



## **HOUSING AUTHORITY OF GLOUCESTER COUNTY**

### **PUBLIC HOUSING PROGRAM**

### **ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)**

**LATEST REVISION:**

**8-22-18**

**RESOLUTION #18-71**

**PREVIOUS REVISIONS:**

**8-2017**

**8-2015**

## **PROGRAM OBJECTIVES**

The objective of the Public Housing Program is to house extremely low, very low, and low income families in decent, safe, and sanitary housing. The Housing Authority of Gloucester County owns and manages such housing. The Public Housing Program is intended to promote an environment for such lower income families, which is conducive to healthful living and is based on nondiscrimination on the basis of race, color, national origin, age, sex, or disability, religion or familial status.

Throughout this document, the Housing Authority of Gloucester County shall be referred to as the "Authority" and the United States Department of Housing and Urban Development shall be referred to as "HUD". Additionally, the term "Program" shall be intended to represent the Public Housing Program.

This Admissions and Continued Occupancy Policy is the Authority's written statement of policies used to carry out the Public Housing Program in accordance with federal law and regulations, and HUD requirements. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail. All issues related to public housing not addressed in this Policy are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local law. The policies contained within this Policy are designed to ensure compliance with the Consolidated Annual Contributions Contract and HUD-approved applications for program funding. This Policy is approved by the Board of Commissioners of the Authority. The Authority will revise this Policy as needed to comply with changes in HUD regulations.

The Authority owns and manages three Public Housing Projects and has followed a philosophy which concentrates the elderly in a multifamily setting, while scattering families so that their subsidy is "invisible" and the families can fully immerse within the community. The Authority complies with all the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and the Authority's Policy.

A description of each project and their respective locations are as follows.

Project 204-1 – This project consists of a total of 62 scattered site single family homes; of which 6 are two bedroom, 46 are three bedroom, and 10 are four bedroom units. These homes are widely scattered throughout Gloucester County. They are located in middle income neighborhoods where households largely have income from employment and there are no concentrations of poverty.

Project 204-3 – This project, known as Carino Park Apartments, is a multifamily dwelling consisting of 100 one bedroom units for the elderly, near elderly and disabled, and a limited number of disabled families. One of the units is reserved for a resident superintendent.

Project 204-4 – This project, known as Deptford Park Apartments, is a multifamily dwelling consisting of 100 one bedroom units for the elderly, near elderly and disabled, and a limited number of disabled families. One of the units is reserved for a resident superintendent.

## **NONDISCRIMINATION POLICY**

Federal laws requires the Authority to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The Authority will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including: but not limited to:

- Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex ;
- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination;
- Executive Order 11063;
- Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;
- The Age Discrimination Act of 1975, which establishes certain rights of the elderly;
- Title II of the Americans with Disabilities Act of 1990 (ADA)which requires that the Authority to provide individuals with disabilities with access to its programs, services and activities including, common areas and public spaces;
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012 and further clarified in Notice PIH 2014-20
- The Violence against Women Act of 2013 (VAWA)
- Any applicable State laws or local ordinances, and any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.

The Authority shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land, that is part of a development under the Authority's jurisdiction covered by a public housing Annual Contributions Contract with HUD.

The Authority shall not, on account of race, color, national origin, sex, religion, familial status, or disability: (a) Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs; (b) Provide anyone housing that is different (of lower quality) from that to provided others; (c) Subject anyone to segregation or disparate treatment; (d) Restrict anyone's access to any benefit enjoyed by others in connection with the housing program; (e) Treat anyone differently in determining eligibility or other requirements for admission; (f) Deny anyone access to the same level of services ii; or (g) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

The Authority shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is

a member of a particular group will be treated as an individual based on his or her attributes and behavior.

The Authority will correct situations or procedures that create a barrier to equal housing opportunity for all to permit people with disabilities to take full advantage of the PHA's housing program and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1988. The Authority will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP). LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

The Authority is committed to full compliance with applicable Civil Rights laws, the Authority will provide Federal/State/local information to applicants/tenants of the Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. If an applicant/tenant family believes that any family member has been discriminated against by the Authority, the family should advise the Authority. HUD requires the Authority to make every reasonable attempt to determine whether the applicant or tenant family's assertions have merit and take any warranted corrective action. The Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

Upon receipt of a housing discrimination complaint, the Authority is required to: Provide written notice of the complaint to those alleged and inform the complainant that such notice was made; Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted and keep a record of all complaints, investigations, notices, and corrective actions.

### **Policies Related to Persons with Disabilities**

The Authority is committed to ensuring that the policies and procedures of its programs do not deny individuals with disabilities the opportunity to participate in, or benefit from, those programs. The Authority is also committed to ensuring that its policies and procedures do not otherwise discriminate, on the basis of disability, in connection with the operation of those programs, services and activities. A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice or program that provides a qualified individual with a disability the opportunity to participate in or benefit from one of the Authority's programs.

#### **a. Definitions**

A person with a disability, as defined by the Federal Fair Housing Act, is an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment. As used in this definition, the phrase "physical or mental impairment" includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. 24 C.F.R. § 100.201.

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing and learning. 24 C.F.R. § 100.201.

The definition of disability does not include: current drug users, people whose alcohol use interferes with the rights of other, a person with any disability whose tenancy poses a direct threat to the health or safety of others unless that threat can be controlled with a reasonable accommodation, Juvenile offenders and sex offenders by virtue of that status are not persons with disabilities protected by the Fair Housing Act.

b. Requesting a Reasonable Accommodation

A person with a disability may request a reasonable accommodation at any time. The individual, The Authority, or another person identified by the individual, must reduce all requests for reasonable accommodation(s) to writing. The person must explain what type of accommodation is required to provide the person with the disability full access to the Authority’s programs and services. Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the needs of the individual.

c. Verification of Reasonable Accommodation Request

Before providing an accommodation, the Authority must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family’s access to the Authority programs and services. The Authority will request third-party verification to support the need for a reasonable accommodation. Third-party verification must be obtained from a Qualified Individual. A Qualified Individual can be a doctor or other medical professional, a peer support group, a non-medical service agency, a caseworker, a vocational/rehab specialist, counselor, or a reliable third party who is in a position to know about the individual’s disability. The Authority must request only information that is necessary to evaluate the disability-related need for the accommodation. The Authority will not inquire about the nature or extent of any disability. In the event that the Authority does receive confidential information about a person’s specific diagnosis, treatment, or the nature or severity of the disability, the Authority will dispose of it. In place of the information, the Authority will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information.

In addition, the Authority may request that the individual, or the individual’s health care provider, provide suggested reasonable accommodations. If a person’s disability is obvious, or otherwise known to the Authority, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required.

d. Denial of Request for Reasonable Accommodation

The Authority can deny a request for reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation. Further, a requested accommodation can be denied if one of the following would occur as a result: A violation of state and/or federal law; A fundamental alteration in the nature of the Authority's housing program; An undue financial and administrative burden on the Authority. All denials will be reduced in writing and will identify the reason for the denial. In the event the accommodation is denied, the Authority will discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related need without a fundamental alteration of the Authority's operation and without imposing an undue burden.

**RECEIPT AND INITIAL PROCESSING OF PRE-APPLICATIONS**

The Authority will receive and process applications in a way that treats all applicants fairly and consistently. At the discretion of the Executive Director, the Authority will accept pre-applications for assistance on an as needed basis between 8:00 am and 5:00 pm on regular business days. The Executive Director will review the waiting lists and determine whether pre-applications will be accepted and the length of time to accept pre-applications. The pre-applications may be received by mail, the internet or in person at the following locations:

**The Housing Authority of Gloucester County – Main Office**

100 Pop Moylan Blvd, Deptford, New Jersey 08096

**Carino Park Apts.**

100 Chestnut Street, Williamstown, New Jersey 08094

**Colonial Park Apts.**

401 S. Evergreen Avenue, Woodbury, New Jersey 08096

OR Online at <http://www.hagc.org>

These pre-applications will contain sufficient information for the Authority to make preliminary determinations of eligibility and local preference status. The pre-applications will be date and time stamped upon receipt by the Authority. If the pre-application does not contain sufficient information to make a preliminary determination of eligibility, the applicant will be notified to submit the needed information. The date and time stamp utilized for placement on the waiting list is based on a properly completed pre-application.

All applicants will have the opportunity to apply for any applicable program administered by the Authority.

Applicants will be mailed a confirmation of receipt of their pre-applications after their names are placed on the waiting list. If the information on the pre-application shows the applicant to be obviously ineligible, the confirmation letter will state the reasons for the determination of ineligibility and offer the applicant the opportunity for an informal hearing as well as information on how to arrange for the informal hearing

The Authority will take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard application process. This may include people with disabilities or persons with limited English proficiencies. The Authority will consider requests for Reasonable Accommodations to the needs of individuals with disabilities and reasonable steps to ensure equal access for LEP persons.

### **ORGANIZATION AND SELECTION FROM WAITING LIST**

Applicants for whom the waiting list is open must be placed on the waiting list unless the Authority determines the family to be ineligible. Where the family is determined to be ineligible, the Authority must notify the family in writing. All registrants will be placed on the waiting list based on the date and time of application. There will be one waiting list maintained for each bedroom size (1 bedroom through 4 bedrooms). The Authority will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards.

The waiting lists will be assembled in sequential order by date and time of registration, with annual income and any special needs (such as barrier free access) indicated. Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. Families are selected from the wait list according to date and time of application.

A local preference will be given to applicants, whose head, co-head, or spouse at the time of registration, are residents of, working, or hired to work in the operating jurisdiction of the Authority. Please note the following with respect to specifically how the local preference shall be administered.

1. An applicant who is a resident or works in the operating jurisdiction of the Authority on the day their application is received by the Authority will be eligible for the local preference. If the applicant does not live or work in the operating jurisdiction of the Authority at the time of eligibility determination, they retain the local preference effective the date the application was received by the Authority. The Authority must be able to obtain objective, third party documentation of the residence or employment at the time of application.
2. An applicant who lives and works outside the operating jurisdiction of the Authority is not eligible for the local preference.
3. An applicant, who lives and works outside the operating jurisdiction of the Authority on the day their application is received, will be entitled to the local preference if they notify the Authority in writing that they have moved into or obtained employment in the operating jurisdiction. The applicant must, at the time of eligibility determination, live or work within the operating jurisdiction of the Authority. The Authority must be able to obtain objective, third party documentation that the applicant has moved into or works within the operating jurisdiction of the Authority.
4. An applicant who lives and works outside the operating jurisdiction of the Authority at the time their application is received by the Authority and subsequently notifies the Authority that they have moved into or begun working within the operating jurisdiction of the Authority; but is not a resident of or working within the operating jurisdiction at the time of eligibility determination shall be denied a local preference.

5. An applicant who is homeless will receive a local preference if they can document to the satisfaction of the Authority that they lived or worked in the operating jurisdiction immediately prior to becoming homeless.

Applicants with physical disabilities will be given priority consideration for units with physical modifications suited for their disability. The operating jurisdiction of the Authority is comprised of the following:

Clayton Borough, Deptford Township, East Greenwich Township, Elk Township, Franklin Township, Glassboro, Greenwich Township, Harrison Township, Logan Township, Mantua Township, Monroe Township, National Park, Paulsboro, Swedesboro, Washington Township, West Deptford Township, Westville, Woodbury City, Woodbury Heights, Woolwich Township.

