
Chapter 5 – Screening, Verification, and Appeals in the Housing Choice Voucher Program

KEY CONCEPTS

PUBLIC HOUSING AGENCIES (PHAS) CAN SCREEN Housing Choice Voucher (HCV) applicants for prior tenant history, owner references, credit history, and other criteria.

PHAS ARE OBLIGATED TO MAKE CHANGES to their screening process to accommodate a person with a disability.

SOME APPLICANTS ARE DENIED HCV ASSISTANCE for having a poor tenant history, or having recent criminal history.

WHEN APPLICANTS ARE DENIED, it is important to meet with the PHA and present any information or mitigating circumstances that may change the PHA's decision.

A PHA MUST HAVE A FORMAL PROCESS for appealing decisions made about eligibility.

APPLICANTS WILL BE REQUIRED to provide actual documentation that verifies their eligibility for the HCV program. Failure to provide this documentation could result in an applicant's being determined ineligible.

Chapter 5 **Screening, Verification, and Appeals in the Housing Choice Voucher Program**

Screening vs. Eligibility

As discussed in [Chapter 4](#), basic eligibility for the Housing Choice Voucher (HCV) program is quite straightforward:

- A household's income must be at or below 50 percent of the area median income; and
- Household members must be United States citizens, or non-citizens with "eligible immigration status."

However, federal regulations permit public housing agencies (PHAs) to impose more rigid screening criteria on applicants if they choose, such as reviewing their past criminal history, housing history, and history with federal housing programs. As a result of such screening processes, households that meet the basic eligibility criteria listed above may nevertheless be denied assistance. It is important to note that public housing agencies are not required to screen applicants beyond gathering information needed to determine basic eligibility; however, if an agency chooses to screen any applicant, it must screen all applicants the same way.

Screening Policies

In the late 1990s, PHAs were granted authority to screen HCV applicants for prior tenant history, standing with federal housing programs, owner references, credit history, and other criteria. As a result, in many instances, both the PHA and the owner of the rental unit chosen by an HCV household may decide whether the household is suitable for tenancy.

Previously, PHAs were permitted to screen applicants for public housing, but not for the HCV program. Rather, it was the owners participating in the HCV program who conducted any screening of previous tenant history, credit problems, etc.

Screening HCV applicants is now an option for PHAs, but is not mandated by law. The PHA has the option of screening HCV applicants for:

- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others;
- Non-payment of rent or utility bills;
- Poor treatment of previous housing units and premises; and
- Lack of respect for the rights of other residents to the peaceful enjoyment of their housing.

Public housing agencies also have the right to screen applicants regarding their history with federal housing programs. Specifically, the PHA can screen a household to see if its members have ever:

- Been evicted from public housing;
- Been terminated from another HCV program for cause;
- Committed fraud or criminal acts in connection with a federal housing program; or
- Failed to reimburse a PHA for unpaid rent or damages, with money currently owed to a PHA.

Each PHA is allowed to decide how in-depth its screening process will be and how strictly to apply its screening criteria. However, PHAs must screen all HCV applicants uniformly. For example, if a PHA conducts a criminal record check on one applicant, it must conduct one on every applicant.

In many communities, screening criteria have added even more paperwork and waiting time to an already cumbersome and lengthy application process. Policies for screening applicants must be described in the HCV Administrative Plan (see Chapter 11) and must clearly document the criteria used.

For people experiencing chronic homelessness, screening criteria can be one of the biggest barriers to receiving a voucher. In 2011, [Department of Housing and Urban Development \(HUD\) Secretary Shaun Donovan sent a letter to PHAs to encourage more flexible admissions policies, especially for homeless people with criminal histories](#). The majority of these policies are set by PHAs and not by HUD, meaning that homeless providers, advocates, family members, and consumers can work together to advocate for practices that eliminate some of these systems barriers.

QUICK TIP

INCLUDE HOUSEHOLD MEMBERS WITH POOR BACKGROUNDS ON THE APPLICATION

It is important to include all household members on the Housing Choice Voucher application even if a member has a background that is a potential barrier. Through the screening process the household may be able to present circumstances that mitigate the poor background. If the household instead chooses to omit that family member from the application, the public housing agency can allege that the household committed fraud and terminate it from the program.

Criminal Records Screening and Drug Histories ([24 CFR 982.553](#))

Some PHAs conduct lengthy criminal records checks and deny a voucher to any applicant who has committed a crime within recent years. Many people are determined ineligible for HCV assistance based on a history of criminal activity. It is important to note that there are only two federal mandatory criminal exclusions with which PHAs are required to comply.

Applicants are ineligible for HCV assistance if they have been convicted of manufacturing methamphetamines in federally assisted housing, or if they are registered lifetime sex offenders.

However, because of PHA local regulations and policies that further limit eligibility, many chronically homeless people are determined ineligible for HCV assistance based on histories of less severe crimes. Because these policies are locally established rather than federally mandated, they can be influenced and adapted to better meet the needs of the community.

