



Tenant Selection and Waiting List Policies for Public Housing

Introduction

Since there is a limited supply of public housing and it is the main source of affordable housing in many communities, it is important to understand the rules that govern tenant selection for the Public Housing Agency (PHAs). Knowing these rules will enable you to assist individuals to have the best chance of accessing this valuable resource. This guide will walk you through the Tenant Selection Plan (Plan) for public housing and will address how the Plan may impact individuals transitioning from institutions – large congregate settings - into the community

What is a Tenant Selection Plan and How Do I Get a Copy?

The property managers of public housing are required to have a Tenant Selection Plan that outlines the admissions policies for the units in their housing development. The following are key components of a Tenant Selection Plan:

- Eligibility requirements
- Applicant screening criteria
- Procedures for accepting applications
- Policies for advertising the opening and closing of the waiting list
- Procedures for applying preferences

You can obtain a copy of the Tenant Selection Plan from the management of privately-owned housing (including those funded through: Low-Income Housing Tax Credit programs (LIHTC), US Department of Housing & Urban Development (HUD) Section 202 and 811 or the US Department of Agriculture (USDA). The Public Housing Authority's (PHA)'s Tenant Selection Plan and Waiting List policies for their public housing and Housing Choice Voucher programs are included in their Administrative Plan (a plan created by the PHA that creates policies for how PHA programs will be carried out), which is available from the PHA upon request.

The following are explanations of each of the components of a Tenant Selection Plan and how you can use this information to help people who are moving from an institution to the community and want to access public housing.

What are the Eligibility Requirements Included in the Plan?

There are specific eligibility requirements included in the Plan. The requirements that most impact an individual who is moving from an institutional setting into public housing are:

- Age Restrictions: Some public housing programs are restricted to people who are 55 and older, and others, such as Section 202, are restricted to people who are 62 and older. It is important to know the age requirements of a particular development so that you help people who are seeking public housing to focus their search on developments and units for which they are eligible.
- Income Restrictions: All public housing programs have income restrictions. However, these restrictions vary by program. Generally, the income limit for a development is based on a percentage of Area Median Income (AMI) and household size. This means that it will vary by community, will change over time and will be different for a single individual, a couple, or a family with children. The income requirements for some programs are very straightforward. For example, the Section 202 program is restricted to households with incomes below 50% of the AMI.

Some programs are more complicated, for example, under the Low-Income Housing Tax Credit program, at least 20% of the units must be occupied by households whose income is less than 50% of the Area Median Income or at least 40% occupied by households whose income is less than 60% of Area Median Income. In Pennsylvania, this includes a requirement that at least 10% of the units must be affordable to households with incomes under 20% of Area Median Income.

What are the Applicant Screening Criteria?

When a public housing property manager receives an application, the property manager reviews it against the applicant screening criteria for that building. Specific policies will vary with the type of public housing program that is applied for and the specific policies of the management company. The following are some basic screening criteria applicable to most public housing:

- Criminal Record: While all housing managers, including PHAs, conduct a criminal background check on potential tenants, having a criminal record does not necessarily disqualify people from living in publicly assisted housing. Although having a criminal history makes it harder to obtain housing, there are

only two criminal charges that will exclude someone from public housing under federal policies as identified below:

1. Conviction of methamphetamine production on the premises of federally- funded housing
2. Lifetime registration under a state sex offender program

Other policies regarding admission of individuals with a criminal history are at the discretion of the local PHA. Therefore, if you are denied housing based on a criminal background check get a full explanation for the basis of the denial and file an appeal.

- Credit History: Most property managers will order a credit report on applicants; however, many recognize that individuals with low incomes often do not have perfect credit. You can prepare for this part of the screening by ordering a credit report from the three credit bureaus before you start the public housing application process. This will provide early information about whether there are any “red flags” in your credit history and give you time to either correct errors in the report or begin to repair your credit. If the credit problems cannot be resolved quickly, this is the time to develop a plan for settling credit problems and past debts. This plan can be presented to the housing manager if credit history is a problem for acceptance.

If there is a clear connection between the poor credit history and an individual’s disability, such as unpaid hospital bills, you can request a reasonable accommodation under fair housing law to have this debt not impact tenancy.

- Rental History: A positive rental history is key! Property managers want to know that a prospective tenant has not caused problems for a previous landlord. In particular they are concerned about rent payment history, destruction of property, and disruptive behavior. If an individual owes back rent to a landlord or to the management of other public housing, this should be resolved prior to application. Sometimes, individuals moving to housing of their own do not have a rental history or they have a negative rental history that resulted from their disability, such as unpaid rent during a hospitalization or because they moved to an institution. In these circumstances, they can request a reasonable accommodation to prevent these factors from impacting a decision about tenancy.

What are the Procedures for Accepting Applications?

Applicants are selected from the waiting list in chronological order, taking into account eligibility, preferences, and unit size. For example, an eligible single person household would typically be offered an efficiency or 1-bedroom unit. However, a person with a disability who needs a larger unit to accommodate a live-in caregiver, may request a larger unit as a reasonable accommodation.

