

## II. Eligibility for Admission and Processing of Applications

### A. Affirmative Marketing

1. PHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. PHA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.
2. Marketing and informational materials will:
  - a. Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
  - b. describe the housing units, application process, waiting list and preference structure accurately;
  - c. use clear and easy to understand terms;
  - d. contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features;
  - e. make clear who is eligible: Low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
  - f. be clear about PHA's responsibility to provide reasonable accommodations to people with disabilities.

### B. Qualifying for Admission

1. It is PHA's policy to admit **only** qualified applicants.
2. An applicant is qualified if he or she meets all the following criteria:
  - a. Is a family, as defined below;
    - i. Two or more persons who have a family-type relationship; or
    - ii. An elderly family is a family whose head or the spouse or the sole member is:
      - a. at least 62 years old; or
      - b. disabled
    - iii. A single person who is:
      - a. eligible to receive old age benefits under Title II of the Social Security Act of 1959;
      - b. disabled within the meaning of the Section 202 of the Housing Act of 1990;

A disabled person is one who has a physical or mental impairment which:

  - (1) is expected to be of long-continued and indefinite duration;
  - (2) is of such a nature that such disability could be improved by suitable housing conditions.
  - a. disabled within the meaning of Section 223 of the Social Security Act or Section 102(b) (5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.
  - b. displaced by Governmental Action or when family dwelling has been extensively damaged and recognized as a Federal Disaster;
  - c. any "other single person" who is not 62 years old or older, disabled, displaced, or the remaining member of a tenant family.
  - d. Meets HUD requirements on citizenship or immigration status;
  - e. Has an Annual Income (as defined in Section XI of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in PHA offices.
  - f. Provides documentation of Social Security numbers for family members age 6 or older, or certifies that they do not have Social Security numbers, and
  - g. Meets the Applicant Selection Criteria in Section II. F.

3. All adult household members age 18 and older are required to sign HUD and HAB release of information forms.

**C. Establishing and Maintaining the Waiting List**

1. It is the policy of PHA to administer its waiting list as required by HUD's regulations.
2. Opening and Closing Waiting Lists
  - a. For any unit size or type, if the PHA's waiting list has sufficient applications to fill anticipated vacancies for the coming 12 months. PHA may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling.
  - b. A decision to close the waiting list will consider the number of applications for each size and type of unit, the number of applicants who qualify for a preference, and the ability of PHA to house applicants in twelve to eighteen months. Decisions to close waiting lists, restrict intake, or open waiting lists will be publicly announced.
  - c. When the waiting list is closed, PHA will not maintain a list of individuals who wish to be notified when the list is re-opened.
3. Determining if the Waiting List may be Closed  
PHA will use its **Procedure on Opening and Closing the Waiting List** to determine whether the waiting list(s) should be closed.
4. Updating the Waiting List
  - a. To keep all waiting list information current, the PHA may update the waiting list by contacting all applicants in writing. If, after two attempts in writing, no response is received, PHA will withdraw the name of an applicant from the waiting list. At the time of initial intake, PHA will advise families that they must notify the PHA when their circumstances, mailing address or phone numbers change.
  - b. PHA will remove an applicant's name from the waiting list only in accordance with its **Procedure on Updating the Waiting List and Removing Applications**.
5. Change in Preference Status While on the Waiting List
  - a. Local Preferences - The Housing Authority may adopt any of the following local preferences at some time in the future after a 30-day public notice and comment period.
    - (i) Working families and individuals.
    - (ii) Those participating in the State of Montana Welfare FAIM Program.
    - (iii) Local residency preference for those residing in Yellowstone County.
    - (iv) Local residency to the State of Montana.
  - b. Qualification and Verification - If the Housing Authority chooses any of the local preferences at the time of application the family may certify that they are eligible for a preference. The Housing Authority of Billings takes, at face value, family certification, and places them on the waiting list according to the date and time of application and the preference category they claim.

