

## **Part B**

### **Eligibility and Admission**

Throughout this document, AHFC's partner in the administration of the Adelaide Building is NeighborWorks Alaska (NWA). The "owner" referred to in HUD regulations refers to NWA.

#### **1. Reasonable Accommodation**

A Reasonable Accommodation process is available to those applicants requiring additional assistance due to a disability. Assistance is also available for limited English proficiency applicants. An applicant can inquire at the NWA office for assistance with these processes.

#### **2. Application Information**

Applications for the Adelaide Building are available from NWA offices, onsite at the Adelaide Building, and from NWA's web site for the Adelaide Building.

##### **2.A Eligible Applicants**

If an applicant is determined eligible, his/her name will be added to the waiting list in accordance with NWA policies and procedures. NWA will provide a written notification to the applicant.

##### **2.B Ineligible Applicants**

###### **HUD Regulation - 24 CFR 882.808(b)**

Owner selection of individuals.

The owner is responsible for tenant selection and may refuse any individual, provided the owner does not unlawfully discriminate. If the owner rejects an individual, and the individual believes that the owner's rejection was the result of unlawful discrimination, the individual may request the assistance of the HA in resolving the issue and may also file a complaint with HUD's Office of Fair Housing and Equal Opportunity in accordance with 24 CFR 103.25. If the individual requests the assistance of the HA, and if the HA cannot resolve the complaint promptly, the HA should advise the individual that he or she may file a complaint with HUD, and provide the individual with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

#### **AHFC Policy**

Applicants determined ineligible will receive a written notification. The written notification will provide the applicant with their right to appeal the decision. See the Applicant Informal Review Process exhibit.

### **3. Waiting List Management**

#### **HUD Regulation – 24 CFR 882.513(b)**

Waiting list. The PHA must maintain a waiting list for applicants for the Moderate Rehabilitation Program. This requirement may be met through the use of waiting lists for other subsidized housing programs such as the Existing Housing Program.

#### **AHFC Policy**

Under its agreement with NWA, NWA maintains the waiting list for the Adelaide Building.

#### **3.A Money Owed to AHFC**

For individuals that owe money to AHFC due to prior program participation, they may be accepted on a waiting list. AHFC must be paid in full prior to an offer of admission.

### **4. Eligibility Criteria**

#### **HUD Regulation – 24 CFR 882.514(a)**

Initial determination of family eligibility.

(1) The PHA is responsible for receipt and review of applications, and determination of family eligibility for participation in accordance with HUD regulations (see 24 CFR parts 5, 750 and 760). The PHA is responsible for verifying the sources and amount of the family's income and other information necessary for determining income eligibility and the amount of the assistance payments.

#### **AHFC Policy**

1. Family – see the Qualify as a Family exhibit
2. Income – see the Meet Income Eligibility Requirements exhibit
3. Citizenship – see the Meet Citizenship Requirements exhibit
4. Screening – see the Meet Screening Criteria exhibit
5. AHFC is responsible for quality assurance functions related to waiting list management and family eligibility.
6. Eligible families are forwarded to AHFC by NWA for creation and transmission of a HUD-50058.

#### **4.A Screening**

See the Screening exhibit.

#### **4.B Initial Eligibility Interview**

The Initial Examination Process is conducted under NWA policies and procedures.

#### **4.C Offer of Assistance**

##### **HUD Regulation – 24 CFR 882.514(b)**

Selection of Families for participation. When vacancies occur, the PHA will refer to the Owner one or more appropriate size Families on its waiting list. The PHA must select Families for participation in accordance with the provisions of the Program and in accordance with the PHA's application, including any PHA requirement or preferences as approved by HUD. The PHA must select Families eligible for housing assistance payments currently residing in units that are designated for rehabilitation under the Program without requiring that these Families be placed on the waiting list. Notwithstanding the fact that the PHA may not be accepting additional applications for participation because of the length of the waiting list, the PHA may not refuse to place an applicant on the waiting list if the applicant is otherwise eligible for participation and claims that he or she qualifies for a Federal preference as provided in 24 CFR part 5, unless the PHA determines, on the basis of the number of applicants who are already on the waiting list and who claim a Federal preference, and the anticipated number of admissions under this part, that –

(1) There is an adequate pool of applicants who are likely to qualify for a Federal preference and

(2) It is unlikely that, on the basis of the PHA's system for applying the Federal preferences, the preference or preferences that the applicant claims, and the preferences claimed by applicants on the waiting list, the applicant would qualify for assistance before other applicants on the waiting list.

