Massachusetts Law Reform Institute

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August 26, 2010

Shaun Donovan, Secretary
Sandra Henriquez, Assistant Secretary, Office of Public and Indian Housing
Barbara Sard, Senior Advisor for Rental Assistance
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, DC 20410

Sent by email and regular mail

Re: Applying for HUD-Assisted Housing: Proposals for Change

Dear Secretary Donovan, Assistant Secretary Henriquez, and Ms. Sard:

We write to you as legal services and civil rights lawyers and members of the Housing Justice
Network (HJN), an organization of legal services housing advocates from around the country.[1]
For many years the Massachusetts Law Reform Institute (MLRI) and our colleagues in other
states have worked to make the process of applying for HUD-assisted housing fair, non-
discriminatory, and more user-friendly for families and individuals. MLRI has documented the
inequities of local application systems, litigated, brought complaints at HUD, spoken at
conferences and negotiated for improved application systems with PHAs. Although we have
achieved some good success in Massachusetts, there is more to be done there, and even more
work is needed in other areas of the country. We write now to request that HUD initiate a
process to develop application procedures that are equitable, efficient, and non-discriminatory,
and we hope to discuss these issues with you in the near future.

The Problem: Two Videos Worth a Thousand Words
Two videos vividly portray the awful consequences of using an in-person application process.
Although the events depicted in these videos are separated by thirteen years, they are in most
respects identical. The first, *End of the Line,* was made by MLRI in 1997 and documents the
experience of people attempting to pick up Section 8 applications at the Fall River Housing
Authority in southeastern Massachusetts. See http://www.mlri.org/advocacy/housing. The
second is a report about a similar application process at the East Point (Georgia) Housing
Authority on August 11, 2010. See www.msnbc.msn.com/id/21134540/vp/38667261#38667261.

End of the Line shows more than a thousand people who came to the housing authority in
response to public notices and waited, some overnight, to get an application for the Section 8
voucher program—just an application, not a voucher. The scenes are heartbreaking—elders,

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[1] This letter is not a formal submission from HJN. However, we believe that because these observations
and proposals mirror those in HJN comments to HUD's PETRA proposal submitted on May 3 and July
30, 2010, it fairly represents the concerns of our HJN colleagues.

people with disabilities, and children camping out in the cold with the slim hope of maybe, just maybe, having a chance for affordable housing.

Flash forward to Georgia on August 11, 2010. Thirty thousand people, many camping out for days, came to get applications for the Housing Choice Voucher and public housing programs. Again, they endured this process just for applications. The video shows scenes of chaos as thousands of people struggle to reach for applications handed out by overwhelmed staff.

What Have We Learned?
Does the similarity between the two videos mean that we have learned nothing in the past thirteen years? The answer is no—we have learned a lot—but the lessons have yet to reach many PHAs around the country. With HUD taking the lead, change is possible and what happened in Georgia need never be repeated.

In Massachusetts, advocacy made the difference. MLRI used *End of the Line* as evidence in a disability discrimination complaint filed with HUD. As a result, the Fall River Housing Authority changed to a lottery system that was fairer and accessible for applicants. Following up, in 1998 the Boston HUD office issued guidance to all PHAs in the New England region administering voucher programs. The notice suggested that, in order to avoid unlawfully disadvantaging people with disabilities, PHAs should consider using random application procedures.

Within a few years, almost every PHA administering the HCV program in Massachusetts adopted a lottery system. Subsequently, the Massachusetts Department of Housing and Community Development (DHCD) switched to a centralized one-stop lottery application and approximately 80 local housing agencies followed suit. For the HCV program, there are no more "cattle calls" (as one woman in *End of the Line* called the application experience) in Massachusetts and we are told that many housing agencies around the country have also developed similar systems that have worked out well. The experience in Massachusetts and elsewhere demonstrates that this is a solvable problem.

Proposal
HJN reviewed this issue in its comments to HUD's PETRA proposal on May 3 and July 30, 2010, and suggested that HUD require an effective one-stop application process and centralized waiting list for all assisted housing in a region. HUD can and should help to implement a simpler, fairer, and non-discriminatory application process that will be less costly and easier for HUD to monitor. Recommended features of a more open one-stop regional application system include:

- A single initial preliminary application form for all federal rental assistance in a region regardless of the location of the housing, type of assistance (tenant-based or project-based), or identity of owner/manager;

- Applications should be widely available in a variety of methods (electronically, by phone, in-person, by fax, by mail);

- Applicants should be required to submit only one set of supporting documents, verifications, references, and other documents for HUD housing in a region;

- Required in-person application and first-come, first-served systems should be prohibited.

