Housing 101

Module 4

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# Housing 101

Welcome to Module 4 of the Housing 101 course. Because the information in each module builds on previous modules, it is recommended that you complete Modules 1, 2, and 3 before starting this course.

## Website Links

Many website links are mentioned in this module. To ensure that the links remain accurate and active, we have placed them in one online location on the OLTL training page along with each of the Housing modules. These links will be available as a downloadable “Resources” document.

Whenever a link is available in the “Resources” document, the following icon will be displayed in this training module, usually at the bottom of your screen.

## Module 4: Successful Housing Applications

After completing the previous modules in this training series, you should understand the importance of assisting individuals who are moving back into the community, the barriers they may encounter in obtaining housing, and the resources available to make housing affordable. With that understanding, let’s now look at how you can assist individuals to successfully apply for the housing that meets their needs and preferences.

### Objectives

This module has four objectives.

After completing this module, you will be able to:

* Describe the application process and the policies of different types of housing providers,
* Help an individual identify and address barriers to accessing housing,
* Recognize discrimination under the Fair Housing Act, and
* Explain the process for filing a discrimination complaint under the Fair Housing Act.

# Lesson 1: Understanding the Application Process and Policies for Different Types of Housing Providers

Let’s start with the application process and policies of different types of housing providers.

## Types of Providers

There are three types of providers that offer affordable rental housing. They are:

* Owners of market-rate housing, whom we will refer to as private landlords,
* Owners and managers of privately-owned subsidized housing (This includes tenant-based rental assistance and project-based subsidies as discussed in module 3.), and
* Federally funded Public Housing Authorities (PHAs).

To be successful in obtaining the type of housing that meets the needs of the individual you are assisting, it is important to understand the application process and the policies of each type of provider.

## Housing Provider Policies

While most property owners must operate their housing in compliance with Fair Housing Laws, different housing providers have varying policies relating to their:

* Application process,
* Admissions requirements,
* Waiting list management, and
* Preferences mandated by funding source or administrative plans.

We will now look at how the different types of affordable rental housing providers address these policy issues.

## Application Form Information

Let’s begin with private landlords. Each private landlord will have their own application forms. Some might request basic information, such as income and contact information. Others will have a more comprehensive application.

## Market-Rate Housing Guidelines

Private landlords who rent market-rate housing have more flexibility in their application process than those who use public funds. They do not have to operate under any specified income or waiting list guidelines. Their procedures are determined by Fair Housing Laws and the housing market in their area.

In addition, since there are no public funds utilized in privately-owned market-rate housing, there is discretion as to whether or not they obtain, a credit report and criminal background report, how they use the information they obtain, and how they make decisions about tenant eligibility. As a result, in many cases, landlords of market-rate housing are more flexible in renting to individuals with special circumstances.

## Applying for Privately-Owned Subsidized Housing

Now let’s look at applying for privately-owned subsidized housing.

This is housing that was built using public funds to enhance their affordability. Some units in these developments may also have additional Tenant- or Project-Based Rental Assistance to make them affordable to the very lowest-income renters. Public funds all have “strings” attached, including eligibility requirements for the tenants and reporting requirements for the owner.

### Privately-Owned Subsidized Housing

First and foremost, all publicly subsidized housing has specified maximum income eligibility guidelines. In order for the property managers to ensure that they are renting to people who meet these requirements, their application process requires income verification.

In addition, some types of subsidized housing are restricted to individuals age 62 or over or to people with disabilities. Additional documentation of age and disability is required for developments with these restrictions.

Property managers use this information to determine eligibility for admission, and they are required to provide proof of compliance when reporting to their funding sources.

When applying to privately-owned subsidized housing, contact each property management company separately.

## Applying for Public Housing

Finally, let’s look at applying for public housing. Each PHA has federal eligibility requirements including age and income restrictions they must adhere to, plus most have additional local requirements. To help people obtain public housing, you should contact your local PHA to obtain their requirements.

