

(2) *Grounds for decision.* For a discussion of the grounds for denying assistance because of action or inaction by the applicant, see § 982.552.

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 61 FR 13627, Mar. 27, 1996]

§ 982.202 How applicants are selected: General requirements.

(a) *Waiting list admissions and special admissions.* The HA may admit an applicant for participation in the program either:

(1) As a special admission (see § 982.203).

(2) As a waiting list admission (see § 982.204 through § 982.210).

(b) *Prohibited admission criteria—(1) Family suitability for tenancy.* The owner selects the tenant. The owner decides whether the family is suitable for tenancy. The HA decision whether to admit an applicant to the program may not be based on an applicant's suitability for tenancy. The HA may deny assistance to an applicant because of drug-related criminal activity or violent criminal activity by family members. (See § 982.553.)

(2) *Where family lives.* Admission to the program may not be based on where the family lives before admission to the program. However, the HA may target assistance for families who live in public housing or other federally assisted housing, or may adopt a HUD-approved residency preference (see § 982.208).

(3) *Where family will live.* Admission to the program may not be based on where the family will live with assistance under the program.

(4) *Family characteristics.* Admission to the program may not be based on:

(i) Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;

(ii) Discrimination because a family includes children (familial status discrimination);

(iii) Discrimination because of age, race, color, religion, sex, or national origin;

(iv) Discrimination because of disability; or

(v) Whether a family decides to participate in a family self-sufficiency program.

(c) *Applicant status.* An applicant does not have any right or entitlement to be listed on the HA waiting list, to any particular position on the waiting list, or to admission to the programs. The preceding sentence does not affect or prejudice any right, independent of this rule, to bring a judicial action challenging an HA violation of a constitutional or statutory requirement.

(d) *Admission policy.* The HA must admit applicants for participation in accordance with HUD regulations and other requirements, and with policies stated in the HA administrative plan. The HA admission policy must state the system of admission preferences that the HA uses to select applicants from the waiting list, including any federal preference, ranking preference, local preference and residency preference.

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 61 FR 9048, Mar. 6, 1996; 61 FR 27163, May 30, 1996]

§ 982.203 Special admission (non-waiting list): Assistance targeted by HUD.

(a) If HUD awards an HA program funding that is targeted for families living in specified units:

(1) The HA must use the assistance for the families living in these units.

(2) The HA may admit a family that is not on the HA waiting list, or without considering the family's waiting list position. The HA must maintain records showing that the family was admitted with HUD-targeted assistance.

(b) The following are examples of types of program funding that may be targeted for a family living in a specified unit:

(1) A family displaced because of demolition or disposition of a public or Indian housing project;

(2) A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

(3) For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.):