Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN
(Includes Preferences and Managing the Waiting List)
[24 CFR 960.204]

INTRODUCTION
It is HAKC’s policy that each applicant will be assigned an appropriate place on a jurisdiction-wide Waiting List unless the applicant has applied for a development subject to a site-based preference and other determinations. Applicants will be listed in sequence based upon size and type of unit required, Preference, date and time the application is received. In filling actual or expected vacancies, HAKC will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. HAKC will offer the unit in the proper applicant sequence until it is accepted. This chapter describes HAKC’s policies with regard to the number of unit offers that will be made to applicants selected from the Waiting List.

HAKC’s Objectives

HAKC policies will be followed consistently and will affirmatively further HUD’s fair housing goals.
It is HAKC’s objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

When appropriate units are available, families will be selected from the waiting list in their preference-determined date and time sequence.

By maintaining an accurate waiting list, HAKC will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the HAKC’s turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool."

Site-Based Waiting Lists
Per the Quality Housing and Work Responsibility Act of 1998, HUD does allow a PHA to implement site-based waiting lists upon approval of the Annual Plan or upon HUD’s approval to the PHA’s request before the submission of the Annual Plan. HAKC currently does not use site-based waiting lists at this time- however HAKC does allow for site preferences during the application process.
A. MANAGEMENT OF THE WAITING LIST

HAKC will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.208. The waiting list will be maintained in accordance with the following guidelines:

- The preliminary and full applications will be a permanent part of the file.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income and other eligibility requirements as established by HUD and HAKC.
- All applicants in the pool (eligible and verified families) will be maintained in order of preference and in order of date and time of application receipt.

Opening and Closing the Waiting Lists

HAKC, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of HAKC to house an applicant in an appropriate unit within a reasonable period of time.

When HAKC opens the waiting list, HAKC will advertise through public notice in the following newspapers, minority publications and media entities. Location and program for which applications are being accepted in the local paper of record, "minority" newspapers, and other media, but not limited to:

- Kansas City Star
- The Call
- Dos Mundos
- The Globe

To reach persons with disabilities, HAKC will provide notice to local organizations representing the interests and needs of the disabled. Local organizations serving the disabled population include, but are not limited to, the following:
• Local disability organizations
• Social Service Agencies
• Churches or Areas of Worship

The notice at a minimum will contain:
• The dates, times, and the locations where families may apply.
• Any system of site-based waiting list offered by HAKC.
• The programs for which applications will be taken.
• A brief description of the program.
• Limitations, if any, on who may apply.

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

Upon request from a person with a disability, additional time, not to exceed 30 days, will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Intake is Suspended

HAKC may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twenty four (24) months.

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

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

Suspension of application taking is announced in the same way as opening the waiting list. The open period will be long enough to achieve a waiting list adequate to cover projected turnover over the next twenty four (24) months. HAKC will give at least five (5) days’ notice prior to opening or closing the list. HAKC will add the new applicants to the list by unit size, local preferences, priority and date and time of application receipt. HAKC will update the waiting list at least annually by removing the names of those families who
are no longer interested, no longer qualify for housing, or cannot be reached by mail. At the time of initial intake, HAKC will advise families of their responsibility and requirement to notify HAKC when mailing address or telephone numbers change.

**Reopening the List**

If the waiting list is closed and HAKC decides to open the waiting list, HAKC will publicly announce the opening. Any reopening of the list is done in accordance with the HUD requirements. (PIH 2012-34 Waiting List Management)

**Limits on Who May Apply**

When the waiting list is open any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application.

When the application is received by HAKC it establishes the family’s date and time of application for placement order on the waiting list.

**Multiple Families in Same Household**

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

**B. SITE BASED WAITING LISTS**

Per the Quality Housing and Work Responsibility Act of 1998, HAKC is now allowed to implement site-based waiting lists upon approval of the Annual Plan or upon HUD’s approval to the PHA’s request before the submission of the Annual Plan.

**HAKC does not have site-based waiting lists but has a central waiting list and allows for site preferences.**

Every reasonable action will be taken by HAKC to assure that applicants can make informed choices regarding the development(s) in which they wish to reside. HAKC will disclose information to applicants regarding the location of available sites.

**C. WAITING LIST PREFERENCES**

See Chapter 2-C for the HAKC preference types and system of selection

**Broad Range of Income/Deconcentration of Poverty**

HAKC’s preference system will work in combination with requirements to match the characteristics of the family to the type/size of unit available. Order of preference of applications on the Waiting List will be applied to selection as follows, except those persons requiring units...
with accessibility features for person with disabilities. (See Chapter 1, E, Other Accommodations.)

HAKC will assure a mixed range of incomes and deconcentration of its public housing units by selecting from the list of qualified applicants, households whose incomes would promote deconcentration of poverty. As such, HAKC will select from the list of qualified applicants, those applicants whose income reflect a Broad Range of Income as defined by HAKC’s most current Broad Range of Income/Rent Range policy promoting deconcentration and income targeting requirements.