## Where to Apply

The owners of privately-owned subsidized housing developments maintain a rental office or management office, either on-site at the development or at another location. The rental office is specific to a particular development or to several developments managed by that company. This means that an individual or household must apply to each development or management company separately. As you will see shortly, this is different for public housing.

PHAs accept applications for both Housing Choice Vouchers and site-based public housing. These are typically in two different departments at the PHA and require separate applications and have separate waiting lists.

## Privately-Owned Waiting List Policy

Privately-owned subsidized housing developments maintain their own waiting lists, generally on a first-come, first-served basis. To maximize the opportunity to receive a unit, it is extremely important that an individual asks to be placed on a waiting list even if no units are currently available or the waiting list is long. It is important to stay in contact with private owners regarding availability, as they may not follow up with you.

## Obtaining Housing Choice Voucher

Many PHAs have long waiting lists for their Tenant-Based Housing Choice Voucher program. Because Housing Choice Vouchers are so valuable and scarce, it is important to apply as early as possible.

PHAs are required to advertise the opening of their waiting lists. If the waiting list becomes too long, the PHA may close the list and stop accepting applications. Once on the waiting list, it is very important for the applicant to keep the PHA up to date on all address and contact information changes.

### Housing Choice Voucher Waiting List Strategies

There are several strategies you can use to stay informed about the reopening of a Housing Choice Voucher waiting list.

* Get to know the staff in the Housing Choice Voucher division at your PHA. Ask how they advertise the reopening of their waiting list and if they can notify you directly and as early as possible.
* Find out if your county has a Local Housing Options Team, often called LHOT, which includes representatives of the PHA and other housing and social service organizations. Join your local housing coalition or find out who in your agency participates in these meetings. Ask them to keep you informed of any relevant information they obtain.
* Contact Regional Housing Coordinators (RHCs), who are part of the Self-Determination Housing of Pennsylvania, for information about housing opportunities, including updates on waiting lists.
* Look for public service announcements and notices in newspapers.

## PHA Application Process

Now we will look at the application process for Public Housing.

The application process for site-based public housing varies among PHAs. In many communities, the PHA maintains a single waiting list for all public housing projects. This generally means that applicants will not have a choice in which PHA development they will be offered a unit. They will simply be offered the next available unit. If the applicant declines the unit or, in some communities, if they decline several subsequent units, their name will be moved to the bottom of the waiting list.

Other communities take project-by-project applications and maintain project-specific waiting lists. Check to find out how your PHA manages its site-based public housing waiting lists.

## PHA Plans

The policies of public housing authorities can be found within two separate plans: the PHA Plan and the Administrative Plan.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations, and strategies for meeting local housing needs and goals. There are two parts to the PHA Plan: The Five-Year Plan, which each PHA submits to HUD once every fifth PHA fiscal year, and the Annual Plan, which is submitted to HUD every year. HUD-approved PHA Plans can be accessed on the HUD website.

The Administrative Plan, a supporting document to the PHA plan, establishes local policies for the administration of housing authority programs. Among the policies that are included in the plan are those that govern the waiting list, admissions preferences, and procedures for closing and reopening the waiting list.

### Administrative Plans

Specifically, the Administrative Plan includes standards for denying admission or terminating assistance, including the impact of a criminal record. We will look more closely at PHA policies concerning criminal records shortly. Since all of these policies directly impact an individual’s ability to access a Housing Choice Voucher or a public housing unit, it is important for you to know what is included in your PHA’s Administrative Plan. For instance, some PHAs have established preferences for people with disabilities. This means that a person with a disability would move ahead of people on the waiting list who do not have a disability. In addition, the PHA has the option of keeping its waiting list open for people in one of its preference categories, even when the waiting list is closed to the general public.

Since each PHA has different policies and procedures, you should contact your PHA to find out how you can obtain and/or review a copy of the Plan. It is required to be available for public review.