In addition to the criminal exclusions listed above, PHAs must also screen for drug-related history and current drug-related activities. Specifically:

- A PHA must prohibit admission to the HCV program for three years (from date of eviction) if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the PHA may waive this prohibition if it determines that the member has successfully completed a supervised drug rehabilitation program approved by the PHA, or that the circumstances leading to the eviction no longer exist (for example if the household member responsible for the drug-related criminal activity is no longer part of the household).
- A PHA cannot admit a household to the HCV program under either of the following circumstances:
 - » A member of the household is currently engaging in illegal drug use
 - » The PHA has reasonable cause to believe that a household member's illegal drug use, pattern of illegal drug use, abuse of alcohol, or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents

Arrest Records vs. Convictions

[Recent guidance](#) from the U.S. Department of Housing and Urban Development emphasizes the importance of providing "second chances" to formerly incarcerated individuals. Public housing agencies may not use arrest records alone as a basis for denying admission or terminating assistance and are obligated to safeguard the due process rights of applicants and participants.

Denial of Assistance

There are several reasons why a household may be denied HCV assistance, including:

- Recent criminal history (see "Screening Policies" above for details) such as:
 - » Recent drug-related activity or violent criminal activity
 - » Being evicted for cause from private housing
 - » Failing to pay rent in previous housing

- » Failing to meet tenant obligations in previous housing
- » Being in poor standing with federal housing programs

Public housing agencies may deny HCV assistance to an applicant based on the reasons listed above even if the problem was not the applicant's fault but was caused by another member of the household. For example, if a mother and adult son applied for HCV assistance with the mother listed as the head of household and, in the past, the son was evicted for cause from private housing, the entire household could be denied HCV assistance. However, the Violence Against Women Act allows a tenant or lawful occupant who engages in criminal acts of physical violence against affiliated individuals or others to be evicted or removed without evicting or removing or otherwise penalizing a victim who is a tenant or lawful occupant.

It is important to note that a PHA may not deny a person admission to the HCV program on the basis of disability, household status, source of income, race, color, sex, sexual orientation, gender identity, religion, or national origin.

REASONABLE ACCOMMODATION

SCREENING CRITERIA

Public housing agencies (PHAs) must modify their screening process to accommodate people with disabilities, including those who are experiencing chronic homelessness. For example, if a PHA denies assistance to a chronically homeless Housing Choice Voucher (HCV) applicant with criminal history based on mental illness (e.g., the applicant was arrested for loitering and disorderly conduct when not taking their medications), the applicant can ask that the PHA disregard the criminal history in light of mitigating circumstances related to their disability. This request might be considered reasonable if the applicant is now receiving supportive services for medication management and can expect that the behavior will not be repeated. It is the responsibility of the applicant to request a reasonable accommodation from the PHA and to present any documentation to show why it is reasonable.

Appeals of Eligibility Decisions ([24 CFR 982.555](#))

A PHA is required to have a formal process for appealing decisions made in the HCV program, including eligibility and other PHA decisions. This process must be described in the PHA's HCV Administrative Plan (see Chapter 11). If a household is determined ineligible for the HCV program, the PHA must put in writing the reasons for the denial and provide information regarding the appeals process. Often the PHA elects to mail decision letters; households should open these letters as soon as

GOOD TO KNOW

POOR HOUSING HISTORY

Although housing history is important when screening for admission to federal public housing, it is not critical in the Housing Choice Voucher (HCV) program. Since private owners can do their own screening in order to accept a new tenant, public housing agencies (PHAs) may be willing to relax housing history screening criteria for HCV applicants. However, many PHAs do screen HCV applicants for housing history and deny assistance to people with troubled past experiences or evictions.

possible to ensure all instructions for requesting an appeal hearing are followed. Some PHAs may not make applicants aware of their right to appeal PHA decisions.

Ideally, the appeals process allows the applicant to present any mitigating circumstances that may help to reverse the PHA's decision. For example, applicants who owe money to a previous PHA may still be given a voucher if they show proof of a repayment agreement in good standing. PHAs may hold informal hearings with applicants and PHA staff and may accept input from objective stakeholders such as other PHA staff, service providers, or family members.

QUICK TIP

FIND THE PROBLEMS EARLY

Applicants or their advocates should consider running their own credit histories and criminal record checks before applying in order to address any potential problems. For example, people with poor credit history or those who owe money to a PHA may enter into negotiations for repayment plans. Identifying any potential eligibility barriers early will allow you to gather information about any mitigating circumstances or to prepare a request for a reasonable accommodation. Finally, it may help to be upfront with the PHA — letting them know that there will be problems with the screening but that you have prepared information to support an appeal to a denial.

Verification and Documentation of Eligibility

Actual documentation — such as written verification of income (including any assets), household composition (including the age and Social Security numbers of all household members), citizenship status, disability status (if applicable), and other criteria established by the PHA — is required to prove eligibility for the HCV program. For example, applicants who wish to qualify for a residency preference must prove that they live or work within the PHA's jurisdiction.

