



# TENANT ADMISSION POLICY

Ashford Housing Authority

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# TENANT ADMISSION POLICY



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# TENANT ADMISSION POLICY

## POLICIES GOVERNING ADMISSION TO THE HOUSING AUTHORITY OF THE TOWN OF ASHFORD

### 1. INTRODUCTION

The Housing Authority of the Town of Ashford operates the following housing programs which are governed by these policies:

#### **Elderly Housing Program (State-Sponsored Housing Portfolio (SSHP) Funding Program)**

These policies apply equally to all developments unless otherwise specified. The State Sponsored housing complexes are obligated to follow the applicable state statutes and regulations for each program. The State Sponsored portfolio was transferred to Connecticut Housing Finance Authority/Agency (CHFA) in 2003.

#### Statutes, Regulations and Assistance Agreement

The Elderly Housing Program is subject to Sections 8-112a through 8-119c of the Connecticut General Statutes. Every Elderly Housing complex is subject to the provisions of the Assistance Agreement executed between the Owner and the original authorizing state agency (Dept. of Community Affairs, Department of Housing or DECD). The Assistance Agreements were transferred along with the portfolio to CHFA in 2003.

### 2. FAIR HOUSING

The Ashford Housing Authority will operate its programs within the Fair Housing regulations under Section 8-37ee-1 through Section 8-37ee-17 and Section 8-37ee-300 through Section 8-37ee-314 of the Regulations of Connecticut State Agencies and in compliance with the state and federal fair housing laws found at 42 U.S.C. §3604ff and C.G.S. 46a.-64c.

This Authority shall not on account of age, ancestry, color, sex, race, creed, marital status, national origin, religion, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, gender identity or expression, or veteran's status.

- Deny to any family<sup>1</sup> the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- Provide housing which is different from that provided others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services;
- Deny a family a reasonable accommodation/modification.

The Authority will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In making reasonable accommodations or modifications to an otherwise qualified person with a disability, the Authority/Agency is not required to:

- Take any action that would result in a fundamental alteration in the nature of the program;
- Take any action that would result in an undue financial and administrative burden on the Authority/Agency.

The Authority office, community rooms, common laundry rooms, meeting rooms and all common areas must be accessible and available for use by residents with a full range of disabilities to the greatest extent possible.

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<sup>1</sup> "Family" as used in this document is the same as the definition used in Conn. Reg. §8-37ee-1(4) which is "a household consisting of one or more persons."

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### Protection of Classes Table

Protected Classes	Federal or CT. Law	Property not covered <sup>2</sup>	Remedy
Race	<b>Federal:</b> 42 U.S.C. §1982 (Civil Rights Act of 1866)	None	Federal court
	<b>State:</b> Con.Gen.Stat. 46a-58a	None	State court or CHRO <sup>3</sup>
Race, Color, National Origin, Ancestry, Sex, Religion	<b>Federal:</b> 42 U.S.C. §3604	<b>Federal:</b> Owner occupied bldgs. with 4 units or less; single family homes	Federal court or HUD <sup>4</sup>
	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Familial Status or the presence of children	<b>Federal:</b> 42 U.S.C. §3604	<b>Federal:</b> Owner occupied bldgs. with 4 units or less; single family homes	Federal court or HUD
	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> owner occupied 4 units or less; elderly housing	State court or CHRO
Disability	42 U.S.C. §3604	<b>Federal:</b> Owner occupied bldgs. with 4 units or less; single family homes	Federal Court or HUD
	29 U.S.C. §794	<b>Federal:</b> All housing <u>not</u> receiving federal money	Federal court
	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Marital Status (except an unmarried unrelated man and woman)	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Sexual Orientation	<b>State:</b> Con.Gen.Stat. 46a-81e	<b>State:</b> Owner occupied bldgs. with 4 units or less	State court or CHRO
Age (except minors), Veteran status	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> Owner occupied bldgs. with 2 units or less; owner occupied rooming house; elderly housing	State court or CHRO
Lawful source of income	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO
Gender identity or expression	<b>State:</b> Con.Gen.Stat. 46a-64c	<b>State:</b> Owner occupied bldgs. with 2 units or less; owner occupied rooming house	State court or CHRO

<sup>2</sup>The exemptions from the law are complicated, and properties which are listed as exempt under fair housing laws may be covered by other civil rights laws.