When neither the head of household nor his/her spouse resides in, or works in, or has been hired to work in, one of the above participating communities, a pre-application from that household will be considered a non-resident pre-application.

The Authority shall send interview letters to applicants on the waiting lists first considering the date and time of registration. Those applicants who live or work within one of the participating communities (as described above) shall be placed on the waiting list ahead of those applicants who do not meet the criteria to qualify for a local preference.

The Authority shall also provide a preference for the elderly and near-elderly disabled households. An Elderly household is defined as one whose head, co-head, or spouse is 62 years of age or older. A Near-Elderly Disabled household is defined as one whose head, co-head, or spouse is between the ages of 50 and 62 years and the head, co-head, or spouse is disabled.

When selecting applications from the waiting lists, the second consideration shall be the targeting requirements as fully described in Eligibility Criteria.

### **MAINTAINING THE WAITLIST**

It is the policy of the Authority to administer the wait lists as required by HUD regulations. The waiting lists will be opened or closed at the discretion of the Executive Director considering the available funding, length of the wait lists, and whether the waiting list includes a sufficient number of extremely low-income families. See attached Equal Housing Opportunity Policy for Policies on Affirmative Marketing/Outreach to Families for the Authority's practice on encouraging full participation of the public when the wait lists are opened. When the Executive Director determines that the wait lists contain an adequate pool for use of available program funding, the Authority may stop accepting new applications and close the wait lists. When the wait list is closed, the Authority will not maintain a list of individuals who wish to be notified when the wait list is re-opened.

While the family is on the waiting list, the family must report to the Authority changes in family size or composition, preference status, contact information, including current residence, mailing address, income and phone number. All changes must be reported in writing within 14 calendar days of the change. Failure to keep the Authority informed of all changes of address will prevent The Authority from contacting an applicant, and leaves the Authority no alternative but to remove the applicant from the waiting list. In the event this happens, the applicant has 30 days to request an Informal Hearing,

failure to do so makes it necessary for the applicant to file a new application. See Section on Removal from the Wait List.

### **ELIGIBILITY CRITERIA**

The Authority will take the necessary steps to ensure that every individual and family admitted to the programs meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the Authority to confirm eligibility and determine the level of the family's assistance.

An applicant is qualified if he/ she meets all the following criteria:

- 1) Is a **family**, as defined by this policy;
  - a. For the purposes of this document, a family may consist of any group of persons that are related by blood, marriage, operation of law, or have evidenced a stable family relationship over a period of time to the satisfaction of the Authority by sharing expenses, family responsibilities, and a residency; and whose incomes and resources are jointly available to meet the needs of the family.
  - b. An elderly or disabled family is family whose head, co-head, spouse, or sole member is at least sixty-two years of age or who is physically, mentally, or developmentally disabled in accordance with Section 223 of the Social Security Act or Section 102b(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.
  - c. A near-elderly family is a family whose head, co-head, spouse, or sole member is a least fifty years of age but below the age of sixty-two years.
  - d. A full-time college student of a non-parental/guardian household may be considered a family if the student is of legal age or an emancipated minor under NJ State Law. The student must provide verification to the satisfaction of the Authority. Each college student within a household must provide a written and signed certification that the student does or does not anticipate receiving financial support from the student's parent(s) or guardian(s) and the amount of support. The Authority must verify via independent third party verification, preferably written, all amounts anticipated to be received outside of the family during the 12-month period following admission and the effective date of the annual reexamination.

The college student must have established a household separate from his/her parents or legal guardians for at least one year prior to applying to the Public Housing Program. The Authority must obtain evidence of separate households by reviewing/verifying the address information that predates the student's application by a minimum of one year. The college student must not be claimed as a dependent by his/her parent(s) or legal guardian(s) on their IRS tax return. The Authority must request a copy of the college student's Form 1040EZ, 1040A, or 1040 tax return, as applicable, for the prior year. The Authority may also, if practicable, review the college student's parents' or guardians' tax return. The college student must supply any information the Authority or HUD

determines is necessary in the administration of the Public Housing Program. The Authority must verify, through independent third party, all financial assistance from federal and state grants and/or loans, academic scholarships, and work-study program wages paid directly to the student or the education institution. Amounts shall be counted in the determination of annual income in accordance with HUD regulations and any requirements as specified in appropriations' acts. For the 2005 Appropriations Act, the Authority will deny Public Housing Assistance to persons receiving athletic scholarship assistance for housing costs exceeding \$5,000 annually.

- 2) **Have Income at or below HUD-specified income limits.** HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county. The Authority must also maintain the Public Housing Income Targeting Requirements, as described below.

Not less than 40% of the new families admitted into the Program must have incomes at or below 30% of the area median income (extremely-low income) for the appropriate family size, as determined by HUD. In order to achieve the income targeting requirement of not less than 40% of new admissions, families with incomes greater than 30% of the area median income will be temporarily skipped on the waiting list. Once the new admissions in to the Public Housing Program have exceeded the 40% requirement, those families that had been temporarily skipped, with incomes greater than 30% of the area median income, but who still meet the other income criteria as described below, will be selected from the waiting list. The number of families selected from the group that had been temporarily skipped will vary in order to be in compliance with the requirement that at least 40% of the new families admitted must have incomes at or below 30% of the area median income. For admission into the Public Housing Program, the Authority may establish and use criteria for selection of residents for units in developments that will produce a mix of incomes in the developments, subject to the above provisions.

**A. Other income eligibility criteria for Project 204-1**

Since the units of this project were available to lease prior to 1981, the anticipated annual income of not more than 25% of the new families admitted must not exceed 80% of the area median income (low income) other than very low income families. The number of families selected from the group that had been temporarily skipped will vary in order to be in compliance with the requirements that at least 40% of the new admissions must have incomes at or below 30% of the area median income, no more than 25% are at or below 80%, and the remaining new admissions have incomes at or below 50% of the area median income (very low income).

**B. Other income criteria for Projects 204-3 and 204-4**

Since the units of these projects were available to lease after 1981, the Authority may permit no more than 15% of the new families admitted to have annual income at or below 80% of the area median income (low income) other than very low income families. The number of families selected from the group that had been temporarily skipped (as described in paragraph 2 above) will vary in order to be in compliance with the requirements that at least 40% of the new admissions must have incomes at or below 30% of the area median income, no more than 15% are at or below 80%,

and the remaining new admissions have incomes at or below 50% of the area median income (very low income).

- 3) **Qualify on the basis of citizenship or the eligible immigrant status of family members.** Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. The Authority will verify the status of applicants at the time other eligibility factors are determined.

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status. No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the Authority to request additional documentation of their status, such as a passport. Family members who declare citizenship or national status will not be required to provide additional documentation unless the Authority receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with the Authority's efforts to verify their immigration. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance. Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. The Authority is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS). Providing housing assistance to noncitizen students is prohibited. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen

student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of grievance hearing procedures.

- 4) **Provide social security number information for household members as required.** The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within the 6 months prior to program admission, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of admission. These requirements do not apply to noncitizens who do not contend eligible immigration status. In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit. The Authority must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements.
- 5) **Consent to the Authority's collection and use of the family information as provided for the Authority provided consent forms.** HUD requires each adult family member and the head of household, spouse or co-head regardless of age, to sign HUD's consent form, Authorization for the Release of Information/Privacy Act Notice, and other consent form as needed to collect information relevant to the family's eligibility and level of assistance. The Authority must deny admissions to the program if any member of the applicant family fails to sign and submit required consent forms.
- 6) **Meet the Applicant Selection Criteria as described in this Policy.**

### **SCREENING APPLICANTS FOR CRIMINAL ACTIVITY**

The Authority will perform criminal background checks and credit checks for all adult household members, 18 years and older. The Authority will also use the Dru Sjodin National Sex Offender database and criminal records information from a state or local agency to screen applicants for admission. Additionally, the Authority will ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state. If the Authority proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the Authority will notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. The Authority will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are

currently engaging in illegal drug activity only when the Authority has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

### **SCREENING APPLICANTS FOR ADMISSIONS**

Applicant families will be evaluated to determine whether, based on their past behavior, such behavior could reasonably be expected to result in non-compliance with the Public Housing Lease. The Authority defines recent conduct to include any conduct within the last five years. The Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have detrimental effect on the development environment, other tenants, the Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

1. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, the Authority will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:
  - (a) to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
  - (b) to care for and avoid damaging the unit and common areas;
  - (c) to use facilities and equipment in a reasonable way;
  - (d) to create no health, or safety hazards, and to report maintenance needs;
  - (e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - (f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
  - (g) to comply with necessary and reasonable rules and program requirements of HUD and the the Authority.
2. How the Authority will check ability to comply with essential lease requirements:
  - (a) Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with the Authority's Procedure on Applicant Screening. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will by paid by the Authority.
  - (b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- (i) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
- (ii) Adversely affect the physical environment or financial stability of the project;
- (iii) Violate the terms and conditions of the lease;
- (iv) Require services from the Authority staff that would alter the fundamental nature of the Authority's program.

(c) The Authority will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.

(d) The Authority will complete a credit check and a rental history check on all applicants.

(e) Payment of funds owed to the Authority or any other housing authority is part of the screening evaluation. The Authority will reject an applicant for unpaid balances owed to the Authority by the applicant for any program that the Authority operates.

(f) The Authority will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before the Authority rejects an applicant on the basis of criminal history, the Authority must notify the household of the proposed rejection and provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(g) If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, the Authority may seek information from a drug abuse treatment facility to determine whether the facility has reasonable cause to believe the household member is currently engaging in illegal drug use.

(h) The Authority will complete a home visit on all 204-1 applicants that have passed criminal history screening. Staff completing the home visit will consider whether the conditions they observe are the result of the applicant's treatment of the unit or are caused by the unit's overall substandard condition. The Authority may also complete a home visit for 204-3 & 204-4 applicants if determined appropriate by the Authority.

(i) Housekeeping criteria to be checked shall include, but not be limited to: Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable); Cleanliness in each room; and General care of appliances, fixtures, windows, doors and cabinets. Other lease compliance criteria will also be checked, such as: Evidence of destruction of property; Unauthorized occupants; Evidence of criminal activity; and Conditions inconsistent with application information.

(j) The Authority's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant's adult family members':

- Past performance in meeting financial obligations, especially rent and utility bills.
- Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or

welfare of other tenants or neighbors.

- History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development. The Authority may require an applicant to exclude a household member in order to be admitted if that household member has participated in or been culpable for criminal actions that warrant rejection; - The Authority may, if a statute requires that the Authority prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
- A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
- An applicant's ability and willingness to comply with the terms of the Authority's lease.

### **DENIAL OF ADMISSION**

A family that does not meet the eligibility criteria discussed in eligibility screening above must be denied admission. In addition, HUD requires or permits the Authority to deny admission based on certain types of current or past behaviors of family members as discussed in Suitability for Tenancy Screening. The Authority is limited by the Violence against Women Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking. The Authority will use the preponderance of the evidence as the standard for making all admission decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

HUD requires the Authority to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. However, the Authority will admit an otherwise-eligible family who was evicted from federally assisted housing within the past 3 years for drug-related criminal activity, if the Authority is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the Authority, or the person who committed the crime is no longer living in the household. The Authority determines that any household member is currently engaged in the use of illegal drugs. Drug means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. Currently engaged in the illegal use of a drug means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member
- The Authority has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In determining reasonable cause, the Authority will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. A record of

arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity. The Authority will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program. Should the Authority's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the Authority must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the Authority must deny admission to the family.