HAKC will admit to public housing in each fiscal year, at least forty percent (40%) of households whose income does not exceed 30% of the area median income, except as may be documented through “fungibility credits,” further defined in the Quality Housing and Work Responsibilities Act of 1998, which permits HAKC to lower the number of households admitted at the 30% threshold by the lowest of one of the following amounts.

If admissions to HAKC’s HCV Program during the fiscal year exceeds the 75% minimum targeting requirement for the HCV Program, HAKC’s public housing program may reduce the minimum targeting requirement for this program. The fiscal year credit will not exceed:

- Ten percent of the public housing waiting list admissions during the HAKC’s fiscal year;
- Ten percent of the waiting list admissions to the HAKC’s tenant-based assistance program during the fiscal year;
- The number of qualifying low income families who commence occupancy during the fiscal year of HAKC’s units that (a) are located in housing developments located in census tracts having a poverty rate of 30% or more, and (b) are made available for occupancy by and actually occupied in that year by very low income families.

This fungibility provision discretion is also reflected in HAKC’s Administrative Plan for the Section 8 Voucher Program.

Fungibility will only be utilized if HAKC anticipates a shortfall of its 40% goal for new admissions to public housing.

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

Skipping a family on the Waiting List specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with HAKC’s Broad Range of Income Policy.

Admission policies related to the deconcentration efforts do not impose specific quotas since Broad Range of Income imposes specific quotas aimed at maintaining a mix of incomes within each development in order to achieve budgetary viability.
Singles Preference and Designated Senior Units

Although no longer mandated by statute, HAKC will continue to select applicants from the Waiting List in the following order in regard to single person households preference for available units will be given to:

A family whose Head or spouse or single member is an elderly or disabled person over a single person who is not elderly or disabled.

Furthermore, HAKC will not admit single person households consisting of non-elderly, non-disabled persons before other single person households in designated senior units within family public housing developments. *(Example: A family public housing development, has 30 designated senior units consisting of 14 studio and 16 1BR apartments, and is thus defined by HUD as a “mixed population development.” A mixed population development is a public housing development, or portion of a development, that is reserved for elderly families and disabled families at its inception and has retained that character.)* In accordance with a local preference, elderly families whose Head, spouse or sole member is at least 62 years of age, and disabled families whose Head, co-head, spouse, or sole member is a person with disabilities, will receive preference to such units.

HAKC has the following properties that have been or will be designated elderly only or have sections for elderly only properties:

Cardinal Ridge

Designated senior public housing developments and units are subject to HUD’s definition of “senior” and may include (1) age-qualified elderly, and (2) disability qualified “elderly”.

In the designated elderly only developments, new admission priority will be given to Elderly Families that qualify for the unit over non-elderly families. If no Elderly Families are on the waiting list, then the HAKC will prioritize the “near elderly” for the development in accordance with the elderly only designation plan. [24 CFR 945]

D. DENIAL OF PREFERENCE

HAKC will not give preference and will permanently deny admission to public housing units and other federally assisted housing programs, individuals convicted of manufacturing or producing methamphetamine (“speed”) as required by the Quality Housing and Work Responsibilities Act of 1998.

Furthermore, if HAKC denies a preference, HAKC will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant will have three (3) business days to request the meeting in writing. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the Waiting List without benefit of the preference. If the applicant disagrees with the HAKC’s decision to deny the preference, they may request a formal grievance hearing within seven (7) calendar days after the summary of the informal review. All requests for informal reviews and formal grievance hearings must be made in accordance with the HAKC’s Complaints, Grievances and Appeals Policy (Chapter 13). Applicants may exercise
other rights if they believe they have been discriminated against.

If an applicant falsifies documents or makes false statements in order to qualify for a preference, they will be denied housing and withdrawn from the Waiting List with notification to the family.

E. INCOME TARGETING

HAKC will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year will have incomes that do not exceed 30% of area median income of HAKC’s jurisdiction or the poverty rate.

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

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of:

The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or

Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

HAKC will have the discretion, at least annually, to exercise the “fungibility” provision of the QHWRA by admitting less than 40 percent of “extremely low income families” to public housing in a fiscal year, to the extent that HAKC has provided more than 75% percent of newly available vouchers to “extremely low income families.” This fungibility provision discretion by HAKC is also reflected in HAKC’s Administrative Plan.

If admissions to HAKC’s HCV Program during the fiscal year exceeds the 75% minimum targeting requirement for the HCV Program, HAKC’s public housing program may reduce the minimum targeting requirement for this program. The fiscal year credit will not exceed:

- Ten percent of the public housing waiting list admissions during the HAKC’s fiscal year;
- Ten percent of the waiting list admissions to the HAKC’s tenant-based assistance program during the fiscal year;
- The number of qualifying low income families who commence occupancy during the fiscal year of HAKC’s units that (a) are located in housing developments located in census tracts having a poverty rate of 30% or more, and (b) are made available for occupancy by and actually occupied in that year by very low income families.