<sup>3</sup> Connecticut Commission on Human Rights and Opportunities

<sup>4</sup> Department of Housing and Urban Development

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### 3. OPENING AND CLOSING WAITING LISTS

Opening the waiting list:

The Ashford Housing Authority shall review the waiting list no less than annually to ensure an adequate pool of applicants exist, typically three applicants per bedroom type as well as a sufficient number of persons/families that are “least likely to apply” as determined in the affirmative fair marketing analysis.

#### Insufficient Number of Least Likely to Apply Applicants (Sec. 8-37ee-306)

Each Owner shall evaluate its waiting list for each development to determine whether or not the waiting list provides for racial and economic diversity. If the Authority finds it has an insufficient number of least likely to apply applicants:

- A. The Authority will use its Affirmative Fair Housing Marketing Plan to market its units;
- B. The Authority will make sure its efforts meet time and durational requirements;
- C. The Authority will amend or enhance the marketing approach when found deficient; and document any particular local, regional, and/or market reasons for the failure of the Affirmative Fair Housing Marketing Plan to attract a sufficient pool of applicants who are least likely to apply.
- D. The Authority shall develop and maintain adequate documentation in a manner prescribed by DOH of its good faith efforts.

#### Outreach When Opening Waiting Lists

The Ashford Housing Authority will, as needed, publicize the availability and nature of the Housing Program for low-income individuals in a newspaper of general circulation, minority media, or by other suitable means.

The Ashford Housing Authority will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals.

Upon the determination that there is an insufficient pool of applicants, the Ashford Housing Authority will publish a notice of intent to accept applications. The notice will be listed on the Authority website ([ashfordhousingauthority.org](http://ashfordhousingauthority.org)) and the 211 website ([211ct.org](http://211ct.org)) and widely distributed to human and social service agencies, including those with a primary mission of serving populations identified in the affirmative fair marketing plan as “least likely to apply”. The notice shall state the time frame for submission of applications and where they should be mailed or delivered. The notice will state any limitations to who may apply such as maximum income as well as the methodology of rent determination and unit sizes for which applications are being taken.

The notice shall also state that applicants must have the demonstrated ability to pay the base rent if below the income level at which the base rent is set.

The notice shall state the waiting list may be closed when a maximum number of applications are received and the notice of the closing will be done in the same manner as the opening. Applications received until the notice is published will be taken even if the maximum number is achieved.

The notice shall state that persons with disabilities may request a reasonable accommodation to ensure that they can be put on the waiting list. The notice must also state who at the Ashford Housing Authority applicants can contact if they need a reasonable accommodation to apply for the housing opportunity.

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### 4. APPLICATION PROCESS

The application process is governed by the fair housing laws and particularly the requirement that all housing providers provide reasonable accommodations to applicants to ensure that they qualify for housing to the greatest extent possible. The application process is outlined below and is consistent with State regulations Sec. 8- 37ee- 303. In the event there is a conflict, applicable state regulations shall govern the process.

- The application period shall extend for 90 days unless the number of applications received exceeds the number of units in the complex by at least three times and there is a sufficient number of applicants who meet the criteria of least likely to apply as defined in the Affirmative Fair Housing Marketing Plan. Announcement of the closing the waiting list shall be made in the same manner as the announcement of the opening of the waiting list. Applications will be taken until the notice of closing is published.
- Applications may be provided by any staff member but applications will be checked for completeness by appointment only during office hours Tuesday, Thursday and Friday from 9-12 pm.
- Applications are available during office hours and can be mailed, faxed or emailed to applicants.
- Anyone seeking to apply shall be given the opportunity to do so as long as the waiting list is open for the type of housing and the bedroom size required.
- Each application received shall be immediately dated and time stamped.
- Each applicant shall be sent a receipt with the date and time on it.
- Each applicant shall have a control number assigned in chronological order.
- A file shall be opened for each applicant. The file shall remain confidential information and shall be kept in a locked drawer or, if kept electronically, password protected.
- Selection shall occur at least thirty (30) days before scheduled occupancy to prevent vacancies. Please note that the Ashford Housing Authority screens for eligibility in advance of placement on the waiting list.