## Criminal Record Policies for Publicly-Assisted Housing

Unlike private market-rate housing, housing that is assisted with federal funds —including privately-owned subsidized housing, public housing, and other programs that use public funds, such as Housing Choice Vouchers— is required to perform a criminal background check as part of their application process.

HUD oversees many housing programs that enforce the following criminal history policies.

* Permanent ban on admission for individuals convicted of producing methamphetamine at federally assisted housing
* Permanent ban on admission for lifetime registered sex offenders
* PHAs may apply a three-year ban for prior eviction from federally assisted housing for drug-related activity unless applicant is rehabilitated
* PHA/owner must deny admission for a current user of illegal substances
* PHA/owner has discretion to admit applicants with a history of drug-related offenses, violent criminal history or crimes that threaten health, safety or peaceful enjoyment of the property

## Federal Law Allowances

Federal law also grants PHAs and managers of publicly-subsidized housing the ability to deny admission for additional criminal histories and for specific offenses related to illegal substances at their discretion. In addition, the policies for site-based housing can be different from policies for the Housing Choice Voucher program.

Since the PHA’s criminal record policies for both Housing Choice Vouchers and public housing must be delineated in its Administrative Plan, it is critical that you review the plan and understand it so that you are aware of their actual requirements.

# Lesson 1 Review

Now take a moment to answer these review questions.

1. The waiting list of Housing Choice Vouchers is always open for new applicants.

True

False

Please pause

The correct answer is False. When the waiting list gets too long, the PHA has the option of closing it for a period of time. During that time, it does not accept new applications. One exception is that some PHAs keep their waiting list open for people who meet one of their preferences.

2. A single application to a PHA will enable a person to be eligible for all appropriate publicly assisted housing in their county.

True

False

Please pause

The correct answer is False. PHAs maintain separate waiting lists for their Housing Choice Voucher Program and for their site-based public housing. Further, they do not have jurisdiction over applications for privately-owned subsidized housing. A separate application will be needed for each of these developments.

3. It is best to wait until the managers of privately-owned subsidized housing contact you to let you know if they have any vacancies.

True

False

Please pause

The correct answer is False. Don’t wait to be contacted by them. By contacting them you can often learn about current vacancies, and units that they know will become available in the near future.

# Lesson 2: Barriers to Accessing Housing

Now let’s talk about addressing barriers to accessing housing.

## Barriers to Housing

When assisting people moving back into the community, you are likely to encounter individuals who have one or more barriers to accessing the housing they desire. Some might need a wheelchair accessible unit where these are in short supply. Many will have very low incomes and have difficulty locating a housing unit that they can afford. Others might have poor or no credit or poor or no rent paying history. Some might have a criminal history and others might encounter discrimination based on factors such as age, race or disability.

### Effect of Barriers

The existence of barriers does not mean that individuals cannot rent housing in the community. It does mean, however, that they might have fewer options, they might have to take some initial actions to resolve past problems, or they will need to provide additional documentation to landlords.

We will now look at some ways in which you can assist people in overcoming these barriers to accessing housing.

## Accessibility Needs

Each person might have their own unique set of accessibility needs, so it is important to match that person with the proper housing unit. Even in a unit that is considered fully accessible, adaptations might be needed to make the unit barrier-free to the specific individual. This should tie to the needs identified in the Person-Centered Service Plan.

## Credit Problems

It is important for the individual to obtain a credit report as early as possible in the process to determine whether there are any credit problems that will impede their ability to obtain housing.

If an individual’s credit report indicates that their credit could be a barrier to accessing housing, there are several resources they could access. These resources include:

* Contacting your SDHP RHC about PREP training for your agency,
* Seeking guidance through a certified housing counseling agency or a certified credit counseling agency. PHFA can provide a list of housing counseling agencies for each county in PA, and
* A list of certified credit counselors on the National Foundation for Credit Counseling website.

These resources can assist with resolving credit issues, provide advice on money management, offer solutions to current financial problems, and help with the development of a personalized financial plan to prevent future difficulties.