**D. Processing Applications for Admissions**

1. PHA will accept and process applications in accordance with applicable HUD Regulations and PHA's **Procedure on Taking Applications and Initial Processing**. PHA will assume that the facts certified by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process.
2. Interview and Verification Process  
As applicants approach the top of the waiting list, they will be contacted and asked to come to the PHA for an eligibility briefing to complete their applicant file. Applicants who fail to attend

their scheduled meeting or who cannot be contacted to schedule a meeting will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

- a. The following items will be verified according to PHA's **Procedure on Verification**, to determine qualification for admission to PHA's housing:
    - (i) Family composition and type (Elderly/Disabled/non-elderly)
    - (ii) Annual Income
    - (iii) Assets and Asset Income
    - (iv) Deductions from Income
    - (v) Preferences
    - (vi) Social Security Numbers of all Family Members
    - (vii) Applicant Screening Information
    - (viii) Citizenship or eligible immigration status
  - b. EIV computer matching
  - c. Third party written verification is the required form of documentation to substantiate applicant or resident claims. If attempts to obtain third party written verification are unsuccessful, PHA may also use (1) phone verifications with the results recorded in the file, dated and signed by PHA staff, (2) review of documents, and, if no other form of verification is available, (3) applicant certification. Applicants must cooperate fully in obtaining or providing the necessary verifications.
  - d. Verification of eligible immigration status shall be carried out pursuant to **24 CFR § 5.5**. Citizens are permitted to certify their status.
3. Applicants reporting zero income will be required to complete a family expense form to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.
4. PHA's applications for admission to public housing shall indicate for each application the date and time of receipt; applicant's race and ethnicity; determination by PHA as to eligibility of the applicant; when eligible, the unit size(s) for which eligible; preferences, if any, and the date, location, identification, and circumstances of each vacancy offered and accepted or rejected. A complete computer record is kept for each applicant.

#### **E. The Preference System**

1. An admission preference does not guarantee admission. Preferences establish the order of placement of the waiting list. Every applicant must still meet PHA's Selection Criteria before being offered a unit.
2. Factors other than preferences that affect the selection of applicants from the waiting list before applying its preference system, PHA will match the characteristics of the available unit to the applicants available on the waiting list. Unit size, accessibility, features, or type of project limit the admission of families to households whose characteristics "match" the vacant unit available. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with high preferences (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e. having no preference).

Factor other than the preference system that affect applicant selection are described below:

  - a. When selecting a family for a unit with **accessible features**, PHA will give a preference to families that include persons with disabilities who can benefit from the unit's features. First preference will be given to existing tenant families seeking a transfer and second preference will be given to applicant families.
  - b. When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, PHA will give a priority to elderly, disabled families.
  - c. When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-elderly families as well, PHA will give equal priority to elderly families and disabled families.

- d. When selecting a single person at a Mixed Population development, elderly, disabled single persons have priority over other singles. Since applicants who are not elderly or disabled can only be admitted after all elderly or disabled families persons have been offered units.

Preferences will be granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of a lease), meet the definitions of the preferences described below.

3. Local Preference

- a. The Housing Authority may adopt any of the following local preferences at some time in the future after a 30-day public notice and comment period.
  - (1) Working families and individuals.
  - (2) Those participating in the State of Montana Welfare FAIM Program.
  - (3) Local residency preference for those residing in Yellowstone County.
  - (4) Local residency to the State of Montana.
- b. Qualification and Verification:  
If the Housing Authority chooses any of the local preferences at the time of application the family may certify that they are eligible for a preference. The Housing Authority of Billings takes, at face value, family certification, and places them on the waiting list according to the date and time of application and the preference category they claim.

4. Designated Housing

- a. The preference system will be used to match the characteristics of the family to the type of unit available, including developments with HUD-approved designated populations. The ability to provide preferences for some family types will depend on unit size available.
- b. Mixed population projects: Elderly families, disabled families will receive equal priority for admission to such units and all such will receive offers before single people who are not elderly or disabled.

5. Administration of the Preferences (applies if PHA adopts local preferences)

- a. Depending on the time an applicant may have to remain on the waiting list, PHA will either verify preferences at the time of application (when the waiting list is short or non-existent) or require that applicants certify to their qualification for a preference at the time of pre-application (when the wait for admissions exceeds four months). Verifying preferences is one of the earliest steps in processing applicants for admissions. Preference verifications shall be no more than 120 days old at the time of certification.
- b. PHA may use a pre-application to obtain the family's certification that it qualifies for a preference. The family will be advised to notify PHA of any change that may affect their ability to qualify for a preference.
- c. Applicants that are otherwise eligible and self-certified as qualifying for a preference will be placed on the waiting list in the appropriate applicant pool.
- d. Applicants that self-certify to a preference at the time of pre-application and cannot verify current preference status at the time of certification will be moved into the No-preference category, and to a lower position on the waiting list based on date and time of application.