At the time of initial intake, the Authority will advise families of their responsibility to notify the Authority when mailing address or phone numbers change.

#### Compliance with Limited English Proficiency Guidance

Anyone needing help in filling out the application shall be assisted and all announcements of the opening of waiting lists or notices that applications are being taken shall state that assistance shall be given to anyone needing help. The notice shall state that assistance can be provided in languages other than English. The owner will provide the language services via staff or a language translation line or other available translation services.

#### Reasonable Accommodation

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Ashford Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Ashford Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Ashford Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

#### Communication

Applications for admission will include information about requesting a reasonable accommodation. All decisions granting or denying requests for reasonable accommodations will be in writing.

The Ashford Housing Authority will obtain verification that the person is a person with a disability. The Ashford Housing Authority will seek verification that the requested accommodation is related to the disability. The Ashford Housing Authority will not inquire as to the nature of the disability. The Ashford Housing Authority shall not request copies of

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medical records or require that the information be from a doctor as it can come from any treating medical provider. The treating medical provider may submit the information in a form of their choosing and will not be required to fill out a form generated by the Ashford Housing Authority in order to verify that the person is a person with a disability.

In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration of the housing program? The Ashford Housing Authority's business is housing. If the request would alter the fundamental business that the Ashford Housing Authority conducts, that would not be reasonable.
2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Ashford Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what it is they need; however, the Ashford Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Authority's programs, the Ashford Housing Authority retains the right to select the most efficient or economic choice

### VAWA

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission or termination of assistance to an otherwise qualified applicant/tenant on the basis that the applicant/tenant is or has been a victim of domestic violence, dating violence, or stalking.

Ashford Housing Authority will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance. The notice will explain the protections afforded under the law, inform each applicant of AHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers. AHA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA.

## **5. ELIGIBILITY FOR ADMISSION**

In determining eligibility for admission, owners must not adopt any admission criteria which discriminates or has the effect of discriminating against any family based upon age, ancestry, color, sex, race, creed, marital status, sexual orientation, national origin, religion, lawful source of income, familial status, learning disability, physical or mental disability, gender identity or expression, or veteran status. In addition, the owner has an obligation to make reasonable accommodations in its screening criteria to ensure that people with disabilities are able to use and access the housing.

Legal screening criteria include, but are not limited to:

- A. Income eligibility;
- B. Number of people in the family that conforms to the occupancy standards which are appropriate to the vacant unit.
- C. Demonstrated ability to pay rent on time;
- D. References from former landlords;
- E. Credit checks, except that a lack of credit history, as opposed to a poor credit history, is not sufficient grounds to reject an applicant;
- F. For State Sponsored Elderly properties applicants must be a person who is sixty-two years of age or older, or a person who has been certified by the Social Security Board as being totally disabled under the Federal Social Security Act or certified by any other federal board or agency as being totally disabled. [CGS sec. 8-113a];

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- G. Ineligibility because of a conviction of a current household member of drug-related criminal activity for the production or manufacture of illegal drugs;
- H. Ineligibility because a current household member is subject to a lifetime registration requirement under a federal or state sex offender registration program
- I. Ineligibility because a current household member has engaged in criminal activity that is a threat to the health or safety of other tenants is determined on a case by case basis, taking into account all factors. Additional guidance for owners regarding the use of criminal records can be found at HUD.gov and chfa.org and by providing an opportunity for clarification if needed prior to the determination
- J. Ineligibility because the family has a pattern of late payments within the last twelve months (see 8-37ee-305E-(1)(b) without reasonable justification (justification may be loss of job, substandard housing) or eviction from housing or termination from residential programs within the past five years (considering all relevant circumstances)

### **6. GROUNDS FOR DISQUALIFICATION**

In addition to the above screening criteria, applicants can be denied for:

- 1. Applicant knowingly falsifies information on the application or during the process.
- 2. Applicant or any member of household has a history of disturbing neighbors, destroying property or living or housekeeping habits which would substantially interfere with the health safety or peaceful enjoyment of other residents.
- 3. The applicant cannot demonstrate the ability to pay the base rent.