##### **AHFC Policy**

NWA maintains the waiting list, selects applicants for admission, performs eligibility functions, and makes the offer of assistance. AHFC performs quality assurance checks on these functions.

#### **4.D Denial of Assistance**

##### **HUD Regulation – 24 CFR 882.514(c)**

Owner selection of Families.

Since the Owner is responsible for tenant selection, the Owner may refuse any family, provided that the Owner does not unlawfully discriminate. However, the owner must not deny program assistance or admission to an applicant based on the fact that the applicant is or has been a victim of domestic violence, dating

violence, sexual assault, or stalking, if the applicant otherwise qualifies for assistance or admission. Should the Owner reject a Family, and should the Family believe that the Owner's rejection was the result of unlawful discrimination, the Family may request the assistance of the PHA in resolving the issue. If the issue cannot be resolved promptly, the Family may file a complaint with HUD, and the PHA may refer the Family to the next available Moderate Rehabilitation unit.

**HUD Regulation - 24 CFR 882.514(f)**

Families determined by the PHA to be ineligible. If a Family is determined to be ineligible in accordance with the PHA's HUD-approved application, either at the application stage or after assistance has been provided on behalf of the Family, the PHA shall promptly notify the Family by letter of the determination and the reasons for it and the letter shall state that the Family has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines, based on a preponderance of the evidence, that the Family is ineligible, it shall notify the Family in writing. The procedures of this paragraph do not preclude the Family from exercising its other rights if it believes it is being discriminated against on the basis of race, color, religion, sex, age, handicap, familial status, or national origin. The informal review provisions for the denial of a Federal selection preference under §882.517 are contained in paragraph (k) of that section. The informal hearing requirements for denial and termination of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

**HUD Regulation - 24 CFR 882.808(b)**

(5) Individuals determined by the HA to be ineligible. Section 882.514(f) applies to this program. In addition, individuals are not precluded from exercising other rights if they believe they have been discriminated against on the basis of age.

**AHFC Policy**

Under the agreement between AHFC and NWA, NWA is responsible for providing appropriate written notice to ineligible applicants and providing an informal hearing.

**5. File Maintenance and Archiving**

See Quality Assurance and File Maintenance for instructions on archiving applications and waiting list documentation.

## **6. Definitions**

### **6.A Elderly Participant**

A participant who is a person who is at least 62 years of age.

### **6.B Family**

For the purposes of this document, family and participant will be used interchangeably.

- (1) A participant without children;
- (2) An elderly participant;
- (3) A near-elderly participant;
- (4) A disabled participant;
- (5) A displaced participant;
- (6) The remaining member of a tenant participant; and
- (7) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant participant.

### **6.C Full-Time Student**

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

### **6.D Near Elderly participant**

A participant whose head or sole member is a person who is at least 50 years of age but below the age of 62.

### **6.E Social Security Number (SSN)**

The nine-digit number that is assigned to a person by the Social Security Administration that identifies the record of the person's earnings reported to the Social Security Administration

### **6.F Student Rule**

No assistance shall be provided under section 8 of the 1937 Act to any individual who:

- (a) Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- (b) Is under 24 years of age;
- (c) Is not a veteran of the United States military;
- (d) Is unmarried;
- (e) Does not have a dependent child;

- (f) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and
- (g) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

**Numbered Memo**

21-21 Grievance Policy and Procedures