



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:

Public Housing Agency Directors
Section 8 and Public Housing Administrators
HUD Directors of Public Housing
PIH Program Center Coordinators
Public Housing Division Directors

Notice PIH-2012-34 (HA)

Issued: August 13, 2012

Expires: Effective until amended, superseded, or rescinded

Cross References:

24 C.F.R. Part 982, Subpart E

24 C.F.R. § 8.28(a)(1)

24 C.F.R. § 960.206

24 C.F.R. § 903.7(b)(2)

24 C.F.R. § 983.251

SUBJECT: Waiting List Administration

- 1. Purpose.** This notice provides guidance on the administration of a Public Housing Agency's (PHA) Housing Choice Voucher (HCV) and Public Housing (PH) waiting lists, on the topics of opening the waiting list, applicant selection, placing applicants on the waiting list, and outreach. This notice does not provide guidance on all aspects of waiting list administration nor does it comprehensively address all waiting list requirements, such as fair housing requirements. For additional details, PHAs should review HCV regulations at 24 C.F.R. Part 982 Subpart E and PH regulations at 24 C.F.R. § 960.206, as well as the HCV and PH occupancy guidebooks found on HUD's website.
- 2. Background.** PHAs are responsible for establishing an application and selection process that treats applicants equitably and provides an effective method for determining program eligibility. While program regulations give PHAs flexibility in certain aspects of the application and selection process, the processes must conform to established rules and regulations, including fair housing civil rights laws and regulations, and must result in consistent, non-discriminatory determinations on applicant eligibility, placement of applicants on the waiting list, and selection of applicants from the waiting list.

Establishing a well-managed application and selection process that promotes the equitable and consistent treatment of families is an important PHA responsibility. A well-managed waiting list helps ensure equitable and consistent treatment of applicants, that needy families receive assistance as quickly as possible, and can provide PHAs with data about their community's needs and the operational needs of their programs. Such data can be used by the PHA to:

- Make determinations on the need for specific waiting list preferences;

- Plan for any adjustments in the PHA's outreach efforts;
- Determine whether the PHA will be able to satisfy program requirements, such as income-targeting requirements; and
- Determine needed improvements in property management and maintenance of its PH program and whether leasing objectives of its HCV program will be met.

3. **Applicability.** This notice applies to all PHAs administering the HCV and PH programs.

4. **Effective Date.** This notice is effective upon publication and is effective until amended, superseded, or rescinded.

5. **Waiting List Administration.**

a) **Opening the Waiting List.** A PHA has flexibility to determine whether to keep the waiting list open indefinitely or whether to open the waiting list periodically for defined application periods. PHAs should only make this determination after careful analysis and consideration of all circumstances, including whether the length of the waiting list makes the wait for housing unreasonably long or whether there is a sufficient number of eligible applicants to ensure that new and turnover vouchers under the PHA's HCV program are issued as quickly as possible.

Any public notice announcing a waiting list opening and application procedure should be simple, direct, and clear but with sufficient detail to inform applicants of the time and place to apply, any limitations on who may apply, and any other information the applicant may need to successfully submit the application. The notification process must also comply with HUD fair housing requirements, such as adopting suitable means to assure that the notice reaches eligible individuals with disabilities and those with limited-English proficiency.¹ HCV program regulations require the public notice to appear in a local newspaper of general circulation, minority media, and other suitable means. These practices are strongly encouraged in the PH program.

PHAs should also keep in mind safety concerns when reopening waiting lists in areas of high demand. PHAs can use various strategies to avoid application intake procedures that may cause a safety concern for the public and PHA staff. Offering only one central location to submit applications under such circumstances is not advisable. Having multiple application intake sites and submission mechanisms, assigning applicants random placement on the waiting list, or having an open application period during which PHAs receive applications by mail are alternatives that can help the PHA safely manage the application intake process.

Additionally, the Department cautions against opening the waiting list and accepting applications for limited periods, such as a single day. This approach may contribute to

¹ For additional details please see 24 C.F.R. § 8.6 and the *Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, published on the Federal Register January 22, 2007 (72 FR 2732).

disorderly and unsafe application intake processes. Opening waiting lists for longer periods and making applications available ahead of time will create safer and more effective application intake processes.

b) Placing Applicants on the Waiting List. PHAs may consider the use of a lottery or other random choice technique to select which applicants will be placed on the waiting list. In making this determination, PHAs should consider whether this is a reasonable approach in their jurisdiction. For example, this approach would be reasonable for PHAs located in areas where the volume of applications is high enough that placing each eligible applicant on the waiting list would result in an unrealistic waiting period for housing. If a PHA uses this approach, the PHA must describe it in their PHA plan or administrative plan and any public notice of a waiting list opening must clearly state that this system will be used to place applicants on the waiting list.