At a minimum, applicants would fill out only one pre-application form for programs administered by several PHAs (and/or multifamily developments) and submit it through one on-line portal, or through any application office.

To make a one-stop system easy for PHAs and multifamily owners to use, HUD would develop the necessary software and institutional support, modeled on similar systems already being used in some regions of the country. A good example of a one-stop application process and centralized waiting list is the one run by the Massachusetts chapter of NAHRO for the HCV program. See http://www.massnahro.org/S8_Home.php.[2] There, 80 participating PHAs accept applications for the "Section 8 Housing Choice Voucher Centralized Waiting List" at all PHA locations. Applications can be printed directly from the website and applicants need apply at only one of the participating housing authorities, as opposed to 80, to have their names put on numerous waiting lists. The centralized waiting list is then sorted differently by each of the individual PHAs according to their preferences or by date of application. Applicants can check their status and update their application by submitting a form to any one of the participating PHAs.[3]

In contrast with the Massachusetts model (which applies only to the HCV program and is used by about half of the PHAs administering the HCV program), applying for federal rental housing resources is a daunting task in most parts of the country. Families hoping to maximize their chances of finding decent housing they can afford must apply to scores of programs and developments in the area. They must first figure out where the public housing, multifamily housing, and voucher agencies are located; which waiting lists are open; how long the wait might be; if appropriate-size units are available; what documentation and verification is required; and more. If they succeed in identifying the housing in the region in which they wish to live, typically families must then submit separate applications to the public housing programs, voucher programs, and multifamily developments.

Some of these programs demand in-person applications, while others have lists that have been closed for months or years. Some allow minimal initial applications to get on a list, while others demand complete and detailed applications with all supporting documentation. Most employ

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[2] Although we refer to the MassNAHRO process as a good example of an accessible *procedure,* serious *substantive* barriers to admission remain, which HUD must still address. Even with this more user-friendly process, the HCV programs themselves are not equally accessible to all applicants. This is largely because each PHA uses its own set of preferences and priorities. Most importantly, we believe that many, if not most, of the largely suburban PHAs on the list utilize local residency preferences which typically have the effect of excluding, discouraging, or delaying admission by applicants of color in violation of civil rights laws. As noted below, access to a central waiting list should make it much easier for HUD to monitor the operation of local preferences to ensure they comply with fair housing laws and other HUD regulations.

[3] To our knowledge, there is no similar application system used either for multifamily or public housing programs, and we recognize that a somewhat different approach might be necessary for those programs as opposed to the HCV program.

residency preferences, some have employment preferences, and very few utilize needs-based preferences. Each program may demand separate verification of eligibility and preferences. There is a high likelihood that these physically grueling and complex procedures have a discriminatory effect on people with disabilities and other protected groups. Yet most of these PHAs certify that they have "affirmatively furthered" fair housing, and HUD accepts those certifications.
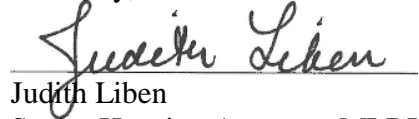
In short, finding and applying for federally assisted housing resources can be a needlessly confusing, time consuming, and frustrating job for the families who need the housing the most. The lack of equal information about available housing opportunities throughout a region and the hurdles people must surmount just to apply contribute to racial segregation and disadvantage those who are mobility-impaired or transit-dependent.

As difficult as this process is for families to navigate, it is equally difficult for HUD to monitor to ensure fairness and compliance with HUD regulations, affirmative marketing plans, and fair housing laws. As public housing may transition to PETRA and asset management, with separate site-based applications and waiting lists for individual developments, the cost and difficulty of monitoring will only grow exponentially. But with a single, central waiting list in each region, HUD could monitor admissions remotely, which would save time and money, further HUD's goal of regionalizing the administration of public/subsidized housing, and enable HUD to better comply with its obligation to affirmatively further fair housing.

Recent events in Georgia illustrate the urgent need for HUD, housing providers, and advocates to come together to transform the application processes for subsidized housing. It is time to harness modern technology and common sense to make HUD's programs accessible to those who need them. Fair housing and legal services advocates stand ready to assist in this endeavor.

Thank you for considering these comments. We hope to discuss the prospects for real change in the near future.

Sincerely,

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cc: Diane Yentel, Senior Housing Program Specialist, Management and Occupancy Division, Office of Public Housing Programs, HUD