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

Fungibility will only be utilized if HAKC is anticipated to fall short of its 40% goal for new admissions to public housing.

**Very Low-Income Family Admissions**

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

**F. MIXED POPULATION UNITS**

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

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. HAKC does not maintain a mixed population units.

**G. GENERAL OCCUPANCY UNITS**

General occupancy units are designed to house all populations of eligible families. In accordance with HAKC’s occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to HAKC’s general occupancy units.

All families with children, elderly families and disabled families will have an admission preference over "Other Singles."
H. MIXED FINANCED or TAX CREDIT PROPERTIES

For the properties, the public housing units will be governed by the ACOP. The Project-based Voucher units will be governed by the Administrative Plan. The tax-credit units will be governed by the tax credit rules.

For HAKC sites using tax credits, the following rules apply:

1. Persons with incomes above 60% of the Area Median Income (AMI) will not be admitted for occupancy in tax credit properties.

2. Persons whose income increases beyond 60% of AMI during their residency in HAKC tax credit properties will not be evicted from said properties due to the income increase.

3. Adult full-time students may not reside in tax credit properties.

I. DECONCENTRATION OF POVERTY AND INCOME-MIXING

HAKC’s admission policy is designed to provide for deconcentration of poverty and income-mixing. [24 CFR 903.1 and 903.2]

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

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with HAKC’s Broad Range of Income policy.

Deconcentration and Income-Mixing Goals

HAKC’s deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit higher income families to lower income developments, and lower income families to higher income developments.

Project Designation Methodology

HAKC will determine and compare tenant incomes at all general occupancy developments. Skipping of families for deconcentration purposes will be applied uniformly to all families.

J. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, HAKC will affirmatively further fair
housing to reduce racial and national origin concentrations. HAKC will not require any specific income or racial quotas for any development or developments.

HAKC will 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.

K. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

HAKC does not maintain a merged Waiting List for the public housing and Section 8 program. Per 24 CFR 982.205. Applicants will be placed on both wait lists (PH and HCV) unless otherwise requested.

L. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing, which requires a response within ten (10) working days, will ask for current information and confirmation of continued interest.

If an applicant fails to respond to the request for confirmation and continued interest, s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply with the prescribed period and verification of such is received by HAKC.

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

M. OFFER OF ACCESSIBLE UNITS

(See Accessible units in Chapter 1 on Fair Housing)

N. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family’s eligibility or Total Tenant Payment and must be re-verified prior to making the offer. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal review when applicable (See Chapter 13 on Complaints, Grievances, and Appeals)
O. PLAN FOR UNIT OFFERS

The HAKC will select up to the first 10 applicants from the waiting list and offer the next available unit. The first responding family with financial resources for rent and deposits will be assigned the unit. If the other families respond, they will retain their position on the waiting list, and be made an offer on the next available unit. If a family demonstrates that they have the financial resources, but are not the first to respond for the available unit, then this will not be considered one of the two offers. The HAKC plan for selection of applicants and assignment of dwelling units is to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, sexual orientation or national origin.

- The HAKC will make two (2) unit offers to applicants
- The applicant will have two (2) business days to accept the unit offer
- The offer will be made by telephone contact and the followed up with a written letter of offer.

**Percentage of Applicants Selected from Each Preference Category**

Until forty percent (40%) of occupied units in public housing are occupied by working families, sixty percent (60%) of applicants on the HAKC waiting list will be selected from Preference #1 (Working and Work Training Program). After such occupancy is reached, not more than fifty percent (50%) of applicants housed by HAKC on an annual basis will be selected from Preference Category #1.

**Applicant Status After Final Offer**

When an applicant rejects the second unit offer without “good cause” they will be removed from the waiting list and must reapply. If the applicant has good cause, their unit refusal date will become their new application date.

Families may reject units for “good cause”. “Good Cause” reasons include proximity to work, school (must be school providing a reasonable accommodation that is not available at another school), child care; or health related issues.

**Time Limit for Acceptance and Move-In**

Applicant must accept a unit offer within 48 hours working day of the date the unit is shown and execute lease within two (2) working days from the date the unit is shown. If additional time is needed an extension must be approved by the Executive Director or Designee.
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Applicants Unable to Take Occupancy

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

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

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]
- Inaccessibility to source of employment or children’s day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- The family demonstrates to HAKC’s satisfaction that accepting the offer will result in a situation where a family member’s life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.
- A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
- The unit is inappropriate for the applicant’s disabilities.

Applicants With a Change in Family Size or Status

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

The family will take the appropriate place on the waiting list according to the date they first applied.

P. REFUSAL OF OFFER

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

If the unit offered is refused for other reasons, HAKC will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.
Q. OFFER OF PLACEMENT ON THE HCV (SECTION 8) WAITING LIST

All programs owned, operated, managed by HAKC do not maintain a common Waiting List. Applicants will be chosen and positioned by the programs priorities and preferences. When waiting lists are open, during application, applicants will be placed on both wait lists (PH and HCV) unless otherwise indicated by the applicant.