PHAs may also establish preferences and open the waiting list only to applicants who qualify for the preference(s). The PHA must base its preference system on local housing needs and priorities by using generally accepted data sources, such as a jurisdiction's Consolidated Plan, and preferences must be consistent with fair housing and civil rights laws. PHAs that use preferences to determine which applicants will be placed on a waiting list must describe such preferences in their PHA plan, their admission and occupancy policies, or their administrative plan and any public notice of the waiting list opening must clearly state the use of this procedure.

c) Selecting Applicants from the Waiting List. HUD regulations at 24 C.F.R. § 982.207 and 24 C.F.R. § 960.206(e) list two possible methods of selecting applicants on the waiting list with the same preference qualifications: date and time of application and a drawing or other random choice technique. Even when either of these methods may be acceptable, the PHA should carefully consider its particular circumstances in choosing one method over the other. For example, use of a lottery or other random choice technique would be a better choice for a PHA whose demand for housing assistance typically exceeds availability. Under the random choice method, the order in which an applicant submits an application has no bearing on how soon the applicant will receive assistance. This method may significantly reduce or eliminate the possibility of a disorderly application process and make the process more manageable for both the applicant and the PHA. It is advisable for a PHA using a lottery, drawing, or other random choice technique to inform potential applicants that the timing of application submission will have no effect on how soon they will receive assistance.

PHAs should also consider offering several locations and methods by which applicants may submit their applications, especially if the PHA chooses to place applicants on the waiting list by date and time of application. For example, the PHA may offer applicants the opportunity to submit applications by mail, fax, telephone, e-mail, or other electronic formats. Providing such flexibility to applicants will help the PHA avoid an application process that may become disorderly or even dangerous for both the applicant and the PHA.

PHAs should also be aware of the implications each selection method may have. For instance, ordering a waiting list by the date and time of application may result in an adverse effect to applicants with disabilities, especially when the PHA opens its waiting list periodically. Therefore, the PHA must be prepared to make necessary modifications in its process to mitigate this effect, such as mailing applications to people with disabilities well in advance of this “first-come, first-served” opening and allowing submission of applications by mail or electronically. Further, when considering access to applicants with disabilities PHAs should consider using a lottery or other random choice technique because these techniques significantly minimize the need for special procedures or other administrative steps to mitigate adverse effects that may be costly and time consuming even when not considered an undue burden under Section 504 of the Rehabilitation Act of 1973.

d) Outreach. The PHA must inform individuals in their jurisdiction of the availability of housing through various means of outreach. Outreach is also an opportunity to educate the local community, including potential HCV landlords, about the PHA’s programs. A PHA’s waiting list plays an important role in determining a PHA’s outreach needs: a waiting list that is not representative of the various demographics in the community in need of housing may be indicative of a need to adjust the PHA’s outreach efforts to effectively reach those groups.

PHAs should also consider whether a waiting list opening will be targeted to a specific group, such as when a PHA:

- Has received funding targeted to a specific population (for example, Family Unification Program (FUP) vouchers and Category 2 Non-Elderly Disabled (NED) vouchers); or
- Is opening a waiting list for a Designated Housing project.

In such cases, the PHA may conduct outreach only to the special population group. Please note that targeting of a specific group must be consistent with the PHA’s preferences, and site-specific waiting list requirements set out in its admissions and occupancy policies. Before a specific group is targeted, the preference must be included in the PHA’s admissions and occupancy policies or HCV administrative plan. In cases where the PHA has been awarded funding by HUD for a specified category of families (e.g. NED or FUP vouchers), the PHA does not have to establish a preference for the specified category.

PHAs’ operating programs that serve specific populations may also wish to conduct educational outreach to landlords and service-provision organizations, especially if the populations are hard-to-house populations. If a PHA partners with another organization to serve a specific population, the partnering organization can play a vital role in assisting the PHA in its outreach efforts, including any educational outreach.

To ensure a broad range of applicants, PHAs should consider issuing notifications of waiting list openings to local welfare offices, homeless shelters, domestic violence shelters, and minority organizations, among others. PHAs should also think creatively when developing outreach efforts and consider using tools like social media sites, other websites, newsletters, and on-site visits.

PHAs must also reach out to persons with disabilities, including disabled individuals in institutions transitioning to community-based settings and those with limited-English proficiency. When opening its HCV and/or PH waiting list, or in any other instance when the PHA engages in educational or other outreach about its programs, the PHA must ensure that the information, including information on the availability of accessible units, reaches the eligible individuals. PHAs may do this by targeting, for example, social service agencies, nursing homes, psychiatric hospitals, and other mental health facilities. PHAs may also contact state Money Follows the Person (MFP) agencies, Medicaid agencies, and other local partner agencies for a listing of institutions where the PHA can send outreach materials.

6. **Contact Information.** Inquiries about this Notice specific to the HCV program may be directed to Amaris Rodriguez, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, at Amaris.Rodriguez@hud.gov. Inquiries specific to the PH program may be directed to Virginia Flores, Public Housing Management and Occupancy Division, Office of Public Housing and Voucher Programs, at Virginia.Flores@hud.gov.

/s/

Sandra B. Henriquez, Assistant Secretary for
Public and Indian Housing