#### Other Reasons for Denial of Admissions

- If any household member is currently engaged in, or has engaged in any of the following criminal activities in Violation of the Authority's One Strike Policy.
- An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
- Previous Behavior as discussed in the Section on Screening for Suitability of Tenancy.

#### **REMOVAL FROM WAITING LIST**

Applications found ineligible for assistance and/or withdrawn for any reason are removed from the active list. These applicants will not be denied the opportunity to file a new application when the waiting list is open. A family cannot receive assistance in more than one assistance program at the same time. Further, Applicant families may be removed from the waiting list for the following reasons:

- If there is no response to the Interview Letter within 10 calendar days of the date of the letter.
- If the family misses 2 scheduled interview appointments.
- If an applicant has notified the Authority, in writing, that they are no longer interested in the program.
- Failure to notify the Authority, in writing, of any address changes.
- The applicant does not meet either the eligibility or suitability criteria for the Program as described this Policy.
- Applicant was clearly advised of a requirement to notify the Authority of continued interest, but has failed to do so.
- The Applicant accepts an offer for Public Housing.

The provisions of this policy are not intended to violate the rights of disabled persons. Persons who fail to respond to the Authority's attempts to contact them because of verified situations related to a disability shall be entitled to reasonable accommodation. In such circumstances the Authority shall reinstate these individuals to their former waiting list positions. The Violence against Women Act of 2013(VAWA) and HUD Regulations prohibit the Authority from denying an applicant admissions to the Programs "on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualified for assistance or admissions.

All applicants will be notified by letter mailed to their most recent address on file, of the Authority's

intention to remove the applicant from the waiting list. The letter further explains the applicant family's right to an informal review, which must be requested by the family, in writing, within 30 calendar days of the date of the letter.

**INFORMAL REVIEW PROCEDURES FOR APPLICANTS**

The informal review procedures for applicants are more fully described in the Authority's Grievance Procedures Policy.

**VERIFICATION OF INFORMATION**

The Authority will verify all information that is used to establish the family's eligibility and level of assistance and will obtain written authorization from the family in order to collect the information. If any family member who is required to sign a consent form fails to do so, the Authority will deny admission to the applicant and terminate the lease of the tenant. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The Authority will follow verification guidance issue by HUD as provided in HUD Notice PIH 2010-19 and any subsequent guidance issued by HUD. Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the date they are provided to the Authority. The documents must not be damaged, altered or in any way illegible. Any family self-certifications must be made in a format acceptable to the Authority and must be signed in the presence of an Authority representative or notary public.

The Authority maintains an electronic file for each applicant, participant and owner. The electronic file shall be considered the official file. The Authority also maintains a paper file, the purpose of which is to support the electronic file. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the Authority has followed all of the verification policies set forth in this Policy. The Authority will document, in the family file, the following:

- Reported family annual income;
- Value of assets;
- Expenses related to deductions from annual income;
- Other factors influencing the adjusted income or income-based rent determination.

When the PHA is unable to obtain third-party verification, the Authority will document in the family file the reason that third-party verification was not available

<b>Verification Factor</b>	<b>Form of Documentation</b>
Name	A form of government issued identification such as a birth certificate, driver's licenses, or identification card.
Age	Government issued documentation such as a birth certificate driver's licenses, or identification card that includes a birth date.
Married	Certificate of marriage or license
Divorced	Copy of certified divorce decree
Separated	Copy of certified, court-order maintenance award (if legal) or a notarized statement declaring separation
Full-Time Student Dependent	Current school records documenting a student's status as full-time at a degree or certificate granting institution. This requirement applies only to household members 18

	years and older.
Employment Income	The Authority will check the Enterprise Income Verification database (EIV) to verify sources of income and benefits. Most recent paycheck stubs (consecutive: six for weekly pay, three for biweekly or semi-monthly pay, two for monthly pay); employer-generated salary report or letter stating current annual income, W-2 forms if the applicant has had the same employer for at least two years and increases can be accurately projected; earnings statements; and most recent federal income tax statements are required. Verification must specify: Beginning date of employment; amount of pay; frequency of pay; effective date of last pay increase; and probability and effective date of any increase during the next 12 months.
Self-employment, Gratuities, Seasonal or Sporadic	Form 1099, 1040/1040A or Schedule C of 1040 showing amount earned and employment period; U.S. Internal Revenue Service (IRS) transcripts will be required. Additionally, signed self-certifications, IRS letter of non-filing or full income tax returns may be required.
Business Income	IRS Form 1040 with schedules C, E or F; financial statements; any loan application or credit report listing income derived from business during the preceding 12 months.
Rental Income	Copies of recent bills, checks or leases to verify income; tax assessment information; insurance premiums; receipts for maintenance and utility expenses; bank statements.
Dividend and Interest Income	Copies of current bank statements, bank passbooks, certificates of deposit showing current rate of interest; copies of IRS form 1099 from the financial institution and verification of projected income for the next 12 months; broker's quarterly statements showing value of stocks, bonds and earnings credited to the applicant; tax forms to indicate earned income tax credits.
Interest from Sale of Real Property	Amortization schedule with amount of interest earned in next 12 months
Social Security and Supplemental Security Income (SSI)	Annual award letter signed by authorizing agency.
Public Assistance Benefits	Original benefit letter signed by authorizing agency; copies of checks or records from agency stating payments, dates, pay period and benefit schedule;
Recurring Contributions or Gifts	Copies of checks received by the applicant or a self-certification that contains the following information: the person who provides the gifts; the value of the gifts; the regularity (dates) of the gifts; and the purpose of the gifts
Family Assets	Passbooks, checking or savings account statements, certificates of deposit, stock or bond documents or other financial statements; documents related to retirement funds; opinions from attorneys, stockbrokers, bankers and real estate agents verifying penalties and reasonable costs incurred to convert assets to cash.
Real Property	Copies of real estate tax statements; copies of real estate closing documents, which indicate distribution of sales proceeds and settlement costs; mortgage statements, a copy of a deed, utility bills for rental property and any other documents to establish the current value of any property
Trust	In the event that a participant is owner of a trust but does not receive income from that trust, proper documentation such as a "trust instrument" that explains that the participant does not, or cannot, receive income from the trust, must be submitted.
Disability Income/Workers Compensation	Benefit letter from authorizing agency indicating pay rate and period over which payments will be made; copies of checks or records from agency stating payments, dates, pay period and duration of benefit term
Pension	Benefit letter from authorizing agency; copies of checks or records from agency stating payments, dates, pay period and duration of benefit term.
Alimony and/or Child Support	Copies of recent checks, recording the date, amount and check number of alimony or child support payment; a court ordered support schedule; recent letters from the court.
Education Scholarships	Award letters showing the scholarship's purpose, amount and dates of the awards.
Medical Expense	Acceptable forms of documentation of medical expenses include but are not limited to: copies of cancelled checks that verify payments on outstanding medical bills that will continue for the next 12 months; income tax forms which itemize medical expenses that are expected to continue over the next 12 months; copies of cancelled checks that verify payments to a live-in aide; receipts or ticket stubs which verify transportation expenses

	directly related to medical care; written verification by a doctor, hospital or clinic personnel of the anticipated medical costs to be incurred by the family and regular payments due on medical bills; written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
Childcare Expenses	Verification of childcare expenses must include the childcare provider's name, address and telephone number, the names of the children cared for, the number of hours the childcare occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. The Authority will require as documentation copies of receipts or cancelled checks indicating childcare payments. If the childcare provider is an individual, that person must provide a notarized statement of the amount they are charging the family for their services
Assistance to Persons with Disabilities	Written certification from a reliable professional that the disabled person requires the services of an attendant and/or the use of any auxiliary apparatus permitting him/her to be employed or function with sufficient independence thus enabling another family member to be employed; family's certification as to how much if any amount of reimbursement for any of the expenses of disability assistance they receive; and the following documentation: Attendant Care: • Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided; and • Certification of family and attendant and/or copies of cancelled checks family used to make payments. Auxiliary Apparatus: • Receipts for purchase or proof of monthly payments and maintenance expenses for auxiliary apparatus; and • In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.
Residency	At least two of the following documents: <ul style="list-style-type: none"> <li>• Utility bill (electric, water, refuse, telephone, cable, or gas)</li> <li>• Checking or savings account statement from a bank or credit union</li> <li>• High school or college report card or transcript containing your address</li> <li>• Lease or rental agreement</li> <li>• Property tax bill, statement or receipt</li> <li>• Letter or official correspondence from IRS or state tax office, or any federal or local government agency</li> <li>• Deed/Title</li> <li>• Mortgage</li> <li>• Insurance Policy</li> <li>• Voters registration Card</li> <li>• Pay Stub</li> <li>• Pension or retirement statement</li> <li>• Court Order</li> <li>• New Jersey Drivers License or ID Card</li> <li>• Military Service Records</li> <li>• Federal/State Tax Return</li> </ul>
Social Security Numbers	The Authority must accept the following documentation as acceptable evidence of the social security number: <ul style="list-style-type: none"> <li>• An original SSN card issued by the Social Security Administration (SSA)</li> <li>• An original SSA-issued document, which contains the name and SSN of the individual</li> <li>• An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.</li> </ul> <p>The Authority may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged</p>
Displacement Status	This verification may be obtained from source of displacement project reported

For a family with a net assets equal to or less than \$5,000 the Authority will accept, for the purposes of recertification of income, a family declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. The family declaration shall be maintained in the tenant file.

**OCCUPANCY STANDARDS**

Occupancy standards are established by the Authority to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them under underutilization. The following Standards will determine the number of bedrooms required to accommodate a family of a given size:

<u>Number of Bedrooms</u>	<u>Minimum Persons</u>	<u>Maximum Persons</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

Dwellings will be so assigned that, except possibly in the case of infants or very young children, it will not be necessary for persons of opposite sex, other than husband and wife, to occupy the same bedroom. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family. An unborn child will not be counted as a person in determining unit size. The Authority will count a child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school. Although, the Authority does determine the size of the unit the family qualifies for under these occupancy standards, the Authority does not determine whose shares a bedroom or sleeping room.

The Authority will consider granting exceptions to the occupancy standards at the family’s request if the Authority determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances. All requests for exceptions must be submitted in writing. The Authority will not grant any exceptions in violation of local housing or occupancy codes, regulations or law. Exceptions must be supported by the appropriate documentation with requests based on health-related reasons verified by a knowledgeable professional source.

When a family is actually offered a unit, if they no longer qualify for the unit size where they were sublisted, they will be moved to the appropriate sublist, retaining their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.

**ASSIGNMENT POLICIES**

It is the intention of this Assignment Policy to maximize the use of Public Housing Units and to reduce vacancy loss:

1. Once the applicants have been determined eligible by the AHO Department, The AHO Department shall make offers to eligible applicants generally in the order the files were determined eligible by the AHO Department. The date and time of application function as a tiebreaker for all files received on the same date.

