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CHAPTER 1: ADMISSION - GENERAL REQUIREMENTS

1-1 ADMISSION POLICIES

a. Policy.

- (1) PHAs must adopt admission policies which meet the requirements of:
  - (a) HUD regulations at 24 CFR 912, 913, 942, and 960;
  - (b) Title VI of the Civil Rights Act of 1964 and 24 CFR 1;
  - (c) All other civil rights requirements (paragraph 1-3(c));
  - (d) the Annual Contributions Contract (ACC); and
  - (e) State and local laws.
- (2) Admission policies must be reasonable and must be consistent with the PHA's responsibilities as a public body.
- (3) Admission policies must include a tenant selection and assignment plan which covers:
  - (a) the organization of the waiting list (paragraph 5-6);
  - (b) the method by which applicants will be chosen from the waiting list and offered available dwelling units (paragraph 5-7); and
  - (c) the circumstances under which a transfer would take precedence over an admission.

The tenant selection and assignment plan, including any changes to an existing plan, must be reviewed and approved by HUD (paragraph 1-1(c)).

- (4) Admission policies must also include:
  - (a) the PHA's standards for determining:
    - o eligibility (Chapter 3);

- o suitability for tenancy (Chapter 4); and
  - o the size and type of unit and type Of Project needed (paragraphs 5-1 and 5-2);
- (b) the PHA's procedures for verifying the information the applicant has provided;
  - (c) the PHA's method for achieving a broad range of income in each of its projects (paragraph 5-3); and
  - (d) the PHA's selection preferences and their relative weights (paragraphs 5-4 and 5-5).

The PHA may submit these policies to the local HUD office for review, but formal HUD approval is not required.

- (5) The PHA must formally adopt the admission policies.
- (6) The PHA must post copies of the admission policies in each office where applications are received.
- (7) The PHA must provide the pertinent portion of its admission policies to any applicant or tenant who requests it.

b. PHA PROCEDURES - Submission of Tenant Selection and Assignment Plan

PHAs must submit an initial or revised tenant selection and assignment plan to the local HUD office for review.

c. HUD RESPONSIBILITIES - Approval of Tenant Selection and Assignment Plan

- (1) The Regional Administrator takes final action on the tenant selection and assignment plan if the PHA is submitting:
  - (a) its initial plan and it is a standard plan providing for a single community-wide waiting list and one offer or up to three offers as described in paragraph 5-7; or
  - (b) a change to its existing plan to comply with any, administrative or management purpose unrelated to complying with Title VI of the Civil Rights Act of 1964 and which is a standard plan providing for a single

community-wide waiting list and one offer or up to three offers as described in paragraph 5-7.

The Regional Administrator may delegate this responsibility.

- (2) The Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) or a designee must be consulted if the tenant selection and assignment plan does not meet the minimum requirements in:
  - (a) paragraph 1-3a., Nondiscrimination Policy; or
  - (b) paragraph 5-7a.(3) and (4), 1 offer or 2-3 offer tenant selection plans.
- (3) The Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) or a designee takes final action on the tenant selection and assignment plan if:
  - o the plan has been submitted for the purpose of complying with Title VI of the Civil Rights Act of 1964;
  - o the PHA is operating under a finding of apparent non-compliance with Title VI; or
  - o the PHA has submitted the plan as a component of any public housing desegregation initiative.
- (4) See paragraph 5-6(d) for HUD processing of a PHA request to establish separate waiting lists for separate communities within the PHA's jurisdiction.

d. REFERENCES

24 CFR 1.4

24 CFR 960.203 and 960.204

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1-2. OCCUPANCY RECORDS

a. POLICY

PHAs must keep a copy of each tenant's application for admission to public housing in the tenant's file. Any

other occupancy information the PHA collects must be retained for at least three Years or until audited by HUD, whichever occurs later. This would include data on current applicants and tenants, and applications from people who were never admitted.

The PHA must document its determination that an applicant is eligible and meets the PHA's admission standards. The PHA must also document its determination that an applicant is ineligible, does not meet its admission standards, or will be dropped from the waiting list for any other reason.