6. Notice and Opportunity for a Meeting

If an applicant claims but does not qualify for a preference, the applicant can request a meeting:

- a. PHA will provide a notice that an applicant does not qualify for a preference containing a brief statement of the reasons for the determination, and that the applicant may meet with PHA's designee to review the determination.
- b. If the applicant requests the meeting, PHA will designate someone to conduct the meeting. This can be the person who made the initial determination or reviewed the

determination of his or her subordinate, or any other person chosen by the PHA. A written summary of this meeting shall be made and retained in the applicant's file.

- c. The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, religion, age, disability, or familial status has contributed to the PHA's decision to deny the preference.

## F. Screening Applicants for Admission

1. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, PHA will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:
  - a. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
  - b. to care for and avoid damaging the unit and common areas;
  - c. to use facilities and equipment in a reasonable way;
  - d. to create no health, or safety hazards, and to report maintenance needs;
  - e. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - f. not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity;
  - g. to comply with necessary and reasonable rules and program requirements of HUD and the PHA; and
  - h. If any family member has been involuntarily terminated from any housing assistance program, they will not be considered for eligibility of assistance until 1 year from the date of program termination.
  
2. How PHA will check ability to comply with essential lease requirements:
  - a. Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with PHA's **Procedure on Applicant Screening**. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will be paid by the PHA.
  - b. The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected **not to**:
    - (i) interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
    - (ii) adversely affect the physical environment or financial stability of the project;
    - (iii) violate the terms and conditions of the lease;
    - (iv) require services from PHA staff that would alter the fundamental nature of PHA's program;
  - c. PHA will conduct a detailed interview of all applicants using full application package as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.
  - d. PHA will complete a rental history check on all applicants if applicable. Applicants submitting less than 3 landlord references must provide additional references other than relatives. Applicants may submit 5 professional references or a combination of landlord and professional references, but this combination must total 5. If not applicable, PHA will require five (5) professional references.
  - e. Payment of funds owed to the PHA or any other housing agency is part of the screening evaluation. PHA will reject an applicant for unpaid balances owed housing agencies by the applicant for any housing program that receives federal funding.
  - f. PHA will complete a criminal background check on all adult applicants. Before the PHA rejects an applicant on the basis of criminal history, the PHA must notify the household of the proposed rejection and provide the household member (upon

- request) whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.
- g. PHA will complete a home visit on all applicants that have passed criminal history screening and have incomplete or questionable landlord references, in regard to housekeeping conditions, to determine if the applicant's housekeeping would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the applicant's treatment of the unit or are caused by the unit's overall substandard condition.
- h. Housekeeping criteria to be checked shall include, but not be limited to:
- Conditions in the living room, kitchen (food preparation and clean-up, bathroom, bedrooms, entranceways, halls, and yard (if applicable))
  - Cleanliness in each room; and
  - General Care of appliances, fixtures, windows, doors and cabinets.
- Other PHA lease compliance criteria will also be checked, such as:
- Evidence of destruction of property;
  - Unauthorized occupants;
  - Conditions inconsistent with application information
- All applicants shall have at least 24-hour advance notice of Home Visits.
- i. All applicants are required to attend and complete PHA's Eligibility Orientation.
- j. PHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant's adult family members':
- Past performance in meeting financial obligations, required by lease.
  - Record of disturbance of neighbors, destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other tenants or neighbors.
  - History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.
    - PHA may require an applicant to exclude a household member in order to be admitted if that household member has participated in or been culpable for criminal actions that warrant rejection;
    - PHA may, if a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
  - A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
  - A record of lease violations to include, but not limited to, unauthorized guests, pets, and other lease violations.
  - If an applicant was previously denied for negative and/or lack of rental history or professional references, an applicant must have established at least 1 year of positive rental history and/or professional references to be considered for eligibility.
  - If an applicant is determined ineligible because of the inability to have utility services turned on in their name, they will keep their original application date and time. If an applicant is determined ineligible a second time for the inability to have utility services turned on in their name, they will be removed from the waiting list and will need to reapply.
- k. The PHA is **required** to reject the applications of certain applicants for criminal activity or drug abuse by household members:
- The PHA shall reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any