If the next household on the waiting list requires an accessible unit and the next unit that becomes available is not accessible, it must still be offered to that household, giving them the opportunity to decide if the unit meets their needs. If they accept a unit that does not meet their accessibility needs, they may request modifications under Section 504 of the Rehabilitation Act. Section 504 requires the property owner to make the unit accessible, unless it would result in an undue financial and/or administrative burden. In addition, if an appropriate-size unit is not available, the property owner may offer an applicant needing an accessible unit a larger accessible unit if one is available.

What are the Policies for Advertising the Opening and Closing of the Waiting List?

Property managers are required to announce the opening and closing of the waiting list in a local publication that is likely to be read by potential applicants. The specific policies around this must be spelled out in the Tenant Selection Plan. In addition, it is important for Supports Coordinators to maintain contact with the local public housing agency and property managers of assisted housing in their community so that they are notified when the waiting list is open and can assist people who are transitioning to independent living to apply for these limited opportunities. Pennsylvania Housing Finance Agency (PHFA) maintains a list of publicly assisted housing on its website www.pahousingsearch.com. The website includes information on vacancies; however, if an individual is interested in a particular development, even if there are no vacancies, he or she should contact that development to find out about the status of its waiting list and other application information.

What are the Procedures for Applying Preferences?

Generally, people are selected according to their date of application. However, each PHA also establishes so called “preferences” in its Administrative Plan that guide the order in which applicants on a waiting list are selected to occupy a unit. Some examples of preferences that a PHA may establish are: people with a disability, people transitioning from an institution, resident of the county, or working families. Households in designated preference groups move to the top of the waiting list faster than those who are not. Also, even when the waiting list is closed, the PHA has the option to keep it open for people in their preference groups. It is important to know what the

preferences are for your local PHA and what its waiting list policy is so that people who are transitioning can benefit from this potential preference.

How can I use the Tenant Selection Plans to Help People Successfully Find Affordable Housing?

This information will help you understand the opportunities for accessing publicly funded housing in your community as well as the constraints under which property managers operate. It provides you with the tools you will need to be pro-active in assisting people to successfully obtain publicly assisted housing.

The following are 5 strategies you can use to best position the people you are assisting to access affordable housing:

1. Know the housing policies/procedures of each housing program: Having a good understanding of the specific Tenant Selection and Waiting List policies for your local PHA and various housing developments will enable you to help people more effectively apply for housing. In addition, having this information will enable you to communicate more effectively with management on behalf of the individuals whom you are assisting and, if necessary, effectively assist them with appeals and reasonable accommodations/modifications.
2. Know your partners: It is important to establish relationships with affordable housing providers and those who are knowledgeable about housing resources so that you have the most current and accurate information possible about housing resources for those whom you are helping to transition. Housing providers include: the Housing Choice Voucher staff and the Public Housing Staff at the PHA as well as the managers of privately owned government assisted housing including those funded through LIHTC, Section 202 and Section 811, and USDA. The PHFA Regional Housing Services Staff, the SDHP Regional Housing Coordinators (RHCs), and the Local Lead Agencies (LLA) are familiar with the housing resources in your community and can provide information on vacancies in existing housing developments as well as on new resources.
3. Stay abreast of information on new housing resources: It is important to know exactly when a management company is starting to accept applications so that the people with whom you are working are at the top of the list. Also, an early application allows time to work on any issues that may arise during the application review process such as the need to repair credit problems. Your PHFA Regional Housing Services Staff, your RHC and your LLA are likely to be aware of openings in new housing developments. In addition, you can stay up to date on housing

- developments through participation in your local housing coalition or Local Housing Options Team (LHOT).
4. Help people apply for housing waiting lists as soon as possible: You can use the housing information that you have to help people sign up as early as possible for new housing opportunities and for waiting lists. To maximize their success in being selected as a tenant, you can help them have the necessary paperwork ready when they apply for housing and help them be informed tenants through participation in the Self Determination Housing of Pennsylvania (SDHP) Prepared Renter Education Program (PREP).
 5. Be a good partner to the housing manager: Property managers will be more willing to seek out referrals from you if you are a good partner for them. They are often concerned about who to contact if a problem arises or if there is an unexpected service need.

Finally Home is a demonstration project of Values into Action funded by the Pennsylvania Developmental Disabilities Council (PADDC) to assist individuals with disabilities from rural communities in meeting their goals to access and maintain control of their own homes. Diana T. Myers and Associates, Inc. (DMA) and Values Into Action created the **Finally Home Housing Toolkit** as a user-friendly resource providing housing information and tools for advocates, Housing Service Providers, Supports Coordinators, Supports Brokers, family members and other interested parties to support people with disabilities in securing the housing of their choice.

The Pennsylvania Developmental Disabilities Council is supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$3,095,416.00 with 100 percent funding by ACL/HHS. Council efforts are those of the grantee and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

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