## No Credit?

Some individuals might not have established a credit history. This can be problematic since the landlord is looking for evidence of the individual’s ability to meet payments on a regular basis. In lieu of a credit report, some landlords will accept checking or savings account statements, or proof of payment of a cell phone, cable, or other utility as evidence of an individual’s ability to make regular payments.

Furthermore, many of the individuals you are assisting rely on disability and/or retirement funds as their primary source of income. These types of income demonstrate to a potential landlord that the tenant has a steady income stream and might mitigate the landlord’s concern about a lack of credit history.

## Other Strategies for Addressing Credit Issues

To assist someone with either a poor credit history or no credit history, there are several other strategies for providing a favorable credit profile to a potential landlord.

### Strategy 1

An individual should be up front and honest about their credit situation. As the Service Coordinator, you can help the individual to put the pieces together and practice explaining their circumstances to a potential landlord. Many private landlords and PHAs may be sympathetic to a compelling situation. If the credit problem is the result of a disability, making a written request for a reasonable accommodation may result in an exception to their policy.

### Strategy 2

Having a family member with a good credit history co-sign the lease is another strategy. The co-signer agrees to be liable for paying the rent in case the person residing in the rental unit is delinquent. This provides assurance to the landlord that the rent will be paid.

### Strategy 3

The Prepared Renter Program (PREP) addresses poor credit and other barriers. Evidence of participation in PREP is increasingly becoming a way for individuals with disabilities to document their readiness to be a reliable, knowledgeable tenant.

If PREP is not widely recognized by landlords in your county, you may want to meet with your Regional Housing Coordinator to develop a strategy to inform landlords about PREP and its value in helping individuals with disabilities become informed and reliable tenants.

In some communities, individuals completing PREP receive a certificate which shows landlords that these individuals are educated about the rights and responsibilities of being a tenant.

## Rental History

The strategies for assisting a person with either no rental history or a poor rental history are similar to those for someone with credit problems. You can:

* Suggest that the individual participate in housing counseling, such as PREP, to prepare to become a knowledgeable and reliable renter,
* Help the individual explain their housing history so that they can provide a landlord with a good explanation for either the lack of a rental history or for past problems, and
* Have a co-signer sign the lease to ensure timely rental payments and compliance with other terms of the lease including proper care of the unit.

## Publicly Funded Housing and Criminal History Policies

Now let’s look more closely at publicly funded housing. Once you have obtained official policies regarding criminal history, you need to delve deeper to determine what they mean to the people you are assisting. You might want to set up a meeting with the manager of the subsidized housing developments in your county and with your PHA to explore such issues as:

* Are their policies more restrictive than HUD’s criminal history policies? If so, what are their additional restrictions?
* Is the policy based on actual convictions or only arrests?
* What is the required waiting time between the crime and eligibility for admission?
* Does the waiting period begin at the time of arrest, conviction, or release from jail or prison?
* Can an individual be on the waiting list during the ineligible time period?
* Are there exceptions for individuals who have successfully completed certain treatment programs, such as drug rehabilitation?

For your particular PHA, you could explore whether the policy is different for public housing than for the Housing Choice Voucher program, whether they are willing to review these matters on a case-by-case basis, and whether they are interested in modifying their policies under certain circumstances (such as provision of support to a tenant from a local human services agency).

## Denial Based on Criminal Record

Sometimes people are denied housing by a PHA based on very general criminal record policies. When an individual is denied admission to a program, they are also provided with information on the procedures to appeal the denial.

You can assist an individual who has been denied housing because of a criminal record by helping them to prepare an explanation of why the criminal record is not relevant to their being a reliable, safe tenant. Some of the strategies discussed for overcoming a poor credit history, such as explaining extenuating circumstances or successful completion of renter education, might apply for individuals appealing a denial of admission based on a criminal record. You can also accompany the individual to the meeting where they will present the appeal to the PHA.

## Discrimination

Another barrier that individuals face is discrimination.