The AHO Department may temporarily skip over applicants determined eligible from the Intake Department for the following reasons:

- To satisfy income targeting requirements,
- Not to exceed 15% or 25% of low-income admissions;
- To fill a mobility impaired unit with an approved applicant needing the particular features of the unit;
- To comply with the Authority's Designation Plan limiting occupancy.
- For an applicant who has not completed the screening process or whose file is not current.

The applicants that were temporarily skipped will be offered an available unit as soon as the particular requirement has been fulfilled. The AHO Department is responsible for monitoring the Income Targeting and other income requirements as specified in this policy.

2. Prospective tenants will be assigned to dwelling units in accordance with the Authority's assignment policy to assure equal opportunity and nondiscrimination on the grounds of race, color, sex, national origin and to avoid segregation.

- If there is a suitable vacant unit in more than one location, the applicant shall be offered the unit at the location which contains the largest number of vacancies. If the applicant rejects the first vacancy offered he/she shall be offered a suitable unit at the location containing the next highest number of vacancies. If the applicant rejects two offers, he/she shall be placed at the bottom of the wait list.

The Authority shall make all such offers in sequence and there must be a rejection of a prior offer before the applicant may be offered the second location.

"Bottom of the waiting list" means that the applicant will be assigned a new date/time, that is the date/time on which the applicant rejected the second offer.

"Location" shall refer to one of the four municipalities in which the Public Housing units are located (i.e. Deptford Township, Monroe Township, Washington Township, and West Deptford Township are each considered a location).

- If there is only one location at which a suitable a vacancy exists, the applicant shall be offered a unit at that location and if he/she rejects such offer, he/she shall be given a second offer of a suitable vacancy as soon as one becomes available. If he/she rejects the second offer he/she shall be moved to the bottom of the waiting list.

- If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship not related to considerations of race, color, sex, religion or national origin, the applicant will not be dropped to the bottom of the list. 1. Examples of "good cause" for refusal of an offer of housing are:

- Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational

program for children with disabilities;

- The family demonstrates that accepting the offer will place a family member's life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
- The unit has lead paint and the family has children under the age of seven;
- The unit is inappropriate for the applicant's disabilities.

3. Prospective tenants will also be assigned to dwelling units in accordance with The Authority's, "Plan for Designating Deptford Park Apartments (NJ 204-4) and Carino Park Apartments (NJ204-3) for Occupancy by Elderly and Near Elderly/Disabled Households Exclusively HUD Notice PIH 97-12, 3/09/03 and PIH 2002-12, PIH 2005-02"
4. The above assignment provisions will be followed, however, applicants will be offered units within desired municipalities. Applicants will be requested to indicate any municipalities in which they prefer to live on their application form or in writing to the Authority. When units are available, the Affordable Housing Operations staff will first determine the municipality where the vacancy exists, they will then review their pool of eligible applicants for those applicants who expressed a desire to live in that community. Those who expressed such an interest will be offered the unit first, in the order of the date determined eligible by the Affordable Housing Department.

If there are no applicants who expressed a desire to live in the municipality where the vacancy exists or if none of the applicants who did express a desire to live in the municipality where the vacancy exists accepts the offer, then the Affordable Housing Operations staff will make such offers to the remaining pool of eligible applicants, in the order of date/time stamp on the application.

Refusal of the offer will only count as a rejection for those eligible applicants who expressed an interest to live in the specific municipality where the vacancy exists.

5. The Authority shall maintain a record of the vacancies offered, including location, date, and circumstances of each offer and each rejection or acceptance.
6. Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer. Offers and rejections made verbally will be confirmed in writing.
7. The Authority will take reasonable nondiscriminatory steps to maximize the utilization of accessible units by eligible individuals whose disabilities requires the accessibility feature of a particular unit. When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the Authority must offer such units:
  - First, to a current resident of another unit of the same development, or other public housing development under the Authority's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then
  - Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit

## **RENTS**

### **Family Choice of Rent**

Upon admission and usually at the time of the annual reexamination (but in no case less than annually) the Authority shall provide tenants with a choice of options for rent, in accordance with the Quality Housing and Work Responsibilities Act. The choices are an income based rent or a flat rent.

Those tenants that select the income based rent shall pay the greatest of (1) 10% of monthly gross income, (2) 30% of monthly adjusted income, or (3) welfare rent (if applicable-Welfare Rent does not apply in this locality).

Those tenants that select the flat rent shall pay a fixed monthly rental amount (not based on the family's income) as determined by the Authority for the particular dwelling unit occupied by the family.

The Authority will provide residents with the amount of the flat rent for the unit and wherever possible, will calculate the income based rent, or at least provide an estimate, so that the family may make an informed decision.

### **Determination of Flat Rents**

Flat rents are market-based rents. They vary by unit size and type and also by development location. Once each year, at the annual recertification, all residents are offered the choice of paying an income based rent or the Flat rent. Flat rents represent the actual market value of Authority's housing units. At least annually, the Authority will determine the flat rent amount for each Public Housing dwelling unit size and type. This will be accomplished through a comparability study that utilizes the Section 8 Rent Reasonableness Database to locate 3 comparable unassisted units for each Public Housing unit size and type in order to determine the reasonable market value of each unit size and type. The flat rent of a unit represents the gross amount of rent (it includes the utility allowance).

The Authority shall maintain records regarding the calculation of the reasonable market value for each Public Housing unit size and type. The data from the market survey is broken down as follows.

- 1) Unit Type (i.e. single family, multiple dwelling, or town house);
- 2) Bedroom Size;
- 3) Census Tract; and
- 4) Zip Code.

The information obtained for each unit includes items such as contract rent, tenant- supplied utilities, age of unit, and amenities. The gross rent is clearly indicated for each comparable unit.

Information for the market survey is obtained from newspaper and rental advertisements and new listings from landlords. The Authority also makes telephones calls and mails letters to owners participating in the Section 8 Voucher program in order to obtain information such as tenant supplied utilities that was not included in advertisements.

### **Financial Hardship**

The Authority will switch the family from a flat rent to an income based rent when the family experiences a financial hardship .A financial hardship shall be considered if the family experiences, and

the Authority is able to verify, any one of the following:

1. The income of the family has decreased because of the loss or reduction of employment (it is intended that such loss not be voluntary on the part of the family).
2. There is a death in the family which results in a loss of income or assistance.
3. There is an increase in the family's expenses for medical costs, childcare expenses, transportation, or education.
4. Other circumstances that may be determined by the Authority on a case by case basis.

Although the Authority will immediately switch the family's rent choice, such a change shall be subject to verification procedures as determined necessary for the individual circumstances. Should it be determined by the Authority that a financial hardship did not exist, the family's rent will be retroactively switched back to the flat rent.

### **Minimum Rents**

The minimum rent for all Public Housing units shall be \$0.

### **Treatment of Income Changes Resulting from Welfare Program Requirements**

Residents whose welfare assistance is reduced specifically because of fraud, failure to participate in an economic self-sufficiency program, or comply with a work activities requirement, must not have their rent decreased based on the benefit reduction. This is applicable only if the welfare reduction is neither the result of the expiration of a lifetime time limit on receiving benefits nor a situation where the family has complied with the welfare program requirements but cannot obtain employment.

At the request of the tenant for a reduction in rent, the Authority must process an income reexamination. Only after obtaining written notification from the welfare agency that the family's benefits have been reduced because of noncompliance with an economic self-sufficiency program, a work activities requirement, or because of fraud, must the Authority deny the family's request for a rent reduction.

Affected tenants have the right to administrative review through the Authority's grievance procedure. See the Authority's "Grievance Procedures Policy" as contained in the "Agency Plan".

### **Public Housing Exemption of Earned Income for Families Who Start Work or Self-Sufficiency Programs**

In accordance with the Quality Housing and Work Responsibilities Act, the Authority will not increase the annual income of an eligible family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is commenced. Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred. Eligible families are those that reside in a Public Housing dwelling unit:

- Whose income has increased as result of employment of a family member who was previously unemployed for one or more years. For purposes of this provision, "previously unemployed" shall include a person who has earned, in the previous 12 months, no more than what would be received for 10 hours of work per week for 50 weeks at the established minimum wage;
- Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or
- Who is or was, within the last 6 months, assisted under any state program for temporary assistance

for needy families (TANF) funded under Part A of Title VI of the Social Security Act, as determined by the Authority in consultation with the local TANF agency, and whose earned income increases.

- a. Upon the expiration of the 12 month period described above, and upon continued employment, the rent increase must be phased in, so that the rent payable by the family may not be more than 50% of the total rent increase for an additional 12 months.
- b. The Authority may not limit the number of times a family can benefit from the disallowance of earned income.

As an alternative to the disallowance of earned income described above in paragraph a, of this section or the phase-in of rent increase described in paragraph b of this section, the Authority will provide for individual savings accounts for Public Housing families who pay an income-based rent, in accordance with the following:

- The Authority will inform the family of the savings account option when it becomes eligible for the earned income exclusion/phase-in;
- At the option of the family, the Authority will deposit in the savings account an amount equal to the total amount the otherwise would have been applied to the family's rent payment as a result of employment;
- At the approval of the Authority, amounts deposited in a saving account may be withdrawn of the purpose of:
  - a) Purchase of a home;
  - b) Paying education costs of family members;
  - c) Moving out of public or assisted housing; or
  - d) Paying any other expense authorized by the Authority for the purpose of promoting the economic self-sufficiency of residents of public housing (generally those items authorized by the Family Self Sufficiency Program).
- The Authority will maintain the account in an interest bearing investment and will credit the family with the interest income.
- The Authority will provide to the family with an annual report on the status of the account.
- Any balance in the account is the property of the family when they move out provided they are in compliance with their lease.

### **Ceiling Rents**

The Authority has determined not to implement ceiling rents for Public Housing units.

### **Over-Income Families**

In accordance with the Housing Opportunity Through Modernization Act of 2016, the Authority establishes the following policies:

After a household's income exceeds 120% of the area median income (AMI) for two consecutive years, the Authority will charge the household rent equal to the greater of the Fair Market Rent (FMR) or the amount of their unit's operating and capital subsidy. The Authority shall implement the HUD published over-income limits by household size for each locality established annually. When the Authority determines that a household's income exceeds the over-income limit during an annual or interim income reexamination, the Authority shall document the household's income in order to compare it with the

household's income the following year. If the household's income exceeds the over-income limit one year later, the Authority must notify the household in writing that, if their income still exceeds the over-income limit 12 months later, the household will be subject to the Authority's over-income policy. The over-income Policy shall not apply if an over-income household's income falls below the over-income limit before the two-year mark.

### **UTILITY ALLOWANCE SCHEDULES**

The Authority shall maintain utility allowance schedules by unit type and bedroom size for the tenant supplied utilities of each Public Housing dwelling unit, in accordance with Federal Laws and Regulations.

### **TRANSFERS**

Transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability. A transfer list will be maintained which shall include the date in which the need for a transfer was evidenced by the Authority, number of persons in the unit and unit size.

The order in which families are transferred shall be subject to the hierarchy by category set forth below.

(a) Emergency Transfers are mandatory when the Authority determines that conditions pose an immediate threat to resident life, health or safety. Emergency transfers may be made to: permit repair of unit defects hazardous to life, health, or safety; alleviate verified disability problems of a life threatening nature; or protect members of the household from attack by the criminal element in a particular property or neighborhood.