The PHA must maintain a record of the dwelling units offered to an applicant, including the location, date, and circumstances of each offer and each rejection or acceptance. If the applicant rejected the unit, the PHA must note the reason for the rejection.

b. REFERENCES

24 CFR 913.109

24 CFR 960.206

Handbook 7465.3, The Public and Indian Housing Occupancy Reporting Handbook.

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1-3. NONDISCRIMINATION

a. POLICY

- (1) The PHA is responsible for conducting the admissions process in a manner in which all persons interested in admission to public housing are treated fairly and consistently.
- (2) PHAs may not discriminate at any stage of the admissions process because of race, color, national origin, religion, creed, sex, age, or handicap. PHAs are bound by the nondiscrimination requirements of Federal, state, and local law. In particular. PHAs must abide by the nondiscrimination requirements of:
  - (a) Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance;
  - (b) Title VIII of the Civil Rights Act of 1968, which prohibits discrimination based on race,

color, religion, national origin, or sex in the sale, rental, or advertising of housing;

- (c) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on hand cap in programs receiving Federal financial assistance;
  - (d) The Age Discrimination Act of 1975, which prohibits discrimination based on age in programs receiving Federal financial assistance; and
  - (e) Executive Order 11063, which requires HUD to take whatever action is necessary to prohibit discrimination based on race, color, national origin, religion (creed), or sex in housing receiving Federal financial assistance.
- (3) PHAs may not on the grounds of race, color, national origin, religion, sex, or handicap:
- (a) deny a person admission to public housing;
  - (b) provide housing which is different than that provided others;

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- (c) subject a person to segregation or disparate treatment;
  - (d) restrict a person's access to any benefit enjoyed by others in connection with the public housing program;
  - (e) treat a person differently in determining eligibility or other requirements for admission;
  - (f) deny a person access to the same level of services; or
  - (g) deny a person the opportunity to participate in a planning or advisory group which is an integral part of the public housing program.
- (4) PHAs may not intimidate, threaten, or take any retaliatory action against any applicant or tenant because of a person's' participation in civil rights activities or assertions of civil rights.
- (5) PHAs may not deny physically handicapped persons an opportunity to apply for public housing due to

inaccessible application offices.

- (6) PHAs may not assign employees in a way which would result in discrimination against applicants or tenants.
- (7) PHAs must make sure that all employees who are involved in the admissions process are familiar with HUD's nondiscrimination requirements.
- (8) PHAs must prominently display a fair housing poster at:
  - (a) any office where applications are taken; and
  - (b) every project building except for single family dwellings.
- (9) PHAs must maintain the information HUD needs to determine that the public housing program is being operated in a nondiscriminatory manner. In particular, PHAs must maintain information on the race, ethnicity (Hispanic or non-Hispanic), sex, and age of the head of household of all families which submit an application for admission and of all tenants in occupancy.

b. DISCUSSION

- (1) The prohibition against discrimination based on age or handicap in no way affects the statutory and regulatory provisions for eligibility based on age or

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handicap (paragraph 3-4) or the priority of elderly families for admission to projects for the elderly (paragraph 5-2).

- (2) PHAs should periodically review their policies and procedures to be sure that they conform to HUD's nondiscrimination requirements.
- (3) There is a toll-free hotline that an applicant can use to register claims of discrimination. It is operated by HUD's Office of Fair Housing and Equal Opportunity (FHEO). The telephone number is (800) 424-8590. Within the Washington, D.C. metropolitan area, the telephone number is 426-3500.

c. REFERENCES

Title VI of the Civil Rights Act of 1964;

Title VIII of the Civil Rights Act of 1968;  
Section 504 of the Rehabilitation Act of 1973;  
The Age Discrimination Act of 1975; and  
Executive Order 11063

24 CFR 1.4

24 CFR 1.6

24 CFR 100

24 CFR 105

24 CFR 107

24 CFR 109

24 CFR 110

24 CFR 960.203

24 CFR 960.204