiting list, the KCHA will assure that it has sufficient applicants to fill expected vacancies for a minimum of one (1) year.

E. Opening the Waiting List

The opening of the Waiting List shall be announced through public notices as follows:

1. The notice shall be placed in a newspaper of general circulation, in a minority publication and in plain view in the application office.
2. Postings may be made at locations throughout the community and may be sent to social service agencies.
3. The notices shall contain where and when interested parties can apply.
4. The notice shall state limitations on who may apply (i.e. residents of jurisdiction, working families, extremely low-income, etc.).
5. The notice shall contain the Equal Opportunity Housing logo and non-discrimination statement in the advertising message.

F. Applicant Files

The KCHA will establish and maintain an individual file containing information on each applicant household. Such files will be retained for at least three (3) years after the audited Public Housing Assessment System (PHAS) submission for that year.

Material secured under a criminal background check or drug treatment center check will not be retained in the applicant file but will be segregated in a secure location under lock and key. Following a decision on acceptability of an applicant, the criminal background check and drug treatment program information will be removed and destroyed (shredded).

This procedure is subject to delay if the applicant requests an informal review with respect to denial of their application based on information received from either source. The KCHA may retain the information until the statute of limitations passes for filing a civil lawsuit if the KCHA believes there will be litigation.

Applications and material submitted by the family will be retained for a minimum of five (5) years if there is a U.S. Citizenship and Immigration Services (CIS) [formerly the Immigration and Naturalization Service (INS)] appeal and/or an informal hearing with the KCHA concerning the citizen/non-citizen documentation. The files will contain the following:

1. The original application for financial housing assistance;
2. The form completed by the family for income reexamination (HUD-50058);
3. Photocopies of any original documents (front and back), including original CIS documents. (Under no circumstances will photocopies of Federal checks be made or retained in applicant/resident files.);
4. The signed verification consent form(s);
5. The CIS verification results (both primary and, if applicable, secondary);
6. The request for a CIS appeal;
7. The final CIS determination;
8. The request for a KCHA informal hearing; and
9. The final KCHA informal hearing decision.