(b) Category 1 Administrative transfers include mandatory transfers to: remove residents who are witnesses to crimes and may face reprisals; provide housing options to residents who are victims of hate crimes or extreme harassment; alleviate verified medical problems of a serious (but not life-threatening) nature; permit modernization or demolition of units; perform work (e.g., repair, modernization, or lead hazard reduction work) above a specified scale and duration that disturbs lead-based paint or controls lead-based paint hazards; or permit a family that requires a unit with accessible features to occupy such a unit. These transfers shall take priority over new admissions. Requests for these transfers will be made to the manager with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by the Authority (e.g. moving a person with mobility problems to a unit with accessible features or temporarily moving residents to a unit free of lead-based paint hazards).

(c) Category 2 Administrative transfers correct serious occupancy standards problems. These transfers will take priority over new admissions. Category 2 transfers will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 4 would equal more than two persons per bedroom. These transfers are mandatory. If a family's size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it shall be considered a Category 3 transfer.

(d) Category 3 Administrative transfers may be made to: avoid concentration of the most economically and socially deprived families, correct occupancy standards, or address situations that interfere with peaceful enjoyment of the premises. These transfers will not take priority over new admissions.

Residents shall bear the cost of transfers to correct occupancy standards. However, where there is a

hardship due to health, disability, or other factors, the manager may recommend that families be reimbursed their out-of-pocket expenses for an occupancy standards transfer in an amount not to exceed a reasonable moving allowance established by the Authority. Transfers requested or required by the Authority, including those for temporary relocation during lead hazard reduction work, and all transfers for reasonable accommodations will be paid for or made by the Authority.

Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship resident or other undesirable conditions as determined by the Executive Director or designee. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.

#### Good Record Requirement for Transfers

In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and any other family members for the past two years: • have not engaged in criminal activity that threatens the health and safety of residents and staff; • do not owe back rent or other charges, or evidence a pattern of late payment; • meet reasonable housekeeping standards and have no housekeeping lease violations; and • can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

### **COMMUNITY SERVICE REQUIREMENTS**

The Authority will maintain a policy to implement the community service requirements in accordance with Federal Laws and Regulations. Please refer to the “Community Service Plan” as contained in the “Agency Plan”.

### **LEASING OF DWELLING UNITS**

1. All units must be occupied pursuant to a lease that complies with HUD’s regulations. A lease agreement shall be for a term of 12 months and is automatically renewable, except for noncompliance with the community service requirements.
2. The lease shall be signed by all adult members of the household and the Executive Director or his designee prior to the family's admission. A copy of the lease is to be given to the tenant and the original is to be retained in the Tenant's file. Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to Authority assistance.
3. If a tenant family transfers from one dwelling unit to another, a new lease shall be executed for the new dwelling to be occupied.
4. If, through any cause, a signer of the lease ceases to be a member of the tenant family, the lease is to be voided and a new lease agreement executed and signed by the remaining adult members of the family who can qualify as a lessee provided such persons meet the Program requirements and provided the family is otherwise eligible for continued occupancy.
5. The Authority may modify its lease from time to time. However, the Authority must give tenants at least thirty (30) days advance notice of the proposed changes and an opportunity to comment on the changes. The Authority must also consider any comments before formally adopting a new lease. The

family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause.

During the tenure of a Lease Agreement, changes in rent will be made by proper, written notice to the tenant.

#### Showing Units Prior to Leasing

1. When offering units, the Authority will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location in the property. If the offer of a unit is preliminarily accepted by the applicant, the manager of the property will contact the applicant to set up a date to show the unit.
2. Once the unit is shown and the applicant accepts the unit, the manager will execute a lease. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant. The form is then sent to the Occupancy department for a "good cause" determination.
3. No lease will have an effective date before the unit is ready for occupancy.

#### **REGULAR REEXAMINATIONS**

1. The Authority will complete an annual reexamination of all tenants who choose to pay income-based rent. Approximately 4 months prior to resident's effective reexamination date, the Authority will send a notice informing the resident of their effective date for reexamination and an appointment date/time which the resident must attend. This notice also reminds the resident to bring all necessary documentation for income verification and changes in the family composition to that appointment. Generally, the Authority will schedule annual reexaminations to coincide with the family's anniversary date. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the Authority to request a reasonable accommodation. If the family is unable to attend a scheduled interview, the family should contact the Authority in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview the Authority will send a second notification with a new interview appointment time. If a family fails to attend two scheduled interviews without Authority approval, the family will be in violation of their lease.
2. At the time of the reexamination, as requested by the Authority, the tenant must furnish such accurate information to the Authority, regarding family composition, employment and family income as may be necessary to make determinations with respect to rent, eligibility, and the appropriateness of dwelling size. Such verification may include, but is not limited to, earning reports from employers, certified copies of State and Federal Income Tax Returns of any member of the household, W-2 Forms, etc.
3. If the tenant does not supply the requested documents to complete the annual reexamination, a notice will be sent to the tenant giving the tenant (10) calendar days to provide the requested information in accordance with the lease. The notice should also inform the tenant that failure to provide the requested information may result in termination of the lease. If the tenant fails to respond within (10) calendar days, eviction proceedings will begin.

4. The length of time from date of admission to date of first reexamination may not exceed (12) months according to current Federal regulations for those tenants who are paying an income based rent. Therefore, in order to fit a new tenant into the established schedule, the first regularly scheduled reexamination may be conducted in a period of less than 12 months.

5. Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process. At the annual reexamination, the Authority will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. The Authority will use the Dru Sjodin National Sex Offender database to verify the information provided by the tenant.

6. For families who include nonexempt individuals, the Authority must determine compliance with community service requirements once each 12 months

7. Each tenant family is to be notified in writing of any changes required in rent or unit occupied and of any misrepresentations or lease violations revealed by the reexamination, and the corrective action to be taken. For those tenants who choose the flat rent option, they will be required to have their reexaminations performed no less than every 3 years, rather than every year.

8. If a delay in processing was caused by the family, then any increase in rent will be back-charged to the effective date of the anniversary (the regular annual reexamination date). The tenant will still receive proper, written notice of the rent increase.

9. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 90 days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income. The family must complete a Zero Income Checklist and provide all necessary documentation.

10. Families paying flat rents are required to recertify income only every three years, rather than annually, although they are still required to participate in an Annual Reexamination in order to ensure that unit size is still appropriate and Community Service requirements (if applicable) are met.

11. Verified information will be analyzed and a determination made with respect to: (i) Eligibility of the resident as a family or as the remaining member of a family; (ii) Unit size required for the family (using the Occupancy Guidelines); and (iii) Rent the family should pay.

12. Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.

### **INTERIM REEXAMINATIONS**

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual reexaminations (or annual updates). The Authority will conduct interim reexaminations in the following situations:

- There is change in family composition.

- The family's anticipated annual income is believed to have decreased or increased.

The Authority will perform the interim reexaminations within a reasonable time, approximately 30 calendar days, after the family's request. The effective date of the rent change will be the 1<sup>st</sup> of the month succeeding the completed interim reexamination if the tenant rent decreases. If the tenant rent increases, it will be effective the 1<sup>st</sup> of the month after which the family has received 30 calendar days notice of such increase.

All participant families are required to report all changes of family composition and all changes in source of income to the Authority, in writing, within 14 calendar days after they occur, even if they would not result in an interim reexamination. Failure of families to report required changes in grounds for termination from the Program, and is a violation of the lease which would result in eviction.

The Authority will note in the participants' files cases where it appears as if there are patterns of abuse with respect to income changes (i.e. quitting a job immediately prior to the a reexamination and starting a job immediately after the tenant rent has been determined) and take actions as determined necessary on a case by case basis.

Any information reported by the participant families that was not required to be reported, will not be processed until the family's next annual reexamination.

All interim reexaminations are subject to the provisions of, "RENTS"

Verification procedures for interim reexaminations are the same as annual reexaminations, except that only the changes need to be verified. Only the paperwork related to the information that changes must be signed by the tenant and the Authority, as appropriate.

There may be certain cases when a participant family experiences a temporary decrease in income (such as those instances when a wage earner becomes temporarily disabled or temporarily unemployed). For such cases, the Authority will perform an interim reexamination based on the current circumstances, which may temporarily reduce the tenant's rent, even to \$0 in some cases. When the income of such participant family stabilizes, another interim reexamination will be performed to adjust the tenant's rent, which will most likely be an increase.

### **SPECIAL REEXAMINATION OF TENANTS**

1. If it is not possible at the time of admission or regular reexamination of a tenant family to determine annual family income with any reasonable degree of accuracy, a temporary determination of income and rent is to be made and a special reexamination scheduled within 30, 60 or 90 days, depending upon the family's circumstances. The tenant is to be notified in writing of the date of the special reexamination.

2. If annual family income can be reasonably estimated at the time scheduled, the reexamination is to be completed and actions taken as appropriate. If a reasonable anticipation of annual family income cannot be made, another special reexamination is to be scheduled.

## **ADDITIONS TO HOUSEHOLD AND GUESTS**

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit. Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in. Also included, would be situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure. All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.
2. When a resident requests approval to add a new person to the lease, the Authority will conduct pre-admission screening of any proposed new adult member to determine whether the Authority will grant such approval. Children under the age below which Juvenile Justice records are made available, or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process although the resident still needs prior permission from the Authority to add children other than those born to, adopted by or awarded by the court to the family. Examples of situations where the addition of a family or household member is subject to screening are: • Resident plans to be married and requests to add the new spouse to the lease; • Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available; • A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.
3. Residents who fail to notify the Authority of additions to the household or who permit persons to join the household without undergoing screening are violations of the lease. Persons added without Authority approval will be considered unauthorized occupants and the entire household will be subject to eviction.
4. Visitors may be permitted in a dwelling unit overnight no more than 14 calendar days in a year so long as they have no previous history of behavior on Authority premises that would be a lease violation. • Visits of less than three days need not be reported to or approved by the Manager. Visits of more than 14 calendar days shall be authorized only by the Executive Director with advance documentation of extenuating circumstances. Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.
5. Roomers (Boarders) and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

## **INSPECTIONS**

HUD regulations require the Authority to inspect each dwelling unit prior to move-in, at move-out, and at least biennially during occupancy. In addition, the Authority may require additional inspections, in accordance with Authority Policy.

- 1) **Move-In Inspection** – An authorized representative of the Authority and an adult member of the family will inspect the unit prior to occupancy. Both parties shall sign the completed inspection form, which indicates the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

2) **Regular Inspection** – Section 6(f)(3) of the United States Housing Act of 1937 requires that Housing Authorities inspect each public housing project annually to ensure that the project’s units are maintained in decent, safe, and sanitary condition. The Authority shall continue using the Uniform Physical Condition Standards (UPCS) in 24 CFR 5, Subpart G, Physical Condition Standards and Inspection Requirements, to conduct annual project inspections and at least biennial unit inspections. These standards address the inspection of the site area, building systems and components, and dwelling units. Copies of the inspection are contained in the tenant file.