Some PHAs require applicants to verify eligibility only when they reach the top of the waiting list. Other PHAs require that applicants verify their eligibility at two different times — when they first submit the application and again when they have been selected from the waiting list. Usually there is a significant amount of time between these two events.

QUICK TIP

RESEARCH ELIGIBILITY AND SCREENING CRITERIA AHEAD OF TIME

Homeless providers, Continuums of Care, family members, and case managers who are helping a person who is experiencing chronic homelessness apply to the Housing Choice Voucher (HCV) program should read the HCV Administrative Plan and find out what documentation will be required in order to prove eligibility and suitability. Begin gathering the documentation early, since some source documentation may take a long time to locate or receive.

HUD requires that some verification, including income documentation, be less than 120 days old — and many PHAs require verification to be even more recent. As a result, applicants are almost always required to update documentation previously submitted to the PHA.

Third Party Verification

Public housing agencies usually require that verification be "third party" for all eligibility criteria. This means that the actual documentation must come from another person or agency (such as an employer, public agency, or physician). Case managers are often good sources of third party verification. Third party verification can be written or verbal; however, written is preferred by most PHAs. Examples of this type of verification are:

- A letter from the U.S. Social Security Administration verifying receipt of SSI benefits and amount received (to prove income and disability status)
- A letter from a physician verifying a disability (in accordance with HCV regulations)
- A birth certificate or passport verifying citizenship status

Usually, PHAs will not accept verification of income from anyone other than the source of the income or other assets. In other words, the PHA will not usually allow applicants to obtain their own verifications of income, assets, or expenses. PHAs usually have standard letters that they require third parties to use when verifying information.

Public housing agencies must establish a policy permitting other forms of acceptable verification in those situations when third party verification is absolutely not available. As with other HCV policies, a PHA's standards regarding acceptable forms of documentation must be documented in its HCV Administrative Plan.

REASONABLE ACCOMMODATION

IDENTIFICATION DOCUMENTATION

A person experiencing chronic homelessness can request extra time to gather the necessary documentation if needed as a reasonable accommodation for their disability.

Most public housing agencies (PHAs) require that applicants produce birth certificates, Social Security cards, or other standard forms of identification. This can present a significant barrier to people who have been living on the streets or in shelters and no longer have these identifying documents.

Guidance from the U.S. Department of Housing and Urban Development states that PHAs can accept other forms of documentation for proof of age, identity, or Social Security number, including an original document issued by a federal, state, or local government agency. PHAs may also accept any one of the following documents as verification of identity as long as it includes the applicant's Social Security number:

- Driver's license
- Identification card issued by a federal, state, or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- Identification card issued by an employer or trade union
- Earnings statements, payroll stubs, or bank statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records (real estate, tax notices, marriage/divorce, judgment, or bankruptcy)

Verifying Disability Status

For vouchers targeted to chronically homeless people or other people with disabilities through a local preference or special purpose voucher program, PHAs must verify an applicant's disability status, which they can do in a number of ways. Public housing agencies may use the receipt of federal disability benefits as sufficient proof of disability. However, PHAs must not limit proof of disability to this type of verification. Other acceptable methods of verifying disability include (but are not limited to):

- A written statement from a physician or other reliable source (such as a health care provider licensed in treating the disability). Other

reliable sources might include the state's Department of Mental Health, Development Disabilities, or Public Health, or a local Arc chapter, mental health center, or Center for Independent Living.

- Telephone contact with a physician or other reliable source, followed by PHA documentation of contact in the applicant's file.
- In-person contact with a physician or other reliable source, followed by PHA documentation of contact in the applicant's file.

Public housing agencies are not allowed to ask whether an applicant who has been chronically homeless can live independently, or to ask about the applicant's specific disability. The PHA must ensure that its HCV application does not include any illegal questions regarding the nature or severity of a person's disability or about their ability to live independently.

Verifying Homeless or Chronically Homeless Status

If a PHA adopts a waiting list preference for homeless or chronically homeless people, these applicants will be required to produce documentation verifying their status. Homeless providers, Continuums of Care (CoCs), and advocates should proactively plan with PHAs to allow records from the local Homeless Management Information System, other homeless verification forms provided by the CoC, or the CoC's established coordinated entry system to be considered sufficient documentation of homeless or chronically homeless status.

Failure to Provide Verification

Collecting the necessary documentation can be time-consuming and difficult. Advocates, family members, and service providers can provide assistance in collecting the required documents. The importance of this step in the HCV application process should not be underestimated. Households that fail to provide the PHA with the required documentation and verification will be determined ineligible for a voucher.

QUICK TIP

KEEP COPIES OF IMPORTANT DOCUMENTS

It is extremely important that households keep all third party documents in a safe and accessible place. Households may also want to give copies of this information to trusted friends, family members, or case managers. Some of the third party documents used to determine a household's initial eligibility for the voucher will have to be resubmitted at least once a year after the person obtains housing. Failure to provide this information to the public housing agency on an annual basis can be grounds for termination of the HCV assistance.