Illegal screening criteria include but are not limited to:

- A. Residency requirements;
- B. Proof of U.S. citizenship;
- C. Employment of individuals or families;
- D. Limits on sources of income that will be considered so long as the income is legal;
- E. Ability to live independently;
- F. Ability to assist in building, construction, or maintenance;

#### Exception for Elderly Housing

CHFA may, for periods of up to one year, authorize an owner to admit persons who are less than sixty-two years of age but not less than fifty-five years of age (near elderly) provided that the owner submits an application approved by the chief executive officer of the municipality in which the owner is located demonstrating that:

- A. the owner is not able to attract an adequate number of elderly persons to occupy the project who are also diverse racially and economically and,
- B. the owner has (1) published a notice, at least once each week during the thirty days preceding the submission of its application, in one or more newspapers having a substantial circulation in the municipality, indicating that the units are available and, (2) sent such notice, at least thirty days preceding submission of its application, to each housing Authority, municipal developer or non-profit corporation operating an elderly housing project of fifty or more units pursuant to Connecticut General

Statutes. [CGS Sec. 8-115a] and (3) the owner has used its Affirmative Fair Housing Marketing Plan to notify all interested persons of the change in eligibility; (4) the owner has used its Affirmative Fair Housing Marketing Plan to attract an adequate number of elderly persons who are least likely to apply to the project.



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- C. No person admitted to such project pursuant to these provisions shall be evicted from or denied continued occupancy of such project solely because such person is less than sixty-two years of age but not less than 55 years of age.
- D. Note that a resident meeting the definition of near elderly is not eligible for the Elderly Rental Assistance Program (E-RAP).

### 7. VERIFICATION OF INFORMATION

All information from each applicant must be verified in writing. Any information relative to the acceptance or rejection of an applicant must be documented and placed in the applicant's file. This may include reports of interviews, letters or telephone conversations (by housing Authority staff) with reliable sources. These reports must minimally include the name and title of the individual contacted, date of contact and a summary of the information received.

Sources of information may include, but are not limited to, the applicant (by means of an interview or home visit), landlords, employers, family social workers, parole officers, credit bureaus, court records, drug treatment centers, clinics, physicians, police department or agencies that provide such information, where necessary. Appropriate releases will be obtained from the applicant. An owner is not entitled to obtain medical records of any kind.

If an applicant must be disabled to qualify for a property, the owner may obtain proof of disability such as a letter awarding disability benefits.

If the owner elects to use a credit bureau or any agency whose business is considered that of a credit bureau, denial notices must conform to the requirements of the Fair Credit Reporting Act.

### 8. NOTIFICATION OF APPLICANT

Each applicant determined to be eligible shall be promptly notified by the Authority of such determination and of the approximate date of occupancy, insofar as that date can be reasonably determined. Notifications will be sent by mail.

### 9. OCCUPANCY STANDARDS

The number bedrooms required to accommodate each family shall be determined by the square footage requirements as stated in the state building code as applicable.

#### Square Footage Requirements:

- 150 square feet for one person
- 100 square feet for each additional person
- 70 square feet for the first person in the sleeping space; 50 square feet per person if more than one person is going to use the sleeping space; (total cannot exceed square footage listed above)
- Kitchen, bathroom(s), hallways and utility closets are not included

### 10. TENANT SELECTION METHODOLOGY

For purposes of fairness and equity, Ashford Housing Authority will use the random lottery selection method.

#### Random Selection Method – Lottery

**The Ashford Housing Authority uses the lottery system for selection of applicants for tenancy. The following steps are taken by the Housing Authority:**

1. Review the income reported for eligibility of all applicants;
2. Pre-screen/interview for credit worthiness and other reasonable common rental or ownership criteria; and for verification of applicant information.
3. Put all applicants with favorable interviews, that is, having no ground for disqualification back in the pool and choosing by a lottery system.

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4. The Ashford Housing Authority will seek third party services where feasible to conduct the lottery.