3) **Move-Out Inspection** – An authorized representative of the Authority shall conduct a move-out inspection once the tenant has returned the keys to the unit and, therefore, no longer has possession of the unit. When possible, the tenant is notified of the inspection and is invited to be present. This inspection becomes the basis for any claims against the security deposit. The Authority must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear. The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

4) **Special Inspections** – The Authority may conduct a special inspection for any of the following reasons: Housekeeping; Unit condition; Suspected lease violation; Preventive maintenance; Routine maintenance; There is reasonable cause to believe an emergency exists. An authorized representative of the Authority shall conduct an inspection of a unit on an as-needed basis, in accordance with the lease provisions.

5) **Notice and Scheduling of Inspections shall be in accordance with the Lease Agreement.** For non-emergency entries, the Authority may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the Authority’s entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification. For Emergency entries the Authority may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the Authority must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

### **FAMILY BREAKUP**

Except under the following conditions, the Authority has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the Authority must ensure that the victim retains assistance.
- If a court determines the disposition of property between members of the assisted family, the Authority is bound by the court’s determination of which family members continue to receive assistance.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open. If a family breaks up into two

otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit. If a court determines the disposition of property between members of an applicant or resident family, the Authority will abide by the court's determination. In the absence of a judicial decision or an agreement among the original family members, the Authority will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the Authority will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse, and provides proper document(4) any possible risks to family members as a result of criminal activity, and (5) the recommendations of social service professionals.

### **ABSENT FAMILY MEMBERS**

Generally an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students: When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the Authority indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care: Children temporarily absent from the home as a result of placement in foster care are considered members of the family. If a child has been placed in foster care, the Authority will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. This also applies to minor children who are in detention facilities, such as juvenile hall.

Absent Head, Spouse, or Cohead: An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Family Members Permanently Confined for Medical Reasons: If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted. The Authority will seek verification of permanent confinement.

Verification of Absences: The Authority may verify family occupancy or absences, through letters to the family's unit, phone calls, home visits, or through questions to neighbors, as determined necessary.

Return of Permanently Absent Family Member: The family must request The Authority's approval for the return of any adult family members that the Authority has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed in this Policy.

### **LEASE TERMINATION PROCEDURES**

1. General Policy: Lease Termination No resident's lease shall be terminated except in compliance with HUD regulations and the lease terms.

2. Notice Requirements -No resident shall be given a Notice of Lease Termination without being told by Authority in writing the reason for the termination. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish. Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or Authority employees; and any drug-related criminal activity. Notices of lease termination may be served personally or posted on the apartment door. Notice shall include a statement describing right of any resident with a disability to meet with the manager and determine whether a reasonable accommodation could eliminate the need for the lease termination.

3. Recordkeeping Requirements- A written record of every termination and/or eviction shall be maintained by the Authority, and shall contain the following information: • Name of resident, race and ethnicity, number and identification of unit occupied; • Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently; • Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail; • Date and method of notifying resident; and • Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

4. No eviction action shall be instituted nor court costs or legal fees be assessed until after the notice period has expired or a Grievance Hearing has been completed, where such notice period or grievance hearings are applicable.

5. Voluntary Terminations- If a family desires to move and terminate their tenancy with the Authority, they must give at least 30 calendar days advance written notice to the Authority of their intent to vacate. When a family must give less than 30 days notice due to circumstances beyond their control the Authority, at its discretion, may waive the 30 day requirement. The notice of lease termination must be signed by the head of household, spouse, or co-head.

6. Mandatory Terminations- HUD requires mandatory termination of the lease for certain actions or inactions of the family. Such actions include:

- If any family member fails to sign and submit any consent form s/he is required to sign for any reexamination.
- if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by the Authority has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated
- If a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.
- If the family fails to accept the Authority's offer of a lease revision to an existing lease, provided the Authority has amended the Lease in accordance with 24 CFR 966.3

- If the Authority determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.
  - If the Authority discovers that a member of an assisted household was subject to a lifetime sex offender registration requirement at admission and was erroneously admitted after June 25, 2001.
  - If the family fails to comply with the community service requirements.
  - Following the death of the sole family member.
7. Terminations based on Criminal Activity- The Authority will implement its One Strike You're Out Policy regarding terminations based on criminal and drug-related criminal activity.
8. Terminations based on Drug and Alcohol Use - The Authority will terminate the lease when the Authority determines that a household member is illegally using a drug or the Authority determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous six months. The Authority will terminate the lease if the Authority determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous six months. The Authority will terminate the lease if the Authority determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
9. Terminations based on Serious or Repeated Violations of Material Terms of the Lease- The Authority will terminate the lease for the following violations of tenant obligations under the lease:
- Failure to make payments due under the lease, including nonpayment of rent.
  - Repeated late payment of rent or other charges. Four late payments within a 12 month period shall constitute a repeated late payment.
  - Failure to fulfill the following household obligations:
    - Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
    - Not to provide accommodations for boarders or lodgers
    - To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose
    - To abide by necessary and reasonable regulations promulgated by the Authority for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease
    - To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety
    - To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition
    - To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner
    - To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators

- To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project
- To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest
- To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition.

10. Terminations Based on Other Good Cause- The Authority will terminate the lease for the following reasons.

- Fugitive Felon or Parole Violator. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.
- Persons subject to sex offender registration requirement. If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.
- Discovery of facts after admission to the program that would have made the tenant ineligible
- Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for the Authority to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size
- Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the Authority that such a dwelling unit is available
- Failure to permit access to the unit by the Authority after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists
- Failure to promptly inform the Authority of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 14 days of the event.
- Failure to abide by the provisions of the Authority pet policy
- If the family has breached the terms of a repayment agreement entered into with the Authority
- If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- If a household member has engaged in or threatened violent or abusive behavior toward Authority personnel. Abusive or violent behavior towards Authority personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

### **ABANDONMENT**

The Authority will consider a unit to be abandoned in accordance with State law.

### **RETURN OF SECURITY DEPOSIT**

After a family moves out, the Authority will return the security deposit, plus all accrued interest, within 30 days of the family vacating the unit or give the family a written statement of why all or part of the security deposit is being kept, in accordance with State law.

### **GRIEVANCE PROCEDURES**

Grievance procedures shall be applicable to most individual disputes, with certain exceptions, which a tenant may have with respect to Authority action or failure to act in accordance with the tenant's lease or regulations. Please refer to the "Grievance Procedures Policy" as contained in the "Agency Plan".

### **PET POLICY**

The Authority shall maintain a "Pet Policy" in accordance with Federal Laws and Regulations. Please refer to the Authority's "Pet Policy" as contained in the "Agency Plan".

### **NON-RENTAL CHARGES**

The Authority shall establish non-rental charges and periodically update such charges as necessary. Such charges include excess utility charges, charges for damages, and fees for late payment of rent, legal fees, and court costs.

### **RENT COLLECTION POLICY**

The Authority shall establish a Rent Collection Policy. See attached Policy.

### **HOUSE RULES**

The Authority shall establish reasonable house rules, as contained in the "Memorandum of Understanding" which is an addendum to the lease.

### **ELIGIBILITY FOR CONTINUED OCCUPANCY**

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in this policy.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, age 6 and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who are in compliance with the Authority's community service requirements.

### **REPAYMENT AGREEMENTS**

Families are required to reimburse the Authority if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The family is required to

reimburse the Authority for the difference between the tenant rent that should have been paid and the tenant rent that was charged. The Authority must determine retroactive rent amount as far back as the Authority has documentation of family reported income. If the family refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the Authority may terminate the family's assistance. All repayment agreements must be in writing, dated, signed by both the family and the Authority, include the total retroactive rent amount owed, amount of lump sum payment made at the time of execution, if applicable, and the monthly repayment amount. The monthly amount due shall be determined on a case by case basis, taking into consideration the family's income, rent, and other individual circumstances. All repayment agreements must be approved by the Section 8 Supervisor. If the participant family receives a utility reimbursement check from the Authority towards the allowance for tenant supplied utilities, the Authority may, at its discretion, issue the check to itself on behalf of the tenant. This amount shall be credited towards the monthly amount the participant family owes the Authority under the repayment agreement. The maximum number of repayment agreements that a participant may be permitted to enter into is two throughout the duration of participation. Outstanding debts due to the Authority will be pursued.

## **DEFINITION OF TERMS**

### **ADJUSTED ANNUAL INCOME**

Adjusted Annual Income is annual gross income after deductions for specific allowances, on which the tenant rent is based.

### **ANNUAL INCOME**

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date initial determination or reexamination of income, exclusive of income that is temporary, non-recurring, or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be consider income when used to reimburse the family for cash or assets invested in the property; If the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;
4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts;
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's

compensation, and severance pay

6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
8. All regular pay, special pay, and allowances of a family member in the Armed Forces.

Items not included in Annual Income. Annual Income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses;
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs: (a) Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training); (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS); (c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program; (d) A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; and (e) Incremental earnings and/or benefits resulting to any family member from participation in qualifying state of local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the PHA;
9. Temporary, non-recurring, or sporadic income (including gifts);
10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during

participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply: (a) State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500. (b) During the 12 month period beginning when the member first qualifies for a disallowance, the PHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded. (c) Regardless of how long it takes a resident to work for 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months. (d) The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).

14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;

15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;

16. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;

17. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.

#### **APPLICANT (APPLICANT FAMILY)**

A person or a family that has applied for admission to a program but is not yet a participant in the program.

#### **CHILD CARE EXPENSES**

Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to be gainfully employed, to seek employment, or to further his or her education. The amount deducted shall reflect reasonable charges for child care, and in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

#### **DEPENDENT**

A member of the Family Household (excluding foster children, foster adults and Live-in-Aide) other than the Family head or spouse, who is under 18 years of age or is a Disabled Person or is a Full-time student. Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time. When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be

able to claim the dependents. If there is a dispute about which family should claim them, the Authority will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation

### **MEDICAL EXPENSE DEDUCTION**

A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed. Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by PHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

a. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income. b. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph "Work Related Disability Expenses"

### **ELDERLY/DISABLED HOUSEHOLD EXEMPTION**

An exemption of \$400 per household.

### **DISABLED FAMILY**

A family whose head co-head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

A person who is disabled is defined in Section 223 of the Social Security Act, or in Section 102(5) of the Development Disabilities Services & Facilities Construction Amendment of 1970. (42 U.S.C. 423 and 42 U.S.C. 2691 (1) respectively).

Section 223 of the Social Security Act defines disability as:

- a) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of not less than 12 months; or
- b) In the case of an individual who has reached age 55 and is blind (within the meaning of "Blindness" as defined in Section 416(i)(1) of the title. Inability, by reason such blindness, to engage in substantial gainful activity requiring skills or abilities equal to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.

Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

.....a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary of Health, Education and Welfare to be closely related to mental retardation or to require treatment similar to that required by mentally retarded individuals,

which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to that individual.

### **DISPLACED FAMILY**

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

### **ELDERLY FAMILY**

A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with a live-in aide.

### **EXTREMELY LOW INCOME FAMILY**

A family whose Annual Income does not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 30% of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family income.

### **FAMILY**

Family includes but is not limited to, regardless of actual or perceived sexual orientation, gender identity, or marital status,:

- (1) A family with or without children (the temporary absence, not to exceed 6 months) of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- (2) An elderly family;
- (3) A near-elderly family;
- (4) A disabled family;
- (5) A displaced family; and
- (6) The remaining member of a tenant family.

### **FULL-TIME STUDENT**

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school, as well as an institution offering a college diploma.