federally assisted housing for drug-related criminal activity. However, the PHA may admit the household if the PHA determined that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA, or
  - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
  - The PHA is required to reject the application of a household if the PHA determines that:
    - Any household member is currently engaging in illegal use of a drug, or
    - The PHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
    - Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or
    - Any members of the household is subject to a lifetime registration requirement under a State sex offender registration program; or
    - Any member of the household's abuse or pattern or abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
  - i. An applicant's intentional misrepresentation of information related to eligibility preference for admission, housing history, allowances, family composition or income will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
  - m. Applicants must be able to demonstrate the ability and willingness to comply with the terms of PHA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission. Availability of assistance is subject to verification by PHA.
3. Screening applicants who claim mitigating circumstances
- a. If negative information is received about an applicant, PHA shall consider the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.
  - b. Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, **AND** applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
  - c. If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, PHA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstances. PHA shall also have the right to request further information to verify the mitigating circumstances, even if such information is of a medically confidential nature or, in the case of a person with disabilities, to verify a reasonable accommodation.
  - d. Examples of mitigating circumstances might include
    - (i) Evidence of successful rehabilitation
    - (ii) Evidence of the applicant family's participation in social service or other appropriate counseling service; or.
    - (iii) Evidence of successful and sustained modification of previous disqualifying behavior.

- e. Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. PHA will consider such circumstances in light of:
  - (i) the applicant’s ability to verify the mitigating circumstances and prospects for improved future behavior;
  - (ii) the applicant’s overall performance with respect to all the screening requirements; and
  - (iii) the nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant’s record.
- 4. Qualified and Unqualified Applicants
  - a. Verified information will be analyzed and a determination made with respect to:
    - (i) Eligibility of the applicant as a family
    - (ii) Eligibility of the applicant with respect to income limits for admission
    - (iii) Eligibility of the applicant with respect to citizenship or eligible immigration status;
    - (iv) Unit size required for and selected by the family;
    - (v) Preference category (if any) to which the family is entitled; and
    - (vi) Qualification of the applicant with respect to the Selection Criteria
  - b. Qualified families will be notified by PHA of eligibility and will be placed in holding.
  - c. Unqualified applicants will be promptly notified by a Notice of Rejection from PHA, stating the basis for such determination and offering an opportunity for informal hearing (see **Procedure for Informal Hearing for Rejected Applicants**). Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process.
  - d. Applicants known to have a disability that are eligible but fail to meet the Selection Criteria, will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.
- 5. VAWA
 

No applicant for public housing who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

**G. Occupancy Guidelines**

- 1. Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear and under-utilization.

**Minimum and Maximum-Number-of-Persons-Per Unit Standard**

<u>Number of Bedrooms</u>	<u>Min. Persons/Unit</u>	<u>Max Persons/Unit</u>
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	10

The following principles govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units will be so assigned that:

- a. It will not be necessary to house adult persons of opposite sex, other than head and spouse (partner), to occupy the same bedroom
- b. Children under the age of one year may occupy the same bedroom with the parent(s). After one year of age, the tenant must agree to move to the next larger size unit.

- c. Children of the opposite sex over the age of one year may occupy separate bedrooms.
  - d. Children of the same sex with five or more years age difference may occupy their own bedroom.
  - e. Children of the same sex with less than five years age difference may occupy the same bedroom unless need for separate bedrooms is verified by a written letter from a physician, school counselor or other professional.
  - f. For reasons of health (old age, physical disability, etc.) a separate bedroom may be provided for such an individual family member(s), or live in aide, as verified by a written letter from their physician.
  - g. The living room may not be used as a bedroom in the family unit, nor any basement that does not provide adequate egress in the event of fire.
  - h. For the purpose of determining unit size, application may include, as members of the household, every family member anticipated to reside in the dwelling unit regardless of age. An unborn child will be counted as a person, or members who are normally in the home but who are temporarily absent. Temporarily absent is defined as up to twelve months after admission or occupancy.
  - i. For the purpose of determining unit size, minors who are with the assisted parent at least 50% of year (183 calendar days), will be counted. A court approved parenting plan, or other acceptable documentation, must be submitted for verification.
  - j. Tenants may request, in writing, a smaller unit at time of application or during the waiting period, but must be aware they will not qualify for a transfer as stated in the transfer policy.
  - k. Minors and college students who were part of the assisted PHA household, but who now live away from home during the school year, will be considered as part of the household, for all purposes, as long as they occupy the unit for at least 90 days of the calendar year.
2. The Occupancy Standard of two persons per bedroom will be the standard for the smallest unit a family may be offered. Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status.
  3. The largest unit size that a family may be offered would provide no more than one bedroom per family member, taking into account family size and composition.
  4. If a family opts for a smaller unit size than would normally be assigned under the largest unit size standard (because, for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.
  5. When a family is actually offered a unit, if they no longer qualify for the unit size they were listed, they will be moved to the appropriate list retaining their preference and date and time of application. This may mean that they may have to wait longer for a unit offer.
  6. The PHA shall change the family's list at any time while the family is on the waiting list when the family submits a change of information that warrants a list change.