### 11. SELECTION FROM THE WAITLIST

- A. The Ashford Housing Authority, within the program statutory income limits has targeted set-asides for low, very low and extremely low-income individuals.
- B. When a housing opportunity (vacant unit) becomes available the opportunity will be offered to the applicants on the wait list, stating the base rent and income eligibility for the unit. Applicants on the waiting list who can afford units in the low-income category will be afforded opportunities for units in the low-income category. Likewise, applicants in the very-low income category will be afforded opportunities for units within the very-low income category. Only applicants meeting the criteria for the extremely low-income category will be housed in units reserved for extremely-low income. Applicants in lower income categories, who demonstrate the ability to pay the base rent in a higher income unit will not be denied, provided they meet other screening criteria. However, higher income applicants (meeting the program maximum income guidelines) will not be placed into units targeted specifically for very low and extremely low, unless there are no applicants on the waiting list. The agency will market the set-aside income category units using its Affirmative Fair Housing Marketing Plan to maintain a waiting list of eligible applicants.
- C. Low, very low and extremely-low incomes are defined by the U.S. Department of Housing and Urban Development for the purposes of this plan.
- D. The Ashford Housing Authority will set forth in the budget, for approval by CHFA, the targeted set-asides in each income category, bearing in mind the population to be served in the local community and the statutory requirements to generate sufficient income from rents to cover all operating expenses, any applicable debt service and create a provision for replacement reserve to cover capital needs

### 12. DENIAL OF ADMISSION

Applicants deemed ineligible, for whatever reason(s), shall be notified in writing of the reason(s) for rejection and their right to appeal. The Ashford Housing Authority will inform applicants that an appeal must be made within 10 business days. This will also allow the applicant to return to the applicant pool if they prevail.

An impartial hearing officer shall be chosen by the Ashford Housing Authority who shall issue a written opinion within five days of the hearing. All appeals should be heard within five days of the request.

At the hearing, the hearing officer consideration shall be given to:

1. Any requests for a reasonable accommodation that would result in the owner waiving consideration of past behavior unless the behavior, if continued, would pose a threat to the health and safety of others;
2. Any information that shows that the reason for the disqualification was the result of circumstances outside of the family's control including but not limited to late or non-payment of rent/mortgage because of loss or reduction in employment, medical or disability related issues which resulted in non-payment or late payment of bills, timing of receipt of public benefits which resulted in late payment of bills or rent;
3. Any information which shows a change in circumstance that would ensure that the reason for disqualification would not recur including but not limited to the ouster or banning of the household member creating the reason for disqualification, drug or alcohol treatment, medical treatment of the condition causing the reason for the disqualification,
4. Any information which demonstrates that the reason for the disqualification was the result of domestic violence;
5. Any other information which shows that the reason for the disqualification is not likely to recur.

The HOUSING AUTHORITY shall keep the following materials on file for at least three years:

1. application;
2. initial rejection notice;
3. any applicant reply;
4. the recipient's final response; and
5. all interview and verified information on which the rejection was based.

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### **13. CLOSING THE WAITING LIST**

The Authority, at its discretion and in accordance with the fair housing laws and the statutes and regulations governing the applicable housing program, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. A decision to close the waiting lists will be publicly announced using the same affirmative fair housing marketing plan used to notify all interested persons of the opening of the waiting list. If the Authority waiting lists have sufficient applicants (at least three applicants per bedroom size) at all bedroom sizes, and has racial and economic diversity as required by Con. Gen. Stat. 8-37bb, and that there are sufficient families who are least likely to apply based on the targets in the affirmative fair marketing plan on the list or near the top of the list such that they might be housed within the next year then the Authority/Agency may elect to:

1. Close the waiting list completely;
2. Close the list during certain times of the year; or
3. Restrict intake by type of project or by size and type of dwelling unit.

### **14. UPDATING THE WAITING LIST**

The Authority will update the waiting list at least once per year by removing the names of those individuals that are no longer interested, no longer qualify for housing or cannot be reached by telephone or mail. The waiting list will be purged by notifying every family on the list that they are liable to be purged unless they contact the housing provider within a certain period of time. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond to a mailing from the Authority within the time specified, they 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.

At the time of initial intake, the Authority will advise families of their responsibility to notify the Ashford Housing Authority when mailing address or phone numbers change.