### **FOSTER CHILDREN AND FOSTER ADULTS**

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction.

### **GUEST**

A guest is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests. The head of household is responsible for the conduct of

visitors and guests, inside the unit as well as anywhere on or near the Authority premises. A resident family must notify the Authority when overnight guests will be staying in the unit for more than 7 days. A guest can remain in the unit no longer than 14 days in a 12 month period. A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above. Former residents who have been evicted are not permitted as overnight guests. Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered to be unauthorized occupants, and their presence constitutes violation of the lease.

### **HEAD OF HOUSEHOLD**

The adult family member who is head of household for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse. The family may designate any qualified family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

### **HOUSEHOLD**

Household is a broader term than family that includes additional people who, with the PHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

### **INELIGIBLE NONCITIZENS**

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. The PHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS). Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

### **LIVE-IN AIDE**

A Live-in Aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- (1) Is determined to be essential to the care and well-being of the persons;
- (2) Is not obligated for the support of the persons; and
- (3) Would not be living in the unit except to provide the necessary supportive services.

A health care provider must document the need for a live-in aide. Accordingly, the Authority will seek a "Verification of Need for Live-In Aide" from a health care provider. Live-in aides will be verified at

intake and during the participant's reexamination so long as a live-in aide is needed.

Once the participant is determined to be eligible for a live-in aide, the Authority will determine whether the specific individual indentified by the family as an aide is eligible by conducting a background /criminal check. the Authority may disapprove a particular person as a live-in aide if s/he has: (1) committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Once the particular aide is deemed eligible, the Authority will require the family to complete a live-in aide certification form.

### **LOWER INCOME FAMILY**

A family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family income.

### **MIXED FAMILIES**

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. -alien also applies to the alien spouse and minor children of the alien student.

### **MONTHLY ADJUSTED INCOME**

One twelfth (1/12) of Adjusted Income.

### **MONTHLY INCOME**

One twelfth (1/12) of Annual Income.

### **NEAR-ELDERLY FAMILY**

A near-elderly family means a family whose head, co-head, spouse, or sole member is a person who is at least 50 years of age, but below the age of 62; or two or more persons, who are at least 50 years of age, but below the age of 62; living together; or one or more persons who are at least 50 years of age, but below the age of 62 living with one or more live-in aides.

### **NET FAMILY ASSETS**

Value of equity in real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD Homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the Family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.)

The determination of Net Family Assets shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less consideration not measurable in dollar terms.

#### **PUBLIC HOUSING AGENCY (PHA)**

Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.

#### **SERVICEMAN**

A person currently in the active military or naval service of the United States.

#### **SPOUSE, COHEAD, AND OTHER ADULT**

A family may have a spouse or cohead, but not both. Spouse means the marriage partner of the head of household. A cohead is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one cohead. Other adult means a family member, other than the head, spouse, or cohead, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

#### **TENANT RENT**

The amount payable monthly by the Family as rent to the PHA. Where all utilities (except telephone) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the PHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowances.

#### **TOTAL TENANT PAYMENT**

The monthly amount calculated in accordance with federal regulations Total Tenant Payment shall be the highest of the following, rounded to the nearest dollar:

- a. 30 percent of monthly Income; or
- b. 10 percent of Monthly Income; or
- c. If the Family received Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated shall be the amount resulting from one application of the percentage; or
- d. Flat rent, if chosen by the family.

#### **UTILITIES**

Water, electricity, gas other heating, refrigeration and cooking fuels, trash collection and sewerage

services. Telephone and television service is not included as a utility.

### **UTILITY ALLOWANCE**

If the cost of utilities (except telephone) and other essential housing services for an assisted unit is not included in the Tenant Rent, but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by the Authority or HUD, of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of safe, sanitary and healthful living.

### **UTILITY REIMBURSEMENT**

The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the Family occupying the unit.

### **VERY LOW-INCOME FAMILY**

A Lower Income Family whose Annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

### **VETERAN**

A person who has served in the active military service of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the United States Public Health Service) and who has been discharged or released from such service under honorable circumstances.

### **WELFARE ASSISTANCE**

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

### **WORK-RELATED DISABILITY EXPENSES**

A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work. Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities. a. For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned. b. For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

**EXHIBIT 1  
STATEMENT CONCERNING DECONCENTRATION OF POVERTY  
IN PUBLIC HOUSING UNITS OPERATED BY THE  
HOUSING AUTHORITY OF GLOUCESTER COUNTY**

The Housing Authority of Gloucester County has, since its inception in 1972, followed a philosophy in the provision of subsidized housing which concentrates the elderly in multifamily settings so that services can be provided economically and deconcentrates families so that their housing is “invisible” to the community. This philosophy was formalized by the Board of Commissioners in February, 1999.

The Housing Authority of Gloucester County operates public housing funded in three increments: NJ204-1, 3 and 4. NJ204-1 consists of 62 scattered site single family two, three, and four bedroom homes. The homes were acquired in the early 1980s through the public housing acquisition without rehabilitation program. These homes are widely scattered throughout the County as shown on the attached map, which was reproduced using HUD’s 2020 software. The homes were constructed from the 1930s to the 1970s. No two units are identical. They are located in middle income neighborhoods where nearly all households have income from employment. The neighborhoods where the NJ204-1 units are located do not have concentration of poverty. Only two of the houses are located in neighborhoods where minority families predominate.

NJ204-3, Carino Park Apartments, is located in downtown Williamstown. There are 100 one-bedroom units for the elderly and near elderly. The residents include some younger disabled households. It is next door to City Hall, the Policy Department, and the Fire Department. It is one block from the main commercial area of Williamstown. There is a mixture of rental housing and homeowners in the vicinity. There are minority families in the surrounding area, but they do not predominate.

NJ204-4, Deptford Park Apartments, is located in the center of Deptford Township. There are 100 one-bedroom units for the elderly. The residents include some younger disabled households. It is within one block of the Township Hall and Police Department. The Deptford Fire Department Administrative Office is next to the property. Commercial properties are located on the major thoroughfares close to Deptford Park. Much of the remaining property is occupied by single-family middle-income homeowners. The area is predominately non-minority.

**The following are relevant statistics developed using HUD’s 2020 software:**

<b>204-1</b>	<b>Census Tract</b>
<b>Average Income: \$18,326</b>	<b>\$39,387 (County)</b>
<b>% Minority: 31.1%</b>	<b>11.8% (County)</b>
<b>204-3</b>	
<b>Average Income: \$ 8,903</b>	<b>\$32,433</b>
<b>% Minority: 20.8%</b>	<b>13.2%</b>
<b>204-4</b>	
<b>Average Income: \$ 9,580</b>	<b>\$33,750</b>
<b>% Minority: 19.2%</b>	<b>9.8%</b>

The public housing units designed for occupancy by families with children were selected to avoid placing public housing families in areas of low income and minority concentration. The neighborhoods

surrounding the units acquired in the 1980s have remained middle income neighborhoods. It is the intent of the Housing Authority of Gloucester County to operate its Public Housing Program as it has been operated for the past 20 years. The Housing Authority will review the statistics regarding the census tracts in which the public housing units are located annually in connection with the development of the Annual Plan. If any changes in the surrounding neighborhoods are detected, the Housing Authority will consider a relevant change in policy at that time.

## **EXHIBIT 2**

The following information shall be made available for all persons to review, upon request. Interested parties may contact the Authority at 853-1190 to review such information which includes the following:

- 1. The Agency Plan;**
- 2. The Public Housing Admissions and Continued Occupancy Plan;**
- 3. A listing of developments and scattered sites by name, address, number of units, units designed with special accommodations, office locations and hours, telephone numbers, and resident facilities, as applicable;**
- 4. Current income limits for admission into the Program;**
- 5. Excess utility charges;**
- 6. Utility allowance schedule;**
- 7. Schedule of maintenance charges;**
- 8. Dwelling lease and all addendums; and**
- 9. The Authority's Grievance Procedures.**

The Authority shall post this notice in a conspicuous place and at a height easily read by all persons, including persons with mobility disabilities at the following locations:

- ❖ **The Housing Authority of Gloucester County – Main Office – 856-853-1190**  
100 Pop Moylan Blvd., Deptford, New Jersey 08096
- ❖ **Carino Park Apartments – 856-728-4156**  
100 Chestnut Street, Williamstown, New Jersey 08094
- ❖ **Deptford Park Apartments - 856-848-2882**  
120 Pop Moylan Blvd., Deptford, New Jersey 08096

**EXHIBIT 3**  
**RENT COLLECTION POLICY**

1. All rent is due in advance on or before the first (1<sup>st</sup>) of each month.
2. Rent not paid by the first (1st) of the month shall be considered delinquent.
3. The tenant shall be given a fourteen (14) day notice. This notice shall require the tenant to pay the rent in full or give up possession of the unit within fourteen (14) days. This notice can be sent at any time of the month at the discretion of the Executive Director, or his designee. If, after fourteen (14) days, tenant has neither vacated nor paid his/her delinquent rent in full, the Housing Authority's attorney will be notified to file through the court for possession of the unit. No further notice will be sent to the tenant.
4. If rent is not paid in full by the thirteenth (13th) day of the month, a late fee of \$13 shall be assessed.
5. Once the attorney has filed for possession, the court action can be stopped only with the approval of the Executive Director.
6. No partial payments will be accepted unless the tenant has first met with the Executive Director or his designee before the thirteenth (13th) day of the month and given an acceptable reason as to why rent cannot be paid on time or in full and agreed in writing to a reasonable method for the timely payment of the rent.
7. A tenant referred to court for a third (3<sup>rd</sup>) time within a twelve (12) month period under this policy is to be considered a "chronic delinquent" and the attorney is to be instructed to file for possession because of the chronic delinquency. If possession of the unit is granted by the court, the tenant will not be afforded the opportunity to pay the delinquent rent as a condition to stop the eviction. The Authority shall evict the tenant because of the chronic delinquency; and, if the delinquent rent is not paid, take other legal action to collect said delinquency.
8. The Authority shall accept rent payments in the form of cash, check, or money order. Should a tenant present a check to Authority that is returned for non-sufficient funds, the Authority will no longer accept payments in the form of a check from said tenant. If after three (3) years, the tenant has never paid their rent late, the Authority shall consider reinstating check-writing privileges to the said tenant upon the written request of the tenant. The tenant will be required to provide bank statements to the Authority for the past three (3) years as proof that the tenant does not have any history of presenting check(s) for payment without proper funds.

## **EXHIBIT 4**

### **PLAN FOR DESIGNATING DEPTFORD PARK APARTMENTS (NJ 204-4) AND CARINO PARK APARTMENTS (NJ 204-3) FOR OCCUPANCY BY ELDERLY HOUSEHOLDS & NEAR-ELDERLY DISABLED HOUSEHOLDS EXCLUSIVELY HUD NOTICES PIH 97-12, 2002-12 AND 2005-2**

#### **2007 THROUGH 2009**

**BACKGROUND:** Gloucester County is located within the Philadelphia Metropolitan Statistical Area. Although it is part of a highly urbanized MSA, many parts of the County remain rural and small-town in character. Residents feel strong ties to particular geographic communities within the County.

Gloucester County is approximately 328 square miles in area. Most of the population resides in communities in the Northern part of the County. There are approximately 17 miles between the Housing Authority administrative offices in Deptford, located in the Northern part of the County, and Carino Park Apartments in Williamstown, located in the Southern part of the County.