Unfortunately, it can be extremely difficult to detect when discrimination has occurred because it is often accompanied by a smile and a handshake. For example, a landlord might say: “I am sorry, Mr. Johnson, but that unit was just rented an hour ago,” when, in fact, the unit is still available. The landlord is discriminating against the individual because they have a disability, even if it is for what the landlord considers to be a genuine concern, such as the ability to evacuate the unit in case of a fire.

As another example, a landlord might say: “Mrs. Wilkerson, you and your children would be so much happier living in this other section of the development where there are lots of children.” However, by steering her to a certain section of the development, the landlord is discriminating against Mrs. Wilkerson because of the number of small children in her household.

Whether or not they know it, both landlords would be breaking the law.

## Fair Housing Act

With limited exceptions, owners of market-rate housing, owners of privately-owned subsidized housing, and PHAs are covered by the Fair Housing Act. The Fair Housing Act protects certain prospective tenants from discrimination.

Under the Fair Housing Act, no one may take any of the following actions based on race, color, national origin, religion, sex, family status, or disability.

* Some of the unlawful actions under the Fair Housing Act include, but are not limited to:
* Refusal to rent or sell housing;
* Refusal to negotiate for housing;
* Making housing unavailable;
* Denying a dwelling;
* Setting different terms, conditions, or privileges for the sale or rental of a dwelling;
* Providing different housing services or facilities;
* Falsely denying that housing is available for inspection, sale, or rental; or
* Denying anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

### Limited Exemptions to the Fair Housing Act

The Fair Housing Act exempts owner-occupied buildings with no more than four units (for example, rental of a single room in a home occupied by the owner), single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members. Also exempt are properties with qualified senior housing, or housing that fits the rules of 55 and older or 62 and older communities, or those that participate in a federal, state or local senior housing program.

### Additional Protections for People Disabilities

An important part of the Fair Housing Act deals with reasonable accommodation.

For example, a landlord may not refuse to make reasonable accommodations in rules, policies, practices, or services in order for the person with a disability to use the property.

## Overcoming Discrimination

Two strategies can be used to overcome the barrier of discrimination. First, you can request a reasonable accommodation under the Fair Housing Act. For example, a building with a no pet policy could make an accommodation for an individual with a service animal.

### Filing a Complaint

Second, if you think an individual’s rights under the Fair Housing Act have been violated, you can assist them with filing a complaint.

This can be accomplished by completing an online Housing Discrimination Complaint Form available on the HUD website (under Fair Housing), by writing a letter to HUD, or by calling the Philadelphia or Pittsburgh HUD office.

Document as much as possible about the incident, including the date and time, should you need if for future reference.

# Lesson 2 Review

Now take a moment to answer these review questions.

1. When an individual has no credit history, which of the following are ways to show a potential landlord that they are not a major credit risk? (select all that apply)

Bank statements

Proof of payment for a cell phone or cable bill

A letter of reference from a former teacher

Having a co-signer who has a good credit history

Evidence of participation in a credit counseling or renter preparation program

Participant in SAT preparation classes.

Please pause

The correct answers are bank statements, proof of payment for a cell phone or cable bill, having a co-signer who has a good credit history, and evidence of participation in a credit counseling or renter preparation program.

2. How can you find out about the Criminal Record Policy of your PHA? (select all that apply)

Ask the local police

Review the PHA Administrative Plan

Meet with the representatives of the PHA to better understand their policies

Please pause

The correct answers are review the PHA Administrative Plan and meet with PHA representatives to better understand their policies.

3. Which type of property owner is not covered by the Fair Housing Act? (select all that apply)

Owners of market-rate housing

Owners of privately-owned subsidized housing

Public Housing Authorities

None of the above

Please pause

The correct answer is none of the above. All rental housing is covered by the Fair Housing Act.

# Congratulations

Congratulations! You have completed Module 4, the final module of the Housing 101 online training series. If you have completed all of the content in this module, go to [this website](https://oltl.deringconsulting.com/housing-module4/) to register completion.