The original designation plan was in effect March 1997 through 2003. HUD approved a renewal of the plan through 2005. HAGC is requesting an extension of the previous plan through 2007.

**EXISTING HOUSING RESOURCES:** The Housing Authority of Gloucester County operates the following subsidized or affordable housing programs:

1. **Public Housing**
  - A. Scattered sites NJ 204-1 - 62 units of 2, 3, and 4 bedroom single family units scattered throughout the County that are open to occupancy by all very low income households, including elderly and disabled.
  - B. Carino Park Apartments NJ 204-3 - 100 units of 1 bedroom apartments located in the Southern part of the County that are available for occupancy by elderly, near elderly and disabled households.
  - C. Deptford Park Apartments NJ 204-4 - 100 units of 1 bedroom apartments located in the Northern part of the County that are available for occupancy by elderly and disabled households.
2. **Colonial Park Apartments**, Section 8 New Construction Program - 200 units of 1 bedroom apartments located in the Northern part of the County that are available for occupancy by elderly households.
1. **Expanded Housing Opportunity Program** - 12 units of 3 and 4 bedroom single family units located primarily in the Northern part of the County available for occupancy by low income households, including the elderly and disabled, at affordable rents.
4. **Section 8 Housing Choice Voucher Program** - 1676 vouchers available to extremely-low and very-low income households, including the elderly and disabled. Participants are selected from the waiting list without regard to bedroom size required. Units scattered throughout the County.
5. **Section 8 Moderate Rehabilitation Housing Program** - 23 certificates of participation for a

particular dwelling unit. The Landlord and Authority have entered into Housing Assistance Payments contracts for specific units in particular buildings. The Moderate Rehabilitation units are available to extremely-low and very-low income households, including the elderly and disabled. Most Landlord contracts with the Authority have expired (approximately 200) and tenants have been issued Housing Choice Vouchers. The Authority is providing Landlords with the opportunity to extend their expired contracts in accordance with Federal Regulations and HUD guidance. The remaining Moderate Rehabilitation units are located in the Northern part of the County.

6. **Nancy J. Elkins Seniors Housing** - 80 one bedroom units in the Northern part of the County available for occupancy at affordable rents by elderly households whose incomes do not exceed 60% of the median for the County.
7. **Section 8 Housing Choice Voucher Program Designated for Housing Preferences** – A total of 145 Vouchers for non-elderly disabled households for which funding was announced by HUD on September 24, 1997. 125 of these Vouchers were awarded as part of HUD NOFA FR-4207-01, Establishment of Preferences at Certain Section 8 Developments. 20 additional Vouchers have been designated for non-elderly disabled households through Fair Share Voucher allocations in 2000 and 2001. These 145 Vouchers are available to non-elderly disabled, extremely-low and very-low income households. Participants are selected from the waiting list without regard to bedroom size. The Voucher units are scattered throughout the County.

**CONSOLIDATED PLAN:** The 2000 - 2005 Consolidated Plan adopted by Gloucester County states that 43% of the elderly, owner occupied households and 46% of the elderly, renter occupied households are cost burdened by paying greater than 30% of income for shelter. A total of 10,562 lower income households are elderly, comprising 67.4% of all elderly households. Thus, the elderly are clearly a segment of the County's population needing targeted housing assistance.

The developmentally disabled, physically disabled and persons with AIDS in need of supportive housing, according to the County's Consolidated Plan, are approximately 4,700. The estimates were made using data from studies performed by the State and other advocacy groups.

**FAIR HOUSING:** The population of Gloucester County is approximately 90% non-minority and 10% minority. Approximately 16% of the very low-income households in Gloucester County are minority.

Deptford Park and Carino Park were first occupied in the mid-1980s. They have always been open to and occupied by all racial/ethnic groups residing in the County. Deptford Park residents are 26 % minority and Carino Park residents are 19% minority at the time this Plan was written. The Housing Authority waiting lists for all programs for 1-bedroom units contains 55.4% non-minority and 44.6% minority applicants.

It appears that continuing the designation of Deptford Park and Carino Park for elderly and disabled near-elderly exclusively will not change the racial demographics of the buildings.

**ACCESSIBLE HOUSING RESOURCES:** The Housing Authority committed to HUD in its application for Vouchers designated for the non-elderly disabled to provide assistance to disabled applicants in locating units accessible to them. The Gloucester County Offices of the Disabled and Community Development committed to aiding in this effort by locating funding for landlords willing to modify their units to make them accessible. The Housing Authority has employed a staff person who is designated to provide this assistance to the non-elderly disabled and to the landlords.

**DESIGNATION POLICY:** The Board of Commissioners of the Housing Authority of Gloucester County amended the Admissions and Continued Occupancy Policy for its Public Housing Program to incorporate this Plan in 2003. Admission to 100% of the units at Deptford Park Apartments, NJ 204-4, is restricted to elderly and near-elderly disabled households. Admission to 100% of the units at Carino Park Apartments, NJ 204-3, is restricted to elderly and near-elderly disabled households. An elderly household is one whose head or spouse is 62 years of age or older. A near-elderly disabled household is one whose head or spouse is between the ages of 50 and 62 years and the head or spouse is disabled.

Any current resident of Deptford Park or Carino Park who does not meet the age-based and/or disability admission criteria may continue to reside in their unit as long as they meet their obligations under the lease and any other criteria imposed by the Admissions and Continued Occupancy Policy. Those non-elderly disabled tenants residing in Deptford Park and Carino Park who wish to apply for the 145 Vouchers set aside for the non-elderly disabled may do so. Their application will be treated as any other. They will be housed in the order established in the Section 8 Administrative Plan and will receive no preference for these Vouchers as a result of their residency in Deptford Park or Carino Park. Please refer to the chart below summarizing the designation.

<b>Development Name</b>	<b>Development Total # Units Number</b>	<b>Total # Units in Project</b>	<b>Designated</b>
Carino Park Apts.	NJ 204-003	100 - 1Bedroom	100 - 1 Bedroom Designated to elderly and near elderly disabled
Deptford Park Apts.	NJ 204-004	100 - 1Bedroom	100 - 1 Bedroom Designated to elderly and near elderly disabled

**CERTIFICATION:** The Housing Authority of Gloucester County certifies there are no unanticipated adverse impacts on the Housing Resources for the groups not being served due to the designation.

## Exhibit 5

### Housing Authority of Gloucester County

#### VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

I. **Purpose and Applicability:**

Notwithstanding its title, this policy is gender-neutral and its protections are available to males who are victims of domestic violence, sexual assault, dating violence, or stalking, as well as female victims of such violence. The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42U.S.C. 1437 d and 42 U.S. 1437f) (VAWA) regarding domestic violence, sexual assault, dating violence, and stalking, as hereinafter defined. Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

II. **Goals and Objectives:**

This policy has the following principal goals and objectives:

- A. Maintaining compliance, including training of appropriate staff managing the Authority’s properties, with all applicable legal requirements imposed by VAWA;
- B. Participating, with others, in protecting the physical safety of victims of actual or threatened domestic violence, sexual assault, dating violence, or stalking who are assisted by the Authority;
- C. Providing and maintaining housing opportunities for victims of domestic violence, sexual assault, dating violence, or stalking;
- D. Cooperating, with others, information and maintenance of collaborative arrangements between the Authority, law enforcement authorities, victim services providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, sexual assault, dating violence and stalking, who are assisted by the Authority; and
- E. Responding in accordance with the Authority policies and procedures to incidents of domestic violence, sexual assault, dating violence, or stalking, affecting individuals assisted by the Authority.

III. **Definitions:**

- A. Bifurcate means - with respect to a public housing or a Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining affiliated members, lease and occupancy rights are allowed to remain in tack.
- B. Domestic Violence – The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”
- C. Dating Violence – means violence committed by a person— 1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2. where the existence of such a relationship shall be determined based on a consideration of the following factors: i. The length of the relationship. ii. The type of relationship. iii. The frequency of interaction between the persons involved in the relationship.
- D. Stalking – means – 1. to follow, pursue, or repeatedly commit acts with the intent to kill, injure,

harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and 2. in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to – i. that person; ii. a member of the immediate family of that person; or iii. the spouse or intimate partner of that person;

E. Immediate Family Member - means, with respect to a person – 1. a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or 2. any other person living in the household of that person.

F. Perpetrator - means person who commits an act of domestic violence, dating violence or stalking against a victim.

#### IV. **Admissions and Screening**

A. Non-Denial of Assistance. The Authority will not deny admission to public housing or to the Section 8 rental assistance programs to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

#### VI. **Termination of Tenancy or Assistance**

A. VAWA Protections. Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by the Authority:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. Tenancy or assistance will not be terminated by the Authority as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an immediate affiliated member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

i. Nothing contained in this paragraph shall limit any otherwise available authority to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant’s household. However, in taking any such action, the Authority shall not apply a more demanding standard to the victim of domestic violence dating violence or stalking than that applied to other tenants.

ii. Nothing contained in this paragraph shall be construed to limit the Authority’s ability to evict or terminate from assistance any tenant or lawful applicant if the Authority as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

B. Removal of Perpetrator. Further, notwithstanding the above or Federal, State or local law to the contrary, the Authority, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in

accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by the Authority.

## **VI. Verification of Domestic Violence, Dating Violence or Stalking**

A. Requirement for Verification. The Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Authority. Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways: 1. By completing a HUD-approved form 2. Other documentation - by providing to the Authority signed statement by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury. 3. Police or court record – by providing to the Authority a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. Time allowed to provide verification/ failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by the Authority to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. C. Waiver of verification requirement. The Authority may, with respect to any specific case, waive the above stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director or his/her designee. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

## **VII. Confidentiality**

A. Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided to the Authority in connection with a verification required of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is: 1. requested or consented to by the individual in writing, or 2. required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or 3. otherwise required by applicable law.

B. Notification of rights. All tenants of public housing and tenants participating in the Section 8 rental assistance program shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

## **VIII. Court Orders/Family Break-up**

A. Court orders. It is the Authority's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by the Authority. This includes cooperating with law

enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

#### **X. Relationships with Service Providers**

It is the policy of the Authority to cooperate with organizations and entities, both private and governmental that provides shelter and/or services to victims of domestic violence. If the Authority staff becomes aware that an individual assisted by the Authority is a victim of domestic violence, dating violence or stalking, the Authority will refer the victim to such providers of shelter or services as appropriate.

#### **XII. Notification**

The Authority shall provide written notification to applicants, tenants, and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.

## Housing Authority of Gloucester County

### Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

#### Emergency Transfers

The Housing Authority of Gloucester County (HAGC) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> HAGC allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of HAGC to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HAGC has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy. This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HAGC's federally assisted housing programs are in compliance with VAWA.

#### Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

#### Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HAGC's management office and submit a written request for a transfer within the Housing Authority of Gloucester County. HAGC will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HAGC's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the

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<sup>1</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

HAGC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HAGC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HAGC's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

HAGC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HAGC will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HAGC may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HAGC has no safe and available units for which a tenant who needs an emergency is eligible, HAGC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. This shall include a transfer from an HAGC Public Housing or Affordable Housing unit to the Section 8 Voucher Program. At the tenant's request, HAGC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Please see attached local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.